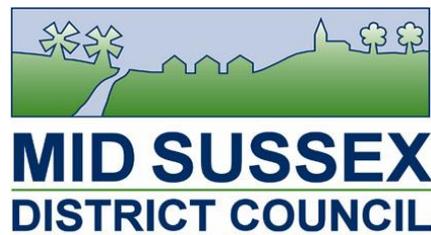




# **COUNCIL**

## **29 JANUARY 2020**





21 January 2020

**Unless a majority of the Council resolve to extend the meeting before 10.00 pm it will automatically end at 10.00 pm in accordance with Council Procedure Rule 17.2.**

To all Members of the Council,

You are hereby summoned to attend a meeting of the **MID SUSSEX DISTRICT COUNCIL** to be held in the **COUNCIL CHAMBER** at these offices on **WEDNESDAY, 29TH JANUARY, 2020 at 7.00 pm** to transact the following business:

Yours sincerely,

KATHRYN HALL  
Chief Executive

**Pages**

- |    |   |                |
|----|---|----------------|
| 1. | Opening Prayer  |                |
| 2. | To receive questions from members of the public pursuant to Council Procedure Rule 9.     |                |
| 3. | To confirm Minutes of the meeting of Council held on 18 December 2020.                    | <b>5 - 12</b>  |
| 4. | To receive Declarations of Interest from Members in respect of any matter on the Agenda.  |                |
| 5. | To consider any items that the Chairman of the Council agrees to take as urgent business. |                |
| 6. | Chairman's Announcements.   |                |
| 7. | PSPO Anti-Social Vehicle Activity.  | <b>13 - 22</b> |
| 8. | Council Chamber Accessibility Improvements.   | <b>23 - 26</b> |
| 9. | Draft Animal Welfare Policy.  | <b>27 - 46</b> |

*Working together for a better Mid Sussex*



- |     |  |                |
|-----|--|----------------|
| 10. | Statutory Review of Polling Districts, Polling Places and Polling Stations 2019.       | <b>47 - 52</b> |
| 11. | A Constitutional Review Group 2020.  | <b>53 - 56</b> |
| 12. | Recruitment of Independent Persons for Standards Matters from 1 May 2020.              | <b>57 - 58</b> |
| 13. | To receive the Leader's Report   |                |
| 14. | Report of Cabinet Members, including questions pursuant to Council Procedure Rule 10.1 |                |
| 15. | Questions from Members pursuant to Council Procedure Rule 10.2                         |                |

To: **Members of Council:** Councillors C Trumble (Chairman), M Belsey (Vice-Chair), G Allen, J Ash-Edwards, R Bates, J Belsey, A Bennett, L Bennett, A Boutrup, P Bradbury, P Brown, H Brunsdon, P Budgen, R Cartwright, P Chapman, R Clarke, E Coe-Gunnell White, P Coote, M Cornish, R Cromie, J Dabell, R de Mierre, B Dempsey, S Ellis, R Eggleston, A Eves, L Gibbs, I Gibson, S Hatton, J Henwood, S Hicks, S Hillier, T Hussain, R Jackson, J Knight, C Laband, Andrew Lea, Anthea Lea, J Llewellyn-Burke, A MacNaughton, G Marsh, J Mockford, A Peacock, C Phillips, M Pulfer, R Salisbury, S Smith, A Sparasci, L Stockwell, D Sweatman, N Walker, R Webb, N Webster and R Whittaker

**Minutes of a meeting of Council  
held on Wednesday, 18th December, 2019  
from 7.00 pm - 8.14 pm**

**Present:** C Trumble (Chairman)  
M Belsey (Vice-Chair)

J Ash-Edwards	R de Mierre	Anthea Lea
J Belsey	B Dempsey	J Llewellyn-Burke
A Bennett	S Ellis	A MacNaughton
L Bennett	R Eggleston	J Mockford
P Bradbury	A Eves	A Peacock
P Brown	I Gibson	C Phillips
P Budgen	S Hatton	M Pulfer
P Chapman	J Henwood	S Smith
R Clarke	S Hicks	A Sparasci
E Coe-	S Hillier	D Sweatman
Gunnell White	T Hussain	N Walker
P Coote	R Jackson	R Webb
M Cornish	J Knight	N Webster
R Cromie	C Laband	R Whittaker
J Dabell		

**Absent:** Councillors G Allen, R Bates, A Boutrup, H Brunsdon,  
R Cartwright, L Gibbs, Andrew Lea, G Marsh, R Salisbury and  
L Stockwell

**1. OPENING PRAYER**

The opening prayer was read by the Vice-Chairman.

**2. TO RECEIVE QUESTIONS FROM MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE 9.**

None.

**3. TO CONFIRM MINUTES OF THE MEETING OF COUNCIL HELD ON 6 NOVEMBER 2019.**

The minutes of the meeting of Council held on 6 November 2019 were agreed as a correct record of the meeting.

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

In relation to item 11, Councillor Smith declared a personal interest as she is a member of the Ansty Social Club.

**5. TO CONSIDER ANY ITEMS THAT THE CHAIRMAN OF THE COUNCIL AGREES TO TAKE AS URGENT BUSINESS.**

None.

**6. CHAIRMAN'S ANNOUNCEMENTS.**

The Chairman noted the success of his Civic Service held in Hurstpierpoint on 8 December and thanked the Democratic Services Team for their role in organising. He drew Members attention to his recent engagements detailed on the Council's website and invited Members to join him for refreshments after the Council meeting. With regards to fund raising activities, he reminded Members that there would be Christmas raffle to support his chosen charities, and that Members could also participate in the 'Name a Star' initiative for the Royal Marsden Hospital.

**7. REVIEW OF MEMBERS' ALLOWANCES 2020/2021.**

Neal Gershon, Chairman of the Independent Remuneration Panel introduced the report, summarising the proposed changes following consultation with Councillors and Group Leaders.

Councillor Webster moved the item, thanking Mr Gershon and the Panel for their review and noting that the proposed changes result in a saving of £2800 per year. The item was seconded by Councillor Walker.

Discussion was held on the facilities available at the Council for cyclists, and the option to increase the car sharing allowance to encourage people to reduce their carbon footprint. It was noted that any amendments to allowances could be put forward at the consultation phase of the next review.

The Chairman took Members to the recommendations which were agreed.

**RESOLVED**

Council:

- (i) thanked the Panel for their work;
- (ii) considered the recommendations of the Panel, summarised below,
- (iii) agreed a scheme of allowances for the financial year 2020/21.

**8. CHANGES TO THE EXISTING COUNCIL TAX SUPPORT SCHEME 2020/21 AND THE INTRODUCTION OF A BANDED INCOME APPROACH.**

Councillor Knight moved the item and confirmed that the changes had been reviewed by the Scrutiny Committee and had been subject to public consultation. The item was seconded by Councillor De Mierre who reiterated the amount of consultation undertaken by the Revenues and Benefits team with key stakeholders.

Discussion was held regarding ways to protect those who may be negatively affected by the proposed changes, and the minimum income floor for the self-employed. It was confirmed that Officers will be in contact with those who are self-employed to provide advise before any changes are implemented. Regarding residents facing difficulty, the Council will always look for other options to assist, and Members were

encouraged to refer anyone in difficulty to the Revenues and Benefits team in order for them to pro-actively help.

The Chairman took Members to the recommendations which were agreed.

## **RESOLVED**

That Council:

(a) Adopts the Banded Income approach to its Council Tax Support Scheme for 2020/21 and other changes for people of working age as set out at Appendix B; and

(b) Authorises the Head of Corporate Resources in collaboration with the Customer Services Portfolio Holder to make minor textual amendments and any relevant changes required by amendments to Prescribed Regulations introduced by the Ministry of Housing, Communities and Local Government (MHCLG) for 2020/21.

## **9. COUNCIL TAXBASE 2020/21.**

Councillor Llewellyn-Burke moved the item noting that it is a legal requirement for the Council to determine this each year and the calculation was carried out in accordance with the regulations. Councillor Ash-Edwards seconded the item.

A Member noted that 40% of the tax base is in the villages and urged that value is provided back at an appropriate rate.

The Chairman took Members to the recommendations which were agreed.

## **RESOLVED**

That Council confirms:

(a) Pursuant to the Head of Finance's report and in accordance with the Local Authorities (Calculation of Tax Base) (Amendment) (England) Regulations 2003, the amounts calculated by Mid Sussex District Council as its tax base for the whole area for the year 2020/21 shall be 61,711.6 and for each parish area for the year 2020/21 shall be:

Albourne	309.2
Ansty & Staplefield	1,117.7
Ardingly	747.3
Ashurst Wood	756.8
Balcombe	843.8
Bolney	646.3
Burgess Hill	12,205.0
Cuckfield	1,681.2
East Grinstead	11,438.6
Fulking	147.7
Hassocks	3,468.6
Haywards Heath	12,176.2
Horsted Keynes	702.7
Hurstpierpoint & Sayers Common	3,083.2
Lindfield	2,836.5
Lindfield Rural	1,509.9
Newtimber	42.8

Poynings	134.4
Pyecombe	130.7
Slaugham	1,366.4
Turners Hill	625.4
Twineham	146.4
West Hoathly	940.0
Worth	4,654.8

## 10. PROGRAMME OF MEETINGS 2020/2021.

The Solicitor to the Council introduced the report to highlight three corrections which have been amended on the appendix published on-line. These are: Member Training being held on Tuesday 14 July, Licensing Committee on Tuesday 1 December and the removal of '2' against the December Council listing.

Councillor Webster moved the item as amended, and this was seconded by Councillor Llewellyn-Burke.

Following discussion on the format of providing the dates to Members, the Chairman took Members to the recommendation which was agreed.

### RESOLVED

That Council approved the Programme detailed in Appendix 1 and as amended.

## 11. RECOMMENDATIONS FROM CABINET HELD ON 18 NOVEMBER 2019.

### Ansty Village Centre Trust

Councillor Ash-Edwards moved the item, acknowledging the significant project history to upgrade the current facility. He noted that Cabinet felt it appropriate to contribute a grant to help enable the project delivery. This was seconded by Councillor Llewellyn-Burke.

Members expressed thanks to the interest groups which have worked hard to progress the project.

The Chairman took Members to the recommendation which was agreed.

### RESOLVED

That Council approves the grant of £100,000 to the Ansty Village Centre Trust funded from the General Reserve.

### Budget Management 2019/20 - Half Yearly Progress Report

Councillor Llewellyn-Burke moved the item, providing context for the 7 recommendations detailed in the report. The item was seconded by Councillor Ash-Edwards.

The Chairman took Members to the recommendation which was agreed.

### RESOLVED

That Council approve:

- (i) that £75,000 be transferred to Specific Reserve from General Reserve to cover the cost of Gatwick Studies as detailed in paragraph 21 of the Cabinet report;
- (ii) that £90,000 One Public Estate government grant income in respect of Burgess Hill Station Quarter Project be transferred to Specific Reserve as detailed in paragraph 22 of the Cabinet report;
- (iii) that £17,484 grant income relating to Local Authority EU Exit preparation Grant be transferred to Specific Reserve as detailed in paragraph 23 of the Cabinet report;
- (iv) that £24,737 grant income relating to Individual Electoral registration (IER) in 2019/20 be transferred to Specific Reserve as detailed in paragraph 24 of the Cabinet report; Council - 18 December 2019 73 Agenda Item 11
- (v) that £9,225 grant income relating to new Burdens Business Rates be transferred to Specific Reserve as detailed in paragraph 25 of the Cabinet report;
- (vi) that £68,762 to meet the costs arising from St. Francis, Haywards Heath – Anscombe Wood Regeneration be transferred to Specific Reserve as detailed in paragraph 26 of the Cabinet report;
- (vii) the variations to the Capital Programme contained in paragraph 36 of the Cabinet report; in accordance with the Council's Financial Procedure rule B3.

