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27 January 2022

Advisory Committees can meet virtually with appropriate Councillors attending via remote video link. Public access is available via a live stream video through the [Mid Sussex District Council's YouTube channel](#).

Dear Councillor,

A meeting of **SCRUTINY COMMITTEE FOR COMMUNITY, CUSTOMER SERVICES AND SERVICE DELIVERY** will be held **VIA REMOTE VIDEO LINK** on **WEDNESDAY, 2ND FEBRUARY, 2022 at 6.00 pm** when your attendance is requested.

Yours sincerely,  
KATHRYN HALL  
Chief Executive

#### **A G E N D A**

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| 1. | Roll Call and Virtual Meeting Explanation  |                |
| 2. | To note Substitutes in Accordance with Council Procedure Rule 4 - Substitutes at Meetings of Committees etc. |                |
| 3. | To receive apologies for absence.  |                |
| 4. | To receive Declaration of Interests from Members in respect of any matter on the Agenda.                     |                |
| 5. | To confirm the Minutes of the meeting of the Committee held on 17 November 2021.                             | <b>3 - 8</b>   |
| 6. | To consider any items that the Chairman agrees to take as urgent business.                                   |                |
| 7. | Air Quality.   | <b>9 - 22</b>  |
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| 9.  | Draft Terms of Reference for forthcoming Community Governance Reviews.                           | <b>57 - 100</b>  |
| 10. | Scrutiny Committee for Community, Customer Services and Service Delivery Work Programme 2021/22. | <b>101 - 102</b> |
| 11. | Questions pursuant to Council Procedure Rule 10.2 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, R Cartwright, P Chapman, R Clarke, B Dempsey, J Edwards, S Ellis, T Hussain, C Phillips, 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, 17th November, 2021  
from 6.00 - 6.53 pm**

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

L Bennett	J Edwards	M Pulfer
R Cartwright	S Ellis	S Smith
P Chapman	T Hussain	D Sweatman
R Clarke	S Hatton	
B Dempsey	J Mockford	

**Absent:** Councillors A Sparasci

**Present as Cabinet Members:** Councillors J Belsey, R De Mierre and N Webster

**Also Present:** Councillors J Ash-Edwards, R Bates, P Brown S Hillier, J Llewellyn-Burke, I Gibson and R Sailsbury.

**1 ROLL CALL AND VIRTUAL MEETING EXPLANATION.**

The Vice-Chairman carried out a roll call to establish attendance at the meeting. The solicitor to the council provided information on the format of the virtual meeting.

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

Cllr Hatton substituted for Cllr Sparasci.

**3 TO RECEIVE APOLOGIES FOR ABSENCE.**

Apologies were received from Cllr Sparasci.

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

Cllr Bennett declared a personal interest in Item 8 – Food Waste Collection as she is a Member of West Sussex County Council who are the waste disposal authority.

**5 TO CONFIRM THE MINUTES OF THE MEETINGS OF THE COMMITTEE HELD ON 24 MARCH AND 6 OCTOBER 2021.**

The minutes of the meeting held on 24 March and 6 October agreed as a correct record and electronically signed by the Chairman.

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

The Chairman had no urgent business.

**7 DRAFT TERMS OF REFERENCE FOR FORTHCOMING COMMUNITY GOVERNANCE REVIEWS OF HURSTPIERPOINT & SAYERS COMMON AND WORTH PARISH COUNCIL.**

Tom Clark, Head of Regulatory Services, introduced the report which informed the Committee that the Council had been petitioned to conduct Community Governance Reviews relating to the Governance and Electoral arrangements for the following: Hurstpierpoint & Sayers Common and Worth Parish Councils. The Council has consulted statutory consultees on the draft Terms of Reference for these Reviews and largely their contributions have been incorporated. There is broad agreement among the parties that the Reviews commence 14 February 2022 as the Local Government Boundary Commission's Final Recommendations relating to the Electoral Review of Mid Sussex District Council will be published 1 February 2022.

The Vice-Chairman endorsed the comments of the Head of Regulatory Services and observed that the consultation issues must be put to the public in a balanced way.

A Member noted the additional text highlighted in red in the report for Worth Parish Council offered two potential outcomes. He said he was aware of two other options; not doing anything or Crawley Down being extracted from Worth Parish Council to form its own Council. He asked whether the two options are unduly restrictive so should the Council not wait until February for the Boundary Commission changes so all of the different potential options can be discussed rather than limiting them in the ToR with two particular options which might not be the only options.

Terry Stanley, Business Unit Leader for Democratic Services, confirmed that the Council will be developing full guidance for respondents which will be put before the next meeting of this Committee. He also confirmed that there are indeed four outcomes that can be specified in the guidance for respondents however the addition of the text in the draft ToR was requested by Worth Parish Council as part of the ToR consultation. He noted that if that text were removed it would serve only to expunge the Parish Council's main contribution.

The Member understood the importance of listening to what the Parish Council has asked for, but his belief was that there is not a consensus with the different parties involved in the process. He felt the two options as they stood limited the scope of the ToR and might prejudice some people's views.

The Business Unit Leader for Democratic Services offered to list all four options in order to retain the Parish Council's contribution and the Member agreed it would be helpful to do so.

The Chairman noted that no Member wished to speak so moved to the recommendation to agree the draft Terms of Reference for the Community Governance Review of Hurstpierpoint & Sayers Common which was agreed unanimously. She then moved to the recommendation to agree the draft Terms of Reference for the Community Governance Review of Worth Parish Council, including the amendment for two additional options of not doing anything or Crawley Down being extracted from Worth Parish Council to form its own Council, which was approved unanimously.

## **RESOLVED**

The Committee:

- i. Subject to the amendments, agreed each of the draft terms of reference.
- ii. Noted that a further report will be provided to the next committee meeting if further consultation with statutory consultees requires additional amendments be made ahead of the Review start dates.
- iii. Noted that further reports will be provided as the Council's draft and final recommendations will be available at later stages of the Reviews.

## **8 FOOD WASTE COLLECTION.**

Judy Holmes, Assistant Chief Executive, introduced the report which provided an update on the Council's work to introduce a weekly food waste collection service alongside a restructured residual waste collection frequency in Mid Sussex.

A Member suggested that the Council should encourage people to compost which would save money. He noted the triple type collection that they have in Bristol where they collect three varieties on a weekly basis by a multiple-type collection lorry which he presumed was not an option in Mid Sussex.

The Chairman highlighted that not every household has the opportunity to compost.

Rob Anderton, Divisional Leader for Commercial Services and Contracts, explained that the Council was proposing to bring in a separate food waste vehicle specifically to service the properties on the trial. In respect of composting, the Council endeavours to encourage residents not to produce waste in the first place and, where they do, to compost it before it enters the waste stream.

A Member outlined that it is hard to see the finer detail given the movable position the pilot is in. She acknowledged that everyone wants to be much greener and much cleaner in their living and is certain that attitudes on the topic are changing. She asked whether there is a contribution from the packing manufacturers to help with the disposal.

The Divisional Leader for Commercial Services and Contracts confirmed that the Extended Producer Responsibility Scheme which is being proposed by government will require producers who produce certain materials to foot the bill for their collection and disposal; the expectation would be that the Council would receive compensation as a waste collection authority for dealing with the waste. He added that by virtue of being charged for the collection and disposal of the material they send to consumers, the expectation would be that the amount of material consumers receive would reduce over time.

A Member drew attention to an apparent consensus of Members who want the pilot to go ahead whilst acknowledging the challenging landscape. He also drew attention to the risk of waiting to decide until the landscape is more settled and asked what could be done in the immediate term. He felt that making a commitment to put something in place so that the Council is committing by a certain point to have a more formal plan for the long term would show other district and borough Councils that Mid Sussex is serious about creating a unified system that works for everyone.

Steve Read, Director of Environment and Public Protection at West Sussex County Council, stated that the County Council is keen to move the food waste agenda forward as swiftly as possible and some time ago proposed to support authorities who wanted to move into a trial with the three, two, one collection system as very few counties are using the system. He noted that they are supporting Arun in trialing the three, two, one system and are keen to support Mid Sussex in their trials.

A Member asked whether those who would not be included in the pilot would be encouraged to compost.

The Divisional Leader for Commercial Services and Contracts replied that the Council already does a lot of encouragement for composting and highlighted that a number of 'hot bins' have been delivered which will enable people to dispose of their compostable waste. These would be trialed on a small number of residents alongside the three, two, one collection trial.

A Member believed it would be interesting to see the results of the trial. He expressed concerns on behalf of residents that the landfill bin would be nearly full after two weeks and certainly by three weeks so asked how that surplus waste would be dealt with.

The Divisional Leader for Commercial Services and Contracts explained that a number of residual waste analyses that the Council has carried out over the last few years have indicated that 40% (by weight) of residual waste is food waste. Therefore, if the food waste were to be collected on a weekly basis across the District, then it would leave a very small amount of non-recyclable materials. He advised that if residents were struggling with their capacity, the Council would work with those residents to understand their options with disposing what is left.

A Member expressed her support for the trial and believed it would be beneficial for residents to have hand-in-hand education about the benefits of the trial to the environment. She added the trial is the only way forward to get a better understanding and evidence base on how it would work.

The Vice-Chairman also expressed her support for the trial.

A Member sought clarification on the provisions made for flat dwellers as he had assumed the food waste would need to be kept indoors which would be challenging should they reside in a small property. He also noted that the food waste bin would be half the size of the other bins and sought assurances that the bin wouldn't reach capacity.

The Assistant Chief Executive outlined that the Council has selected the trial carefully with advice from the County Council and Serco to trial as many different types of properties as possible including flatted properties. She also confirmed that there will be a small caddy that residents can keep in their kitchen to transport the waste and that the Council will help any resident who generates more food waste than the weekly collection capacity.

A Member asked whether the Council could use Mid Sussex Matters as a way of educating residents that don't recycle.

The Assistant Chief Executive said that the Council issues regular recycling-related articles in Mid Sussex Matters as well and using social media platforms to push the message.

A Member questioned if the Council could put more information out to the public as well as making it easily findable as he finds some of the current information on the website tucked-away.

The Chairman noted the stickers that are affixed to recycling bins as well as noting the great number of differing products which would make it difficult to hand out leaflets to every resident where the website is the easiest resource to access.

A Member drew attention to the direction of the debate which generated general support for the trial. He asked whether an additional recommendation could be made that Cabinet commit to a permanent food waste recycling system in the longer-term and to come back with a plan to carry it out when it is appropriate.

The Chairman concurred as she too felt there was general support for proceeding with the trial. She confirmed she was happy to include a recommendation to make a firm commitment in the longer-term whilst awaiting the Government's final strategy to come through. She moved to the vote to confirm agreement with the recommendation which was approved unanimously.

#### **RESOLVED**

That the Committee recommend Cabinet make a firm commitment to proceed with Food Waste collections in the longer-term whilst acknowledging that current circumstances do not permit an effective wider roll-out of the trial.

#### **9 SCRUTINY COMMITTEE COMMUNITY, CUSTOMER SERVICES AND SERVICE DELIVERY WORK PROGRAMME 2021/22.**

Tom Clark, Head of Regulatory Services, introduced the report and presented the Work Programme. He noted that the Committee will have two further meetings in the municipal year and that in addition to the two items seen on the February meeting there will Community Governance Reviews' Terms of Reference after being refined by officers.

The Chairman noted that no Member wished to speak so moved to the recommendation to note the Committee's Work Programme as set out at paragraph 5 of this report which was agreed unanimously.

#### **RESOLVED**

The Committee noted the Work Programme.

#### **10 QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.2 DUE NOTICE OF WHICH HAS BEEN GIVEN.**

No questions were received.

The meeting finished at 6.53 pm

Chairman

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## AIR QUALITY

REPORT OF: Tom Clark, Head of Regulatory Services.  
Contact Officer: Adam Dracott Team Leader Environmental Protection  
Email: [adam.dracott@midsussex.gov.uk](mailto:adam.dracott@midsussex.gov.uk) Tel: 01444 477382  
Wards Affected: ALL  
Key Decision: No  
Report to: Scrutiny Committee for Community, Customer Services and Service Delivery  
2 February 2022

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### Purpose of Report

1. To inform Members about our Annual Status Report on air quality and highlight the air quality programme across the District.

