

---

12 September 2019

Dear Councillor,

A meeting of **SCRUTINY COMMITTEE FOR COMMUNITY, CUSTOMER SERVICES AND SERVICE DELIVERY** will be held in the **COUNCIL CHAMBER** at these offices on **WEDNESDAY, 18<sup>TH</sup> SEPTEMBER, 2019 at 7.00 pm** when your attendance is requested.

Yours sincerely,  
KATHRYN HALL  
Chief Executive

**A G E N D A**

	<b>Pages</b>
1. To note Substitutes in Accordance with Council Procedure Rule 4 - Substitutes at Meetings of Committees etc.	
2. To receive apologies for absence.	
3. To receive Declaration of Interests from Members in respect of any matter on the Agenda.	
4. To confirm the Minutes of the meeting of the Committee held on 10 July 2019	<b>3 - 8</b>
5. To consider any items that the Chairman agrees to take as urgent business.	
6. Community Governance Review for Sayers Common	<b>9 - 18</b>
7. Draft Animal Welfare Policy	<b>19 - 38</b>
8. Proposal for an Enhanced Recycling Collection Service for Textiles and Small Waste Electrical and Electronic Equipment	<b>39 - 46</b>
9. Leisure Management Contract – Annual Report for 2018-19	<b>47 - 54</b>

- |     |                                                                                       |         |
|-----|---------------------------------------------------------------------------------------|---------|
| 10. | Landscapes Contracts - Annual Review for 2018-19                                      | 55 - 60 |
| 11. | Scrutiny Committee for Community, Customer Services & Service Delivery Work Programme | 61 - 62 |
| 12. | Questions pursuant to Council Procedure Rule 10 due notice of which has been given.   |         |

To: **Members of Scrutiny Committee for Community, Customer Services and Service Delivery:** Councillors A Boutrup (Chair), Anthea Lea (Vice-Chair), L Bennett, P Chapman, R Clarke, B Dempsey, S Ellis, I Gibson, J Henwood, T Hussain, J Mockford, M Pulfer, S Smith, A Sparasci and D Sweatman

**Minutes of a meeting of Scrutiny Committee for Community,  
Customer Services and Service Delivery  
held on Wednesday, 10th July, 2019  
from 7.00 - 8.04 pm**

**Present:** A Boutrup (Chair)  
Anthea Lea (Vice-Chair)

L Bennett  
P Chapman  
R Clarke  
B Dempsey

S Ellis  
I Gibson  
J Henwood  
T Hussain

S Smith  
A Sparasci  
D Sweatman

**Absent:** Councillors J Mockford and M Pulfer

**1 TO NOTE SUBSTITUTES IN ACCORDANCE WITH COUNCIL PROCEDURE  
RULE 4 -SUBSTITUTES AT MEETINGS OF COMMITTEES ETC.**

None.

**2 TO RECEIVE APOLOGIES FOR ABSENCE.**

Apologies were received from Councillors Mockford and Pulfer.

**3 TO RECEIVE DECLARATION OF INTERESTS FROM MEMBERS IN RESPECT OF  
ANY MATTER ON THE AGENDA.**

Councillor Clarke declared a personal interest in Item 7: Review - Statement of Licensing Policy as he professionally involved in a licenced business.

Councillor Sweatman declared a personal interest in Item 5: Mid Sussex Partnership Annual Report as he sits on the Mid Sussex Partnership Board through the Mid Sussex Association of Town Councils.

Councillor Bennett declared a personal interest in Item 5 as she had been involved with the setting up of the Safe Place Pilot in East Grinstead.

Councillor Gibson declared a personal interest in Item 5: Mid Sussex Partnership Annual Report because he sits on the Mid Sussex Partnership Board as Chairman of the Mid Sussex Association of Local Councils.

**4 TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON  
20 MARCH 2019 AND 22 MAY 2019.**

The Minutes of the meeting of the Committee held on 20 March 2019 and 22 May 2019 were agreed as a correct record and signed by the Chairman.

## **5 MID SUSSEX PARTNERSHIP ANNUAL REPORT**

Neal Barton, Policy, Performance and Partnerships Manager, introduced the report which informed Members of the progress of work by the Mid Sussex Partnership (MSP), an overarching partnership of organisations working to improve the quality of residents' lives across the District. The Partnership assessed the levels of crime in the District and found that it rose 2.2% in 2018/19; however the figure was the lowest in West Sussex. He highlighted the Partnership's work carried out with schools to prevent anti-social behaviour in addition to the improvement and enhancement of the District's CCTV network.

A Member enquired whether the board could look at the issue of the environment and climate change.

Kate Wilson, Business Unit Leader for Community Services, Policy & Performance, explained that previous iterations of the partnership had a sustainability sub-group within it so a task and finish group could also be stood up in the future. She reminded Members that the task & finish groups were designed to address specific issues where a partnership approach could provide better outcomes for residents.

A Member referenced Paragraph 17, P.11 of the report and requested further information on the consultation of the location of the CCTV cameras that took place as well as the criteria that was included.

The Business Unit Leader for Community Services, Policy & Performance outlined the consultation that had taken place.

A Member stressed the need for CCTV in the smaller villages. He also expressed delight to hear that the Mid Sussex Play Days will be carried out in the villages for the first year.

The Cabinet Member for Community mentioned that he was looking forward to the Mid Sussex Play Days.

A Member referenced Paragraph 20, P.12 of the report and sought clarification on how a person would find out where the Safe Place areas are.

The Business Unit Leader for Community Services, Policy & Performance explained that the Safe Place pilot includes 10 venues across East Grinstead such as the town council offices, a fire station and Chequer Mead all of which have visuals making it clear that people can enter there. There is also a mobile app that supports this scheme.

The Ward Member for Ashplants, East Grinstead added that the public can register for a small card to carry in a wallet or purse which has a map that can assist with direction to a Safe Place. She highlighted the recent savings that are required to take place at West Sussex County Council and the references to their possible implications in the report.

The Business Unit Leader for Community Services, Policy & Performance clarified that the Council is in dialogue with officers at the County Council through various forums and understand the challenges that they are encountering. She added that the Council does not yet have the detail of the changes that are yet to come however feels that the Council is in a good position to respond and react to any possible changes.

A Member highlighted the work of the Early Intervention Officer and found it an example of the MSP working effectively.

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

## **RESOLVED**

The Scrutiny Committee considered the Mid Sussex Partnership's progress in 2018/19 and endorsed the proposed approach to its future development.

## **6 MID SUSSEX WELLBEING SERVICE**

Paul Turner, Community Services Manager, introduced the report which updated Members on the Mid Sussex Wellbeing Service and informed the Committee that the service had received another 3 years of funding. He added that 93% of those with an intervention maintained their wellbeing programme, the GP Pilot was successful, and the Falls Prevention Programme received national recognition.

A Member highlighted that 69% of women are in the service and said she would like to see more men get involved.

The Community Services Manager outlined some of the measures being taken to engage more men with the service, including the setting up of a male-only weight management and exercise programme being piloted at Hanbury Stadium, Haywards Heath.

A Member enquired whether the Council keeps a record of those who do not identify as a male or female on the application form.

The Community Services Manager confirmed that there is a 'prefer not to say' option for people in stating their gender.

A Member enquired what the Wellbeing team is doing to provide for those with mental health issues.

The Community Services Manager explained that is not much the Council can add to the incredible work already done by the community and charity groups in Mid Sussex. He added that the Council does signpost where possible to the local organisations when mental health sufferers come to the Council for assistance.

A Member sought clarification on the rationale for the targets that are set for this service. He also asked about measurement of unmet need.

The Community Services Manager highlighted that a business plan is created every year in collaboration with Public Health and is informed by demographic and other health information. In terms of unmet needs, the team has connections with the health network that provide local information about health needs and gaps in services.

A Member noted the aging population within the District and queried whether retirement homes are being targeted.

The Community Services Manager informed the Committee that demographic information is also highlighting the ageing population and the team have carried out work to prevent the elderly falling, which can have serious implications for their health and mobility.

The Cabinet Member for Community highlighted that it could take decades for lifestyle changes to feed through to mortality rates. He commended the work of the Wellbeing team who are all passionate about their work.

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

## **RESOLVED**

The Committee noted the performance of the Wellbeing service in 2018/19; considered and endorsed the proposed approach for the continued delivery of the Wellbeing Service for 2019/20.

## **7 REVIEW - STATEMENT OF LICENSING POLICY**

Paul Thornton, Senior Licencing Officer, introduced the report which sought the Committee's views on the content of the Draft Review Statement of Licensing Policy 2020 before it goes out to public consultation in July 2019. The Licencing Policy is used to inform the community and applicants of the Council's procedures and addressed issues in licenced premises. He referenced Paragraph 8 which outlined the two amendments to the Policy.

A Member sought clarification as it does not specify in the Policy that applicants must advertise in the area of the location of their licenced premises.