## **12. TO RECEIVE THE LEADER'S REPORT.**

The Leader thanked staff involved in the smooth running of the Parliamentary Election and congratulated the three Members of Parliament on their election in the Mid Sussex, Arundel and South Downs and Horsham constituencies. He confirmed a continued resolve to work with Members of Parliament regarding investment in the District.

He highlighted work to develop Service Plans and a supporting budget for 2020/21. of which will be available to Members shortly, in advance of consideration by the Scrutiny Committee for Leader, Finance and Performance, as well as Cabinet.

He noted the recent publication of the Commissioner's report into Children's Services at West Sussex County Council,. It highlights very significant shortcomings both within Children's Services and more generally within the Authority's culture and practice. He also reiterated that the County Council's financial decisions will have an impact on Mid Sussex District Council's budgets.

The Leader confirmed his recent attendance at a number of meetings. He recently met with Paul Marshall, the new Leader of West Sussex County Council, and with the Bluebell Railway.

He concluded by wishing Members a Merry Christmas.

## **13. REPORT OF CABINET MEMBERS, INCLUDING QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.1.**

Report of the Deputy Leader

The Deputy Leader drew Members attention to the opening of Burgess Hill Library, having recently attended a preview event to showcase the services available to residents.

She also noted the Cabinet Member Decisions published in the Member information Bulletin regarding the renewal of two leases in the Orchards Shopping Centre.

#### Report of the Cabinet Member for Economic Growth

The Cabinet Member continues to establish strong links with the Business Associations in Haywards Heath, Burgess Hill and East Grinstead. He also acknowledged the retirement of Peter Liddell of Burgess Hill Business Park Association, and he welcomed his successor, Martyn Carr.

He concluded by providing an update from a recently attended West Sussex County Council Towns Meeting, where national experts provided views on the changing nature of towns and town centre usage.

#### Report of the Cabinet Member for Customer Services

The Cabinet Member updated on training issues, ICT investment and work to support full fibre rollout.

#### Report of the Cabinet Member for Environment and Service Delivery

The Cabinet Member confirmed that a food waste pilot is proposed for April 2020 in conjunction with West Sussex County Council, with a report being presented to both the Scrutiny Committee and Cabinet in January.

He updated the Council on recent meetings with Serco and IdVerde.

#### Report of the Cabinet Member for Community

The Cabinet Member thanked Members who represented the Council in laying wreaths at 17 Remembrance Services in November.

He confirmed that to date, a total of 101 disabled facilities grants had been completed, totalling £870,000 to enable people to continue to live independently in their own homes and avoid lengthy hospital stays.

He also noted the 781 health and well-being interventions in the past three months, against a target of 570. Out of these, 87% reported an improvement to their health, against a target of 80%.

#### Report of the Cabinet Member for Housing and Planning

The Cabinet Member confirmed that as of 30 November 2019, the cumulative number of affordable houses delivered is 178. He also confirmed that the Council has been successful in a bid to the Ministry of Housing Community and Local Government (MHCLG) for cold weather funding to assist rough sleepers.

He noted that both the Sites Allocation DPD consultation period and the Mid Sussex Design Guide consultation period closed on 20 November and Officers are working to analyse responses.

The Cabinet Member acknowledged a question regarding the number of houses built using renewable energy as a source of power and will provide a written response.

**14. QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE 10.2**

None.

The meeting finished at 8.14 pm

Chairman

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## PSPO ANTI-SOCIAL VEHICLE ACTIVITY

REPORT OF: PETER STUART  
Contact Officer: Mandy Cunningham – Community Safety and Safeguarding Manager,  
Community Services, Policy and Performance  
Email: [mandy.cunningham@midsussex.gov.uk](mailto:mandy.cunningham@midsussex.gov.uk) Tel: 01444 477094  
Wards Affected: Burgess Hill Wards of Dunstall, Franklands, Leylands, Meeds, St  
Andrews, Victoria and Hurstpierpoint and Sayers Common  
Key Decision: No  
Report to: Council  
29 January 2020

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### Purpose of Report

1. To ask the Council to adopt measures to prohibit the anti-social use of vehicles in Burgess Hill (known as car cruising) through the implementation of a Public Space Protection Order (PSPO).

### Summary

2. To combat the ongoing problem of car cruising and racing in Burgess Hill, the Council proposes to implement a PSPO to prohibit activities that are dangerous and have a negative effect on local residents and businesses. The Council has worked closely with Sussex Police in managing problems to date and in developing the PSPO and will continue to work in partnership in identifying and taking action against offenders. A recent public consultation showed that 91% of respondents supported the proposal to implement the PSPO.

### Recommendations

3. **Council is recommended to:**
    - (i) **Agree to implement the PSPO under the Anti-Social Behaviour, Crime and Policing Act 2014 for the prohibited activities outlined in Appendix A within the area defined on the map at Appendix B;**
    - (ii) **Approve delegation of authority to specified officers to use those powers.**
- 

### Introduction

4. This report was recommended for approval by the Scrutiny Committee for Community, Customer Services and Service Delivery on 13 November 2019.
5. 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.

6. Since the introduction of the legislation, MSDC has adopted a range of powers under the Act for issues such as the use of PSPOs for dog control. More recently, Cabinet agreed to expand the use of these powers on 11 February 2019 to help tackle persistent anti-social behaviour through the use of Community Protection Notices and the use of PSPOs for ongoing issues in public spaces such as the anti-social use of vehicles.

### **Background**

7. 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.
8. Between November 2017 and June 2019, police data records show over 140 complaints/incidents of anti-social driving in Burgess Hill. Residents and local businesses have complained specifically about organised meets in the Town's car parks late in the evenings and the anti-social behaviour associated with these meets including speeding, careless driving and excessive noise. Some car parks have been target hardened with wooden posts which has prevented dangerous stunts such as hand brake turns and "doughnutting", although this has not prevented other anti-social behaviour.
9. In order to help address this issue, the Council is proposing to put in place a Public Space Protection Order (PSPO) on the anti-social use of vehicles, which will prohibit specific activities. The proposed PSPO is provided at Appendix A and, if adopted will be in effect for three years after such time the Council will review it and decide whether or not to extend this timeframe.

### **Power to make orders**

10. A Council may make a PSPO if it is satisfied on reasonable grounds that the following two conditions are met:
  - (a) The first condition is that:
    - i. Activities carried on in a public place within MSDC's area has had a detrimental effect on the quality of life of those in the locality, or
    - ii. It is likely that activities will be carried on in a public place within that area and that they will have such an effect.
  - (b) The second condition is that the effect or likely effect of the activities:
    - i. Is, or is likely to be of a persistent or continuing nature,
    - ii. Is, or is likely to be, such as to make the activities unreasonable, and
    - iii. Justifies the restrictions imposed by the notice

## **Consultation**

11. The Council is required to consult with the community before putting in place any PSPO and a consultation (both online and paper based) was undertaken with residents and businesses in Burgess Hill running from 24 July to 17 September 2019. In total 102 responses (100 residents and 2 businesses) were received with 91% of respondents – including both business responses, supporting the proposals.
12. Those who were not supportive of the proposals expressed the view that that people should not receive fines for simply meeting in car parks and showing off their cars. The PSPO does not propose that this in itself would be a prohibited activity, addressing this concern.
13. The Council has worked closely with Sussex Police on this issue over the past few months and the Police are supportive of the proposed PSPO to manage this problem.
14. The Council is intending to run a social media campaign once the PSPO has been adopted to highlight the impact of these activities to local communities and how local people can report concerns.

## **Defined area of proposed PSPO**

15. A map of the proposed area is at Appendix B. It is proposed that all six wards of Burgess Hill, plus the car park at Burgess Hill burial ground, which falls within the ward of Hurstpierpoint and Downs are included within the proposed PSPO zone. Most of the incidents and complaints received to date have centred around the car parks in the Town Centre. Once moved on by the Police, the car cruisers have, however, tended to move to other areas of Burgess Hill such as the car park at Bedelands, Victoria Road Industrial Estate and the car park at Burgess Hill burial ground.

## **Enforcement**

16. The Council will continue to work in partnership with the Police to enforcing the PSPO. As most of the activities take place in the evenings and at weekends the Council is reliant upon the police to take action where prohibited activities have been identified. Local residents and businesses will also be encouraged to report any ongoing concerns with information where perpetrators can be identified.

## **Breaches and Fixed Penalty Notices**

17. A breach of the order is criminal in nature and could lead to a fine, via a fixed penalty notice of up to £100. If the fixed penalty is paid within 14 days the offender will not be prosecuted. Failure to pay may result in a prosecution and if found guilty lead to a fine of up to £1,000 and could result ultimately in a custodial sentence.

## **Policy Context**

18. These proposals support the Council's corporate priority of supporting Strong and Resilient Communities through effective enforcement of Anti-Social Behaviour.

## **Financial Implications**

19. Some initial costs will be incurred on signage on highways on entry to the PSPO zone and also in targeted areas where activities are known to occur. There will be minimal costs in relation to stationery to produce updated fixed penalty notices. It is envisaged that these costs can be accommodated within existing budget envelopes.

20. The main financial implications of using the additional powers are the associated enforcement costs, and any legal costs for non-payment of fines. Income generated from FPNs will be held in reserve and/or reinvested in the service to help counter this.

### **Risk Management Implications**

21. The implementation of the PSPO may increase the workloads of the Community Safety team and in some cases Legal Services although measures are being put in place to manage increased workloads. However, the commitment to partnership working with Sussex Police and using shared systems and resources to gather evidence will mitigate impact on officers.
22. It is possible that car cruisers may move to other areas of Mid Sussex once the PSPO is in place. It would not, however, be practical or cost effective at this stage to enforce this across the whole District and it has not to date been an issue outside of the identified area. The Council will continue to monitor any reports of car cruising once the PSPO is in place and take appropriate action if it becomes a continual problem elsewhere.

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

23. An equality impact assessment has been undertaken as part of the development of the Proposed PSPO. The Assessment concluded that there were with limited impacts of people with protected characteristics identified. The group identified through the assessment was children who may be at risk of being subject to enforcement action as fixed penalty notices can be issued to those from 10 years old. In reality, other methods will be used to manage minors who are involved in car cruising. This includes using powers on parents where appropriate, referrals into the REBOOT programme, which offers diversionary activities for youngsters involved in anti-social behaviour and consulting with the Youth Offending Service in all cases involving minors. Fixed penalty notices will be used as a last resort. As such sufficient mitigation measures are in place.

### **Other Material Implications**

24. None

### **Background Papers**

Appendix A: MSDC Anti-Social Behaviour, Crime and Policing Act 2014, Section 59-75, Car Cruising Public Space Protection Order 1 of 2019

Appendix B: Map of proposed area of enforcement

**MID SUSSEX DISTRICT COUNCIL**

**Anti-Social Behaviour, Crime and Policing Act 2014, Section 59-75**

**Car Cruising Public Space Protection Order 1 of 2019 (“Order”)**

Mid Sussex District Council (“the Council”) in exercise of its powers under the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) hereby makes the following Public Space Protection Order.