### Recommendations

**The Committee is recommended to endorse the approach of the Council on Air Quality Management.**

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### Background

2. The air quality around Mid Sussex continues to be generally good as demonstrated by the monitoring carried out within the District.
3. Statutory responsibility for monitoring and assessing air quality sits with the Council under Part IV of the Environment Act 1995. Areas where pollutants exceed, or are likely to exceed, Government health-based air quality objectives are declared as Air Quality Management Areas (AQMAs) and we are required to produce an air quality action plan (AQAP) to demonstrate how we will improve air quality in the AQMA. Councils are also required to produce an Annual Status Report (ASR) for the Department of Environment, Food and Rural Affairs (Defra) for their approval.
4. Where air quality problems resulting in AQMAs are related to traffic, which is the case for all AQMAs in West Sussex, West Sussex County Council as the highway authority, has a statutory responsibility to work with the relevant District or Borough Councils to develop and deliver the action plans for these AQMAs. Highways England has an equivalent responsibility to work with the relevant District and Borough Councils in relation to the Strategic Road Network (e.g. A27, M23, A23) where there are AQMAs.
5. The Annual Status Report (ASR) report provides an overview of air quality in Mid Sussex. It contains details of monitored pollutants and incorporates information on changes or potential changes to the environment due to new processes or developments. This allows us to identify potential impacts on air quality which we need to consider and mitigate. The report also includes an update on the actions within the AQAP to address air pollution in the district.
6. Mid Sussex District Council's Annual Status Report for 2020 was approved by Defra in November 2021 and is available to view on the MSDC website in the Environment section at <https://www.midsussex.gov.uk/environment/air-quality/>

7. As air pollutants do not recognise boundaries we work in partnership with our colleagues in the other districts, boroughs and counties to deliver air quality. The group is Sussex wide and is known as the Sussex-Air, with representatives from Public Health, County Highways, the Environmental Research Group at Imperial College London and the air quality specialists from the district and boroughs.
8. Generally, in Mid Sussex District we have good air quality, but we do have one hotspot where exceedances of one pollutant has been identified. On account of this, in 2012 we declared an Air Quality Management Area (AQMA) at the Stonepound Crossroads, Hassocks due to levels of nitrogen dioxide (NO<sub>2</sub>) exceeding the air quality objective level of 40ug/m<sup>3</sup> expressed as an annual mean concentration. Once the declaration had been made, we produced an Action Plan listing a number of measures to improve air quality and reduce the pollutant levels. Early indication is that the air quality is improving. We also have a Members' Air Quality Steering Group supported by the relevant officers from the district and county which meets annually to audit and direct the action plan.
9. The exceedance of the air quality objective level for nitrogen dioxide at the Stonepound Crossroads is assessed at the building façade and relates to the average exposure at that position measured or modelled over the period of a year for those living there. Within the AQMA there has been one façade of a residential building that has pollutant (NO<sub>2</sub>) concentrations above the objective level, and this was the reason for the AQMA declaration. For 3 of the last 4 years, pollutant concentrations have been below the objective level. For all the other monitoring locations, where they represent relevant exposure, for the last 9 years these have remained consistently below the objective level.
10. The overall trend shows a steady decline in pollutant levels and the monitoring data indicates that the objective is likely to be met in the next couple of years. The objective level does not relate to short term exposure for people walking around the area or through it. There is a much higher limit for short term exposure to concentrations of nitrogen dioxide and the levels at Stonepound Crossroads are well below this level.
11. The measurement and assessment of the monitoring data for the Annual Status Report 2021 related to the data gathered throughout 2020. The monitoring was undertaken in the 3 months before the Covid pandemic resulted in Government controls and the following 9 months when there was a national lockdown and restrictions on activities. This significantly reduced traffic volumes on the road network and consequently resulted in reductions to NO<sub>2</sub> levels. DEFRA have advised that local authorities should not make any decisions on revocation of AQMAs based on data gathered during this time.

### **Brief background to Air Quality Pollutants**

12. There are a variety of different pollutants that have impacts on health for which the government has set objective levels to protect health. The main ones of concern are nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM). Particulate matter is often referred to by size, so you may see references to PM<sub>10</sub>, PM<sub>2.5</sub> or PM<sub>0.1</sub> and are a health concern due to their tiny size which can penetrate deep into the lungs.
13. Pollutants:
  - Nitrogen dioxide (NO<sub>2</sub>) -Road transport is responsible for some 80% of NO<sub>2</sub> concentrations at the roadside, with diesel vehicles of greatest concern at a local level. This is due in part to improvements in real world emissions testing showing that laboratory test-based emission standards have not delivered expected reductions under real world driving conditions.

- Particulate matter (PM) is a generic term for tiny soot, grit and dust particles caused by combustion processes such as power plants and motor vehicles. They are also produced when gases and particles interact with one another in the atmosphere. They are categorised by size and identified in microns ( $\mu\text{m}$ ). Of the different sizes of particulate matter,  $\text{PM}_{2.5}$  has the strongest epidemiological link to health outcomes as this size particle can be inhaled deep into the lungs. The very smallest particles, ultra-fine  $\text{PM}_{0.1}$ , once inhaled are able to pass directly into the bloodstream. Unlike  $\text{NO}_2$ , where concentrations are high immediately adjacent to the source, particulate matter has a much wider geographical extent and guidance suggests we can use monitoring from up to 50 miles away as a reference to assess levels locally. Due to the large distances that PM can travel, it is harder to control at a local level. (See Appendix 1 for  $\text{PM}_{2.5}$  sources)
14. National and European objectives define levels based on the known effect these pollutants have on human health. Objectives are set in law and, where an AQMA has been designated, local authorities have a statutory obligation to work towards meeting them. Although the UK has exited the European Union, these objectives will remain in place and compliance will be overseen by the Office for Environmental Protection.
  15. For particulate matter ( $\text{PM}_{10}$ ,  $\text{PM}_{2.5}$ ) there is no evidence of a safe level of exposure or a threshold below which no adverse health effects occur. So the approach for this pollutant is generally accepted to be a reduction in background concentrations to ensure the best health outcomes for the widest geographic range of people. It is important to note that local authorities are not presently required to monitor  $\text{PM}_{2.5}$  but in the Environment Act 2021 the Secretary of State must set a target to for the annual mean level of  $\text{PM}_{2.5}$  in ambient air with the intent of reducing people's exposure.
  16. There is consistent evidence demonstrating clear adverse effects of exposure to air pollutants on health, particularly on the very young, very old and those with existing health conditions. Poor air quality is linked with an increased risk of developing chronic conditions (e.g. chronic obstructive pulmonary disease), poor birth outcomes, lung cancer and respiratory disease.
  17. The health problems resulting from exposure to air pollution have a high cost to society and business, causing demand on our health services and resulting in illness and even premature death. These vulnerabilities are heightened among those living in the most deprived communities.
  18. The Public Health Outcomes Framework (PHOF) includes an indicator which quantifies the contribution of exposure to particulate matter on mortality. In 2018 the fraction of mortality attributable to anthropogenic  $\text{PM}_{2.5}$  was 5.0% for Mid Sussex. This compares to an estimated fraction of 5.1% for England, and a range between 5.4% (Crawley) and 4.5% (Chichester) for other districts in West Sussex. In summary, the air pollution in Mid Sussex is broadly in line with the regional average.
  19. The figures for mortality in the PHOF for particulate matter are estimates of mortality attributable to this risk factor. Outdoor air pollution is a major public health issue costing the UK economy £20bn a year and contributing to over 25,000 deaths a year. It is important to understand that long-term exposure to air pollution is not thought to be the sole cause of deaths. Rather it is considered to be a contributory factor.
  20. The importance of local air quality management was highlighted at a coroner's inquest in December 2020, where it was ruled that exposure to nitrogen dioxide and  $\text{PM}_{2.5}$  pollution, in excess of World Health Organisation guidelines, contributed to the death of a child in London who suffered with asthma. This was the first time in the UK that air pollution has been listed as a cause of death.

## **Annual Status Report**

21. The latest Annual Status Report for air quality monitoring and action in 2020 was submitted in June 2021 and approved by Defra in November 2021. The next report on air quality in the district covering the year 2021 will be submitted in June 2022. The report format is prescribed by Defra and the monitoring data must be presented in the prescribed way.
22. The 2021 report, covering the 2020 monitoring period, states that air quality monitoring and modelling carried out by the Council indicated that the air quality in Mid Sussex is generally good.
23. Monitoring results across the district in 2020 are positive, with all sites showing a decrease in the nitrogen dioxide (NO<sub>2</sub>) levels compared to those recorded in 2019. The impact of the lockdown during 2020 has to be taken into account. However, the long-term trend is continuing downwards (see Appendix 2). In 2020 we undertook non-automatic (passive) monitoring of NO<sub>2</sub> at 33 sites (see Appendix 3). The monitoring locations are reviewed annually.
24. The Council has been monitoring air quality at sites across the district since 1996. Long term monitoring in specific locations provides continuity of data and enables us to identify air quality trends. Monitoring sites are chosen where there is relevant exposure, i.e. in locations where there are high traffic volumes and houses close to the road, as concentrations of pollutants drop off rapidly with increasing distance from the source.
25. The report details the work carried out on the AQMA at the Stonepound Crossroads in Hassocks and confirms that further monitoring and assessment is needed in East Grinstead to investigate the elevated levels of NO<sub>2</sub> at London Road that were identified in 2019.
26. The monitoring in London Road East Grinstead was widened in 2020 with 6 new locations installed. We are making progress on a project to install an air quality station at London Road East Grinstead. This will house a continuous analyser giving us more accurate data on which to base any future decisions on whether an air quality management area declaration is needed. Data from the station will also benefit our diffusion tube monitoring as this will allow quality assurance of the measurements to be determined locally.
27. As the main source of air pollution in the district is road traffic emissions, Mid Sussex District Council must rely on the Highways Authority at West Sussex County Council to bring forward and implement traffic management and road layout initiatives for air quality improvement. West Sussex County Council members and officers are part of the air quality steering group which is responsible for the air quality action plan for the AQMA at Hassocks. The last meeting of the steering group was in December 2021. The action plan measures were reviewed and it was agreed that a quarterly update would be circulated amongst members of the group.

## **Air Quality Management Area**

28. Within the AQMA at Stonepound Crossroads exceedances of NO<sub>2</sub> have been due to the topography, the volume of road traffic at the junction and the proximity of residential properties to the road. Since the AQMA was declared in 2012 there has been an overall reduction in measured NO<sub>2</sub>.

29. The monitoring sites around the Stonepound Crossroads have been selected to measure NO<sub>2</sub> levels as close as possible to relevant receptors (in this case residential property facades). Where monitoring sites are not at relevant receptors, a distance correction can be applied to the measured level to give the pollutant concentration at the relevant receptor. In 2020, the monitoring indicated that there were no exceedances of the air quality objective around the Stonepound Crossroads. The overall trend for NO<sub>2</sub> has been a steady decline over the years 2011-2020. Appendix 4 displays the NO<sub>2</sub> trend at the monitoring locations at Stonepound Crossroads over the last 9 years.
30. Having declared an AQMA, we are required to draw up an Air Quality Action Plan (AQAP). The purpose of the AQAP is to identify measures designed to reduce the pollutant levels so they fall within the air quality objective level which for NO<sub>2</sub> is 40ug/m<sup>3</sup> expressed as an annual mean concentration.
31. Table 1 provides an overview of the actions endorsed by the Steering group to date and the work yet to be completed:

Table 1 – Air quality action plan measures investigated

	<b>CURRENT ACTIONS</b>	<b>STATUS</b>
1	Minimise HGV movements at Stonepound– advisory lorry routes (A2300 upgrade, signage, lorry route map)	Underway
2	“Cut Engine, Cut Pollution” signs	Underway
3	Improve and promote cycle routes	Underway
4	Encourage alternate transport modes (shared approach between HDC, CBC and MSDC)	Underway
5	Installation of pollutant sensors to optimize traffic signalling	Proposed
	<b>COMPLETED OR NON-VIABLE ACTIONS</b>	
1	Better driving techniques	Completed
2	Vehicle emission testing	Not viable
3	Speed limits and/or traffic calming	Not viable
4	Satnav companies to include advisory lorry routes	Not viable
5	Install signage to cut pollution	Completed
6	MSDC travel plan (Green Travel Scheme)	Completed
7	School travel plans	Completed
8	Encourage alternative/public transport (South East Traveline; eV infrastructure; “Get Hassocks Cycling”)	Completed
9	Car share promotion	Completed
10	Partnership work with bus and train operators	Completed

11	Increase air quality information	Completed
12	“Airalert” for vulnerable sections of society	Completed
13	Promote national energy efficiency (Green Deal)	Completed
14	Enforcement of emissions from industrial sources	Completed
15	MSDC Local Plan to include environmental considerations	Completed
16	Incorporate Sussex Air emissions mitigation into Local Plan	Completed
17	Air quality monitoring	Completed
18	Parking enforcement around Hassocks	Not viable
19	Re-assess traffic light sequencing	Completed
20	Development of school travel plans/bike-it events	Completed

### **Mid Sussex District Council’s priorities to promote good air quality in the coming year**

32. The adoption of the District Plan has enabled us to embed policies on transportation and pollution. This will enable us to effectively use the planning regime to ensure appropriate mitigation measures are incorporated into development schemes, especially close to the AQMA. The National Planning Policy Framework has, as its overriding aim, the presumption in favour of sustainable development. So, whilst air quality is a material planning consideration when determining applications, there needs to be clear evidence that a development will either create a new air quality management area, conflict with the air quality action plan of an existing AQMA or have a significant adverse impact on existing air quality for an application to be refused on air quality grounds. The Environmental Protection Team will continue to scrutinise applications where air quality is a material consideration.
33. The Sussex-Air partnership has prepared the Air Quality and Emissions Mitigation Guidance for Sussex (2021) is now the Council’s air quality guidance regarded by planning officers to be a material consideration when air quality impacts are anticipated through development proposals. The emerging Site Allocations DPD which is currently at Examination includes a policy on air quality (Policy SA38) and this specifically references the Sussex-wide guidance. The intention is to highlight this document as the Council’s air quality guidance and to give it more weight in the planning process. Air quality assessments will need to be undertaken in line with best practice and the Council’s air quality guidance, and this includes consideration of any mitigation measures.

34. The transition to low carbon forms of transport, such as electric vehicles will support the delivery of improved air quality. Supporting this, the District Council, in partnership with West Sussex County Council and other West Sussex District and Boroughs, is committed to delivering a widely accessible electric vehicle charge point network for residents across the county. Installation of a further 26 rapid charge points are planned through the council delivery partnership during 2021-22. To date, 33 charge points are already in operation throughout the District, these being managed by several providers. In addition, improved cycle and walking routes and infrastructure will further encourage people out of their cars. Plans to develop a long-term strategic approach to promote the use of walking and cycling routes are already underway for the District's three towns. Completing in August 2021, the work will identify twenty priority areas listing recommended technical and policy measures.
35. Parking strategies can also be a valuable tool in incentivising low emission vehicles. The recently adopted MSDC Parking Strategy identifies the need to work in partnership with WSCC, local businesses and other key partners to identify how technology and different types of mobility could reduce congestion to improve air quality and local townscapes.
36. In order to investigate the elevated levels of NO<sub>2</sub> identified at London Road East Grinstead, we are moving ahead with the project to install a real-time air quality monitoring station there. The ground works are being organised (provision of electrical supply and plinth) and the analysers have been sourced. The intention is to have the monitoring station operational in the summer. A briefing with local members and East Grinstead Town Council was held on 24 November 2020 to inform them of the issue and explain the action we are taking.