Tom Clark, Solicitor to the Council, clarified that applicants must advertise where the location is.

A Member enquired whether forecourts are considered to be inside the licenced premises.

Senior Licencing Officer explained that it depends on the area which is defined as the licenced premises as beer gardens for example do not have to be included in the licence premises area. If enforcement or police matters arise then it would be dealt with under the responsibility of the premises.

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

## **RESOLVED**

The Committee endorsed the Draft policy of Licensing, at Appendix 1, for public consultation.

## **8 UPDATED POLICY ON LICENSING OF SEX ESTABLISHMENTS**

Paul Thornton, Senior Licencing Officer, introduced the report which sought the Committee's views on the content of the Draft Policy for Licensing of Sex Establishments before it goes out to public consultation in July 2019. He explained that there is no statutory requirement for such a policy to be in place however good

practice dictates that one is in place. He confirmed that he had not received an application for a sex establishment since the Council implemented the Policy.

A Member noted that Mill Green Business Park has its name missing.

The Senior Licencing Officer confirmed that he would make the amendment to the report.

A Member sought clarification on why a person who is 18 years of age can apply for this type of establishment but cannot enter due to an age limit of 21 to access the premises.

The Senior Licencing Officer outlined that if a licence was granted, a negotiation would have to be made with the applicant to discuss the permitted age.

A Member felt that the wording in the report provides a means for discouraging applicants for applying as it guides them that the Council will reject their application.

Tom Clark, Solicitor to the Council, clarified that it is not a policy that the Council will refuse application however it is a Council policy to discourage such establishments for conducting business in this District.

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

#### **RESOLVED**

The Committee endorsed the Policy on Licensing of Sex Establishments, at Appendix 1, before it is issued for public consultation.

### **9 SCRUTINY COMMITTEE FOR COMMUNITY, CUSTOMER SERVICES AND SERVICE DELIVERY WORK PROGRAMME**

Tom Clark, Solicitor to the Council, introduced the report which presented the Committee's Work Programme for the forthcoming year.

A Member requested that scrutiny of public toilets be put on the agenda for future committees.

The Chairman asked the Member to speak to her about the issues but the committee agenda was very full.

#### **RESOLVED**

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

### **10 TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS URGENT BUSINESS.**

None.

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

None.

The meeting finished at 8.04 pm

Chairman



## COMMUNITY GOVERNANCE REVIEW FOR SAYERS COMMON

REPORT OF: HEAD OF REGULATORY SERVICES

Contact Officer: Terry Stanley, Business Unit Leader – Democratic Services  
[terry.stanley@midsussex.gov.uk](mailto:terry.stanley@midsussex.gov.uk) Tel: 01444 477415

Wards Affected: Hurstpierpoint & Sayers Common

Key Decision: No

Report to: Scrutiny Committee for Community, Customer Services and Service Delivery – 18<sup>th</sup> September 2019

Date of Meeting: 18 September 2019

---

### Purpose of Report

1. To set out the arrangements for a Community Governance Review (CGR) for Sayers Common and to seek approval for the proposed Terms of Reference (ToR)

### Summary

2. The Council has been petitioned by residents of Sayers Common Ward to conduct a CGR, which the council is legally obliged to conduct and complete within 12 months of the start date. The scheduled start date is 1<sup>st</sup> October 2019.

### Recommendation

3. **That the Scrutiny Committee recommends that Council agrees the proposed ToR for the CGR (Appendix 1).**
- 

### Background

4. Mid Sussex District Council is in receipt of a petition calling for a CGR delivered by the Sayers Common Village Society.
5. The petition calls for a parish council to be constituted 'for Sayers Common Ward, to be known as Sayers Common Parish Council'.
6. Electoral Services has validated the petition. Relative to the number of electors in the Sayers Common Ward the number required to petition is 250. This petition has 348 valid signatories who are each registered electors of Sayers Common.

### Terms of Reference

7. In accordance with government guidance consultees (listed at 2.1 of Appendix 1) have been consulted about the draft ToR whilst it is formative. They are content.
8. The draft ToR explains; what a CGR is, its scope, how the council proposes to conduct consultations during the review, the timetable (including the necessary Scrutiny Committee and Council dates), background information and guidance for the public and other stakeholders about making representations.

## **Next Steps**

9. Publication of the ToR together with public notice, planned for 1<sup>st</sup> October 2019, constitutes the start of the CGR. Principal Councils must complete CGRs within 12 months of the start date. The project must therefore complete by September 2020.

## **Other options considered**

10. None –The Local Government and Public Involvement in Health Act 2007, Section 80 requires Mid Sussex District Council as the Principal Authority to conduct a CGR in circumstances where a valid petition has been submitted and verified.

## **Financial Implications**

11. The Council will not incur significant direct costs, save for that of budgeted Officer time in administering the CGR and a limited amount of consumables and postage.

## **Risk Management Implications**

12. There are no significant risk management implications

## **Other Material Implications**

13. There are no other material implications

**Appendix 1:** Terms of Reference for the CGR

**Appendix 2:** Map of Sayers Common (the Parish Ward)

# Community Governance Review 2019

## Local Government and Public Involvement in Health Act 2007

### Terms of Reference

#### 1. Introduction

##### 1.1 What is a community governance review?

A community governance review is a review of the whole or part of the Council's area to consider one or more of the following:

- creating, merging, altering or abolishing parishes;
- the naming of parishes and the style of new parishes;
- the electoral arrangements for parishes (the ordinary year of election council size; the number of councillors to be elected to council and parish warding); and,
- grouping parishes under a common parish council or de-grouping parishes.

A community governance review is required to take into account:

- the impact of community governance arrangements on community cohesion; and
- the size, population and boundaries of a local community or parish.

If the Council is satisfied that the recommendations from a community governance review would ensure that community governance within the area under review will reflect the identities and interests of the community in that area; and is effective and convenient, the Council makes a community governance order.

##### 1.2 Scope of the review

The review, which is being undertaken in response to a petition received from electors, will consider whether a new parish and parish council should be created for the Sayers Common area shown on the map at Appendix 2. Assuming a parish council is proposed the review will consider the electoral arrangements for the new parish council. This includes:

- (a) The name of any new parish
- (b) Ordinary year of election – the year in which ordinary elections will be held
- (c) Council size – the number of councillors to be elected to the parish council
- (d) Parish warding – whether the parish should be divided into wards for the purpose of electing councillors. This includes considering the number and boundaries of any such wards, the number of councillors to be elected for any such ward and the name of any such ward

Other related matters which may arise during the course of the review in response to representations received will be considered as appropriate.

## **2. Consultation**

### **2.1 How the Council proposes to conduct consultations during the Review**

Before making any recommendations or publishing final proposals, the Council must consult local government electors for the area under review and any other person or body (including a local authority) which appears to the Council to have an interest in the review. The Council will therefore:

- publish a notice and the Terms of Reference (ToR) on the council's website ([www.midsussex.gov.uk](http://www.midsussex.gov.uk)) and arrange for copies to be available for public inspection at Mid Sussex District Council, Oaklands, Oaklands Road, Haywards Heath, West Sussex, RH16 1SS during normal office hours;
- send a copy of the notice and the ToR to the Hurstpierpoint & Sayers Common Parish Council, Mid Sussex Association of Local Councils, Ward Members, Members of West Sussex County Council whose electoral divisions encompass the area concerned and the MP for Arundel & South Downs
- write to all households in the area concerned
- publicise the review and the notice in the council's residents' magazine, and
- send a copy of the notice and the Community Governance Review (CGR) ToR to the Local Government Boundary Commission for England (LGBCE) and to the relevant officers of West Sussex County Council.

Before making any recommendations, the Council will take account of any representations received. The Council will publish its recommendations as soon as practicable and take such steps as it considers sufficient to ensure that persons who may be interested in the community governance review are informed of the recommendations and the reasons behind them.

The Council will notify each consultee and any other persons or bodies who have made written representations of the outcome of the review.

## **3. Timetable for the community governance review**

- 3.1 The Council must complete a community governance review within twelve months from the day on which the Council publishes the terms of reference. A community governance review is concluded on the day on which the Council publishes the recommendations made by the community governance review.

The table below sets out the timetable for the review.

Action	Timetable	Outline of Action
Start Date	1 October 2019	Council publishes the terms of reference
Consultation	Two month period starting with publication of terms of reference	Council invites representations from interested parties on the application
Draft proposals are prepared	By 23 January 2020	Draft proposals to be considered by relevant Committee (05/02/2020)
Draft proposals are published	By 10 February 2020	Council publishes draft proposals
Consultation	Two month period starting with publication of draft proposals	Council invites representations from interested parties on the draft proposals
Final recommendations are prepared	July 2020 (date: TBC)	Results of consultation considered by the relevant committee who shall determine the extent to which the Council should give effect to the recommendations and make recommendations to Full Council
Final recommendations considered	July 2020 (date: TBC)	Full Council considers and determines the extent to which the Council shall give effect to the recommendations
Order made	By 25 September 2020	Council makes and publishes the community governance order
Order takes effect	At next ordinary local government elections (May 2023)	Dependant on the outcome and recommendations

## 4. Background information

4.1 The Local Government Act 1972 provides that any parish council must have at least five councillors. No maximum number is prescribed.