**1 General**

- 1.1 This order shall come into operation on (.....) and shall have an effect for 3 years thereafter, unless extended by further orders under the Council’s statutory powers.
- 1.2 In making this order, the council is satisfied on reasonable grounds that:
  - (a) the conditions set out in section 59(2) of the Act have been met, namely that the activities identified below have been carried on in a public place within the Council’s area and have had a detrimental effect on the quality of life of those in the locality; and
  - (b) the conditions set out in section 59(3) of the Act have been met, namely that effect or likely effect of the activities is, or is likely to be of a persistent or continuing nature; is, or is likely to be, such as to make these activities unreasonable and justifies the restrictions imposed.
- 1.3 This applies to all land:
  - (a) which is open to the air (including land which is covered but open to the air on at least one side);
  - (b) to which the public are entitled or permitted to have access (with or without payment); and
  - (c) which is outlined in red on the attached map (the Restriction Zone)
- 1.4 The Council is also satisfied that the prohibitions and requirements set out within this order are reasonable:
  - (a) to prevent the detrimental effect on the quality of life of those in the locality continuing, occurring or recurring; or
  - (b) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
- 1.5 In making this Order, the Council has had particular regard to the rights and freedoms of expression and freedom of assembly set out in articles 10 and 11 of the European Convention on Human Rights.

**2 Definition of Car Cruising and Prohibited Activities**

- 2.1 'Car Cruising' is defined as two or more motor vehicles (including motor bikes) being on a highway or a public place, where any such vehicle or occupant of a vehicle performs any of the prohibited activities.
- 2.2 The "Prohibited Activities" are:
- a. causing danger or risk of injury to road users (including pedestrians) by speeding or racing;
  - b. causing damage or risk of damage to property;
  - c. speeding or racing;
  - d. performing stunts (including but not limited to performing a doughnuts maneuver drifting, skidding, handbrake turns, wheel spinning);
  - e. sounding horns or playing loud music so as to cause a nuisance;
  - f. revving of engines so as to cause a nuisance;
  - g. using foul or abusive language;
  - h. using threatening, intimidating or anti-social behaviour; or
  - i. causing obstruction on a public highway or publicly accessible place (whether moving or stationary)

### **3 Offence**

- 3.1 A person who without reasonable excuse:
- a. Participates in Car Cruising or any activity prohibited by this Order; or
  - b. promotes, organises or publicises Car Cruising (including but not limited to via email, the internet, social media, or via any publication or broadcast medium) to take place; or
  - c. attends any meeting either as a vehicle owner, driver, passenger or spectator where a reasonable person would consider that Car Cruising was or is taking place;

on Land to which this Order applies commits an offence.

### **4 Penalty**

- 4.1 In accordance with section 67 of the Act, a person commits an offence if at any time and without reasonable excuse they engage in any activity prohibited by this Order.
- 4.2 A Police Officer or Council Officer may issue a fixed penalty notice to any person they have reason to believe has committed an offence under this Order.
- 4.3 A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of the fixed penalty to the Council.
- 4.4 Where a person is issued with a fixed penalty notice under this Order, the amount of the fixed penalty shall be £100 (reduced to £60 if paid within 10

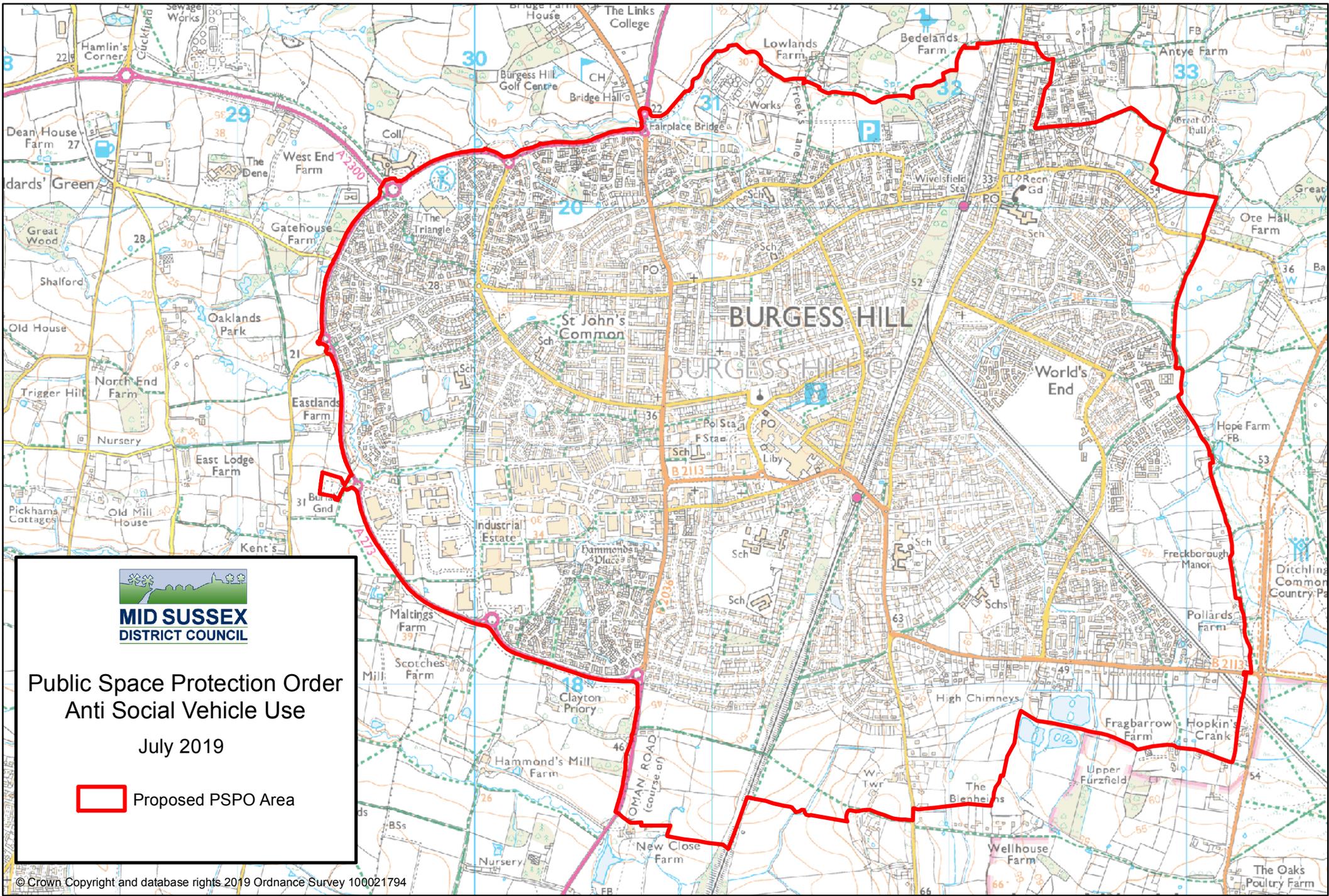
days). If the fixed penalty is paid within 14 days the offender will not be prosecuted.

- 4.5 A person who is guilty of an offence under this Order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale (£1,000).

## **5 Appeals**

- 5.1 Any challenge to this order must be made to the High Court by an interested person within six weeks from the date upon which the order is made. An interested person is someone who lives in, regularly works in, or visits the area.
- 5.2 In Accordance with section 66 of the Act, interested persons can challenge the validity of this order on two grounds: that the Council did not have power to make the order, or to include particular prohibitions or requirements, or that a requirement of the Act was not complied with.

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**MID SUSSEX DISTRICT COUNCIL**  
 Public Space Protection Order  
 Anti Social Vehicle Use  
 July 2019  
 Proposed PSPO Area

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Scale 1:20000 0 200 400 800 1,200 1,600 2,000 Meters

July 2019

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## COUNCIL CHAMBER ACCESSIBILITY IMPROVEMENTS

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: Haywards Heath - Lucastes Ward  
Key Decision: No  
Report to: Council 29<sup>th</sup> January 2020

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### Purpose of Report

1. To set out the budget for necessary works required to the Council Chamber to ensure safe lawful compliance, particularly in relation to the Equality Act to enable accessibility to the Council Chamber and Public Gallery for disabled persons.

### Recommendations

2. Council is recommended to:
    - A. Reaffirm the need for works to enable disabled access to the Chamber and Public Gallery; and,**
    - B. vary the existing budget by £203k, with additional funding to be met from the General Reserve.**
- 

### Background

3. Oaklands House was built circa 1865, with the addition of the existing Council Chamber circa mid 1960's. Since construction the Council Chamber and Public Gallery have not undergone any significant improvements. Over the last few decades the legislation governing accessibility and the use of buildings has evolved resulting in a need to carry out works to ensure legislative compliance.
4. The need to update these areas has been identified for over three years and following an initial assessment and costings, the budget has been pared down several times to exclude the entrance foyer (except where impacted by lift works), Oaklands and Committee Meeting Rooms. This has been done to ensure the most financially judicious approach, minimising expenditure whilst undertaking the necessary works for legislative compliance and undertaking decorative works to replace worn out and increasingly obsolete equipment and furnishings.
5. The latest pared down scheme is restricted to the installation of a lift to part of the building being inaccessible to disabled persons and renewal of obsolete equipment and services serving the Chamber and Gallery only. The lift will provide access to the Chamber and Public Gallery for physically disabled persons and enable disabled access to offices and the basement. Renewal of old and obsolete equipment includes heating, air conditioning, an audio-visual system and installation of hearing loops. Replacing these systems also necessitates some decorative work.

6. The replaced audio-visual system will provide larger clearer pictures and improved sound, and together with the hearing loops will further improve access to those with hearing and visual impairments.
7. Associated works include re-siting of the existing wcs. and shower facilities, as the lift shaft will pass through these; the making good and redecorating of affected areas and upgrading of glazed fire screens to current Building Regulations.
8. The layout of the Public gallery will also be changed to provide level access for wheelchairs.
9. The current scheme is designed to provide basic provisions to improve accessibility for the public, staff and Members alike and create a safe and legally compliant building and also seeks to improve spatial challenges when the chamber is fully utilised. Whilst achieving significant savings on previous schemes, the most economically advantageous tender is still above the current available budget, despite an extensive tendering and evaluation process and substantial cost engineering to pair the budget down in so far as it is practicable to do so.

### **Programme**

10. Subject to Council approval on 29 January and agreement with the contractor, works are programmed to commence mid April 2020.

### **Policy Context**

11. The installation of a lift and associated improvements relate to the Council's equality policy and will enable equality for physically disabled persons to access the Chamber, Public Gallery and staff offices. The replacement of obsolete equipment in the Chamber and Gallery will also increase access through improved audio-visual equipment including large digital screens and clearer sound together with hearing loops, providing equality for the visually and hearing impaired.
12. The proposed works also align with one of the Corporate Estates and Facilities core purposes of ensuring that Council buildings are safe and legally compliant as the works not only enable compliance with the Equality Act but also Fire Safety Building Regulations.

### **Financial implications**

13. The current available funding stands at £381,000.00. The current proposed scheme requires additional funding of £203,000, to increase to the required budget of £584,000.

## **Statutory Approvals**

14. Planning - Given the nature of the works, planning approval will not be required.  
Building Control Certification – Will be required.  
Listed Building Consent - The building is not a listed building nor located within a conservation area.

## **Risk Management and Other Implications**

15. The works include for upgrading of the physical fire protection of the offices to comply with current Building Regulations. In addition, the works to the chamber include for replacement/upgrading of several building components including the heating and air conditioning. Both are planned be undertaken at the same time as the chamber refurbishment to minimise disruption and gain economies of scale, as they will be undertaking as part of a larger scheme. Replacement of the heating and air conditioning will also minimise future maintenance costs.

## **Equality and Customer Service Implications**

16. This project will ensure provision of access to the Council Chamber, Public Gallery and offices for the physically disabled as required by the Building Regulations. It will also provide equality for those with sight and hearing impairments through the installation of Hearing Loops to the Chamber and Gallery and an upgraded audio-visual system producing clearer pictures and sound.