#### **Future considerations for air quality management**

37. The Environment Act 2021 received Royal Assent on 9<sup>th</sup> November 2021 and will be the legal framework of environmental stewardship for the UK. It will address the environmental governance gaps following withdrawal from the EU and sets a series of environmental principles. There will be a new Office for Environmental Protection (OEP) which will become an independent watchdog monitoring progress in improving the natural environment. The OEP will hold public authorities to account in the way the European Commission monitored member states.
38. The Act makes a clear commitment to improve air quality by setting legally binding targets for fine particulate matter (PM<sub>2.5</sub>), the most damaging pollutant to human health. There is a requirement for the Secretary of State to set PM2.5 targets by October 2022.
39. The Government produced a Clean Air Strategy in 2019 to tackle all sources of air pollution with the aim of making the air healthier to breathe, protecting nature and boosting the economy. Amongst other things it commits to reducing exposure to PM<sub>2.5</sub>, providing a personal air quality messaging system to alert vulnerable people of forecasted pollution episodes (in a similar way to that currently provided locally by Sussex Air called "Air Alert"), tackling smoke emissions from wood burning in the home and reducing emissions from all types of transport.
40. The Clean Air Strategy acknowledges that 2 tier local government has been a barrier in bringing about prompt air quality improvement. The issue is that District and Boroughs have the responsibility to monitor, assess and report on air quality in their areas while the mechanisms to bring about significant air quality improvement rests with County authorities which, being the highways authority, have the power to implement highway improvements and improve highway infrastructure. The strategy suggests some options to address this regulatory misalignment.

41. The Department for Transport published a transport strategy in July 2018 called Road to Zero with the ambitious aim of all new cars and vans being zero emissions by 2040. This target date was subsequently tightened by the government in November 2020 when introducing a “green industrial revolution”. There will be increases to the supply of low carbon fuels, an extension to the accreditation scheme for retrofitting vans and cabs to cleaner options, offering grants for the transition to plug-in cars, as well as measures to tackle emissions from HGVs and investing in eV infrastructure.

### **Policy Context**

42. Since 1995 local authorities are required to regularly review and assess air quality in their areas, and to determine whether or not the air quality objectives set by the Government are likely to be achieved. Where exceedances are considered likely the local authority must declare an Air Quality Management Area (AQMA) and prepare an Air Quality Action Plan (AQAP), setting out the measures it intends to put in place in pursuit of achieving the objectives.

### **Financial Implications**

43. Costs related to monitoring of air quality from laboratory analysis of diffusion tubes and officer time in installing and collecting the tubes are covered in the Environmental Health budget. There are installation costs for the air quality station to be installed in East Grinstead and thereafter annual maintenance costs for the analysers.

### **Risk Implications**

44. We are legally required to produce an Annual Status Report on the air quality in the district. Failure to do so would see a formal challenge from Defra and/or our residents.

### **Equality and Customer Service implications**

45. Air quality affects all our residents and our monitoring reflects the entire district. In recent years, air quality has increased in profile amongst the public and in the media and this has led to the Environmental Protection Team dealing with more enquiries and service requests.

### **Sustainability Implications**

46. The work to improve air quality in the District provides a positive contribution to the Council's aim to deliver sustainability and sustainable development. The Council's Sustainability Strategy 2018-2023 specifically mentions air quality as one of the areas of activity to support sustainable economic growth.

### **Background Papers**

- Annual Status Report June 2021 Found on MSDC website at <https://www.midsussex.gov.uk/media/5416/2020-air-quality-annual-statement-status-report.pdf>
- Clean Air Strategy 2019, Department for the Environment, Food and Rural Affairs, 2019 found at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/770715/clean-air-strategy-2019.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/770715/clean-air-strategy-2019.pdf)
- *Road to Zero Strategy – Next steps towards cleaner road transport and delivering our Industrial Strategy*, Department for Transport, July 2018 found at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/739460/road-to-zero.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/739460/road-to-zero.pdf)



# Particulate Matter – PM<sub>2.5</sub>

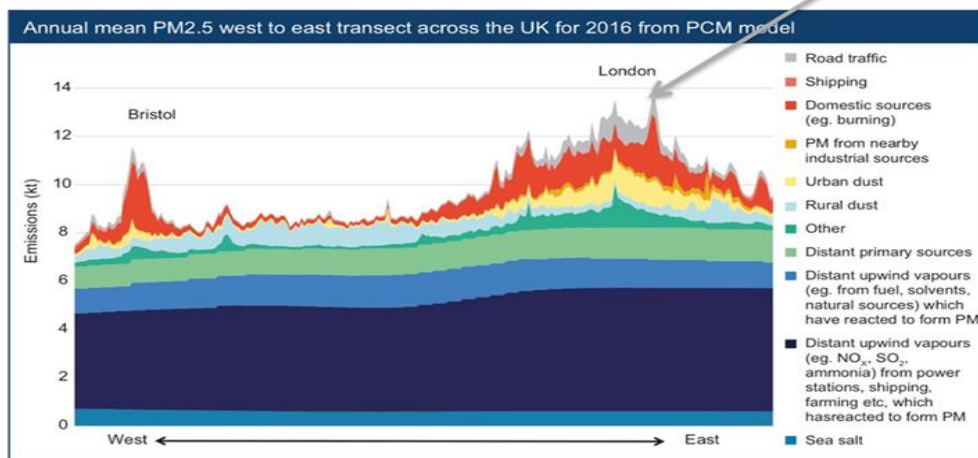
## Strategies for reducing PM<sub>2.5</sub>

### Domestic sources

– Well publicized issues of domestic burning, fuel and stove regulation?

Appendix 4

Road traffic – some future reductions are likely, but PM is still emitted from Electric Vehicles. (Future AQG report)



Urban Dust – Very hard to control since it is agitated by even clean vehicles.

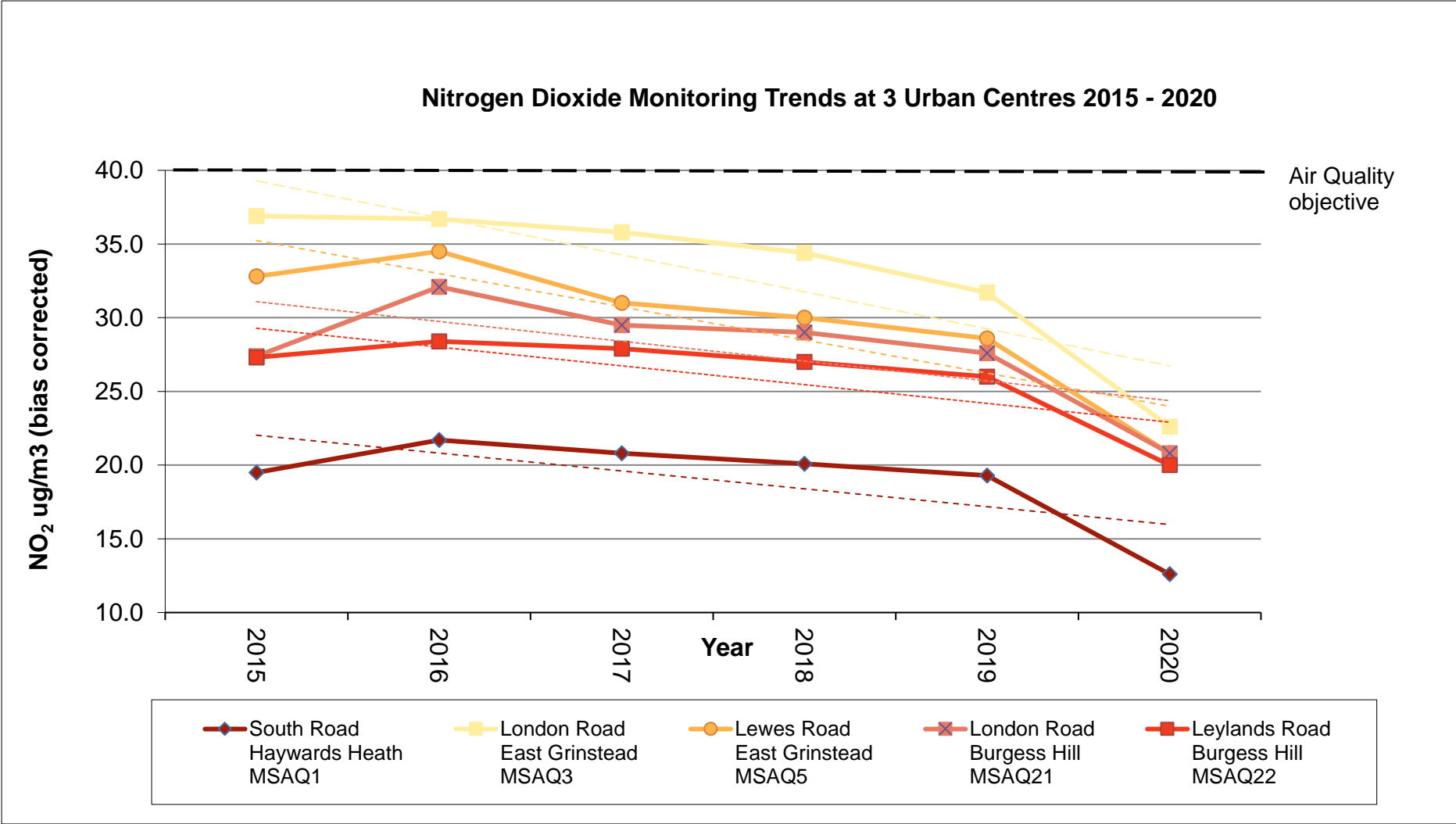
Distant primary – PM<sub>2.5</sub> is long-lived and brought in to the UK from other countries, including North America

Sea salt – maritime aerosol when combined with other biogenic PM<sub>2.5</sub> ~ 1-2 mg / m<sup>3</sup>. e.g ~20% of PM<sub>2.5</sub> WHO limit is taken up by natural particles.

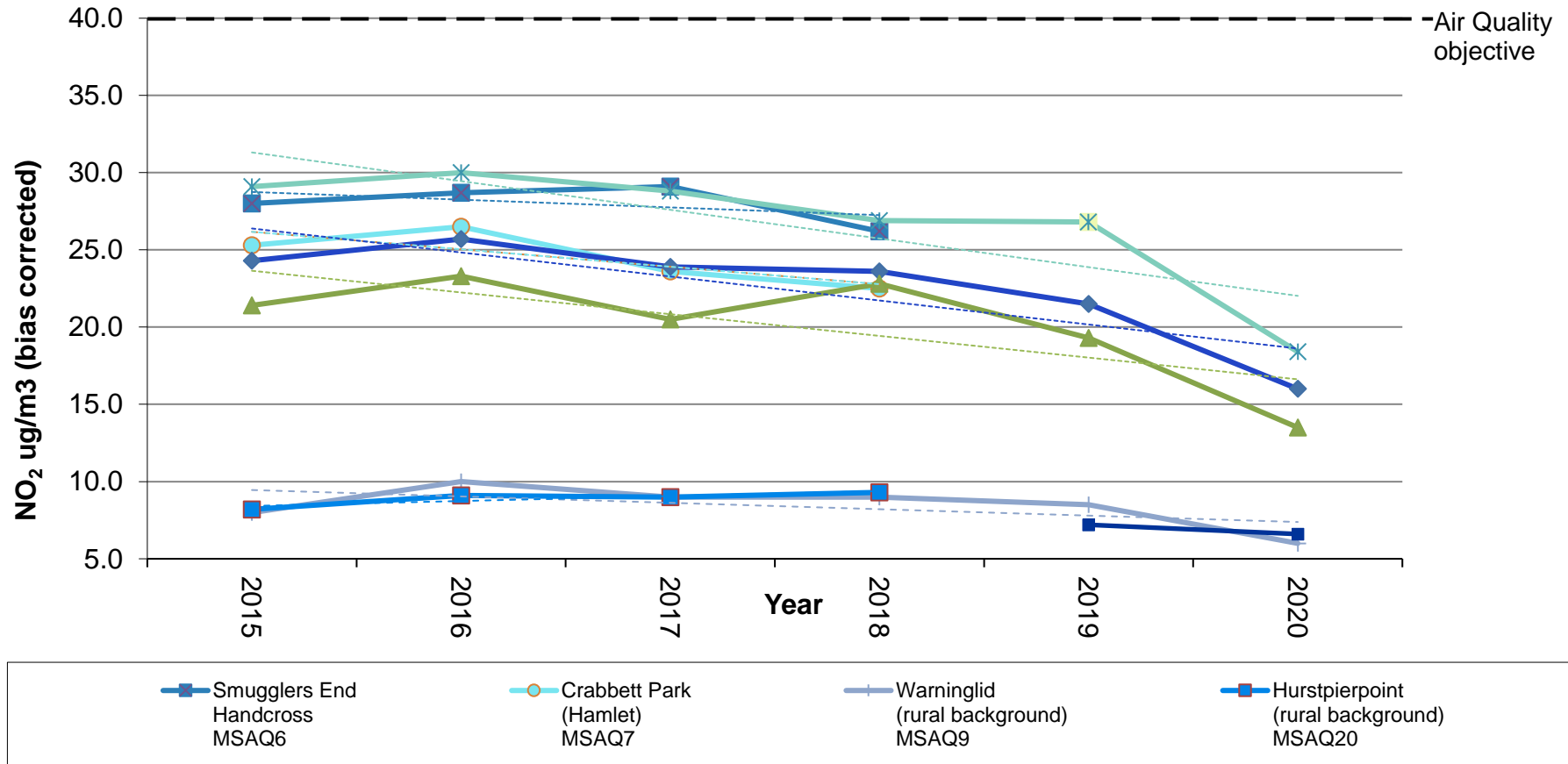
Upwind Vapours (inorganic)  
Planned reductions in NO<sub>x</sub> and SO<sub>2</sub> will help. Controls are proposed on farming ammonia, but PM<sub>2.5</sub> formation is highly non-linear. Small NH<sub>3</sub> reductions have little effect on PM<sub>2.5</sub>

Upwind Vapours (organic)  
Volatile Organic Compounds are precursors to both ozone and PM<sub>2.5</sub>. UK needs to halve emissions by 2030. CAS focuses on domestic sources.