4.2 When considering the number of councillors to be elected for a parish the Council must have regard to the number of local government electors for the parish and any change to that number that is likely to occur within five years of the date on which these terms of reference are published.

4.3 Joint guidance issued by the Department of Communities and Local Government and the Local Government Boundary Commission for England in 2010 provides further information on community governance reviews and the factors influencing size and membership of parish councils. On size, the guidance says:

**154.** In practice, there is a wide variation of council size between parish councils. That variation appears to be influenced by population. Research by the Aston Business School Parish and Town Councils in England (HMSO, 1992), found that the typical parish council representing less than 500 people had between five and eight councillors; those between 501 and 2,500 had six to 12 councillors; and those between 2,501 and 10,000 had nine to 16 councillors. Most parish councils with a population of between 10,001 and 20,000 had between 13 and 27 councillors, while almost all councils representing a population of over 20,000 had between 13 and 31 councillors.

**155.** The LGBCE has no reason to believe that this pattern of council size to population has altered significantly since the research was conducted. Although not an exact match, it broadly reflects the council size range set out in the National Association of Local Councils Circular 1126; the Circular suggested that the minimum number of councillors for any parish should be seven and the maximum 25.

**156.** In considering the issue of council size, the LGBCE is of the view that each area should be considered on its own merits, having regard to its population, geography and the pattern of communities. Nevertheless, having regard to the current powers of parish councils, it should consider the broad pattern of existing council sizes. This pattern appears to have stood the test of time and, in the absence of evidence to the contrary, to have provided for effective and convenient local government.

**157.** Principal councils should also bear in mind that the conduct of parish council business does not usually require a large body of councillors. In addition, historically many parish councils, particularly smaller ones, have found difficulty in attracting sufficient candidates to stand for election. This has led to uncontested elections and/or a need to co-opt members in order to fill vacancies. However, a parish council's budget and planned or actual level of service provision may also be important factors in reaching conclusions on council size."

4.4 The National Association of Local Councils Circular 1126 recommends:

<b>Electors</b>	<b>Councillors</b>	<b>Electors</b>	<b>Councillors</b>
Up to 900	7	10,400	17
1,400	8	11,900	18
2,000	9	13,500	19
2,700	10	15,200	20
3,500	11	17,000	21
4,400	12	18,900	22
5,400	13	20,900	23
6,500	14	23,000	24
7,700	15	45,000	25
9,000	16		

4.5 The electoral cycle for parish councils is for elections every four years.

## **5. The Petition**

5.1 The Petition is lodged in accordance with the provisions of the Local Government and Public Involvement in Health Act 2007, Section 80 and prevails upon Mid Sussex District Council as the Principal Authority, to conduct a CGR.

5.2 The Petition has been validated as having been duly signed by 348 registered electors of the Sayers Common Electoral ward. This exceeds the 250 signature requirement.

## **6. Making representations**

6.1 If you want to make a written comment about the community governance review please send them to:

Community Governance Review  
Electoral Services  
Mid Sussex District Council  
Oaklands, Oaklands Road  
Haywards Heath  
West Sussex  
RH16 1SS

E-mail: [elections@midsussex.gov.uk](mailto:elections@midsussex.gov.uk)

6.2 Should you require any further information regarding the review, please contact Terry Stanley, Business Unit Leader – Democratic Services, at the email / postal address above or by phone (01444) 477415.

This page is intentionally left blank





**MID SUSSEX**  
**DISTRICT COUNCIL**

# Polling District Map

## Sayers Common (LAB)



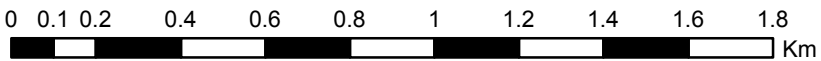
District boundary



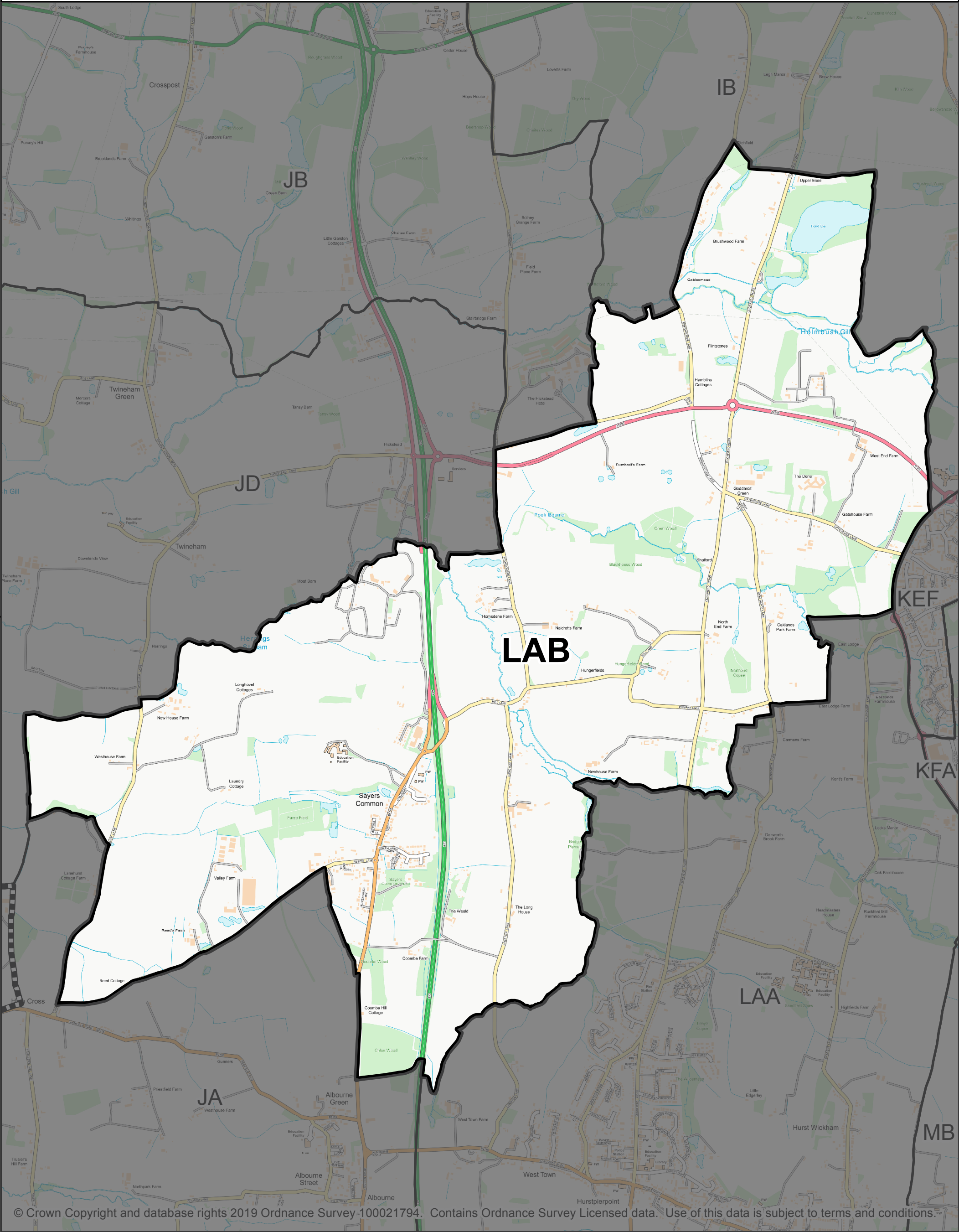
Polling district boundary



Adjacent polling district



February 2019 - Not to scale



© Crown Copyright and database rights 2019 Ordnance Survey 100021794. Contains Ordnance Survey Licensed data. Use of this data is subject to terms and conditions.

This page is intentionally left blank

## 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: Scrutiny Committee for Community, Customer Services and Service Delivery  
18<sup>TH</sup> September 2019

---

### Purpose of Report

1. To seek the Committee's views on the content of the Draft Animal Welfare Policy under the The Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018 attached in Appendix 1 before it goes out to public consultation in September 2019 for six weeks. It is proposed that following consultation, if there are significant amendments required, it would be reviewed by this Committee on the 5<sup>th</sup> February 2020 before it is formally adopted by Council on the 1<sup>st</sup> April 2020.

### Summary

2. The Draft Animal Welfare Licensing Policy has been produced to assist the Licensing Authority, current and potential licence holders and the public as to how the animal licensing regime is administered within the district. It is proposed that it will be reviewed every five years or as appropriate.