## **Other key material implications**

17. This work relates to the need to bring the Council offices up to current standards relating to Fire Safety and required legal provision of access under the Equality Act. Failure to undertake this work will result in continued non-compliance with Building Regulations and impact on the Health and Safety and accessibility of the public, members and staff alike.
18. The works also incorporate the replacement of components that have reached the end of their economic life and become obsolete, thereby providing future maintenance savings.

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## DRAFT ANIMAL WELFARE POLICY

REPORT OF: Tom Clark – Head of Regulatory Services  
Contact Officer: Yvonne Leddy Business Unit Leader Environmental Health and Building Control  
Email: [yvonneleddy@midsussex.gov.uk](mailto:yvonneleddy@midsussex.gov.uk) Tel: 01444 477300  
Wards Affected: ALL  
Key Decision: No  
Report to: Council  
29<sup>th</sup> January 2020

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### Purpose of Report

1. In October 2019 the Draft Animal Welfare Policy under the The Animal Welfare Regulations (Licensing of Activities involving Animals) (England) Regulations 2018 was reviewed and endorsed for consultation by the Scrutiny Committee for Community, Customer Services and Service Delivery. This report includes the outcome of that consultation.

### Recommendations

2. **The Council is recommended to adopt the Animal Welfare Policy under The Animal Welfare Regulations (Licensing of Activities involving Animals) (England) Regulations 2018 attached in Appendix 1 to commence on the 1st February 2020.**
- 

### Background

3. On the 1st October 2018 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 replaced disparate animal licensing legislation for Local authorities. It provides a single licensing regime for animal licensing activities. Those undertaking the following activities will need to be licensed under the new regime:
  - Selling animals as pets
  - Providing or arranging for the provision of boarding for cats or dogs (including day care)
  - Hiring out horses
  - Breeding dogs
  - Keeping or training animals for exhibition
4. The Regulations replaced the previous licensing and registration regimes:
  - Pet Animals Act 1951
  - Animal Boarding Establishments Act 1963
  - Riding Establishments Acts 1964 & 1970
  - Breeding of Dogs Act 1973 & Breeding and Sale of Dogs (Welfare) Act 1999
  - Performing Animals (Regulation) Act 1925

5. There is no legislative requirement for a policy but it is considered good governance to have such guidance. It has been produced to assist the Council, current and potential licence holders and the public as to how the animal licensing regime is administered within the district. It is proposed that we will review and republish, following consultation, every five years or as appropriate.
6. Additionally, the policy sets out the general approach the Council will take when considering applications under this legislation.
7. The legislation is comprehensive and defines the activities in bullet point 4 as “licensable activities”. Licence conditions, previously an area where local authorities had to adopt their own, are now a part of the statute. There are a number of standard conditions applicable to every licence and specific conditions depending upon the licensable activity authorised. The local authority does not have discretion to impose its own conditions.
8. Before a licence is issued the premises must be inspected, a report compiled and a ‘star’ rating awarded to the premises. The star rating varies from 1 to 5 and determines the length of the licence (1 to 3 years). There is an appeal procedure for the refusal outright of a licence to the First Tier Tribunal which is part of the High Court. Outside of this, operators can internally appeal the ‘star rating’. This will be determined by the Business Unit Leader of Environmental Health and Building Control or a similar appointee from another council if this was ever deemed appropriate.
9. Operators can request a re-inspection; this is different from an appeal against the star rating and is generally asked for if suggested remedial work has been completed since an inspection.
10. Every premises must be inspected at least once during the term of its licence
11. The legislation is very prescriptive around standards and documentation expected of operators at premises. It is far more demanding than previous statutes and all licensable activities are the subject of lengthy guidance from DEFRA. Guidance has also been issued to local authorities to assist with applications.
12. An area that has attracted a lot of discussion is Home Boarding for Dogs Franchises. These involve a franchise sourcing a number of addresses to ‘host’ dog boarding. Some franchises take the view that the ‘host’ families do not need to be licensed as they consider that remuneration for their services are below a threshold of £1000 which the government considers not reportable to HMRC i.e. not a business.
13. This council, acting on legal advice, has determined that all households accepting a fee must be licensed in their own right if accepting dogs for boarding. Paragraph 6 of the Policy deals with this. The test in this case is referred to in the legislation as the ‘business test’. (Schedule 1, Part 1)
14. It should be noted this policy only deals with the licensable activities described in bullet point 4 above as prescribed in the The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. It does not deal with dog walkers who fall outside of this licensing regime.
15. At the time of writing this report the council has issued licences to sixty two operators with one pending approval.

16. The following organisations were consulted during the development of this policy:
- Licence Holders for Animal Welfare Licences within the MSDC area
  - RSPCA
  - British Veterinary Association
  - Royal College of Veterinary Surgeons
  - Defra
  - Elected Members
  - Parish and Town Councils
  - Sussex Police
  - Farriers Registration Council

### **Outcome of the Consultation**

17. The consultation generated 5 responses:
- Farriers Registration Council
  - RSPCA
  - Royal College of Veterinary Surgeons
  - Turners Hill Parish
  - Haywards Heath Town Council
  - Councillor Hillier
18. Minor amendments have been made to the Policy to reflect the comments of the consultees.
19. These include clarification about qualified veterinary inspectors taking samples from animals and identifying a contact point for complaints about licensed and unlicensed premises and businesses.

### **Policy Context**

20. There is no legislative requirement to produce a policy for The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. It is considered good governance to have such guidance.

### **Financial Implications**

21. None

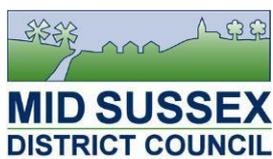
### **Risk Management Implications**

22. In the absence of a policy the Council may find it difficult to defend determinations to operators and judicial bodies.

### **Background Papers**

Appendix 1 –Statement of Licensing Policy - Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

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MID SUSSEX DISTRICT COUNCIL

STATEMENT OF LICENSING POLICY

Animal Welfare  
(Licensing of Activities Involving Animals) (England)  
Regulations 2018

Licensing Policy

COMMENCES 1<sup>st</sup> February 2020

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## **1.0. Introduction**

- 1.1. This policy sets out how the Council will exercise its functions under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.
- 1.2. The aim of this policy is to ensure that the Council, current and potential licence holders and the public are familiar with how the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 are administered within the district.
- 1.3. This policy will be reviewed at least every 5 years following first approval, and at other times where considered necessary, for example, to reflect significant changes in relevant legislation or guidance.
- 1.4. This policy sets out the criteria to be taken into account by the Council when determining whether or not an applicant or an existing licence holder is suitable to be granted, have renewed or continue to hold a licence. In addition to criminal convictions the Council will also take into account other factors such as general character, compliance with licence requirements/guidance/conditions, non-criminal behaviour and police or other relevant records or information from reliable sources.
- 1.5. The policy has been produced having due regard to guidance on the Regulations issued by DEFRA. Whilst the Council will have full regard for both the guidance and its own Statement of Licensing Policy, in determining individual licensing applications, it may depart from either if reason exists for doing so.
- 1.6. This policy supersedes all previous policy decisions relating to the relevant areas made by the Council from the date of this policy being published.

## **2.0. Policy Objectives**

- 2.1. This policy is intended to achieve the objectives of:
  - Ensuring any person who carries on, attempts to carry on or knowingly allows a licensable activity to be carried on holds a licence in accordance with the Regulations.
  - Ensuring the licence holder is not disqualified from holding a licence in accordance with the requirements of the Regulations.
  - That the five overarching principles of animal welfare, (known as the “five needs”) introduced by the Animal Welfare Act 2006 are upheld in any decision.
  - The safeguarding of any children or vulnerable persons in contact with a licensable activity is ensured.
  - Each application is considered on its merits.
- 2.2. Existing legislation requires licence conditions to ensure acceptable animal welfare standards. The Animal Welfare Act 2006 introduced five overarching principles of animal welfare, known as the “five needs”, which are:
  - The need for a suitable environment (by providing an appropriate environment, including shelter and a comfortable resting area).

- The need for a suitable diet (by ready access, where appropriate, to fresh water and a diet to maintain full health).
- The need to be able to exhibit normal behaviour patterns (by providing sufficient space, proper facilities and the company of an animal of its own kind, where appropriate).
- Any need to be housed with, or apart from, other animals (by providing the company of an animal of its own kind, where appropriate).
- The need to be protected from pain, suffering, injury and disease (by prevention or rapid diagnosis and treatment, and ensuring conditions and treatment which avoid mental suffering).

2.3. The Council will base its licensing regime on the following four principles:

- Responsibility to protect the welfare of all fellow creatures.
- Ensuring the welfare of domestic or captive animals by implementing appropriate standards that promote the “five needs”.
- Ensuring that persons responsible for the management of animal welfare observe recognised standards of good practice.
- Ensuring that, so far as it falls within its powers, the requirements of all animal-related legislation will be rigorously and pro-actively enforced.

### **3.0. Licensable Activities**

3.1. On 1 October 2018, The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 replaced disparate animal licensing legislation. It provides a single licensing regime for animal licensing activities. Those undertaking the following activities will need to be licensed under the new regime:

- Selling animals as pets
- Providing or arranging for the provision of boarding for cats or dogs (including day care)
- Hiring out horses
- Breeding dogs
- Keeping or training animals for exhibition

3.2. The Regulations replaced previous licensing and registration regimes under the following legislation:

- Pet Animals Act 1951
- Animal Boarding Establishments Act 1963
- Riding Establishments Acts 1964 & 1970
- Breeding of Dogs Act 1973 & Breeding and Sale of Dogs (Welfare) Act 1999
- Performing Animals (Regulation) Act 1925

3.3. A licence is required where any of the above activities are being carried on in the course of a business, whether the operator makes a sale or carries on the activity with a view to making a profit or earns commission or fee from the activity.

### **4.0. Dog Boarding Franchises and Host Sites**

4.1. Mid Sussex District Council has carefully considered the issue of Dog Boarding Franchises and their hosts. The main office and all host sites require a licence in their own right if they

are providing or arranging for the provision of accommodation for other people's dogs in the course of a business on any premises where the provision of that accommodation is a purpose of the business by providing home boarding for dogs and earns any commission or fee from the activity.

## **5.0. Suitability of Applicants**

- 5.1. In accordance with the Regulations any individual, who carries on a licensable activity will be designated as the operator of the business and can apply for a licence providing they are not disqualified from holding a licence in accordance with Regulation 11 and Schedule 8.
- 5.2. The Council will consider the conduct displayed by the applicant/licence holder to ensure that they meet the 'fit and proper' test to carry out the proposed licensable activity and meet the conditions attached to the licence.
- 5.3. The term 'fit and proper' is not defined in legislation or guidance. The Council would consider a 'fit and proper' person to be an individual who can demonstrate upon application that they have:
  - The right to work in the UK.
  - No relevant convictions.
  - Not been disqualified from holding a licence.
  - The knowledge, experience, compliance history and ability to comply with licence conditions and safeguard the welfare of animals in their care.
  - Made suitable management and training arrangements to safeguard and protect any staff and/or members of the public who may be affected by the licence activity.
- 5.4. In the case of renewals we will consider any information received about the operation over the period of the existing licence. The Council will expect licensees to act with integrity and demonstrate the conduct befitting the trust that is placed on them to operate their premises and care for the animals.
- 5.5. In determining suitability of an applicant, the Council may also request information from the police or other local authorities. Such requests will be undertaken in accordance with the provisions of Section 17 of the Crime and Disorder Act 1998, which requires that local authorities must have regard to the likely effect of the exercise of their functions on, and do all that they can to prevent crime and disorder in their area.