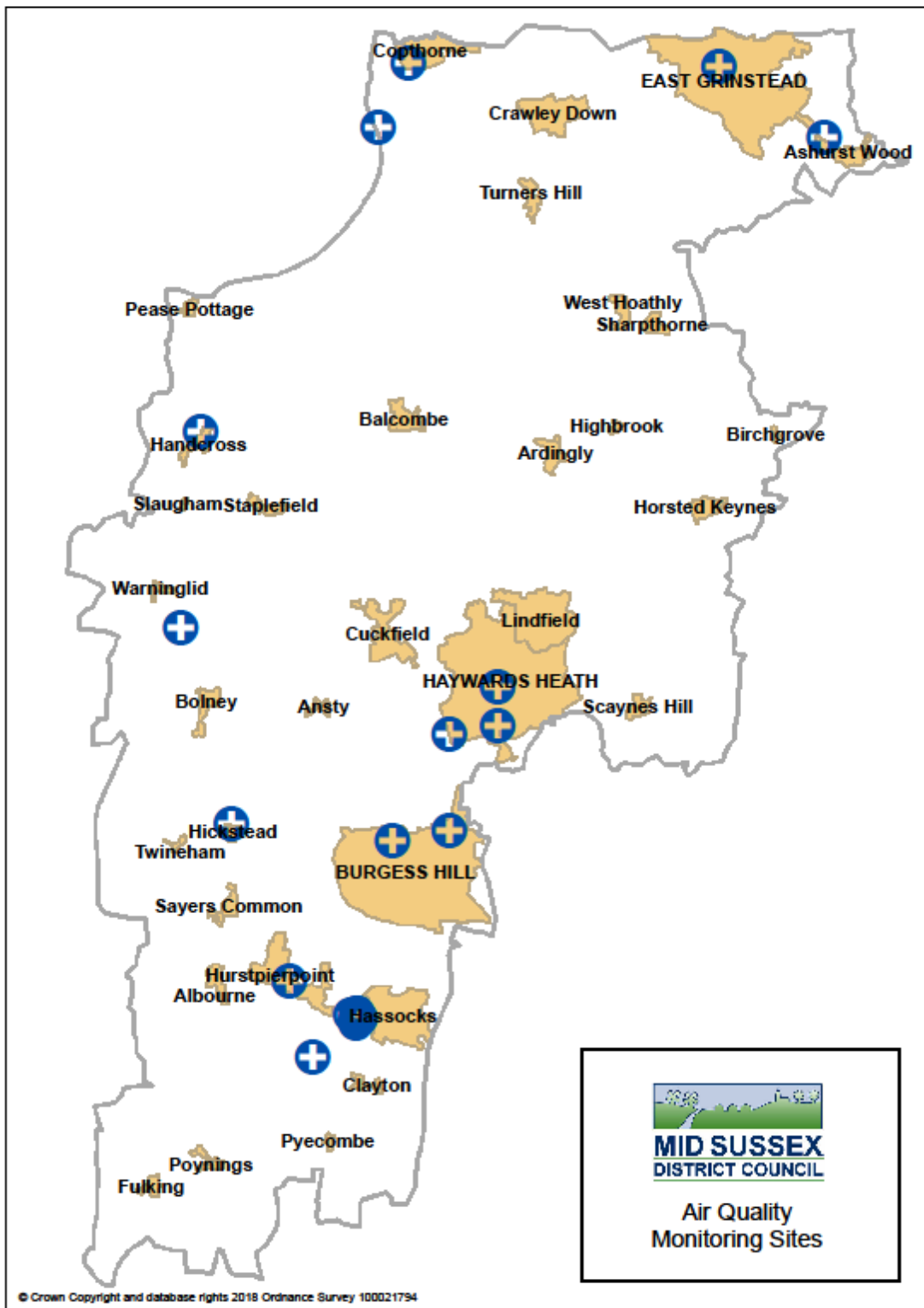


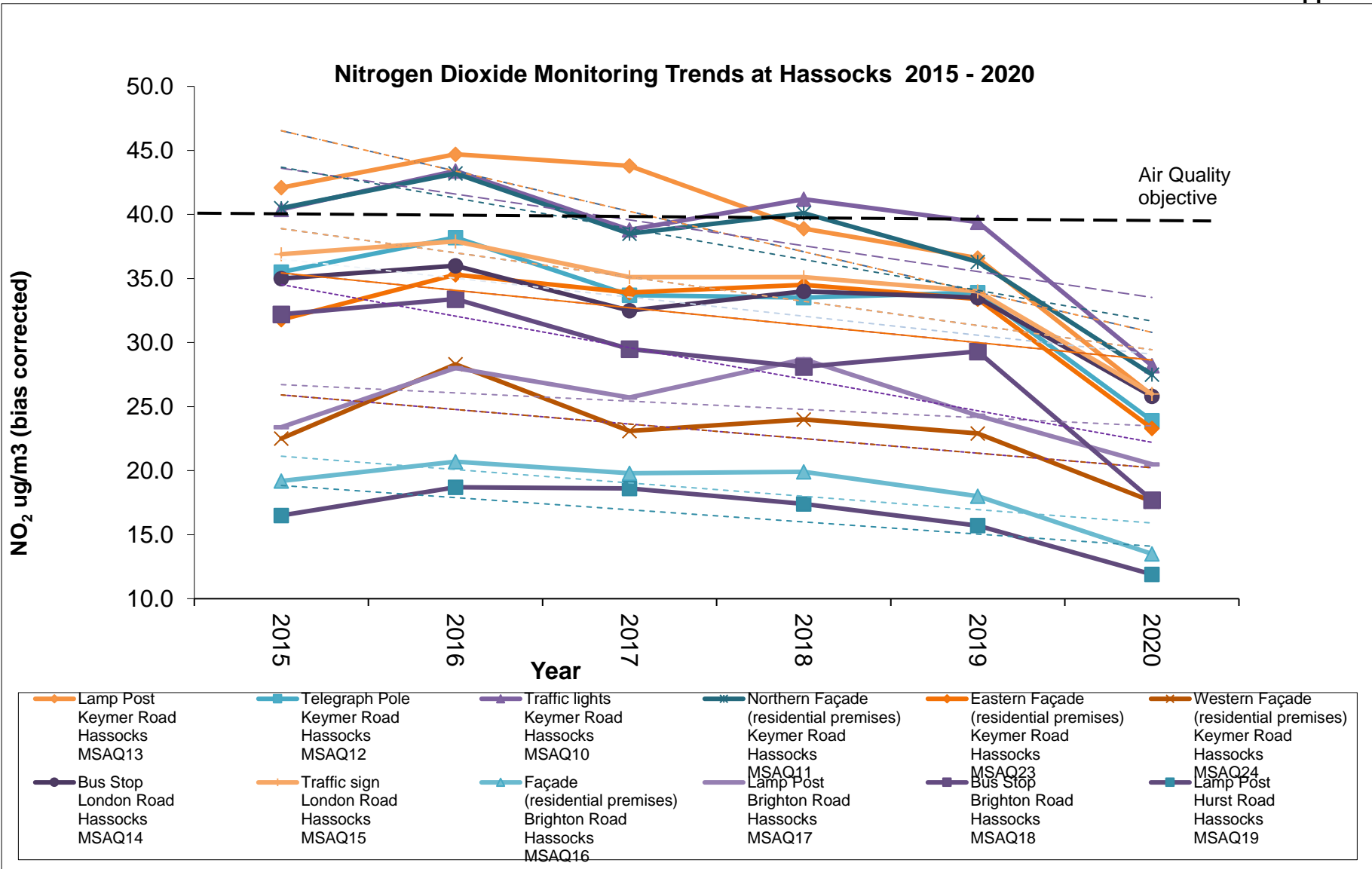


### Nitrogen Dioxide Monitoring Trends at 4 Villages 1 Hamlet and 2 Rural Background Sites 2015 - 2020



Map of Monitoring Locations across Mid Sussex District





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## OVERVIEW OF COMPLAINTS – 2020/2021

REPORT OF: Simon Hughes, Head of Digital and Customer Services  
Contact Officer: Karen Speirs, Customer Services Manager, Customer Services and Communications Email: karen.speirs@midsussex.gov.uk 01444 477510  
Wards Affected: (All)  
Key Decision: No  
Report to: Scrutiny Committee for Customer Services and Service Delivery  
2<sup>nd</sup> February 2022

---

### Purpose of Report

1. To provide Members with annual information about formal complaints received by the Council from 1st April 2020 to 31st March 2021. It also summarises the complaints referred to the Local Government Ombudsman (LGO) during the same period.

### Background

2. In 2020/21 the Council received 181 complaints, and 94% of these were investigated and responded to within the target times set out within the Council's complaints procedure. These response times were impacted by Covid-19, due to other priorities related to assisting with the pandemic and complainants were understanding of this when apologies were made. During the same period the Council also received 575 compliments. This compares to 230 complaints and 336 compliments received in 2019/20. More complaints do not necessarily mean increased service issues. Increasing awareness of the complaints process is important as complaints and compliments provide an opportunity to review procedures and initiate improvements if needed. Each issue of the staff newsletter currently references the number of complaints and compliments received and highlights some examples of excellent customer service to share best practice. The number of complaints and compliments for each service are also reported monthly to Members through their monthly update.
3. The LGO received and decided fewer complaints from the public in 2020-21 than in a typical year which was 11,830 compared to 17,019 in 2019-20. One of the factors in this may have been that the LGO had a three month pause in complaints and resumed its normal operations in June 2020. This was to take into account the additional pressures on local government due to COVID-19.
4. Of the 11,830 complaints, 67% of their investigations were upheld, which increased from 61% the previous year. The LGO's latest report on the Council's performance can be viewed via the following link <https://www.lgo.org.uk/your-councils-performance/mid-sussex-district-council/statistics>
5. You will note in the tables in paragraphs 14 and 15 below that during 2020/21, fifteen complaints were received by the LGO for investigation and there were thirteen decisions made by the LGO during 2020/21. Six of these were closed after initial enquiries, two were referred back for local resolution, one was incomplete/invalid and four were investigated in further detail and of these, three complaints were upheld, the other not upheld. Of these four that were investigated this equates to 75% compared to an average of 53% in similar authorities. Details on these are contained in paragraph 14 and the accompanying table. The Council also had a 100% compliance rate with any recommendations the LGO made compared to an average of 99.5% in similar authorities. Mid Sussex had already provided a satisfactory remedy in 33% of upheld cases, compared to 16% in similar authorities.

6. This compares to 2019/20 when fourteen complaints were received for investigation by the LGO and seventeen decisions received on complaints. The decisions on these seventeen were that seven of the complaints were closed after initial enquiries, three referred for local resolution, one as incomplete/invalid and of the six detailed investigations two complaints were upheld by the LGO.
7. Nationally, the LGO carried out 3,330 detailed investigations compared with 4217 in 2019/20. The percentage of these relating to Education and Children's Services or Adult Social Care was 35%, with 77% of these investigations upheld. The lowest percentage of complaints nationally being for Corporate and other services where 60% of detailed investigations were upheld.
8. The LGO in their report state that:

They are finding fault more often, 67% for 20/21 to 61% in 19/20 and it is encouraging that compliance by Councils with the recommendations made by the LGO remains high. However, the LGO are concerned about the erosion of effective complaint functions in some local authorities, as it is often complaints which drive service improvements.

The LGO recommended 1,488 service improvements, up 2% on the previous year as a proportion of all recommendations made.
9. The LGO welcome the constructive way most authorities work with them to remedy injustices and take steps to improve and closely monitor when their recommendations are implemented and if not will take action. For Mid Sussex, the LGO noted that in 33% of upheld cases the Council had provided a satisfactory remedy prior to the LGO decision, compared to 16% in similar authorities.
10. The Council follows the LGO good practice guidance for complaints for Councils:
  - Ensuring reports are concise and written in plain English where possible to ensure they can be understood by a range of people.
  - Ensuring there is a record of how all key material planning considerations were considered.
  - Ensuring comments from local people and other bodies are summarised so people can see what was considered.
  - Clearly explaining what is being considered and the impact on any existing permissions and planning controls.
  - Using a system for recording reasons for decisions, even if the decision is that no action should be taken.