### Recommendations

3. **The Committee are recommended to:**

**endorse the Draft policy at Appendix 1 before it goes out for public consultation.**

---

### Background

4. 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
5. 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

6. 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.
7. Additionally, the policy sets out the general approach the Council will take when considering applications under this legislation.
8. 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.
9. 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.
10. 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.
11. The Policy outlines procedures applicable to the circumstances in bullet points 9 and 10 above.
12. Every premises must be inspected at least once during the term of its licence
13. 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.
14. 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.
15. 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)

16. 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.
17. At the time of writing this report the council has issued licences to fifty three operators with four pending approval.
18. The following organisations will be 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

### **Policy Context**

19. 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**

20. None

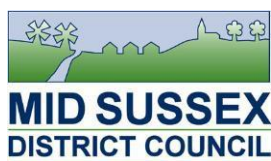
### **Risk Management Implications**

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

### **Background Papers**

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

This page is intentionally left blank



MID SUSSEX DISTRICT COUNCIL

STATEMENT OF LICENSING POLICY

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

Licensing Policy

COMMENCES xx xxx xxxx

## Contents

Section	Title	Page
1.	Introduction	3
2.	Policy Objectives	3-4
3.	Licensable Activities	4
4.	Dog Boarding Franchises and Host Sites	4-5
5.	Suitability of Applicants	5
6.	Safeguarding	5-6
7.	Fees	6
8.	Application Process	6-7
9.	Qualifications of Inspectors	7
10.	Inspections	7-8
11.	Standards and Conditions	8-10
12.	Risk Assessment and Rating	10
13.	Granting an Application	10-11
14.	Refusing an Application	11
15.	Appeals to Star Rating	11-12
16.	Requests for Re-inspection	12
17.	Variations, Suspensions and Revocations of Licences	12-13
18.	Transfer of a licence upon the death of a licence holder	13
19.	Enforcement	13-14
20.	Information Sharing	14
21.	Primary Authority	14-15
22.	How to Contact Us	15



## **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 cats or 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 demonstrate appropriate professional conduct at all times, 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.

## 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. Samples will be as non-invasive as possible however inspectors may deem more invasive samples necessary if there are concerns over the welfare of the animals, the provision for sampling is primarily 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:**

All correspondence should be sent to [licensing@midsussex.gov.uk](mailto:licensing@midsussex.gov.uk)

Or

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

This page is intentionally left blank

## **PROPOSAL FOR AN ENHANCED RECYCLING COLLECTION SERVICE FOR TEXTILES AND SMALL WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT**

REPORT OF: Divisional Leader for Commercial Services and Contracts  
Contact Officer: Jo Reid  
Email: [jo.reid@midsussex.gov.uk](mailto:jo.reid@midsussex.gov.uk) Tel: 01444 477203  
Wards Affected: All  
Key Decision: Yes  
Report To: Scrutiny for Community, Customer Services and Service Delivery

---

### **Purpose of Report**

The purpose of the report is to:

1. Recommend the roll out of the enhanced collection of textiles and small WEEE service across the District.

### **Summary**

2. Following a report to Scrutiny on 23 January 2019 which reported on the outcome of a pilot textiles and small WEEE collection service in a portion of the District it was agreed that Officers would review three options for providing an enhanced collection service of textiles and small WEEE across the whole District. The options to be explored were:
  - a. The provision of a kerbside collection service for textiles and small WEEE through Serco; for recycling;
  - b. A kerbside collection service for textiles and small WEEE through a charitable partner; for resale and;
  - c. The development of an increased network of bring banks.

### **Recommendations**

3. The Committee are asked to recommend to the Cabinet Member for Environment and Service Delivery:
    - a. The progression of a kerbside collection service provided through the Council's existing waste and recycling collection contractor, for recycling;
    - b. The introduction of a collection of textiles and small WEEE, for resale in partnership with a charity.
- 

### **Background**

4. The Scrutiny Committee for Community, Customer Services and Service Delivery will be aware that Mid Sussex District Council (MSDC) worked in partnership with Serco and The British Heart Foundation (BHF) between November 2017 and September 2018 to trial a kerbside collection of reusable (second-hand quality) textiles and small waste electronic and electrical items (WEEE). This pilot successfully met the objectives to:

- a. Increase the amount of textiles and small WEEE reused in the trial area and;
  - b. Reduced the amount of reusable textiles and small WEEE in the residual waste stream.
- 5. Discussions with BHF following the close of the pilot have resulted in them confirming that due to operational challenges they would be unable to replicate the service delivered in the pilot across the whole District.
- 6. Following the trial the Scrutiny Committee, at its meeting on 23 January 2019, agreed to review the respective business cases for providing an enhanced recycling collection service for textiles and small WEEE comprising;
  - a. A kerbside collection service for textiles and small WEEE through Serco, the existing waste and recycling collection contractor, for recycling;
  - b. A kerbside collection service for textiles and small WEEE through a charitable or commercial contractor, for resale and;
  - c. The development of an increased network of bring banks located at mini recycling sites across the local authority area.

## **Context**

- 7. In October 2018 a composition analysis of residual (black bin) waste in Mid Sussex revealed almost 4% and 1% (by weight) of the waste sampled was potentially reusable and/or recyclable textiles and small WEEE respectively (West Sussex Waste Partnership 2018).
- 8. Customer consultation carried out in October 2018, as part of the quarterly customer satisfaction survey undertaken by Serco demonstrated that over 55% of respondents wanted to be able to recycle textiles, small WEEE and batteries at the kerbside.
- 9. It is likely that the introduction of kerbside collection services for recyclable and reusable textiles and small WEEE could lead to an increase in 1% on the Council's current recycling rate (which was 43% for 2018/19).
- 10. Enhancing kerbside recycling services, by extending the range of materials collected at the kerbside, has also been shown to increase the capture rate of other materials.

## **Policy Context**

- 11. All local authorities in the UK are required to meet the target of 50% recycling by 2020. This target has been driven by European Legislation that will remain in place following the UK's exit from the European Union.
- 12. The recently published Waste and Resources Strategy outlines the Government's intention to legislate further and introduce new statutory responsibilities.
- 13. This includes consideration for the separate collection of textiles and hazardous waste (including small WEEE) by the beginning of 2025.
- 14. It also includes the potential for strengthening TEEP (the method by which local authority collection systems are deemed technologically, environmentally and



economically practical) with a view to improving the quality of dry recycling collected.

15. Given this strengthening of national legislation and the commitment to adhere to existing European legislation, changes to the way in which MSDC collect recycling from householders need to be made.

### **Options Proposed**

16. **Kerbside collection services provided through Serco:** It is proposed the Council work with Serco to provide households in the District with a kerbside collection of recyclable textiles and small WEEE (for recycling, not resale) alongside existing waste and recycling services. This would remove the need for Mid Sussex residents to transport their textiles and small WEEE items to another location and reduce the likelihood of them entering the residual waste stream.
17. It is possible to modify all the current collection vehicles by installing a small cage on the near-side undercarriage, in front of the rear wheel. The costs for this are outlined in Table 2 and the suggested funding method is noted in paragraphs 35 and 36. The current lead time from order to installation is six weeks. It is anticipated collections could begin in spring 2020.
18. Based on the experiences of other local authorities who run similar kerbside services there is potential to generate a modest income from the sale of textiles. However, likely income is driven by market conditions and is subject to variation.
19. Therefore, in order to determine what MSDC's experience might be, and to better forecast the impact to revenue budgets it is recommended a Soft Market Test should be undertaken. This will allow organisations with appropriate experience to outline their views on how the materials can be best recycled and whether this would be at cost to the organisation.
20. The Council will seek to licence the existing waste depot (located at Bridge Road in Haywards Heath) to store textiles and small WEEE in appropriately secure containers. This will allow Serco to dispose of these items when they return to the depot at the end of the day and allow the Council to work with off takers to recycle these items.
21. **Kerbside collection services provided by a charity or commercial contractor:** The success of the pilot has demonstrated the Council should explore the potential of working with the charity sector to provide a kerbside collection service for reusable textiles and small WEEE.
22. In order to replicate the successful service offered by BHF, Serco and the Council during the pilot collections of reusable textiles and small WEEE would take place up to three times per year.
23. All households would be notified of the collection dates by a bin hanger, placed onto the handle of their wheelie bin by Serco.
24. The Council would seek to operate this service at as low a cost as possible. All income from the sale of textiles and small WEEE would be retained by the charity to be sold in outlets within the UK.