## **6.0. Safeguarding**

- 6.1. The Regulations have the aims of maintaining and improving animal welfare standards. However there are other safeguarding considerations arising from licensable activities which the Council has a statutory duty to ensure, in particular surrounding the protection of children and vulnerable persons.
- 6.2. The Council is aware that some licensable activities may involve unsupervised contact with children and/or vulnerable persons. For example, the tuition of a young person provided at a Riding Establishment.

- 6.3. To this extent, the Council would expect applicants and licence holders whose activities involve contact with children or young persons to:
- Have a written safeguarding policy and provide training for staff; and
  - Have a procedure for vetting staff who have unsupervised contact with young/vulnerable persons.

## **7.0. Fees**

- 7.1. Licensing fees are split into two categories – application and grant. Both fees can be paid upon application. If the licence is refused the fee for the grant will be refunded.
- 7.2. The current level of licence fee will be displayed on the Council's webpage. Applicants and licence holders will also be required to pay vets fees for inspections where this is required. All fees are calculated and reviewed annually, taking into account the statutory requirements of Regulation 13, with the aim of full cost recovery.
- 7.3. If the licence is approved, any additional fees required (vet fees, etc.) must be paid before the licence can be granted or renewed. If the licence is not approved, the Council will refund part of the fee that relates to the grant of the application.

## **8.0. Application Process**

- 8.1. The Application is to be made via the Council's published application forms.
- 8.2. Applications must be submitted a minimum of 10 weeks prior to renewal or grant. This will allow officers time to consider the application, make enquiries and inspect premises. We will not be able to guarantee processing applications which have been made outside of this window, or have missing documentation.
- 8.3. Written reminders will be sent out by the Council three months prior to renewal of Licence. These will be sent by email where possible.
- 8.4. An application will only be accepted as valid if it is accompanied by the correct fee and any relevant documentation required.
- 8.5. Once a valid application has been received, an appointment will be booked with the applicant to arrange a risk rating assessment /inspection to be conducted of the premises.
- 8.6. Upon receipt of a valid application for the grant or renewal of a licence we will take the following steps:
- The Council will consider whether the conduct displayed by the applicant indicates that they are a fit and proper person to carry out the licensable activity and meet their licence conditions.
  - The Council will inspect the site of the licensable activity and assess if it's likely to meet the licence conditions. The inspection will be completed by a suitably qualified inspector

(as well as a veterinarian for the initial inspection of a dog breeding establishment, or a listed veterinarian for inspections of horse riding establishments).

- The inspector's report will contain information about the operator, any relevant premises, any relevant records, the condition of any animals and any other relevant matter and state whether or not the inspector considers that the licence conditions will be met.
- This information will be assessed by an Environmental Health Team Manager or suitably qualified nominated Deputy to determine whether a licence can be granted. The Manager (or nominated Deputy) will decide the application. The inspector will not make the final decision.

## **9.0. Qualifications of Inspectors**

9.1. All inspectors must be suitably qualified. This is defined in DEFRA guidance as:

- Any person holding a Level 3 certificate granted by a body, recognised and regulated by the Office of Qualifications and Examinations Regulation which oversees the training and assessment of persons in inspecting and licensing certain animal activities businesses, confirming the passing of an independent examination. A person is only considered to be qualified to inspect a particular type of activity if their certificate applies to that activity;
- Any person holding a formal veterinary qualification, as recognised by the Royal College of Veterinary Surgeons ("RCVS"), together with a relevant RCVS continuing professional development record;
- Until October 2021, any person that can show evidence of at least one year of experience in licensing and inspecting animal activities businesses.

## **10.0. Inspections**

10.1. Inspections will assess the premises and documentation in accordance with the relevant DEFRA guidance for the type of licence being applied for. This will include the assessment of:

- Records and documentation
- Use, number and type of animal
- Housing with, or apart from, other animals
- Staffing and/or supervision
- Suitable environment
- Suitable diet
- Monitoring of behaviour and training of animals
- Animal handling and interactions
- Protection from pain, suffering, injury and disease
- Emergencies
- Purchase and/or sale of animals

10.2. There will be cases where inspections must be carried out during the term of a licence.

10.3. For the activity of hiring out horses, there is a requirement for an annual inspection by a listed veterinarian, regardless of the total length of the licence. The Council must appoint a

listed veterinarian to inspect the premises on which the activity is being carried out before the end of the first year after the licence is granted and then each subsequent year.

- 10.4. Unannounced inspections can also be carried out and will be used in the case of complaints or other information that suggests the licence conditions are not being complied with or that the welfare of the animals involved in a licensed activity is at risk.
- 10.5. During the course of an inspection the inspector may choose to take samples for laboratory testing from the animals on the premises occupied by an operator. The operator must comply with any reasonable request of an inspector to facilitate the identification, examination and sampling of an animal including ensuring that suitable restraints are provided if requested.
- 10.6 The provision for sampling is aimed at veterinarians carrying out inspections and it is not expected that samples be taken by those without the training to properly and safely do so.

## 11.0. Standards and Conditions

- 11.1. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 include mandatory conditions for each licensable activity and DEFRA has produced associated guidance. The conditions are divided into two categories namely General Conditions, stipulated in Schedule 2 of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, and Specific Conditions stipulated as follows in the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018:
  - Schedule 3: selling animals as pets
  - Schedule 4: providing boarding for cats and dogs
  - Schedule 5: hiring out horses
  - Schedule 6: breeding dogs
  - Schedule 7: keeping or training animals for exhibition
- 11.2. The General Conditions cover the following areas:
  - **Licence Display:** A copy of the licence must be clearly and prominently displayed on any premises on which the licensable activity is carried on. The name of the licence holder followed by the number of the licence holder's licence must be clearly and prominently displayed on any website used in respect of the licensable activity.
  - **Records:** The licence holder must ensure that at any time all the records that the licence holder is required to keep as a condition of the licence are available for inspection by an inspector in a visible and legible form. The licence holder must keep all such records for at least three years beginning with the date on which the record was created.
  - **Use, number and type of animal:** No animals or types of animal other than those animals and types of animal specified in the licence may be used in relation to the relevant licensable activity. The number of animals kept for the activity at any time must not exceed the maximum that is reasonable taking into account the facilities and staffing on any premises on which the licensable activity is carried on.
  - **Staffing:** Sufficient numbers of people who are competent for the purpose must be available to provide a level of care that ensures that the welfare needs of all the animals are met. The licence holder or a designated manager and any staff employed to care for

the animals must have competence to identify the normal behaviour of the species for which they are caring and to recognise signs of, and take appropriate measures to mitigate or prevent, pain, suffering, injury, disease or abnormal behaviour. The licence holder must provide and ensure the implementation of a written training policy for all staff.

- **Suitable environment:** All areas, equipment and appliances to which the animals have access must present minimal risks of injury, illness and escape and must be constructed in materials that are robust, safe and durable, in a good state of repair and well maintained. Animals must be kept at all times in an environment suitable to their species and condition with respect to their behavioural needs, its situation, space, air quality, cleanliness and temperature, the water quality (where relevant), noise levels, light levels, and ventilation. Staff must ensure that the animals are kept clean and comfortable.
- **Suitable diet:** The animals must be provided with a suitable diet in terms of quality, quantity and frequency and any new feeds must be introduced gradually to allow the animals to adjust to them. Feed and (where appropriate) water intake must be monitored, and any problems recorded and addressed.
- **Monitoring of behaviour and training of animals:** Active and effective environmental enrichment must be provided to the animals in inside and any outside environments. The animals' behaviour and any changes of behaviour must be monitored and advice must be sought, as appropriate and without delay. Where used, training methods or equipment must not cause pain, suffering or injury.
- **Animal handling and interactions:** All people responsible for the care of the animals must be competent in the appropriate handling of each animal to protect it from pain, suffering, injury or disease. The animals must be kept separately or in suitable compatible social groups appropriate to the species and individual animals and no animals from a social species may be isolated or separated from others of their species for any longer than is necessary. The animals must have at least daily opportunities to interact with people where such interaction benefits their welfare.
- **Protection from pain, suffering, injury and disease:** Written procedures must be in place and implemented covering feeding regimes, cleaning regimes, transportation, the prevention of, and control of the spread of, disease, monitoring and ensuring the health and welfare of all the animals, the death or escape of an animal, and covering the care of the animals following the suspension or revocation of the licence or during and following an emergency. All people responsible for the care of the animals must be made fully aware of these procedures.
- **Emergencies:** A written emergency plan, acceptable to the local authority, must be in place, known and available to all the staff on the premises on which the licensable activity is carried on, and followed where necessary to ensure appropriate steps are taken to protect all the people and animals on the premises in case of fire or in case of breakdowns of essential heating, ventilation and aeration or filtration systems or other emergencies.

11.3. Specific Conditions specify additional controls to those in the General Conditions relevant to the animals being cared for. In addition, depending on the licence type, the Specific Conditions also cover:

- Advertisements and sales
- Prospective sales (pet care and advice)

- Purchase and sale of animals
- Insurance

- 11.4. The General Conditions will be applied to the licence, as well as the set of Specific Conditions, as per the type of licence activity being undertaken.
- 11.5. Applicants/licence holders will need to meet all the mandatory conditions, although minor failings may be noted/recorded providing they do not compromise the welfare of the animals (these should be predominantly administrative in nature).
- 11.6. For each activity (except keeping or training animals for exhibition) a number of ‘higher standards’ have been included in the guidance. Meeting the higher standards is optional but is the only way to gain a higher star rating. The higher standards are classified into two categories – required (mandatory) and optional. To qualify as meeting the higher standards the business must achieve all the required (mandatory) standards as well as a minimum of 50% of the optional higher standards.

## 12.0. Risk Assessment and Rating

- 12.1. The result of the assessment is translated into a ‘Star Rating’, which will be used to determine the length of the licence (between one and three years), with the exception of ‘Keeping or Training Animals for Exhibition’ where all licences are issued for three years.

- 12.2. The scoring matrix is below:

Scoring Matrix		Welfare Standards		
		Minor Failings (existing business that are failing to meet minimum standards)	Minimum Standards (as laid down in the schedules and guidance)	Higher Standards (as laid down in the guidance)
Risk	Low Risk	<b>1 Star</b> 1 year licence Min 1 unannounced visit within 12 month period	<b>3 Star</b> 2 year licence Min 1 unannounced visit within 24 month period	<b>5 Star</b> 3 year licence Min 1 unannounced visit within 36 month period
	Higher Risk	<b>1 Star</b> 1 year licence Min 1 unannounced visit within 12 month period	<b>2 Star</b> 1 year licence Min 1 unannounced visit within 12 month period	<b>4 Star</b> 2 year licence Min 1 unannounced visit within 24 month period

- 12.3. Businesses will be rated from 1 to 5 stars, based on their risk rating and the results of their inspection (determining if the business meets higher or lower standards). The rating will appear on the licence issued by the Council.

## 13.0. Granting an Application

- 13.1. Where a licence is granted the Council will provide the following documents:
- The Licence with the Star Rating.
  - Details of how the business has been rated including a list of the higher standards the business currently fails to meet or a list of the minimum standards the business is failing to meet and resulting in a 'minor failing' category.
  - A copy of the risk management assessment table.
  - Details of the appeals process and timescales.
- 13.2. Any fee(s) required upon the grant of the application must be paid in full prior to the grant of the licence.