## **Recommendations**

11. Members are recommended to note the report

## **Complaints Process**

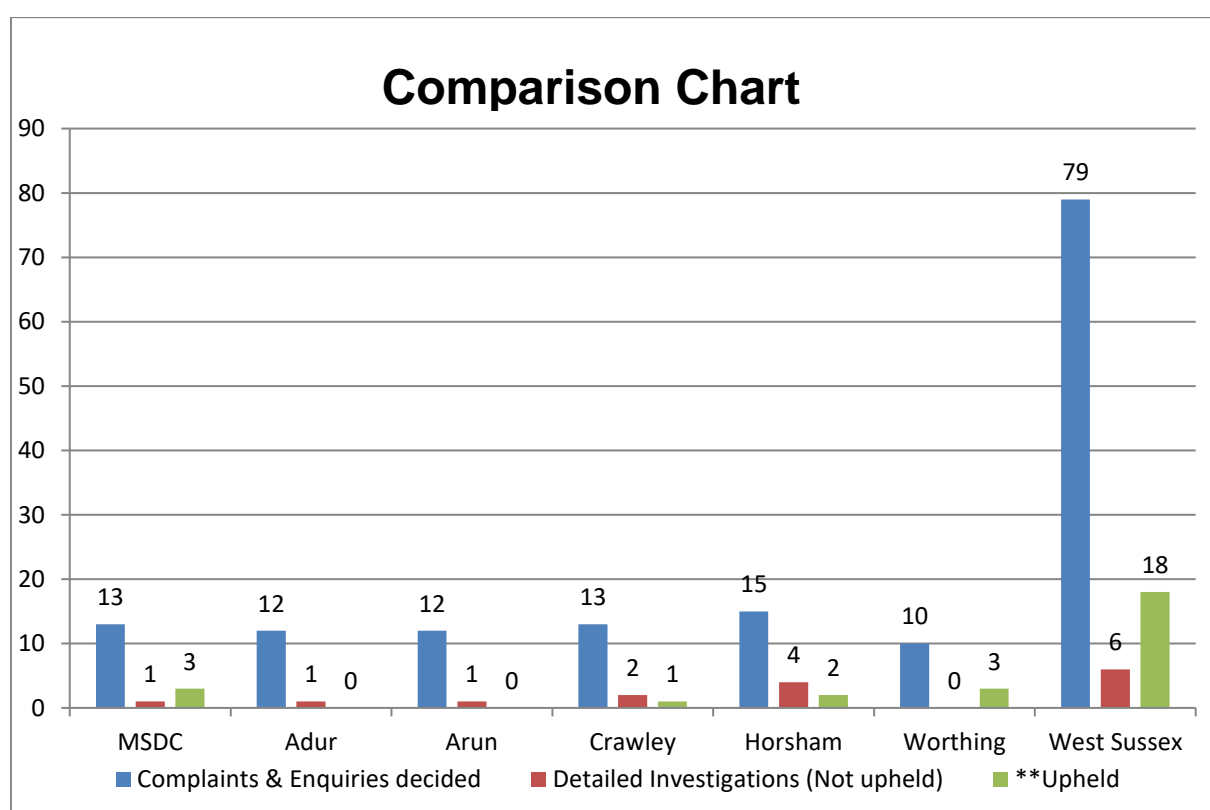
12. The Council has a formal complaints procedure, a link is available in the Background Papers section. A summary of all complaints and compliments received are reported to the Portfolio Holder for Customer Services on a monthly basis and also included in our Monthly Members Information Service. Business Unit Leaders and Heads of Service are also advised of complaints which are being investigated by the LGO.
13. Complaints and enquiries received by The Local Government Ombudsman (LGO) for Mid Sussex District Council for the period 1<sup>st</sup> April 2020 to 31<sup>st</sup> March 2021 are detailed below. A copy of this annual review letter can be found in the appendices.



14. The numbers of complaints and enquiries received do not always equate as a number of complaints will have been received by the LGO during the year, but decisions are reached on them in different business years.
15. For comparison, during 1<sup>st</sup> April 2020 to 31<sup>st</sup> March 2021, the LGO received complaints and enquiries from neighbouring local authorities as follows:

Adur	Arun	Crawley	Horsham	Mid Sussex	Worthing	West Sussex County Council
13	15	11	12	15	10	89

16. Decisions made by the LGO for the period 1<sup>st</sup> April 2020 to 31<sup>st</sup> March 2021 in West Sussex were as follows:



\*\* Upheld complaints are those where the LGO finds some fault in the way a council acted, even if it has agreed to put things right during the course of the investigation or has accepted it needs to remedy the situation before the complainant made the complaint.

There were four detailed investigations undertaken by the LGO in 2020/21 into complaints by Mid Sussex residents. These four investigations were for Planning and Development, Council Tax and Community Services with three being upheld.

Service	Details of Complaint	LGO Summary
Planning and Development	Household notification letter not sent in error for works to trees taking place.	<b>Complaint upheld.</b> Although fault was found, no injustice was caused as application was properly considered, which included some of the points the complainant would have made. Council apologised for not notifying resident and further training given regarding the process for identifying properties.
Planning and Development	Complaint about the handling of an application regarding removal of a protected tree.	<b>Complaint upheld.</b> Although fault found, the complaint was closed because the identified fault did not cause significant injustice..
Benefits and Tax	Delay in refunding of council tax.	<b>Complaint upheld.</b> Although fault found, the Council had already apologised and paid £50 in compensation for any stress and financial pressure caused and the LGO agreed with this action.
Community Safety, Policy and Performance	Dissatisfied with experience with the Community Safety Team regarding an anti-social behaviour complaint.	<b>Complaint not upheld.</b> The Ombudsman found no fault by the Council.

The other complaints submitted to the LGO were as follows:

Service	LGO Summary
Environmental Services and Public Protection Regulation	Closed after initial enquiries. (Complaint about overhanging tree policy from council owned land.)
Corporate and other services.	Closed after initial enquiries. (Complaint about closure of Clair Hall.)
Highways and transport	Closed after initial enquiries. (Complaint about a penalty charge notice.)
Housing	Closed after initial enquiries. (Complaint about the direct let scheme.)
Highways and Transport	Closed after initial enquiries. (Dissatisfied with cycle path information and road safety issues.)
Planning and Development	Closed after initial enquiries. (Complaint regarding sash windows.)
Housing	Referred back for local resolution.
Housing	Referred back for local resolution.
Planning and Development	Incomplete/invalid

### **Financial Implications**

17. There are no financial implications

### **Risk Management Implications**

18. There are no specific risk management implications arising from this report.

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

19. Complaints are an opportunity to improve service and staff performance. Each complaint is reviewed to highlight any service failures that need to be addressed to prevent a recurrence.

### **Other Material Implications**

20. There are no other material implications arising from this report.

### **Appendices:**

LGO Annual Review letter of 2021:

<https://www.lgo.org.uk/your-councils-performance/mid-sussex-district-council/annualletters>

### **Background Papers**

Link to Local Ombudsman upholding more complaints about local government:

<https://www.lgo.org.uk/information-centre/reports/annual-review-reports/local-government-complaint-reviews>

Mid Sussex Complaints Procedure:

<https://www.midsussex.gov.uk/media/4630/msdc-complaints-procedure-jan-2020.pdf>

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21 July 2021

*By email*

Ms Hall  
Chief Executive  
Mid Sussex District Council

Dear Ms Hall

### **Annual Review letter 2021**

I write to you with our annual summary of statistics on the decisions made by the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2021. At the end of a challenging year, we maintain that good public administration is more important than ever and I hope this feedback provides you with both the opportunity to reflect on your Council's performance and plan for the future.

You will be aware that, at the end of March 2020 we took the unprecedented step of temporarily stopping our casework, in the wider public interest, to allow authorities to concentrate efforts on vital frontline services during the first wave of the Covid-19 outbreak. We restarted casework in late June 2020, after a three month pause.

We listened to your feedback and decided it was unnecessary to pause our casework again during further waves of the pandemic. Instead, we have encouraged authorities to talk to us on an individual basis about difficulties responding to any stage of an investigation, including implementing our recommendations. We continue this approach and urge you to maintain clear communication with us.

### **Complaint statistics**

This year, we continue to focus on the outcomes of complaints and what can be learned from them. We want to provide you with the most insightful information we can and have focused statistics on three key areas:

**Complaints upheld** - We uphold complaints when we find some form of fault in an authority's actions, including where the authority accepted fault before we investigated.

**Compliance with recommendations** - We recommend ways for authorities to put things right when faults have caused injustice and monitor their compliance with our recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

**Satisfactory remedy provided by the authority** - In these cases, the authority upheld the complaint and we agreed with how it offered to put things right. We encourage the early resolution of complaints and credit authorities that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your authority with similar types of authorities to work out an average level of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data will be uploaded to our interactive map, [Your council's performance](#), along with a copy of this letter on 28 July 2021. This useful tool places all our data and information about councils in one place. You can find the decisions we have made about your Council, public reports we have issued, and the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

I would encourage you to share the resource with colleagues and elected members; the information can provide valuable insights into service areas, early warning signs of problems and is a key source of information for governance, audit, risk and scrutiny functions.

As you would expect, data has been impacted by the pause to casework in the first quarter of the year. This should be considered when making comparisons with previous year's data.

### **Supporting complaint and service improvement**

I am increasingly concerned about the evidence I see of the erosion of effective complaint functions in local authorities. While no doubt the result of considerable and prolonged budget and demand pressures, the Covid-19 pandemic appears to have amplified the problems and my concerns. With much greater frequency, we find poor local complaint handling practices when investigating substantive service issues and see evidence of reductions in the overall capacity, status and visibility of local redress systems.

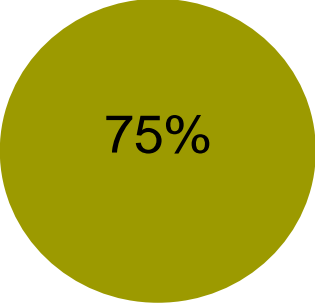
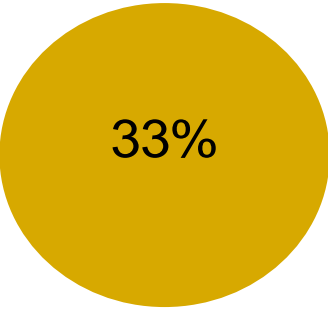
With this context in mind, we are developing a new programme of work that will utilise complaints to drive improvements in both local complaint systems and services. We want to use the rich evidence of our casework to better identify authorities that need support to improve their complaint handling and target specific support to them. We are at the start of this ambitious work and there will be opportunities for local authorities to shape it over the coming months and years.

An already established tool we have for supporting improvements in local complaint handling is our successful training programme. During the year, we successfully adapted our face-to-face courses for online delivery. We provided 79 online workshops during the year, reaching more than 1,100 people. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training).

Yours sincerely,



Michael King  
Local Government and Social Care Ombudsman  
Chair, Commission for Local Administration in England

Complaints upheld		
	<p><b>75%</b> of complaints we investigated were upheld.</p> <p>This compares to an average of <b>53%</b> in similar authorities.</p>	<p><b>3</b> upheld decisions</p> <p>Statistics are based on a total of 4 detailed investigations for the period between 1 April 2020 to 31 March 2021</p>
Compliance with Ombudsman recommendations		
<p>No recommendations were due for compliance in this period</p>		
Satisfactory remedy provided by the authority		
	<p>In <b>33%</b> of upheld cases we found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman.</p> <p>This compares to an average of <b>16%</b> in similar authorities.</p>	<p><b>1</b> satisfactory remedy decision</p> <p>Statistics are based on a total of 4 detailed investigations for the period between 1 April 2020 to 31 March 2021</p>

**NOTE:** To allow authorities to respond to the Covid-19 pandemic, we did not accept new complaints and stopped investigating existing cases between March and June 2020. This reduced the number of complaints we received and decided in the 20-21 year. Please consider this when comparing data from previous years.

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***Review of Local  
Government  
Complaints  
2020-21***

July 2021

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# Ombudsman's foreword



I am pleased to present our Review of Local Government Complaints for 2020-21 – an opportunity to reflect on a challenging year for both the sector and our wider communities.

While we are just beginning to evaluate the impact of the COVID-19 pandemic on our casework, a more immediate impact has been on the statistics we publish today. To allow authorities to respond to the first wave of the outbreak, we stopped taking new complaints and paused our existing investigations. We restarted casework in late June 2020, after a three month pause, and, after listening to your feedback, decided it was unnecessary to pause our casework again as we entered further lockdowns. Quite simply, as a result, the number of complaints we received and decided during the year is lower than in previous years.

Our complaint statistics for 2020-21 tell us:

- We are finding fault more often: we upheld 67% of complaints we investigated, up from 61% last year
- The uphold rate increased across all categories of complaint, except Environmental Services. We continue to uphold the highest proportion of complaints about Education and Children's Services (77%)

- We recommended 1,488 service improvements, up 2% on the previous year (as a proportion of all recommendations made)
- Compliance with our recommendations remains high at 99.5%

We published 40 public interest reports during the year. These reports allow us to share the lessons from the cases we investigate, as well as holding authorities to account. While the breadth of our casework is represented, complaints about Education and Children's Services continue to dominate, being the subject matter in two fifths of our reports.

It is encouraging that compliance with the recommendations we make remains high; there were no formal incidents of non-compliance during the year or further reports issued. However, a handful of councils failed to implement recommendations they had agreed to, resulting in new complaints being opened. While it is unfortunate that we need to take this action, we do so to maintain public confidence in complaints systems and hold councils to account for their actions.

Pleasingly, many councils demonstrate a willingness to put things right for individuals and commit to often significant wider reviews and service changes to ensure others are not similarly affected by the faults our investigations uncover. I commend this approach and have detailed some case examples in this report. I hope others can learn from the added value these councils are gaining from their complaints.

***I am concerned about the general erosion to the visibility, capacity, and status of complaint functions within councils. These concerns are not new and cannot be wholly attributed to the trials of the pandemic.***

While the impact and response of councils to the pandemic is only beginning to play out in our casework, we have seen evidence of councils struggling to implement new policies at short notice and failing to properly take account of personal hardships caused by the pandemic when assessing people's circumstances. Encouragingly, there have also been many examples of councils performing well under pressure. We are paying close attention to this area of our casework and intend to publish our early experiences and findings later in the year.

More generally, the challenges of the past year have served to heighten my concerns about the pressures on complaint handling functions in councils. Our investigations regularly highlight local complaint systems that are failing to respond properly to those that raise concerns. While I do not underestimate the challenges councils are facing, nor the impact of the past 15 months, I am concerned about the general erosion to the visibility, capacity, and status of complaint functions within councils. These concerns are not new and cannot be wholly attributed to the trials of the pandemic.

Our view and advice to councils remains the same: good public administration is more important than ever and managing complaints effectively is not simply a transactional process. The public experience of local services provides unique insight that can be harnessed as a key driver for learning and improvement.