25. Discussions with BHF immediately following the end of the pilot indicated that they could not accommodate the extension of the service District-wide. Undertaking a procurement exercise to secure a partner is therefore recommended to ensure the Council can minimise any risks and guarantee service continuity. The aim would be to introduce a service in early 2020.
26. **A network of bring banks located at mini recycling sites across the local authority area:** During the pilot, tonnages collected at mini recycling sites increased in comparison with previous years. It was therefore considered sensible to explore the option of increasing the range of materials collected at these sites to include more textiles banks and introducing containers for the collection of small WEEE.
27. Of the 77 bring sites the Council are aware of (it is important to note not all mini recycling sites are located on Council-owned land) over 50% support textiles banks. Given the prevalence of these banks it is not suggested the Council invest significantly in the installation of further banks. It is likely the number will grow over time in response to market demand; especially given the potential for income from the sale of textiles is attractive to charity providers.
28. Three potential Council-owned mini recycling sites were identified in each town (Burgess Hill, East Grinstead and Haywards Heath) which could support the addition of bring banks for small WEEE. Contractors were contacted based on providing a monthly collection service at these locations.
29. In all cases, the Council would be required to purchase bring banks suitable for the containment of small WEEE. Subsequent monthly charges would then be applied to support the emptying of these banks and the recycling of the items within them. These charges are outlined in Table 1, below. No income from the onward sale of the small WEEE would be received.

Table 1: Costs to provide a bring bank service for small WEEE

<b>Container cost (payable once)</b>	<b>Emptying charge</b>	<b>Sorting charge</b>	<b>Hazardous waste inspection charge</b>	<b>Hazardous waste handling charge</b>	<b>Total charge (excluding container purchase)</b>
£500 each	£395 per month	£148.50 per month	£285 per month	£120 per month (minimum)	£663.50
£1,500 total	£4,740 per annum	£1,782 per annum	£3,420 per annum	£1,440 per annum (minimum)	<b><u>£11,382</u></b>

30. During the consideration of this option the following issues were noted by contractors and other local authorities providing bring banks for small WEEE:
- Contamination within the bring banks can be high, leading to increased charges for emptying;
  - Increases in fly-tipping of larger electrical items (e.g. fridge freezers) have been reported where bring banks have been installed;
  - The costs of providing the service are high when compared with the yield in tonnage;

- d. Several local authorities had installed CCTV following the abuse of these bring banks by commercial operators.
31. Whilst there is no doubt of the environmental benefit of collecting small WEEE; the issues faced by collection contractors and other local authorities rightly give the Council cause for concern. The provision of a kerbside collection service with both Serco and a charitable partner will provide the residents of Mid Sussex with sufficient opportunities to recycle or reuse small WEEE without these negative consequences (and at a comparatively lower on-going cost).
32. It is therefore proposed that this option is not pursued any further at this stage.

### Financial Implications

33. MDSC has previously received payments from West Sussex County Council (WSSC) for the amount of waste diverted from landfill and energy from waste (known as recycling credits). Historically, this has totalled over £800k per annum. WSSC are not obliged to pay recycling credits and considering their current challenging financial situation, they have proposed, among a range of other savings options that these payments are either significantly reduced or are ceased altogether. A significant reduction in funding is therefore expected over the next 12 to 24 months.
34. As part of the Council's contractual arrangement with Serco an Improvement Fund was created in order to support continuous improvement in waste and recycling services. The Improvement Fund receives £30,000 per annum. The use of the Fund is agreed, following the submission of written proposals, at the quarterly Partnership Board attended by senior managers at both the Council and Serco and the Council's Cabinet Member for Environment and Service Delivery.
35. In the past, MSDC would have used recycling credit payments to enhance waste and recycling collection services. It is therefore anticipated that, should the Committee approve these proposals, the introduction of these services is funded through a combination of the Improvement Fund and existing revenue budgets.
36. It is also possible the Council could secure some funding towards the introduction of a kerbside collection service via the recently announced 'Small Waste Electrical and Electronic Equipment Fund' (applications for which close on 25 October 2019); although success in this could not be guaranteed.
37. The cost of retrofitting the existing refuse collection fleet (19 vehicles in total) is tabled below. MSDC would seek to fund the purchase and installation of the cages from The Improvement Fund (if an application to the 'Small Waste Electrical and Electronic Equipment Fund' were not successful).

Table 2: Costs to retrofit cages for the collection of textiles and small WEEE

Container cost	Installation cost	Total
£657 each	£180 per vehicle	£837
£12,484 total	£3,420 total	<b><u>£15,904</u></b>

38. There will be no additional contract costs for adding this service into the waste and recycling collection contract with Serco.

39. The pilot collection service cost the Council £5,200 to support the advertising of the collections (there were three collections in the pilot area). It is therefore anticipated the Council would incur costs related to communication when developing similar collections in the future. It is estimated these costs would be £10,500 per annum if the exact same service were replicated.
40. As noted in paragraphs 29 and 30 the revenue costs of providing a bring bank service for small WEEE are significant when compared with the likely issues and benefits; and it is therefore not recommended the Council progress this service at this stage.

### **Risk Management Implications**

41. In order to develop the kerbside collection of textiles and small WEEE for recycling space would be sought at the Bridge Road Depot to accommodate suitable containers for the storage of these materials. Space is currently at a premium.
42. In order to ensure these services (and any other future service) can be accommodated an exercise in rationalisation of the use of the Bridge Road Depot footprint should be undertaken. In addition, it is suggested consideration be given to the re-establishment of the Imberhorne Lane Depot site as an ancillary location for the storage of wheelie bins and the operation of the Council's bin delivery service. It is proposed that the options and potential costs of this are explored as the new service is developed.
43. This would also assist with any potential future service developments (the introduction of food waste as an example) which would see an increase in the number of containers supplied to householders; and therefore an increase in the amount of stock held at the Depot and the space this stock will require.
44. As noted in paragraph 26; there is a risk associated to working with a charity partner who may not be able to operate the service consistently. This would be directly mitigated by the introduction of a kerbside collection service in partnership with Serco.
45. The Council offers a chargeable bulky waste collection service; which allows for the collection of small WEEE, at cost to the householder. These items are not currently reused or recycled. There is the possibility that a slight reduction in income from this service might occur as a result.

### **Equality and customer service implications**

46. Serco's entire fleet would be retrofitted with cages. This will allow for all households to take part in this service. Existing collection points would be maintained.
47. Those residents in receipt of an assisted waste and recycling collection would also receive an assisted collection for textiles and small electricals.
48. Those c.8,000 properties who share wheelie bins will be, initially, omitted from the kerbside service provided with Serco although (as noted) all refuse collection vehicles will be fitted with cages. This will enable the Council and Serco to work towards a suitable way of collecting recyclable textiles and small WEEE from these properties.

49. Initial discussions with BHF highlighted they would be unable to accommodate those properties where access is restricted and properties which share wheelie bins, a total of 15,000 properties. The Council would seek to reduce the likelihood of these properties being unable to take part in the service through the procurement process.

### **Background Papers**

Report to Scrutiny: BHF Pilot Project Report (September 2017)

Report to Scrutiny: Future proposed approach for the collection of textiles and small electricals and electronic equipment (January 2019)

This page is intentionally left blank

## LEISURE MANAGEMENT CONTRACT – ANNUAL REPORT FOR 2018-19

REPORT OF: Divisional Leader – Commercial Services and Contracts  
Contact Officer: Jo Reid, BUL – Waste, Landscapes and Leisure  
Email: [jo.reid@midsussex.gov.uk](mailto:jo.reid@midsussex.gov.uk) Tel: 01444 477203  
Wards Affected: All  
Key Decision: No  
Report to: Scrutiny Committee for Community, Customer Services and Service Delivery  
18 September 2019

---

### **Purpose of Report**

1. The purpose of this report is to provide the Scrutiny Committee with an annual update of the Leisure Management contract operated on behalf of the Council by Places Leisure for the period April 2018 – March 2019.

### **Recommendation**

2. The Committee is asked to note the contents of this report.
- 

### **Background**

3. The Leisure Management contract was tendered in July 2014 and runs for 15 years from that date. The contract is delivered by Places Leisure (formerly Places for People).

### **Scope of Service**

4. Places Leisure (on the Council's behalf) manage the following leisure centres, leisure facilities, and entertainment venues:
  - (a) The Dolphin Leisure Centre (Haywards Heath)
  - (b) Clair Hall Entertainment Venue (Haywards Heath)
  - (c) The Triangle Leisure Centre (Burgess Hill)
  - (d) Kings Leisure Centre (East Grinstead)
  - (e) Cuckfield Lido (Cuckfield)
  - (f) Mount Noddy Tennis Courts (Mount Noddy)
  - (g) Mid Sussex Marathon
5. During the reporting period, Martlets Hall (an entertainment venue located in Burgess Hill) was closed and thus removed from the contract.