#### **14.0. Refusing an Application**

- 14.1. The Council will consider the report from the inspector and any comments made by the applicant when deciding whether to issue a licence.
- 14.2. The Council must refuse to issue a licence if it considers that the applicant cannot meet the licence conditions, the granting of a licence will have a negative impact on animal welfare or if the level of accommodation, staffing or management is inadequate for the wellbeing of animals.
- 14.3. The Council will also refuse an application if it considers that the applicant does not meet the 'fit and proper' person test.
- 14.4. A licence cannot be issued to an operator who is disqualified.
- 14.5. Any application fees or veterinary inspection fees paid will not be refunded for unsuccessful applications.
- 14.6. Any applicant aggrieved by a decision by a Council to refuse to grant or renew a licence, or to revoke or vary a licence, may appeal to the First-Tier Tribunal. The period within which an operator may bring such an appeal is 28 days beginning with the day following the date of the decision.

#### **15.0. Appeals to Star Rating**

- 15.1. Businesses have 21 days (including weekend and bank holidays) following the issue of their licence in which to appeal the star rating if they consider the star rating awarded does not reflect the licence history and standards found at the time of inspection.
- 15.2. Businesses should not appeal if they have made improvements to their business and wish for those improvements to be reassessed. This should be achieved by application for a re-inspection.
- 15.3. Prior to making an appeal, we encourage applicants to discuss their rating with the inspecting officer should they disagree with it. This will afford the opportunity to explain the

process that must be followed and may resolve matters without the business having to lodge an appeal.

- 15.4. The Council will determine the outcome of an appeal by considering the paperwork associated with the inspection and the past record of the business. In some circumstances, a further visit to the establishment may be required. The costs of any additional inspections related to the appeal will be borne by the applicant unless it results in a higher rating being awarded. This will depend on the nature of the dispute and whether a decision can or cannot be made on the basis of the paperwork.
- 15.5. Appeals will be determined by the Business Unit Leader for Environmental Health and Building Control, their appointed Deputy, or by an equivalent person in another authority. No officer involved with the inspection or rating will determine an appeal.
- 15.6. The appeal decision will be notified to the applicant within 21 days of receipt of the request.

#### **16.0. Requests for Re-inspection**

- 16.1. A business that has made changes since the inspection and wishes for these to be taken into account should apply for a re-score inspection.
- 16.2. Requests for re-inspection must be made in writing to the Council.
- 16.3. A fee is applicable for re-inspections.

#### **17.0. Variations, Suspensions and Revocations of Licences**

- 17.1. The Regulations provide for a local authority at any time to vary a licence:
  - On the application in writing of the licence holder, or
  - On the initiative of the local authority, with the consent in writing of the licence holder.
- 17.2. In addition to the above a local authority may suspend, vary or revoke a licence without the consent of the licence holder if:
  - The licence conditions are not being complied with,
  - There has been a breach of the Regulations,
  - Information supplied by the licence holder is false or misleading, or
  - It is necessary to protect the welfare of an animal.
- 17.3. A suspension or variation of a licence will normally take effect 7 working days after the decision has been issued to the licence holder unless the reason is to protect the welfare of an animal in which case the local authority may stipulate that the decision has immediate effect.
- 17.4. A decision to vary or suspend the licence must be notified to the licence holder in writing, explaining the reasons for the decision, and providing information regarding when the suspension or variation comes into effect and the rights of the licence holder, as well as any specific changes deemed necessary in order to remedy the situation.

- 17.5. A notice will be delivered in one of three ways, in person, by leaving or sending it by post to the person's current or last known postal address or by emailing it to the person's current or last known email address.
- 17.6. Following the issuing of the notice the licence holder will then have seven working days to make written representation. Upon receipt of this the Council will decide whether to continue with the suspension, variation or revocation of the Licence or cancel the decision to make changes to the Licence. If the licence has been altered to protect the welfare of an animal then the council must indicate that this is the reason and whether the change is still in effect.
- 17.7. The business will not be able to trade once the suspension of a licence has come into effect and cannot do so until the decision is overturned by either the Council upon being satisfied that licence conditions are being met or by the First-Tier Tribunal.
- 17.8. If a licence is suspended for a significant period of time, the Council will ensure that the animals are checked on regularly to ensure that the welfare of the animals is maintained.
- 17.9. As with applications the licence holder may appeal to a First-Tier Tribunal if they do not agree with the decision made by the Council. This must be done within 28 days of the decision.

#### **18.0. Transfer of a licence upon the death of a licence holder**

- 18.1. If a licence holder dies, the procedure in Regulation 12 of the Regulations applies. It allows the personal representative of the deceased to take on the licence provided that they inform the local authority within twenty-eight days of the death that they are now the licence holders. The licence will then remain in place for three months from the death of the former holder or for the rest of the time it was due to remain in force if that time period is shorter. The new licence holder should then apply for a new licence one month before the expiry of this new period.
- 18.2. Additionally the local authority can extend the three month period by up to another three months if requested by the personal representative and if they believe this time is needed to wind up the estate of the former licence holder.
- 18.3. If the personal representative does not notify the local authority within 28 days of the death of the licence holder, the licence will cease to have effect after those 28 days.

#### **19.0. Enforcement**

- 19.1. The Regulations introduce a range of enforcement powers to allow the Council to issue a suspension, variation or revocation notice where licence conditions are not being complied with; there is a breach of the regulations or issues relating to the protection of the welfare of an animal.
- 19.2. The service of an enforcement notice is subject to a strict process and includes provision for the right to make written representations and/or appeal.

- 19.3. It is an offence to breach any licence condition. It is also an offence not to comply with an inspector's request in the process of taking a sample from an animal. The provision for sampling is aimed at veterinarians carrying out inspections and it is not expected that samples be taken by those without the training to properly and safely do so.
- 19.4. It is an offence to obstruct an inspector who has been appointed by a local authority to enforce the Regulations.
- 19.5. Committing any of these offences could result in an unlimited fine.
- 19.6. Anyone who carries on any of the licensable activities without a licence is liable to imprisonment for a term of up to six months, a fine or both. Section 30 of the Animal Welfare Act 2006 allows for local authorities to prosecute for any offences under that Act.
- 19.7. In carrying out its enforcement duties with regards to the inspection of premises and the powers to institute criminal proceedings in respect of certain offences under the Act, the Council's Environmental Health and Building Control Service has adopted an enforcement policy, which is available at: [www.midsussex.gov.uk](http://www.midsussex.gov.uk).

## **20.0. Information Sharing**

- 20.1. In the interests of protecting public safety, the safety and wellbeing of animals and ensuring fitness and propriety of licence holders the Council will share information with other enforcement agencies including the RSPCA, police and other local authorities. Information may also be shared with internal council departments including community safety, revenues and benefits and planning. The Council may also share information with other local authorities. All information will be exchanged in accordance with relevant statute as the law permits.

## **21.0. Primary Authority**

- 21.1. Primary Authority enables local authorities to improve compliance and build better relationships with big businesses that have branches across a large number of areas whilst supporting local economic growth. Under Primary Authority, a local authority partners with a business or group of businesses to provide them with regulatory advice that other authorities have to respect.
- 21.2. Primary Authority establishes statutory duties for all local authorities when they exercise regulatory functions that are within scope of the scheme in respect of any business that has a primary authority. These duties relate primarily to:
- Following an inspection plan for the business, where one has been issued by the primary authority, and providing any feedback required.
  - Notifying the primary authority of enforcement action in relation to the business.
- 21.3. The Council will consult the secure Primary Authority Register to identify if the business has a partnership in place, and will ensure that their officers have sufficient understanding of the responsibilities of an enforcing authority within Primary Authority.

## 22.0. How to Contact Us:

Complaints and correspondence about licensed and unlicensed businesses and sites should be sent to the Council's Licensing Team as follows;

By Telephone on 01444 477419

By E mail [licensing@midsussex.gov.uk](mailto:licensing@midsussex.gov.uk)

Or

By Post to:

Mid Sussex District Council Licensing Team,  
Oaklands Road,  
Haywards Heath,  
RH16 1SS

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## STATUTORY REVIEW OF POLLING DISTRICTS, POLLING PLACES AND POLLING STATIONS 2019

REPORT OF: HEAD OF REGULATORY SERVICES  
Contact Officer: Terry Stanley, Business Unit Leader, Democratic Services  
Email: [terry.stanley@midsussex.gov.uk](mailto:terry.stanley@midsussex.gov.uk) Tel: 01444 477415  
Wards Affected: All  
Key Decision: No  
Report to: Council  
29<sup>th</sup> January 2020

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### Purpose of Report

1. To inform Council of the outcome of the statutory Polling Places Review

### Summary

2. Designation of polling districts and polling places is the responsibility of Council. A polling scheme is already in place, though it is appropriate that some adjustments are made to this from time to time. In accordance with the Electoral Registration and Administration Act 2013 the Council is required to complete a review of the District's polling places before the end of January 2020.
3. The situation of polling stations is the sole responsibility of the Returning Officer, though the review also allows for comments regarding the suitability of current venues. In a few cases it is clear that replacement or alternative venues may be identified, and the Electoral Services team will carry out further work later this year.

### Recommendations

4. **That polling places for all polling districts be defined as the entire District Council ward in which the polling district is situated, with the following exceptions:**
    - (a) **Polling Place for Polling District BCF in Herontye Ward be designated as East Court, College Lane, East Grinstead.**
    - (b) **Polling Place for Polling District BAC in Ashurst Wood Ward be designated as East Court, College Lane, East Grinstead**
    - (c) **Polling Place for Polling District KFB in Victoria Ward be designated as St. Wilfrids Parish Hall, Station Road, Burgess Hill.**
    - (d) **Polling Place for Polling District FCB in High Weald Ward be designated as Lindfield Evangelical Free Church, Chaloner Close, Lindfield.**
    - (e) **Polling Place for Polling District KEE in Dunstall Ward be designated as St Edward the Confessor Church Hall, Burgess Hill.**
    - (f) **Polling Place for Polling District IE in Cuckfield Ward be designated as Ashenground Community Centre, Vale Road, Haywards Heath.**
-

## **Background**

5. The previous compulsory review was conducted in late 2013 and reported to Council in early 2014. Reviews are to be conducted at least every 5 years.
6. The Electoral Registration and Administration Act 2013 introduced a change to the scheduled timings in that a compulsory review must be started and completed between 1 October 2018 and 31 January 2020 (inclusive).
7. As reported to Council 24 July 2019, our statutory review was carried out 2 September 2019 – 29 November 2019.
8. Council determines the size and location of polling places and polling districts. The situation of polling stations is the prerogative of the Returning Officer.
9. The purpose of the review is to:
  - Ensure that all the electors have such reasonable facilities for voting as are practicable in the circumstances.
  - Ensure that so far as is reasonable and practicable, the polling places are accessible to all electors, including those who are disabled.

## **Definitions**

10. A polling district is a geographical area created by the sub-division of a local authority into smaller parts. A UK Parliamentary constituency is made up of a number of polling districts, whilst an un-warded parish is normally comprised of a single polling district. Wards of Mid Sussex District Council are comprised of between one and six polling districts, depending on the parish arrangements below them. In total there are 63 polling districts within the district.
11. A polling place is a defined area in which polling station(s) for the polling district can be allocated by the Returning Officer. It can be as small as a single building, or cover a wider area allowing for the relocation of a polling station should the usual facilities become unavailable. Some authorities define the entire polling district as a polling place to allow for maximum flexibility in this matter.
12. A polling station is the room or area of the polling place in which voting is conducted.

## **Roles and Responsibilities**

13. The Local Authority.
  - Every relevant local authority in Great Britain is responsible for dividing its area into polling districts and designating polling places for each polling district. The authority must review these arrangements at least once every four years and determine whether amendments are required as a result.
14. The Electoral Registration Officer.
  - If any amendments to polling districts are made by the local authority the Electoral Registration Officer must ensure that the Register of Electors is amended accordingly and publish a notice to that effect.