It is this view that drives our new programme of work; we want to use the rich evidence of our casework to better identify authorities that need support to improve their complaint handling and target specific support to them. We also want to look at how we can be more explicit and set out firmer expectations of the standards we expect. There will be opportunities for authorities to get involved in this work and we will share more with you as it progresses, however, I know its success will rely on all councils committing to high quality, responsive complaint handling, and the operation of effective governance and accountability systems. I look forward to working with the sector on this ambition.

Alongside this report, we publish our complaints data at local authority level, and upload annual data to the [your council's performance map](#). Now with three years' worth of data on councils' complaint outcomes and commitments to improve, I encourage you to take a look at how your authority is performing.



**Michael King**  
**Local Government and**  
**Social Care Ombudsman**  
**July 2021**

# Putting things right

**1,726**

cases with recommendations to put things right



**11,830**

complaints and enquiries received



**1,488**

recommendations to improve services for others\*

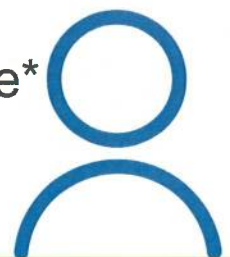
**11%**

upheld cases where we agreed with the authority's remedy



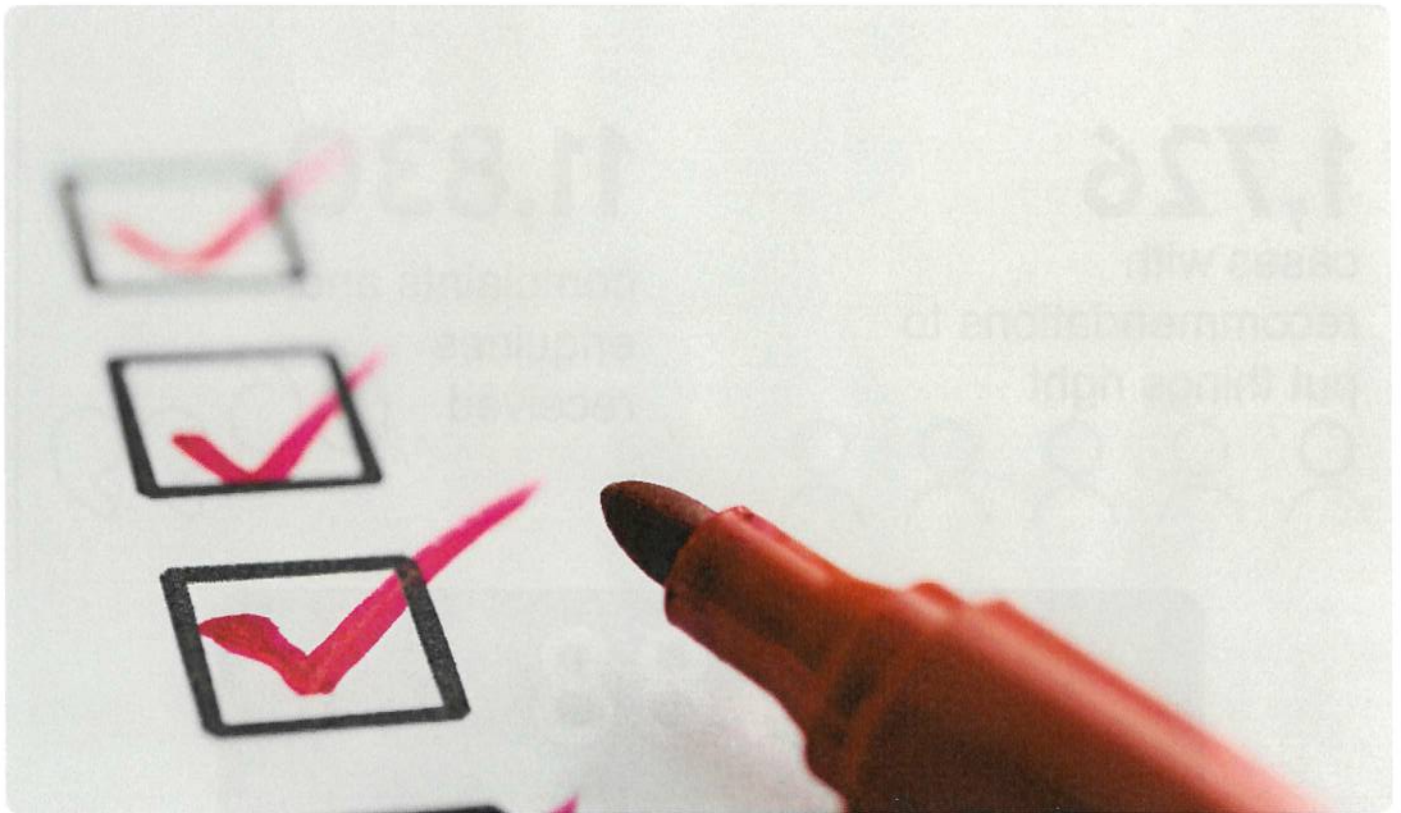
**3,104**

recommendations to remedy personal injustice\*



*\* In many cases, we will recommend more than one type of remedy. For example, we may recommend an authority makes an apology, pays a sum of money, and reviews a policy or procedure.*

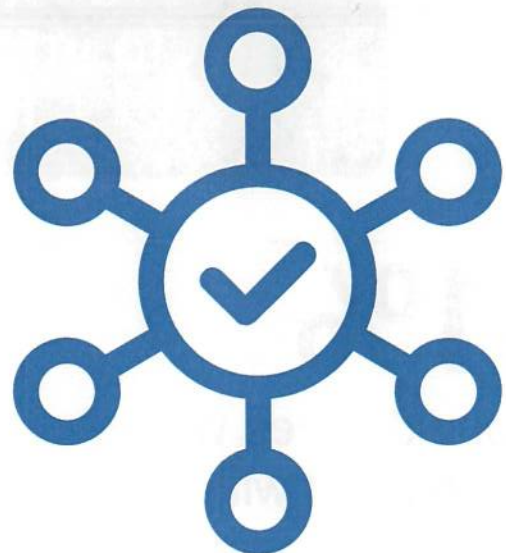
# Compliance with recommendations



While our recommendations to put things right are non-binding, in most cases authorities agree to comply with our remedies.

- We were satisfied with authorities' compliance with our recommendations in 99.5% of cases. But, in 18% of cases, compliance was not within the agreed timescales and was late.
- In nine cases we were not satisfied that the authority had complied with our recommendations.

When an authority fails to implement our recommendations, we can consider a range of actions, including issuing a public interest report and opening a new investigation into the authority's failure to provide the agreed remedy.



# Learning from complaints

Our casework provides a unique insight into the concerns of people who use local services. Where we identify recurrent problems across authorities, we will publish a [focus report](#) to feed back the learning from the complaints we investigate to the sector. These reports highlight concerning issues and help authorities to learn from others' mistakes and improve services. The reports also act as a useful tool for elected members; we include [suggested questions](#) councillors can use as part of their role to scrutinise services.

In addition, our guidance notes for practitioners set out what we expect from local complaint handling and how we will approach investigations about common areas of complaint.

These were the topics we commented on during the year:

## Home truths: how well are councils implementing the Homelessness Reduction Act?



This [report](#) shares the learning from our first 50 detailed investigations about the Homelessness Reduction Act, giving practical advice to councils from our early findings. The Act, introduced in 2018, gave people new rights when homeless or threatened with homelessness,

aiming to help people earlier and prevent them becoming homeless. We have found delays in the process and difficulties in how the newly required Personalised Housing Plans are administered. We call on all councils with homelessness responsibilities to read the report and review their practices in light of our good practice advice.

## Careless: helping to improve council services to children in care



This [report](#) highlights the stories from the complaints we receive from children and young people in the care of their local authority. 'Looked after children' are statistically much more likely to have poorer outcomes

than children living with their parents – making councils' decisions about them even more critical. We share case studies from our investigations and offer good practice suggestions, including actively promoting to children in care how to raise concerns or make a complaint, and the importance of having effective policies on exercising discretion to investigate historical complaints.

We issued two guides for practitioners aimed at helping authorities to get things right before cases get escalated to us:

## Guide on the Children's Statutory Complaints Procedure



Being the area about which we receive most enquiries from councils, we published our [guide](#) on managing the statutory children's complaints procedure. It sets out what we expect from councils and how they should apply the government guidance, while answering the common queries

we receive based on the learning from our cases. We also stress our position, that the regulations and statutory guidance must be followed as set out in law regardless of any concerns about the effectiveness of the process councils may have.

## Guidance on Effective Complaint Handling for Local Authorities



A relaunch of our long-standing [guidance](#), this practical guide offers advice on how to run a complaints system that is effective, fair and helps to drive service improvement within local authorities. It runs through the steps authorities need to take to ensure complaints are properly identified, investigated,

and put right where necessary.

# Decisions and reports

We are one of the only Ombudsman schemes to publish the decisions we make. We do this to share learning and be transparent.

Our decisions are published at [www.lgo.org.uk/decisions](http://www.lgo.org.uk/decisions) and can be searched by theme, key word, category, decision outcome, date and organisation.

Cases that raise serious issues or highlight matters of public interest are given extra prominence and issued as public interest reports.

Our press releases highlight our public interest reports and can be found at [www.lgo.org.uk/information-centre/news](http://www.lgo.org.uk/information-centre/news)



## Education & children's services

**800** detailed investigations  
**77%** upheld

### Published reports

[Norfolk CC – Education – alternative provision](#)

[Buckinghamshire CC – Education – transport](#)

[Coventry CC – Education – transport](#)

[Leicestershire CC – Education – other](#)

[Nottingham CC – Education – transport](#)

[Sheffield CC – Education – SEN provision & EHC plans](#)

[Birmingham CC – Children's Services – family & friends carers](#)

[Surrey CC – Education – transport](#)

[Kent CC & LB Croydon- Children's Services – child protection](#)

[Somerset CC – Children's Services – child protection](#)

[Cornwall C – Education – alternative provision](#)

[Leicestershire CC – Education – alternative provision](#)

[Newcastle CC – Children's Services – child protection](#)

[Isle of Wight C – Children's Services – child in need](#)

[LB Redbridge – Education – SEN transition to EHCP](#)



## Adult care services

**801** detailed investigations  
**72%** upheld

### Published reports

[LB Barking & Dagenham – transport](#)

[Hertfordshire CC – assessment](#)

[RB Windsor & Maidenhead – home care](#)

[LB Harrow – transport](#)

[Westminster CC – assessment](#)

[Brighton & Hove CC – assessment](#)

[Hampshire CC – assessment](#)

[Cornwall C – direct payments](#)

[Cornwall C – charging](#)

[Lincolnshire CC – charging](#)

[Nottinghamshire CC – assessment](#)

[Surrey CC – residential care](#)



# Decisions and reports

 **Housing**

**330** detailed investigations  
**71%** upheld

**Published reports**


- [LB Haringey – Homelessness](#)
- [LB Merton – Homelessness](#)
- [LB Enfield – Allocations](#)
- [East Lindsey DC – Allocations](#)
- [LB Harrow – Private housing disrepair](#)
- [LB Redbridge – Homelessness](#)
- [LB Wandsworth – Homelessness](#)

 **Highways & transport**

**190** detailed investigations  
**58%** upheld

**Published reports**

- [LB Merton – Enforcement Agents – Transport](#)
- [LB Tower Hamlets – other](#)
- [Sheffield CC – Highway repair](#)

 **Corporate & other**

**60** detailed investigations  
**62%** upheld

**Published reports**

- [LB Barking and Dagenham - Local Authority public health duties](#)

 **Benefits & tax**

**220** detailed investigations  
**70%** upheld

**Published reports**

- [Calderdale MBC – Council Tax](#)

 **Planning & development**

**436** detailed investigations  
**45%** upheld

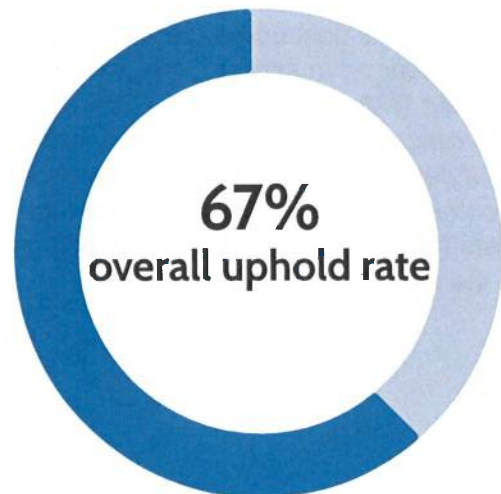
**Published reports**

- [Warwick DC – Planning application](#)

 **Environment & public protection**

**307** detailed investigations  
**58%** upheld

**No published reports**



# The impact of a single complaint

## Overview

During the year, we investigated many cases that demonstrate how a single complaint and a council's constructive attitude to improving services can make a difference to many people. By highlighting them here, we are giving all councils the opportunity to learn and check their own practice in these areas. Below are the case summaries, and full details can be found by clicking on the links, or you can search the case reference numbers at [www.lgo.org.uk/decisions](http://www.lgo.org.uk/decisions)



### Failure to recognise family and friends carers of a vulnerable child leads to service review of private fostering placements

Case reference: [19 005 305](#)

Our investigation found Birmingham City council failed to support a family who had taken responsibility for a young, unaccompanied girl whose mother had sadly died. The council wrongly considered the arrangements to be private fostering and the family did not receive the financial or practical support they were entitled to as family and friends carers. We recommended, and the council agreed, that payments should be made to the child and family for the uncertainty and distress caused, and allowances and costs reimbursed.

Because we were concerned the same failings may have occurred in similar cases, we asked for all private fostering cases to be reviewed to ensure arrangements in place were suitable. The council undertook thorough reviews and voluntarily produced new promotional materials and training on private fostering arrangements in order to reduce the risk of similar failings.