### **Contract governance and performance management**

6. The following governance arrangements are in place:
  - (a) Monthly contract and operational meeting (Places Leisure and Mid Sussex District Council Officers);
  - (b) Quarterly Review Meeting and Annual Meeting (at which the Divisional Leader, Portfolio Holder for Environment and Service Delivery and Places Leisure's Operational Director are all present)

7. The following key performance indicators also govern the contract. These are actively reviewed during the Quarterly Review Meeting:
  - (a) Operation of all leisure facilities at a suitable standard – 85%;
  - (b) Quest Accreditation attenuation retained;
  - (c) Customer satisfaction – positive result on NPS scores;
  - (d) Attendance levels – 1% increase on previous year;
  - (e) Percentage of attendances at a concessionary rate – 32%
  - (f) Membership levels – 14,000.
8. Formal monthly and ad-hoc inspections are also carried out by the Council's Leisure Contract Monitoring Officer. These inspections record performance of Places Leisure against 11 aspects of the service (car park cleanliness; reception area; changing areas and showers; toilets; activity areas; spectator areas; lockers; lighting; corridors, notice board and lifts; environmental conditions and customer care); which are each scored. These inspection scores are compiled into an aggregate inspection score with is presented as a percentage.
9. A report on each inspection is produced and discussed at each Contract and Operational meeting.
10. All three Leisure Centres exceeded the 85% target. The target for this indicator is reviewed each year to ensure continuous improvement in the service is maintained. A full analysis of Places Leisure performance, including comparison with previous years, is included in Appendix 1.
11. Quest is a nationally operated quality management scheme, supported by Sport England. The scheme aims to support continuous improvement in the delivery of services at leisure centres and helps to define industry standards.
12. Within the accreditation there are five 'bands' (unsatisfactory; satisfactory; good; very good and excellent). All leisure centres have received a 'very good' rating.
13. Places Leisure undertake regular customer satisfaction surveys using Net Promoter Scores (NPS). Customers are asked to score the services they received out of 10 and whether they would recommend the leisure facility to a friend.
14. Respondents scoring zero to six are rated as 'detractors' and those scoring nine to 10 are known as 'promoters'. Those scoring seven or eight are considered 'passive' and these scores are discounted. The overall NPS score is calculated by subtracting the percentage of 'detractors' from the percentage of 'promoters' to give an overall score.
15. NPS scores over the contract lifetime are shown in Appendix 2. This shows an overwhelmingly positive response to the customer satisfaction surveys.
16. The Leisure Contract sets the expectation that attendance levels at the facilities will increase by no less than 1% per annum; based on an initial baseline published in the contract.
17. The table below shows overall performance against this target throughout the contract to date. The target for 2018/19 has been revised following the closure of The Martlets in June 2018.



Table 1: Attendance figures for the contract lifetime

	<b>Base</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>
<b>Target</b>	1,654,804	1,671,519	1,668,240	1,705,124	1,675,036
<b>Actual</b>		1,820,658	1,866,646	1,854,920	1,782,763
<b>% change</b>		<b>+9%</b>	<b>+12%</b>	<b>+9%</b>	<b>+6%</b>

18. The Committee will note that the actual overall attendance has been reduced by an approximate 25,000 following the extended closure of the leisure pool for essential maintenance and improvement works. Although it should be noted that attendance remains above target, and has recovered following the completion of the leisure pool works.

19. A target has been set to record the percentage of attendees who access the leisure facilities at a concessionary rate. Of those attending the leisure facilities in 2018/19 34% were concessions. Concessionary rates are offered for:

- (a) Those aged 16 and 17;
- (b) Those over 60 years of age;
- (c) Students in full time education;
- (d) Those in receipt of certain benefits;
- (e) Registered carers and;
- (f) Mid Sussex District Council staff.

20. Membership levels are also monitored; and a target set. This target is increased year on year throughout the contract lifetime.

Table 2: Membership numbers for the contract lifetime

	<b>Base</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>
<b>Actual</b>	7,883	9,744	11,600	12,667	14,198	14,029
<b>Change</b>		<b>+1,861</b>	<b>+1,856</b>	<b>+1,067</b>	<b>+1,531</b>	<b>-169</b>

21. Whilst the membership numbers decreased in 2018/19; The Triangle recorded its highest ever membership. However, Kings Leisure Centre saw membership levels drop to numbers previously seen at the start of the contracts with Places Leisure (a total of 22% of the membership was lost). This loss was experienced in the last quarter of 2018/19, following the opening of a budget Pure Gym in East Grinstead town centre.

## Key headlines

22. Alongside the day-to-day management of the Leisure Centres and Entertainment Venues the following additional improvement projects have been progressed.

### 23. The Dolphin Leisure Centre:

- (a) Refurbishment of the members' changing facilities;
- (b) Upgrading of the Health Suite to include a larger sauna cabin, steam room and spa pool;
- (c) New lockers installed in all wet and dry changing rooms;
- (d) Introduction of parking enforcement measures.

24. Capacity at The Dolphin is an issue; with the car park becoming exceptionally busy, especially at peak usage times. Part of the problem was believed to be abuse by non-users leaving cars when working nearby or using the station.
25. A simple parking enforcement measure was introduced in the autumn which requires users of The Dolphin to enter their vehicle registration into a unit located inside the centre which enables them to stay for three hours. This allows the Council to issue PCNs to non-leisure centre users and those who overstay. This approach also operates at the King's Leisure Centre.
26. Whilst this measure has reduced the number of non-users parking at The Dolphin, the car park still has capacity issues at peak times; and so a project is being progressed in 2019 to provide a small number of additional parking spaces within the curtilage of the centre.
- 27. The Triangle Leisure Centre:**
- (a) A new, larger gym provided on the first floor and the conversion of the old gym area into a large exercise studio;
  - (b) A new reception and Costa Café;
  - (c) A Clip N Climb facility installed in the entrance area;
  - (d) New lockers throughout the centre;
  - (e) Major Leisure Pool improvements.
- 28. Kings Leisure Centre:**
- (a) Retiling of the swimming pool changing room floor and poolside;
  - (b) Refurbishment of the toilet facilities and reception area;
  - (c) Introduction of parking enforcement measures.
- 29. Clair Hall:**
- (a) Resurfacing the halls' car park
  - (b) Upgrade of sound and lighting system in main hall
  - (c) Replacement windows
- 30. Mid Sussex Marathon:** Places Leisure have responsibility for the management of the Mid Sussex Marathon; an event which sees three runs take place in each of the main towns in the District. The total distance covered by all routes totals a marathon distance. The event held in 2018/19 was a success with a total of 1,830 runners taking part; a marginal increase on the 1,821 participants recorded in 2017/18.

### **Legislative and policy context**

31. None

### **Service priorities and contract development**

32. The Annual Meeting seeks to evaluate contract performance over the previous 12 months and how this compares with previous years. Growth is a vital part of the contract with Places Leisure and a forward-plan for the next year (and coming years) is also developed.

33. A key factor in increasing the number of attendances and memberships at the leisure centres is the continual development in the overall offer. The Triangle had an underused paved area between the Leisure Pool Rapids and the Costa Café exit that has been better utilised by accommodating a Padel Tennis Court, which opened in July 2019. In order to maximise on the success of the court and ensure it can be used in all weathers, a cover will be put over the court and a business case made for a second court.
34. As noted, The Dolphin remains a popular leisure centre, and the Council and Places Leisure are committed to making improvements (within the space constraints of the existing footprint) in order to attract users. Improvements underway in 2019/20 are:
- (a) Improvements to the reception and café to incorporate a Costa and soft-play facility;
  - (b) Conversion of the studio into a training room;
  - (c) Conversion of the bar area into an additional treatment room;
  - (d) Improvements to the group cycling studio;
  - (e) Replacement tiling in the wet changing area;
  - (f) The upgrade of the ground floor toilets.
35. As noted in paragraph 25, parking capacity at The Dolphin remains an issue, despite enforcement measures. A project is therefore currently being progressed to provide a small number of additional parking spaces within the curtilage of the centre.
36. It has been noted that performance at Kings Leisure Centre has declined, with memberships declining. This is as a result of a competitively priced Pure Gym opening in East Grinstead town centre. In order to retain (and grow) membership numbers it is important the Council and Places Leisure continue to diversify and improve the offer. Consideration is currently being given to how we might diversify the offer at Kings to respond to this challenge.

## **Health and safety**

37. During the reporting period there were 443 accidents reported. This equates to 55 accidents per 100,000 visits.

## **Finance**

38. In 2016, the Council created a reserve of £1.2 million to fund investment in the leisure centres. Places Leisure contributed a further £6 million in funding. This has supported several improvements over the first five years of the contract and helped to maintain continuous improvement in the leisure offer.
39. During 2018/19 a further £250,000 was invested by the Council to assist with the improvements to The Triangle's Leisure Pool.
40. At present £150,000 remains in the Fund; with £100,000 committed to assist with an increase in parking capacity at The Dolphin Leisure Centre.
41. The investment enabled the Council to secure a return on investment of £60,000 per annum, resulting in an increased contract payment to the Council. The total annual payment received in 2018/19 was £1.27 million.