## 15. The Returning Officer

During the review the Returning Officer comments in terms of the polling stations currently in use and those that could be used as a result of changes to polling districts and/or polling places. Allocation of polling stations at an election is a matter for the Returning Officer alone, but he cannot allocate a polling station beyond the boundary of the designated polling place. In future years some additional / alternative stations will be needed to accommodate rising electorates in some areas.

### **Preparing for the Formal Stages of the Review**

16. In early September 2019 all Polling Stations were sent a pre-review questionnaire inviting them to confirm the facilities available to electors and electoral staff. This also asked them to consider the extent to which the venue is accessible to disabled people; a key focus of this review, as well as guiding them to self-assess the venue's ongoing suitability as a polling station.

### **The Consultation**

17. The consultation ran from 23 September 2019 until 29 November 2019.
18. Questionnaires, and in some cases follow up reminders, were sent to 59 polling places and full responses were received from 56 of these, representing a 95% return.
19. Review information was also sent to all political stakeholders and elected representatives. One response was received from this stakeholder group (see 25).
20. Residents were invited to contribute to the review by post, email or online. No responses were received from this stakeholder group.

### **Inspection of Polling Stations**

21. As there were three major electoral events in 2019 and each station has been inspected multiple times at each event, it was not necessary for the Returning Officer's staff to conduct inspections at this review.
22. Information gathered at elections from Presiding Officers and Polling Station Inspectors was also used to inform the review.

### **Findings of the Review**

23. A summary of the recommendations for the 59 polling stations is as follows:
- 54 - Polling places remain suitable. No change to current arrangements
  - 0 - The currently designated polling stations should be merged or moved
  - 0 - Polling Districts should be merged.
  - 5 - Additional work / equipment is required to improve accessibility
  - 0 - A new polling station has been suggested
  - 0 - A new polling district with polling station should be created
24. Although there were no submissions from some stakeholder groups information gathered on three polling days in 2019 clearly identified 5 polling stations where action is required to improve access for disabled voters. 4 of these require the installation of an accessible toilet and 1 requires that an entirely gravel car park be adapted to be made suitable for wheelchairs, push chairs and mobility scooters.

25. Response from East Grinstead Labour Party – The response suggested that:
- a) The polling station at the Kings Leisure Centre is unpopular with some Town Ward voters owing to weather exposure and being difficult to get to. It proposed returning to Chequer Mead.

*RO's assessment: No public comment on the suitability of the Kings Leisure Centre has been received, so it has not been possible to verify that it is 'unpopular with some voters'. Unfortunately, Chequer Mead is not a viable polling station option for logistic and cost reasons.*

- b) The loss of the Halsford Park School on the Stone Quarry Estate is regretted.

*RO's assessment: We too regret the loss of Halsford Park School in Imberhorne Ward as this was convenient for voters. However, the school Governors have decided that they will no longer make the school available for use as a polling station owing to considerable parental objection. The new default polling station for these voters is St. Peter's Catholic Primary School. This station however is not available for the PCC election on 7<sup>th</sup> May 2020 necessitating that a temporary alternative is identified. Electoral Services are considering and visiting suitable options.*

### **Parliamentary Constituency Boundary Review**

26. There is no current review of Parliamentary Boundaries.

### **Policy Context.**

27. None.

### **Other Options Considered**

28. The Council is required to conduct a review under the Electoral Administration Act 2006. No other options were considered.

### **Financial Implications**

29. Any reduction in the number of polling stations might result in a decrease to the costs of venue hire and the Returning Officer's staff. However this is likely to be partially offset by an increase in the number of postal voters in some polling districts, increasing postage and processing costs. The proposals in this report do not make any polling station reduction save for the school issue in Imberhorne Ward.

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

30. Part of the review process is an impact assessment for residents with physical disabilities.

### **Background Papers**

31. Appendix 1 – 2020 Polling Scheme.

## MID SUSSEX POLLING SCHEME - ELECTORAL EVENTS IN 2020

STN No.	POLLING DISTRCT	DISTRICT WARD	TOWN / PARISH ELECTORAL AREA	POLLING STATION ADDRESS
1	AA	EG Ashurst Wood	Ashurst Wood	Ashurst Wood Village Centre, Maypole Road, Ashurst Wood, RH19 3QN
2	BAC	EG Ashurst Wood	Worsted	Meridian Hall, East Court, College Lane, RH19 3LT
3	BBA	EG Ashplats	Ashplats	Meridian Hall, East Court, College Lane, RH19 3LT
4	BBB	EG Ashplats	Ashplats	Blackwell Primary School, Blackwell Farm Road, RH19 3JL
5	BBC	EG Ashplats	Ashplats	Meridian Hall, East Court, College Lane, RH19 3LT
6	BCE	EG Herontye	Herontye	St Barnabas Church, Dunnings Road, East Grinstead, RH19 4QW
7	BCE	EG Herontye	Herontye	St Barnabas Church, Dunnings Road, East Grinstead, RH19 4QW
8	BCF	EG Herontye	Herontye	Meridian Hall, East Court, College Lane, RH19 3LT
9	BD1	EG Baldwins	Baldwins	St.Marys Church Hall, Windmill Lane, East Grinstead, RH19 2DS
10	BD1	EG Baldwins	Baldwins	St.Marys Church Hall, Windmill Lane, East Grinstead, RH19 2DS
11	BD2	EG Baldwins	Baldwins	St Peters Catholic Primary Sch, Crossways Avenue, East Grinstead, RH19 1JB
12	BEC1	EG Town	Town	The Pavillion Room - Kings Leisure Centre, Moat Road, East Grinstead, RH19 3LN
13	BEC2	EG Town	Town	The Pavillion Room - Kings Leisure Centre, Moat Road, East Grinstead, RH19 3LN
14	BEC2	EG Town	Town	The Pavillion Room - Kings Leisure Centre, Moat Road, East Grinstead, RH19 3LN
15	BFA	EG Imberhorne	Imberhorne	St Peters Catholic Primary Sch, Crossways Avenue, East Grinstead, RH19 1JB
16	BFD	EG Imberhorne	Imberhorne	St Peters Catholic Primary Sch, Crossways Avenue, East Grinstead, RH19 1JB
17	CA	Copthorne & Worth	Copthorne & Worth	Copthorne Village Hall, Copthorne Bank, Copthorne, RH10 3RE
18	CA	Copthorne & Worth	Copthorne & Worth	Copthorne Village Hall, Copthorne Bank, Copthorne, RH10 3RE
19	DA	Crawley Down & Turners Hill	Crawley Down	The Haven Centre, Hophurst Lane, Crawley Down, RH10 4LJ
20	DA	Crawley Down & Turners Hill	Crawley Down	The Haven Centre, Hophurst Lane, Crawley Down, RH10 4LJ
21	DB	Crawley Down & Turners Hill	Turners Hill	Dove Suite, The Ark, Mount Lane, RH10 4RA
22	EA	Ardingly & Balcombe	Ardngly	Hapstead Hall, High Street, Ardingly, RH17 6TB
23	EB	Ardingly & Balcombe	Balcombe	Victory Hall, Balcombe, West Sussex, RH17 6HP
24	EC	Ardingly & Balcombe	Handcross	Handcross Parish Hall, High Street, RH17 6HB
25	ED	Ardingly & Balcombe	Pease Pottage	Pease Pottage Community Centre, Old Brighton Road South, RH11 9AH
26	FAA	High Weald	West Hoathly	West Hoathly Village Hall, North Lane, West Hoathly, RH19 4QG
27	FAB	High Weald	West Hoathly	Sharpthorne Hall, Station Road, Sharpthorne, RH19
28	FB	High Weald	Horsted Keynes	Horsted Keynes Village Hall, The Green, Horsted Keynes, RH17 7AP
29	FCA	High Weald	Lindfield Rural East	Millennium Village Centre, Lewes Road, Scaynes Hill, RH17 7PG
30	FCB	High Weald	Lindfield Rural East	Lindfield Evangelical Free Church, 1 Chaloner Close, RH16 2NH
31	GA	Lindfield	Lindfield Rural West	Lindfield Evangelical Free Church, 1 Chaloner Close, RH16 2NH
32	GB	Lindfield	Lindfield	Lindfield United Reformed Church, 50 High Street, Lindfield, RH16 2HL
33	GB	Lindfield	Lindfield	Lindfield United Reformed Church, 50 High Street, Lindfield, RH16 2HL
34	HAA	HH Franklands	HH Franklands	Franklands Village Hall, Franklands Village, Haywards Heath, RH16 3RS
35	HAB	HH Franklands	HH Franklands	Haywards Heath Baptist Church, 7 Sussex Road, RH16 4DZ
36	HBB	HH Bentswood	Bentswood	A.C.F. Hall, Cadet Centre, Eastern Road, Haywards Heath, RH16 3NG
37	HBD	HH Bentswood	Bentswood	Church of the Presentation, New England Road, Haywards Heath, RH16 3LE
38	HCA	HH Ashenground	Ashenground	United Reformed Church Hall, South Road, Haywards Heath, RH16 4LQ
39	HCA	HH Ashenground	Ashenground	United Reformed Church Hall, South Road, Haywards Heath, RH16 4LQ
40	HCB	HH Ashenground	Ashenground	Ashenground Community Centre, Southdown Close, Haywards Heath, RH16 4JR
41	HDD	HH Lucastes	Lucastes & Bolnore	Studio 1, Dolphin Leisure Centre, Pasture Hill Road, Haywards Heath, RH16 1LY
42	HDD	HH Lucastes	Lucastes & Bolnore	Studio 1, Dolphin Leisure Centre, Pasture Hill Road, Haywards Heath, RH16 1LY
43	HDE	HH Lucastes	Lucastes & Bolnore	The Woodside, 120 Middle Village, Haywards Heath, RH16 4GJ