**79% of Family  
& Friends carers  
complaints upheld**

# The impact of a single complaint



**Call for rejected applicants to reapply after finding poor recording of Blue Badge decisions**

Case reference: [19 011 326](#)

We found that London Borough of Barking & Dagenham failed to correctly interpret the Department for Transport's guidance regarding Blue Badge applications. It was unable to provide evidence showing how it had made the decision to reject a complainant's application and did not keep applicants' details on file. We were concerned other applicants were likely to have been disadvantaged by the council's actions. The council agreed to a range of recommendations to amend its procedures, train staff and improve record keeping. Significantly, it agreed to publish a notice on its website inviting any rejected Blue Badge applicants from within the previous six months to reapply.



**78% of transport complaints upheld**

# The impact of a single complaint



## Commitment to policy change after woman and child fleeing domestic violence are left unsupported

Case reference: [19 006 011](#)

Our investigation found London Borough of Wandsworth failed to properly consider relaxing its local area connection criterion when a single mother fleeing domestic violence asked for help. Instead of considering the woman and her child as homeless, it encouraged her to withdraw her homelessness application and apply to the council where she had suffered violence for help. We recommended, and the council agreed, to make payments to the woman for the months she was in unsuitable accommodation. It also agreed to our service improvement recommendations to train its officers about the duty owed to those fleeing domestic violence and amend its housing allocation policy.



75% of homelessness complaints upheld

# The impact of a single complaint



## Review launched of couples separated by care needs after man suffers when council splits him from his wife

Case reference: [18 015 872](#)

Royal Borough of Windsor & Maidenhead Council committed to reviewing cases where couples had been separated by their care needs after our investigation found they did not properly consider or assess the needs of a man living at home when his wife was moved to a care home. The man's health quickly deteriorated, and he sadly died before his family's concerns were responded to. The council gave a fulsome apology for what happened and made a payment to the family. It agreed to our service improvement recommendations to review other similar cases, ensure its assessment practice is consistent and Care Act compliant, review its commissioning practice, and follow up to ensure care providers sustain improvements following complaints of poor practice.



82% of home care complaints upheld

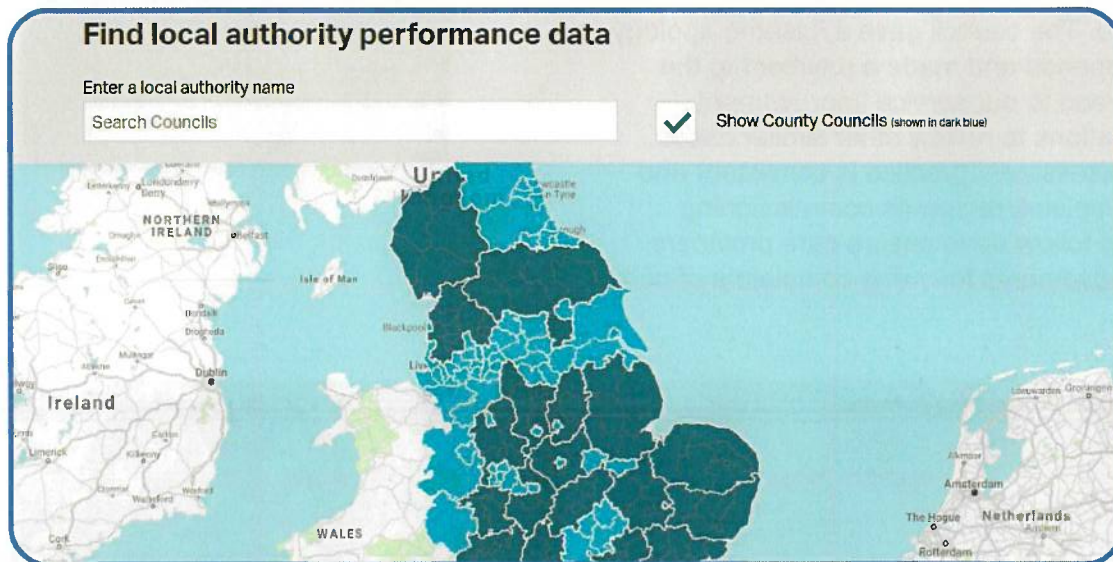


# Raising the profile of complaints

Complaints are a valuable tool for local authorities, providing an early warning of possible problems, free intelligence from people who use services, and a tool for supporting good governance, risk and audit functions.

## Assessing performance

Our [council performance map](#) places all our council complaint statistics in a single, interactive hub. It is a mine of searchable information that can be used by council officers to learn from complaints, by councillors to scrutinise the performance of their authority, and by members of the public to hold their council to account. It also allows comparisons to be made between similar councils.



Every council has a dedicated page where we show the following key statistics:

- **Complaints upheld** - We uphold complaints when we find some form of fault in an authority's actions, including where the authority accepted fault before we investigated.
- **Compliance with recommendations** - We recommend ways for authorities to put things right when faults have caused injustice and monitor their compliance with our recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.
- **Satisfactory remedy provided by the authority** - In these cases, the authority upheld the complaint and we agreed with how it offered to put things right. We encourage the early resolution of complaints and credit authorities that accept fault and find appropriate ways to put things right.

Each council page also includes our annual review letters, links to decisions we have made, public interest reports published, and every service improvement the council has agreed to make.

As part of this report, we also publish [data tables](#) providing complaints information at local authority level, which can be freely analysed and segmented.

# Raising the profile of complaints

## How elected officials can use our data to hold authorities to account

Listening to public concerns is an essential component of a well-run, accountable local authority that is committed to public engagement, learning and improvement. As a councillor or member of parliament, you can use information about complaints to help identify issues affecting local people and assess how your council is responding to them. Using the statistics we publish, we suggest some key lines of enquiry for you to consider.

- **Uphold rates** show the proportion of investigations in which we find some fault and can indicate problems with services. How does your council compare against the national averages or other similar authorities?
- **Offering a suitable remedy** for a complaint before it comes to us is a good sign your authority can accept fault and offer appropriate ways to put things right. How often does your authority do this, and how does it compare with others?
- **Compliance rates** show the proportion of cases in which we are satisfied our recommendations have been implemented (based on the evidence authorities give us). Compliance below 100% is rare. Does your authority have a 100% compliance rate – if not, what is it doing to scrutinise complaints where it failed to comply?
- **Service improvement recommendations** show what your authority agrees to do following our investigations, to make things better for everyone. Do you track the service improvements your authority agrees to make? How are they being implemented, and their impact monitored?

### Binding decisions: non-binding recommendations

Our decisions on fault and injustice are binding and can only be challenged through the courts.

Our remedies and service improvements are non-binding recommendations. The final decision on whether to accept our recommendations rests with elected members.

This is an important distinction and maintains local democracy as the central tenet to the complaints process.

Elected members are vital to the integrity of the process. They can champion the voice of complainants and use local democratic processes to hold officers to account where appropriate.

We recently saw Cornwall councillors successfully overturn a proposal by its officers not to comply with all of the recommendations we made to put right the fault we found in an adult care case. Councillors cited the importance of putting right the injustice, regardless of the expected cost of doing so. The case demonstrates the valuable role councillors play in upholding public confidence in the complaints system.

**Local Government and Social Care  
Ombudsman**

PO Box 4771

Coventry

CV4 0EH

Phone: 0300 061 0614

Web: [www.lgo.org.uk](http://www.lgo.org.uk)

Twitter: [@LGOmbudsman](https://twitter.com/LGOmbudsman)



### Complaints Procedure

**Complaint sent in writing**

Council receives letter of complaint from the complainant and Complaints Officer acknowledges it within 5 working days, explaining that the Business Unit Leader will respond in full.

**First Stage**

Business Unit Leader to send response to complainant within 10 working days. Should longer be needed, the complainant will be informed.

If the complainant does not send a request for further investigation, then the complaint is considered closed.

If the complainant is unhappy with the response, he/she should write within 28 days of receiving it and the complaint goes to the Second Stage where an independent Head of Service investigates it.

**Second Stage**

The Complaints Officer will acknowledge the request and inform the complainant which independent Head of Service is to review the complaint. The Head of Service will investigate and respond to the complainant within 15 working days. Should longer be needed, the complainant will be informed.

**Final Stage**

Second Stage response is sent by independent Head of Service (contact details for the Ombudsman are included in the response).

The Council hopes that the full investigation resolves the complaint.

If the complainant is unhappy with this response, they can refer the complaint to the Local Government Ombudsman.

## **1.0 Introduction**

- 1.1 The Complaints Procedure applies to complaints against any service area where a request has not been resolved to the satisfaction of the complainant. Any complaint concerning an elected Member, which may be in breach of the Members' code of conduct, will be put through the Standards Committee procedure. Similarly, if a complaint involves the conduct of an employee raising disciplinary concerns, it will be handled through the disciplinary route.
- 1.2 The aim of the procedure is to ensure that all complaints are dealt with in a fair, consistent and thorough manner. Where complaints are justified, the Council aims to remedy the situation and, when possible, resolve the issue to the satisfaction of the complainant. It is important that all responses to complainants should be written in a constructive manner, even if the Council cannot resolve the issue concerned.
- 1.3 A complaint (for the purposes of this Complaints Procedure) is an expression of dissatisfaction about the actions, or lack of actions, by the Council or its staff affecting a person or group. Complaints do not cover requests for a service, requests for information or explanation of Council policy, practice or actions taken, or matters for which there is another right of appeal (an appeal within the Council or to an independent inquiry or tribunal) or a legal remedy.
- 1.4 The procedure does not cover the opinion of an officer in the granting or refusal of planning permission, or a decision taken by a Planning Committee on a planning application. The procedure applies to matters relating to planning applications where it is alleged that there has been some failure of the Council's procedures. If the type of complaint is such that it cannot be agreed whether the complaint should be dealt with under the procedure, the Solicitor to the Council will decide if the procedure should apply. If it is decided that the procedure should not apply, the complainant will be helped with his/her complaint by the Ombudsman.
- 1.5 We will not consider complaints which relate to matters that are more than 12 months old from the time you were aware, or reasonably could have been aware, of the issue.
- 1.6 The procedure is to cover the Council's relationship with those outside the organisation and will not, therefore, cover complaints from members of staff concerning their employment. These will be dealt with in line with the Council's employment policies and procedures.
- 1.7 The Complaints Officer, for the purpose of this Complaints Procedure, will be the Customer Services Manager who reports to the Business Unit Leader for Customer Services and Communications.

- 1.8 The Complaints Officer will keep a register of all complaints received and will enter in the register details of the complaints, results of the findings and actions taken. The Complaints Officer will also produce a Complaints and Compliments Annual Report which is taken to the Performance and Scrutiny Committee.

## **2.0 Making a complaint**

- 2.1 It is important that all complaints are in writing. This can be a letter, either direct to the Complaints Officer or received from a Member of the Council on behalf of a complainant, an e-mail or an on-line form via the Council's website. When requested by the complainant, a complaint may be written out for the complainant by a member of the Council's staff (see 2.3 below).
- 2.2 Where a complaint is initially received orally, the potential complainant will be asked to put the complaint in writing.
- 2.3 Council staff will help a member of the public making the complaint and will write the complaint out for the complainant, if requested to do so. Where possible, the staff member will agree the wording of the complaint with the complainant, before it is submitted.
- 2.4 Where it appears possible to resolve that complaint without the need to take further formal steps, the staff member will try to resolve the complaint to the satisfaction of the complainant. If it is not possible to resolve the complaint at this stage, the action in 2.2 above will be followed.
- 2.5 Once a complaint in writing is received via the website or by letter by the Complaints Officer, it will be acknowledged and then referred to the Business Unit Leader (BUL) responsible for the service. The BUL will be asked to fully investigate the complaint and write a report.
- 2.6 If a complaint is sent direct to the Business Unit Leader (BUL) of the service area concerned, they will send a copy of the complaint to the Complaints Officer **within one working day of receipt**, so that the Complaints Officer can acknowledge the complaint.

## **3.0 Actions to be taken following registration of a complaint**

- 3.1 Upon receipt of the complaint, the Complaints Officer will acknowledge in writing that it has been registered and is being investigated. An acknowledgement will normally be given no later than **five working days** following receipt of the complaint. If the complaint is received via a Member of the Council, a copy of the letter of acknowledgement should also be sent to that Councillor.

- 3.2 The BUL should make sure the investigation is completed and a report written **within ten working days** of when the complaint is made. When it appears that it will not be possible to complete the investigation within ten days, either the Complaints Officer or BUL will write to the complainant explaining the reasons for the delay, giving a target date for completion. Where the complaint relates to the Freedom of Information Act, the Business Unit Leader will liaise with the Solicitor to the Council.
- 3.3 From the information obtained, the Business Unit Leader will decide if the complaint was justified and what action to take. In special cases, he/she may carry out further investigation, if necessary. If this will delay the result of the investigation being given, the complainant and Complaints Officer will be informed, in writing.
- 3.4 Where officers have tried to resolve the complaint, these actions will be clearly explained in the written response to the complainant. Similarly, if any steps have been taken to change Council procedures or to improve service delivery as a result of the complaint, these shall be clearly explained too.
- 3.5 The letter sent to the complainant at this stage will include details about a right of appeal to an independent Head of Service (not responsible for the service concerned) to further investigate the matter. The complainant will be advised that if he/she wishes to appeal that they should contact the Complaints Officer who will send the complaint to a Head of Service. Cases will be sent to Heads of Service on a rotational basis.

#### **4.0 Appealing**

- 4.1 Once an appeal is received, the independent Head of Service who the complaint has been allocated to, will ask the Business Unit Leader involved to supply a copy of the report on the complaint together with any other important information. At this time, the Complaints Officer will send an acknowledgement of the appeal to the complainant.
- 4.2 The Head of Service will consider the information and decide if further investigation is needed. If the Head of Service decides that further investigation is needed, he/she may require such further steps to be taken.
- 4.3 The Head of Service will complete investigations within **fifteen working days** and will write to the complainant to tell him/her if the appeal has been successful and of any further steps are to be taken.