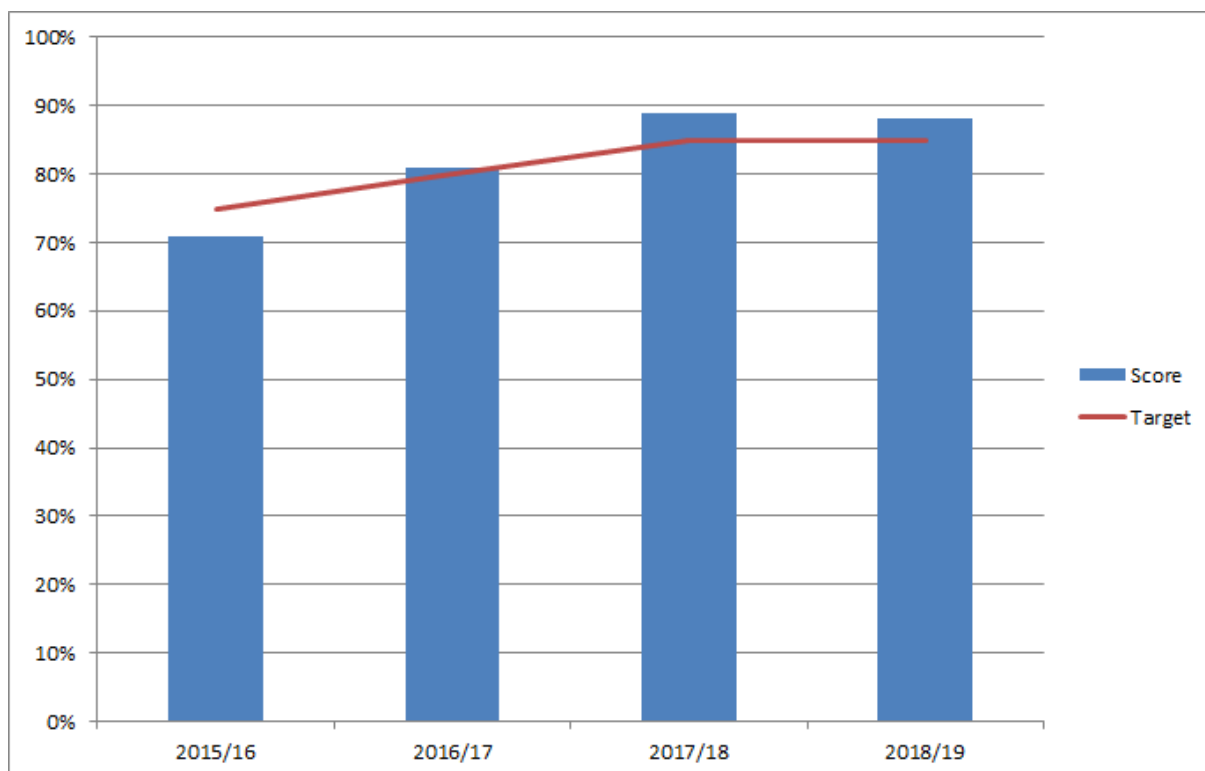
## Risk management

42. The Dolphin Leisure Centre has insufficient parking, particularly during peak usage times. This was due, in part, to misuse of the car park by those not using the leisure centre.
43. The introduction of parking enforcement methods (as detailed in paragraph 24 and 25) has not had enough effect on the availability of parking spaces during peak time, and it is likely genuine users choose not to use the leisure centre as a result.
44. Based on the number of members (using an accepted planning formula) there should be around 440 spaces. There are, at present, 197. As noted in paragraph 35, a planning application for an additional 15 spaces has been submitted - this is as much additional capacity as the leisure centre footprint allows. It is possible that this could curtail any potential future growth in attendance and membership numbers at The Dolphin.
45. Increasing competition in the leisure industry has affected the number of memberships Places Leisure have been able to retain, particularly at Kings Leisure Centre. A further gym is set to open in Burgess Hill; which could also have a negative effect on attendances and membership at The Triangle. It is therefore vital the Council continues to work with Places Leisure to respond to these challenges.

## Background papers

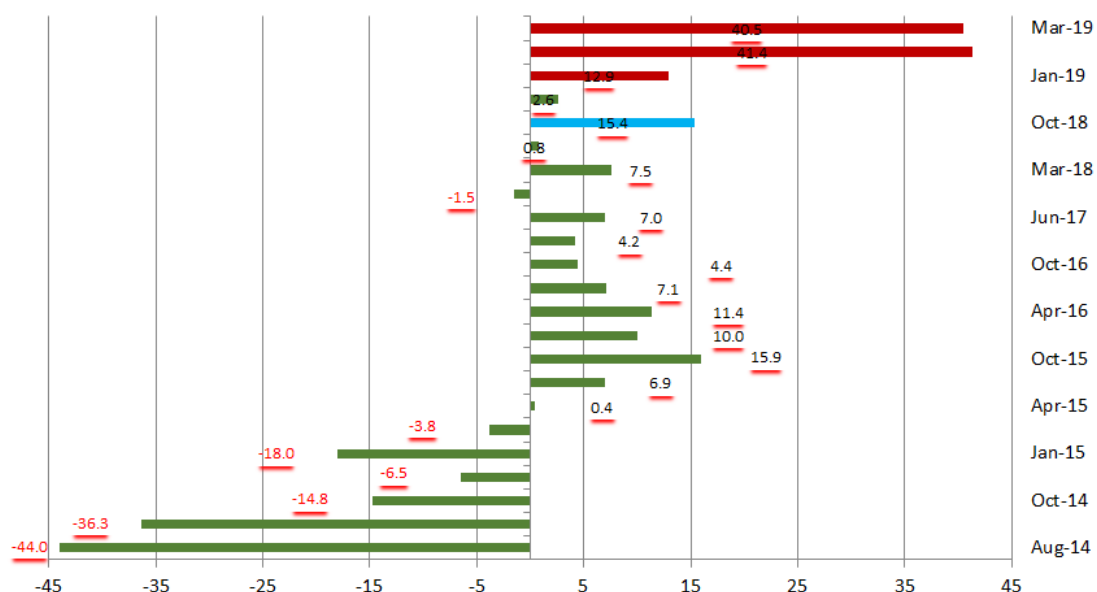
46. None.

## Appendix 1: Inspection results over the contract lifetime



## Appendix 2: NPS Scores

Mid Sussex NPS



Customers are asked to score the services they received out of 10 and whether they would recommend the leisure facility to a friend.

Respondents scoring zero to six are rated as 'detractors' and those scoring nine to 10 are known as 'promoters'. Those scoring seven or eight are considered 'passive' and these scores are discounted. The overall NPS score is calculated by subtracting the percentage of 'detractors' from the percentage of 'promoters' to give an overall score.

The chart above shows an overwhelmingly positive response to the customer satisfaction surveys.

This page is intentionally left blank

## LANDSCAPES CONTRACT – ANNUAL REPORT FOR 2018-19

REPORT OF: Divisional Leader – Commercial Services and Contracts  
Contact Officer: Jo Reid, BUL – Waste, Landscapes and Leisure  
Email: [jo.reid@midsussex.gov.uk](mailto:jo.reid@midsussex.gov.uk) Tel: 01444 477203  
Wards Affected: All  
Key Decision: No  
Report to: Scrutiny Committee for Community, Customer Services and Service Delivery  
18 September 2019

---

### **Purpose of Report**

1. The purpose of this report is to provide an annual review (for the period April 2018 - March 2019) of the
  - (a) Grounds Maintenance Contract operated by idVerde and;
  - (b) The Arboriculture Contract operated by County Tree Surgeons

### **Recommendation**

2. The Committee is asked to note the contents of this report.
- 

### **Background**

3. The Grounds Maintenance Contract was awarded to idVerde on 1 January 2015 for a period of seven years (31 December 2021). An extension of a further seven years is available if the contract continues in its current form and both parties agree.
4. The Arboriculture Contract was awarded to County Tree Surgeons (CTS) on 1 April 2012 and runs for 10 years (until 31 March 2022). A break clause was incorporated at the fifth year (2017) to enable either party to review the contract or terminate the agreement.

### **Scope of Service**

5. **Grounds Maintenance Contract:** This contract covers all aspects of routine grounds maintenance across the Council's parks, open spaces and sports grounds. This includes:
  - (a) Grass cutting and vegetation trimming;
  - (b) Outdoor sports facility maintenance;
  - (c) Litter bin collections and clearance;
  - (d) Border maintenance and hedge cutting;
  - (e) Cleansing of hard surfaces;
  - (f) Clearance of watercourse screens.
6. The grounds maintenance contract does not include:
  - (a) Maintenance and inspection of playgrounds
  - (b) Maintenance of hard infrastructure such as street furniture and footpaths
  - (c) Emptying of dog waste bins
  - (d) Maintenance and cleaning of park buildings
  - (e) Tree maintenance

7. **Arboriculture Contract:** This contract covers all aspects of tree maintenance across the Council's parks, open spaces and countryside portfolio.
8. In line with the significant majority of local authorities across the country, the primary focus of this work is the management of tree safety; with works being identified and carried out only to manage the safety of dead, diseased, dying or dangerous trees identified and prioritised through an annual programme of risk-based tree inspections.
9. A secondary function of this contract is the implementation and aftercare of an annual tree-planting programme.