## MID SUSSEX POLLING SCHEME - ELECTORAL EVENTS IN 2020

STN No.	POLLING DISTRCT	DISTRICT WARD	TOWN / PARISH ELECTORAL AREA	POLLING STATION ADDRESS
44	HEC	HH Heath	Heath	Function Suite, Clair Hall, Perrymount Road, Haywards Heath, RH16 3DN
45	HEC	HH Heath	Heath	The Studio, Clair Hall, Perrymount Road, Haywards Heath, RH16 3DN
46	IA	Cuckfield	Cuckfield	Queens Hall, High Street, Cuckfield, RH17 5EL
47	IA	Cuckfield	Cuckfield	Queens Hall, High Street, Cuckfield, RH17 5EL
48	IB	Cuckfield	Ansty	Ansty Village Hall, Deaks Lane, Ansty, RH17 5AS
49	IC	Cuckfield	Brook Street & Borde Hill	Queens Hall, High Street, Cuckfield, RH17 5EL
50	ID	Cuckfield	Staplefield	Staplefield Village Hall, Staplefield, West Sussex, RH17 6ET
51	IE	Cuckfield	Rocky Lane	Ashenground Community Centre, Southdown Close, Haywards Heath, RH16 4JR
52	JA	Bolney	Albourne	Albourne Village Hall, The Street, Albourne, BN6 9DG
53	JB	Bolney	Bolney	Rawson Hall, The Street, Bolney, RH17 5PF
54	JC	Bolney	Warninglid	Seaforth Hall, Cuckfield Lane, Warninglid, RH17 5UB
55	JD	Bolney	Twineham	Albourne Village Hall, The Street, Albourne, BN6 9DG
56	KA	BH St.Andrews	St.Andrews	St Andrews Rider Hall, Cants Lane, Burgess Hill, RH15 0LG
57	KA	BH St.Andrews	St.Andrews	St Andrews Rider Hall, Cants Lane, Burgess Hill, RH15 0LG
58	KB	BH Franklands	BH Franklands	Burgess Hill United Reformed Church, Church Hall, Junction Road, RH15 0JS
59	KB	BH Franklands	BH Franklands	Burgess Hill United Reformed Church, Church Hall, Junction Road, RH15 0JS
60	KC	BH Leylands	Leylands	Sydney West Centre, Leylands Road, Burgess Hill, RH15 8HS
61	KC	BH Leylands	Leylands	Sydney West Centre, Leylands Road, Burgess Hill, RH15 8HS
62	KDA	BH Meeds	Meeds	St Wilfrid`s Parish Hall, Station Road, Burgess Hill, RH15 9EN
63	KDB	BH Meeds	Norman	St Wilfrid`s Parish Hall, Station Road, Burgess Hill, RH15 9EN
64	KDC	BH Meeds	St.Johns	Cyprus Hall, Cyprus Road, Burgess Hill, RH15 8DX
65	KEE	BH Dunstall	Dunstall	Church Hall, St Edward the Confessor Church, Royal George Road, RH15 8UQ
66	KEF	BH Dunstall	Gatehouse	The Triangle Leisure Centre, Studio 2, Triangle Way, Burgess Hill, RH15 8WA
67	KFA	BH Victoria	Victoria	Cherry Tree Centre, Fairfield Road, Burgess Hill, RH15 8QB
68	KFA	BH Victoria	Victoria	Cherry Tree Centre, Fairfield Road, Burgess Hill, RH15 8QB
69	KFB	BH Victoria	Hammonds	St Wilfrid`s Parish Hall, Station Road, Burgess Hill, RH15 9EN
70	LAA	Hurstpierpoint & Downs	Hurstpierpoint	Main Hall, Hurstpierpoint Village Centre, Trinity Road, BN6 9UY
71	LAA	Hurstpierpoint & Downs	Hurstpierpoint	Main Hall, Hurstpierpoint Village Centre, Trinity Road, BN6 9UY
72	LAB	Hurstpierpoint & Downs	Sayers Common	Sayers Common Village Hall, Sayers Common, West Sussex, BN6 9HX
73	LB	Hurstpierpoint & Downs	Pyecombe	Pyecombe Parish Church, Church Hill, Pyecombe, BN45 7FE
74	LC	Hurstpierpoint & Downs	Newtimber	Poynings Pavilion, Playing Field, Poynings, BN45 7FE
75	LD	Hurstpierpoint & Downs	Poynings	Poynings Pavilion, Playing Field, Poynings, BN45 7FE
76	LE	Hurstpierpoint & Downs	Fulking	Fulking Village Hall, The Street, Fulking, BN5 9LX
77	MA/MB	Hassocks	Clayton/Hassocks	Adastra Hall, Keymer Road, Hassocks, BN6 8AH
78	MB	Hassocks	Hassocks	Adastra Hall, Keymer Road, Hassocks, BN6 8AH
79	MB	Hassocks	Hassocks	Adastra Hall, Keymer Road, Hassocks, BN6 8AH

## A CONSTITUTIONAL REVIEW GROUP 2020

REPORT OF: Solicitor & Head of Corporate Services (and Monitoring Officer)  
Contact Officer: Tom Clark  
Email: [Tom.Clark@midsussex.gov.uk](mailto:Tom.Clark@midsussex.gov.uk) – Tel: 01444 477459  
Wards Affected: All  
Key Decision: N/A  
Report to: Council  
Date of meeting 29<sup>th</sup> January 2020

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### PURPOSE OF REPORT

1. To set up the Constitutional Review Group for 2020.

### RECOMMENDATION

2. ***The Council is recommended to:***

***set up a Constitutional Review Group composed of 8 Members politically balanced. The composition of the Group will be 5 Conservative Members, 2 Liberal Democrat Members and one Member from the Green/Independent Groups.***

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### PURPOSE OF REPORT

1. Under article 15 of the Constitution, the Monitoring Officer has a duty to monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. This normally takes place annually with the assistance of a Constitutional Review Group of Members. This report requests that the Council agrees to establish a Working Group with the aim of reporting back to Council by 1<sup>st</sup> April 2020.
2. The Group will need to review the operation of the Constitution and, if necessary, consider any improvement needed in the light of changing requirements.
3. There are no significant changes in the legislative requirements that need to be taken into account this year. The present Constitution accords with statutory requirements and is the Constitution typically found in a district council with a majority Group.

### BACKGROUND

4. The Constitution creates a governance framework to ensure good administration and decision-making. It sets out the separation of the duties of officers and members, accountability to Full Council, and the scrutiny and audit processes. Importantly, this framework has a number of checks and balances built in to safeguard against poor ethical standards and protect against impropriety. These arrangements are overseen by the officers of the Council and in particular the Monitoring Officer.
5. The formal structures of the Council provides the infrastructure to support effective governance. These mechanisms also work most effectively when there is a good understanding of the different roles of officers and members and when elected members have a solid skill set and experience. Members set the overall policy and

save for members of the executive have no powers individually to take decisions or commission officers to do work

6. Political group leaders and other key members also have an important leadership role to play. They set the tone for how new Councillors will engage with each other. They set expectations for how new Councillors will work with officers and ensure political groups understand the Constitution, for example by attending training and briefings. Leaders of political groups not only need to model high standards themselves but should be quick to address poor behaviour when they see it.

## NATIONAL CONTEXT

7. The Local Government Act 2000 introduced a requirement for councils with a population of over 85,000 to introduce a Cabinet/Executive model. The Act also introduced recommended Standing Orders and the requirement to have a Constitution with some prescribed information. The 85,000 ceiling was removed by the Localism Act 2011 but Cabinet structure is found in most Councils because it does provide a model for decisions to be taken quickly subject to safeguards.
8. The reason for the Cabinet or Executive model was to improve the efficiency and effectiveness of decision taking. The previous committee system was slow and bureaucratic. The 2000 Act also provided for individual Cabinet Members to take decisions. All such Cabinet decisions are subject to a 5 day call in period to the relevant Scrutiny Committee. A Forward Plan highlights when decisions are likely to be made. There is also an Urgency Procedure, involving consultation with the Chairman of the relevant Scrutiny Committee, to ensure decisions can be made very quickly if necessary.
9. To complement the work of the Executive, Overview and Scrutiny Committees were also introduced. Their role can involve both policy formulation and scrutiny and the Act envisages a clear separation of roles between the Executive and Scrutiny Committees. Councils are required to have at least one Scrutiny Committee. Scrutiny Committees make recommendations but do not take decisions. They can enable back bench members to take a longer-term view of the work and responsibilities of the Council, through policy development and review.
10. Full Council is responsible for setting the Budget and Council Tax levels and the making of new policies. All functions, excluding planning and licensing, are the responsibility of the Executive unless specified otherwise. Planning and Licensing Committees deal with applications in those areas that require determination. Decisions can be challenged within a fixed time by the courts and not by any scrutiny process. The Audit Committee has a specific role in relation to the accounts and investments and reports to Council. The Standards Committee is charged with promoting high ethical standards and determining any Code of Conduct complaints.
11. Mid Sussex has operated the Cabinet system for 18 years. Cabinet decisions can be taken by the Cabinet or by individual Cabinet Members. In both cases the decisions are subject to call in. The call in period is 5 working days after the publication of the decision. Decisions are published in MIS on Wednesday or Friday.
12. A called in decision can either be referred back to the Cabinet, the relevant Scrutiny Committee or to Full Council. The Constitution sets out reasons for calling in decisions.

13. The Cabinet does not deal with planning, licensing and standards issues. At Mid Sussex these are dealt with by the Planning Committees, the Licensing Committees and the Standards Committee. Call in does not apply to these decisions and are not subject to internal review but can be reviewed by the High Court via the judicial review process or by statutory appeal to other courts.
14. The purpose of our Audit Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.
15. The Council currently has three Scrutiny Committees. There is a direct relationship between them and the portfolios of Executive Members. They undertake the dual role of scrutinising activities within portfolios and supporting policy development. Scrutiny Committees can play a useful role in developing new policies or strategies. This can add a richness to the work of the Executive. They also scrutinise the effectiveness of the Council's work and can offer recommendations for improvement.
16. Our Standing Orders are common to most councils in the Country given they are based on the recommendations made by the Local Government Act 2000. Formal meetings of the Council are conducted in public and the papers published and accessible to the public. The Access to Information Act governs these processes.
17. Finally, it is essential that all the complementary components of governance operate efficiently and effectively. Compared to the private sector, they are resource intensive. As all our work is funded by local tax payers, it is essential that governance operates effectively, transparently and using the council's finite resources to very best effect.

## **FINANCIAL IMPLICATIONS**

18. There are no direct costs associated with the setting up of this Working Group.

## **BACKGROUND PAPERS**

19. None.

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## RECRUITMENT OF INDEPENDENT PERSONS FOR STANDARDS MATTERS FROM 1 MAY 2020

REPORT OF: SOLICITOR TO THE COUNCIL  
Contact Officer: Lucinda Joyce, Senior Democratic Services Officer  
Email: [lucinda.joyce@midsussex.gov.uk](mailto:lucinda.joyce@midsussex.gov.uk) Tel: 01444 477225  
Wards Affected: All  
Key Decision: N/A  
Report to: Council  
29 January 2020

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### Purpose of Report

1. To consider the recommendations for a recruitment process for two Independent Persons for Standards Matters for a four year term from 1 May 2020.

### Summary

2. Council appoints two Independent Persons for Standards Matters. The terms of office for the current Independent Persons will expire in April 2020 and these vacancies will be advertised and applicants will be interviewed by an Appointments Panel. The Panel will then make recommendations to Council for appointments.

### Recommendations

3. **Council are recommended to:**
    - (i) **agree the recruitment process for the Independent Persons;**
    - (ii) **agree to an Appointments Panel to interview candidates for the Independent Persons for Standards Matters to consist of the Cabinet Member for Community, the Chairman of the Standards Committee and the Solicitor to the Council; and**
    - (iii) **agree to receive the recommendations of the Appointment Panel at the meeting of Council in April 2020, with a view to appointing Independent Persons for a four year term from 1 May 2020.**
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### Background

4. The Council has two Independent Persons for Standards Matters, Tony Cox and Dr David Horne who were appointed by Council on 23 March 2016. Their terms of office expire on 30 April 2020.
5. The Independent Persons for Standards Matters attend the Standards Committee, which meets about 3 times a year, and also advise the Monitoring Officer on complaints against members received and also throughout the investigation of such a Code of Conduct complaint.

### Recruitment Process

6. It is proposed that the Council will follow the previous process when recruiting for Independent Persons. This will involve advertising the vacancies in the local press and on the Council's website and social media outlets. This will take place during February 2020 with the interviews of applicants taking place in early March 2020.

7. The applicants will then be interviewed by an Appointments Panel. This will consist of the Cabinet Member for Community, the Chairman of the Standards Committee and the Monitoring Officer. The Appointments Panel will then make their recommendations to Council in April 2020.
8. Once the appointments of the successful applicants have been confirmed by Council, the two new Independent Persons will serve a term of four years due to expire in April 2024.

#### **Policy Context**

9. The Council has decided to appoint two Independent Persons for Standards Matters in accordance with section 28 (7) of the Localism Act 2011.

#### **Financial Implications**

10. There will be some costs associated with the recruitment process but these will be minimal and within budget.

#### **Risk Management Implications**

11. There are no risk management implications.

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

12. The recruitment for new Independent Persons in 2020 will be a fair and transparent process open to all members of the public.

#### **Background Papers**

None.