#### **Contract governance and performance management**

10. **Grounds Maintenance Contract:** The governance arrangements for the contract are as follows:
  - (a) fortnightly operational meeting;
  - (b) monthly strategic meeting;
  - (c) quarterly Partnership Board meeting which includes the Portfolio Holder for Environment and Service Delivery
11. During the first five years of the contract a predominantly reactive approach was taken to the management of contractor performance against the contract specification. This enabled the Council to achieve a broad understanding of whether idVerde were completing the tasks set out within the contract to schedule. The contract is now being managed and monitored on a more proactive basis, with a programme of site inspections taking place on a daily basis to monitor performance against the contract specification.
12. IdVerde undertake a minimum of 400 satisfaction surveys of park users per year. This gives the Council a good understanding of how well the contract is performing. Customer satisfaction for 2018/19 was at 96.58%, compared with 97% in 2017/18.
13. The Council has worked closely with idVerde to introduce a set of comprehensive KPIs from 2019/20 onwards.
14. Any issues that are noted by the Landscapes Contract Monitoring Officers on their routine inspections are resolved through operational and contract meetings. The contract allows for financial penalties to be imposed should the contractor fail to achieve the specified standard. No fines were issued during 2018/19.
15. Quarterly meetings are an opportunity for the Council and idVerde to review the overall performance of idVerde during the previous three months and agree the general direction of travel for the next three months. .
16. **Arboriculture Contract:** The governance arrangements for the contract are as follows:
  - (a) Six-weekly joint contract and operational meeting.
17. Alongside the day-to-day management of the grounds maintenance and arboriculture contracts the following projects have been progressed.
  - (a) The Council has increased the number of Green Flags held in the District from one to two (Beech Hurst in Haywards Heath and St Johns Park in Burgess Hill). Green Flag awards recognise and rewards well managed parks and open spaces, setting the benchmark for the standard for the management of recreational spaces across the UK.



- (b) The Council part funds idVerde operatives through a comprehensive training programme at Plumpton College. In 2018/19 six operatives were put through this programme and covered the following subjects:
- Football pitch maintenance and line marking;
  - Plant bedding renovation and shrub planting;
  - Fine turf weed, moss and pest control;
  - Cricket pitch maintenance;
  - Pruning techniques.

18. The Council and CTS have significantly progressed the installation of an electronic database which enables a digital log to be kept of each tree for which it is responsible. This greatly assists with the management of the Council's tree stock and enables enhanced contract monitoring.

### **Service priorities and contract development**

19. Building on the work undertaken during 2018/19 and reflecting the new Commercial Services and Contracts Division there have been several service priorities and contract developments identified for 2019/20.

20. The Council is preparing a number of strategies: The Play and Amenity Green Space Strategy; Playing Pitch Strategy and Local Football Facility Plan, which will be adopted during 2019/20. These will enable a more strategic, evidence-based approach to support investment in our parks. In order to support the transition of these strategies from adoption to delivery, a two-year investment plan for selected parks and play areas has been developed. Parks earmarked for improvements in 2019/20 are:

- (a) Mount Noddy (East Grinstead);
- (b) Finches Fields (Pease Pottage);
- (c) St Johns Park (Burgess Hill).

21. As part of this programme, play areas at Twineham Recreation Ground, Bolney Recreation Ground and John Pears Recreation Ground will also be improved during 2019/20.

22. The Council spends significant sums on planting traditional annual bedding displays in its high-profile parks (£14,000 was spent on plants and maintenance in 2018/19). A project to replace these with more sustainable planting schemes is currently underway, with a view to reducing the environmental impact of the Council's grounds maintenance operations. In addition, this will deliver some cost savings as there will no longer be a need to replace plants each spring and autumn).

23. The Council has a target to increase the number of Green Flags held in the District from two to three in 2019/20. East Court and Ashplats (East Grinstead) was selected as the next suitable application and was successful in achieving a Green Flag in June this year. It is proposed that a fourth Green Flag will also be sought, and an application submitted for Victoria Park (Haywards Heath) in early 2020.

### **Health and safety**

24. During the 2018/19 period IdVerde recorded 61 near misses and 7 accidents. One of these accidents was RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations) reportable as the member of staff had more than seven days off work for recovery. The nature of the incident did not necessitate any further investigation by the Health and Safety Executive.
25. County Tree Surgeons record the overall number of near misses, hazards and accidents across all their local authority contracts as a whole and to date, have not collected or recorded the data for Mid Sussex separately. In future reports, Mid Sussex specific data will be presented.

### **Finance**

26. The annual value of the grounds maintenance contract in 2018/19 was £677,123. Inflationary uplifts are based on CPI and capped at 2.5%.
27. The annual value of the arboriculture contract is £110,000. Inflation is not applied to this contract.

### **Legislative and policy context**

28. There is no legislative or policy context for the provision of parks and open spaces. These are provided entirely at the Council's discretion.
29. The Council has responsibility for the management of five Local Nature Reserves (LNRs). LNRs are a statutory designation (Section 21 of the National Parks and Access to the Countryside Act 1949). These designations are made by principal local authorities on their own land. The five LNRs in Mid Sussex are:
- a. Ashenground and Bolnore Woods
  - b. Bedelands Farm Nature Reserve
  - c. Blunts Wood and Paiges Meadow
  - d. Eastern Road Nature Reserve
  - e. The Scrase Valley
30. Designating an LNR ensures protection of the site for several years; allowing the biodiversity of the location to be preserved.
31. The Council has a Duty of Care to ensure its tree stock are managed safely to reduce risk of damage to property or persons. The Council fulfils this Duty of Care by regularly inspecting its tree stock and recommending works to ensure the continued health of a tree and/or ensure the safety of those who might be living, working or using facilities within the vicinity of the tree.

### **Risk management**

32. The grounds maintenance specification is frequency (input) based- meaning idVerde carry out a certain number of maintenance activities during set points throughout the year.

33. In line with its 2019/20 Service Plan, the Landscapes Team plans to review the specification with a view to moving from a frequency based contract, to a performance (output) specification. This would enable the Council and its contractor to better adapt to changing weather patterns (which has resulted in a change in the growing season) and the increasing and differing demands on our parks and open spaces.
34. As set out in Paragraph 3, the Grounds Maintenance Contract was awarded on 1 January 2015 for a period of seven years (31 December 2021); and an extension of a further seven years is available if the contract continues in its current form and both parties agree. In line with good contract management practice, in 2019/20 Officers propose to carry out an options appraisal to inform the decision as to whether to further extend the contract or carry out a competitive procurement for the provision of the service beyond the end of the first term.
35. As noted in paragraph 24, the Council has a Duty of Care to manage its tree stock to minimise the likelihood of damage to property or persons. This means the only works recommended through the Council's contract with CTS are for trees that are considered dead, dying or dangerous. Works should ensure the continued health of the tree and/or ensure the risk of damage to third party property is reduced. Felling of trees is only considered where the tree is at risk of failure and a suitable maintenance regime cannot be established.

#### **Background papers**

36. None.

This page is intentionally left blank

## SCRUTINY COMMITTEE FOR COMMUNITY, CUSTOMER SERVICES AND SERVICE DELIVERY WORK PROGRAMME 2019/20

REPORT OF: Tom Clark, Head of Regulatory Services  
Contact Officer: Alexander Austin, Democratic Services Officer  
Email: [alexander.austin@midsussex.gov.uk](mailto:alexander.austin@midsussex.gov.uk)  
Tel: 01444 477062  
Wards Affected: All  
Key Decision: No

---

### Purpose of Report

1. For the Scrutiny Committee for Community, Customer Services and Service Delivery to note its Work Programme for 2019/20.

### Summary

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

### Recommendations

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

### Background

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

### The Work Programme

5. The Committee's Work Programme for 2019/20 is set out below:

Meeting Date	Item	Reason for Inclusion
13 Nov 2019	Leisure Strategies	Prior to adoption by Council.
13 Nov 2019	Annual Waste Update	For information.
13 Nov 2019	Annual Complaints Report	To provide Members with an update of the complaints the Council has received.
13 Nov 2019	Progress to the Sustainability Strategy 2018-23	Annual Report.

5 Feb 2020	Review of Customer Services across the Council	Action plan to maintain and improve Customer Service.
5 Feb 2020	Air Quality	Annual Report.
5 Feb 2020	Equalities and Diversity Scheme Annual Progress Report	To update members on the Council's Equality and Diversity Scheme.
TBC	Food Waste and Absorbent Hygiene Products- Proposed Collection Trial	Meeting date for this item TBC

### **Policy Context**

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

### **Financial Implications**

7. None.

### **Risk Management Implications**

8. None.

### **Background Papers**

None.