- 4.4 The letter from the Head of Service will include information about a right of appeal giving details of how to make a complaint to the Local Government Ombudsman. If it is a Freedom of Information Act complaint, then the complaint needs to be made with the Information Commissioner. A copy of the letter will be sent to the Complaints Officer, the Business Unit Leader concerned and to the Head of Service responsible for the service.

## **5.0 Actions to be taken at the end of the complaints process**

- 5.1 The complaints process ends when either the appeal to an independent Head of Service has been completed or, in the case of a complaint that does not proceed to appeal, when the complainant states that he/she does not want the complaint to go any further. If no further contact is received, **after 28 days** from the date of the letter referred to in paragraph 4.3 being sent then the complaint is ended, considered resolved.
- 5.2 Management Team will receive a quarterly report on complaints and compliments as well as an annual report ahead of the Performance and Scrutiny Committee. The Complaints and Compliments Annual Report will contain details of service improvements made as a result of complaints dealt with.
- 5.3 The Report will invite the Performance and Scrutiny Committee to call for further reports on any specific areas of concern and to make any recommendations about service improvements they consider appropriate.

## **6.0 Habitual or vexatious complainants**

- 6.1 This outlines cases where a complainant, either individually or as part of a group, or a group of complainants, might be considered to be 'habitual or vexatious' and ways of responding to these situations. The term 'habitual' means 'done repeatedly or as a habit'. The term 'vexatious' means 'denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant'. This procedure tries to help in these kinds of cases.
- 6.2 Habitual or vexatious complainants can be a problem for Council staff and members. The difficulty in handling such complainants is that they are time-consuming and wasteful of resources in terms of Officer and Member time using resources that could be spent on Council priorities. While the Council tries to respond with patience and sympathy to the needs of all complainants, there are times when there is nothing further which can reasonably be done.

6.3 The following definition of habitual or vexatious complainants will be used: The repeated and/or obsessive pursuit of:

- (i) unreasonable complaints and/or unrealistic outcomes; and/or
- (ii) reasonable complaints in an unreasonable manner.

Before considering using this, the Solicitor to the Council will send a summary of this procedure to the complainant.

6.4 Where complaints continue and have been identified as habitual or vexatious, the Solicitor to the Council (following discussions with the service Business Unit Leader) will take a report to the Management Team for agreement to treat the complainant as a habitual or vexatious complainant and for an appropriate course of action to be taken.

6.5 The Solicitor to the Council will inform complainants, in writing, of the reasons why their complaint has been treated as habitual or vexatious and the action that will be taken. The Solicitor to the Council will also notify the Mid Sussex District Council Ward Member that a resident has been termed as a habitual or vexatious complainant.

6.6 Once a complainant has been termed as habitual or vexatious, their status will be kept under review **after one year** and monitored by the Solicitor to the Council with reports being taken to the Management Team, as required. If a complainant then shows a more reasonable approach then their status will be reviewed.

6.7 Complainants (and/or anyone acting on their behalf) may be termed as habitual or vexatious if previous or current contact with them shows that they meet **one** of the following :

Where complainants:

- Continue with a complaint where the Council's complaints process has been fully and properly used and exhausted.
- Continue changing the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions while the complaint is being addressed. (Care must be taken, however, not to ignore new issues, which are very different from the original complaint, as they need to be addressed as separate complaints.)
- Are repeatedly unwilling to accept documented evidence given as being factual or deny receipt of an adequate response in spite of correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to prove when a long period of time has passed.
- Repeatedly do not clearly identify the exact issues which they wish to be investigated, despite reasonable efforts of the Council to help them specify their concerns, and/or where the concerns identified are not within the remit of the Council to investigate.

Regularly focus on a trivial matter, to an extent that is out of proportion to its significance, and continue to focus on this point.

- It is recognised that determining what is a trivial matter can be subjective and careful judgement will be used in applying this criteria.
- Have threatened or used physical violence towards employees at any time. This will, in itself, cause personal contact with the complainant and/or their representative to be stopped and the complaint will only be continued through written communication. The Council has decided that any complainant who threatens or uses actual physical violence towards employees will be regarded as a vexatious complainant. The complainant will be informed of this in writing together with notification of how future contact with the Council is to be made.
- Have, in the course of addressing a registered complaint, had an excessive number of contacts with the Council – placing unreasonable demands on employees. A contact may be in person, by telephone, letter, email or fax. Judgement will be used to decide what is excessive contact taking into account the specific circumstances of each individual case.
- Have harassed or been verbally abusive on more than one occasion towards employees dealing with the complaint. Employees recognise that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. (Some complainants may have a mental health disability and there is a need to be sensitive in circumstances of that kind.)
- Are known to have recorded meetings or face-to-face/telephone conversations without the prior knowledge and consent of other parties involved.
- Make unreasonable demands on the Council and its employees, failing to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the Council's complaints procedure or normal recognised practice.
- Make unreasonable complaints which put a significant pressure on the resources of the Council and where the complaint:
  - clearly does not have any serious purpose or value; or
  - is designed to cause disruption or annoyance; or
  - has the effect of harassing the public authority; or
  - can otherwise fairly be characterised as obsessive or manifestly unreasonable.

Make many complaints which ignore the replies Council Officers have supplied.

6.8 Options for dealing with habitual or vexatious complainants can be used on their own or together depending on the case and whether or not the complaint process is ongoing or completed.

- A letter to the complainant setting out responsibilities for the parties involved if the Council is to continue processing the complaint. If terms are ignored, consideration will then be given to using other action as shown below.
- Decline contact with the complainant, either in person, by telephone, by fax, by letter, by email or any mix of these, provided that one form of contact is kept up. This may also mean that only one named officer will be nominated to keep contact (and a named deputy in their absence). The complainant will be notified of this person.
- Notify the complainant, in writing, that the Council has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant will also be informed that the correspondence is at an end, advising the complainant that they are being treated as a habitual or vexatious complainant and the Council does not intend to engage in further correspondence dealing with the complaint.
- Inform the complainant that in special cases the Council will seek legal advice on habitual or vexatious complaints.
- Temporarily suspend all contact with the complainant, in connection with the issues relating to the complaint being considered habitual or vexatious, while seeking advice or guidance from the Solicitor to the Council or other relevant agencies, such as the Local Government Ombudsman or External Auditor.

January 2020



## **Draft Terms of Reference for forthcoming Community Governance Reviews of Hurstpierpoint & Sayers Common and Worth Parish Councils, Haywards Heath Town Council, Burgess Hill Town Council and East Grinstead Town Council.**

REPORT OF: Head of Regulatory Services  
Contact Officer: Terry Stanley, Business Unit Leader - Democratic Services  
Email: [terry.stanley@midsussex.gov.uk](mailto:terry.stanley@midsussex.gov.uk) Tel: 01444 477415  
Wards Affected: Copthorne & Worth, Hurstpierpoint & Downs, Burgess Hill Dunstall, Burgess Hill Leylands, Haywards Heath Franklands, Cuckfield, High Weald, and potentially all parish wards of East Grinstead Town Council  
Key Decision: No  
Report to: Scrutiny Committee for Customer Services & Service Delivery  
2 February 2022

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### **Purpose of Report**

1. To update the Committee about plans for previously reported Community Governance Reviews (CGR) that this Council is petitioned to carry out relating to the Governance and Electoral arrangements for Hurstpierpoint & Sayers Common and Worth Parish Councils.
2. To notify the Committee that because of the Electoral Review of Mid Sussex District Council and the recommendations of the Local Government Boundary Commission (England) [LGBCE], it may prove necessary to conduct CGRs of Haywards Heath, Burgess Hill, and East Grinstead Town Councils.
3. To consult the Committee regarding the content of the draft Terms of Reference for all these CGRs.

### **Recommendations**

4. **The Committee is recommended to:**
    - (i) **Agree each of the draft Terms of Reference and Guidance for Respondents which have been the subject of consultation with statutory consultees, and to accept proposed amendments.**
    - (ii) **To authorise the Head of Regulatory Services to make amendments to Terms of Reference if additional matters arise, and as otherwise may prove necessary during the period of the CGRs.**
    - (iii) **And to note that further reports will be provided as this Council's draft and final recommendations are available at later stages of the Reviews.**
- 

### **Background**

5. As reported to this committee on 17 November 2021 two petitions were properly submitted by the requisite number of local government registered electors, and each petition was validated by our Electoral Services team.
6. Following further consultation with the parties to the Worth Parish Council CGR and the parties to the Hurstpierpoint & Sayers Common CGR, updated Terms of Reference are at Appendices A and B to this report. As agreed at the previous committee meeting these also now include our draft Guidance for Respondents.

7. Pursuant to an Electoral Review of Mid Sussex District Council the LGBCE published its draft recommendations on 31 August 2021. These reduce this Council's size to 48 Councillors and provides for new warding patterns that shall be effective at the local government elections due to be held in May 2023.

### **Terms of Reference and Draft Guidance Consultations**

8. Since the last meeting of this committee, we have made the amendments and additions suggested by the committee and we have continued to engage with all parties to the two petitioned reviews. Further requested amendments are as follows:
9. On 25 November 2021 Hurstpierpoint & Sayers Common Parish Council resolved to ask MSDC to consider the following:
  - (a) addition of a brief contextual introductory paragraph at 1.2 of the draft ToR
  - (b) deletion of potential parish names in 1.2
  - (c) Reframing suggested themes in the Guidance for Respondents to make them more open.

Your officers have reflected these requests within the appended draft ToR and Guidance to Respondents, and the committee is recommended to agree them.

10. On 19 January 2022 Worth Parish Council asked MSDC to consider enclosing a single-sided information sheet within our notification of the CGR to registered electors. Your officers have agreed this (subject to the agreement of both parties) and will extend the same offer to the parties at the other petitioned CGR in Hurstpierpoint & Sayers Common.

### **Policy Context**

11. The Petitions relating to Worth Parish Council and Hurstpierpoint & Sayers Common Parish Council were lodged in accordance with the provisions of the Local Government and Public Involvement in Health Act 2007, Section 80, and prevail upon Mid Sussex District Council as the Principal Authority, to conduct CGRs in each of these areas.
12. When boundary changes occur, for example as result of an Electoral Review, it is advisable for a Principal Authority to Review all or part of its administrative area to ensure that parish and town council boundaries remain coincident with district ward boundaries for the effective and efficient administration of elections at all tiers of local government. The following CGRs are now necessary for such administrative reasons:

### **Haywards Heath Town Council**

13. The LGBCE has created two new parish wards, Rocky Lane North and Rocky Lane South and positioned them within the district ward of Haywards Heath Ashenground. These wards are currently within the administrative area of Ansty & Staplefield parish. It is therefore proposed that the CGR considers moving these wards into the administrative area of Haywards Heath Town Council (see maps at the draft ToR).
14. The LGBCE has created a new parish ward named The Hollow at the northern tip of the Haywards Heath Franklands district ward. This collection of Closes is currently within the administrative area of Lindfield Rural parish. It is therefore proposed that the CGR considers moving this area into the administrative area of Haywards Heath Town Council (see maps at the draft ToR).

## **Burgess Hill Town Council**

15. District-wide submissions to the LGBCE all proposed including the Northern Arc development within Burgess Hill even though it is currently physically located in the rural parish of Ansty & Staplefield in the existing Cuckfield ward. The LGBCE was persuaded that these developments would look to and identify with Burgess Hill, so they created two new parish wards, Northern Arc East in the district ward Burgess Hill Dunstall and Northern Arc West in the district ward Burgess Hill Leylands. It is therefore proposed that the CGR considers moving these new parish wards into the administrative area of Burgess Hill Town Council (see maps at Appendix B).

## **East Grinstead Town Council**

16. East Grinstead Town Council wishes to reduce its number of Councillors from 19 to 16. The CGR will consider the merit of this proposal, in relation to effective and convenient local government. Officers will carefully examine the Final Recommendations of the LGBCE for this Town Council and if feasible will conduct a CGR to consult the electorate and other stakeholders as to how best it is achieved.

## **Other Options Considered**

17. The Council must exercise this statutory duty. No other options are available.

## **Financial Implications**

18. The costs involved with conducting Community Governance Reviews fall to the Principal Authority and are within existing Democratic Services budgetary provision.
19. Any costs and liabilities arising from separation of an existing parish Council to form a new one could have financial and legal implications for the existing and potentially any new parish council.

## **Risk Management Implications**

20. As the conduct of Community Governance Reviews is a statutory duty for this Authority, the Reviews will be conducted according to government guidance, so the risk level is assessed to be low.

## **Equality and Customer Service Implications**

21. Some local people will have already expressed views about what form of community governance they would like for their areas, and principal councils should tailor their terms of reference to reflect those views on a range of local issues. Ultimately, the recommendations made in a community governance review ought to bring about improved community engagement, better local democracy, and result in more effective and convenient delivery of local services. The Reviews incorporate two substantial public consultation periods, so that electors have opportunities to contribute.
22. The Terms of Reference describe how we will publicise and conduct the Reviews. The Review timetable is also included.
23. Within the draft Terms of Reference, we show as tracked changes the suggestions that your officers are minded to accept. There is consensus that the start of the Reviews should occur after the publication of the Local Government Boundary Commission's Final Recommendations for Mid Sussex District Council, due for publication at the Commission's website on 1 February 2022.

24. Any material differences between the LGBCEs draft and final recommendations will, with the Chairman's permission, be presented to the committee by the Business Unit Leader for Democratic Services.
25. It is possible that parties to any of the proposed CGRs will have submitted further comments by 28<sup>th</sup> January and if that is the case they will with the Chairman's permission, be presented to the committee by the Business Unit Leader for Democratic Services.

### **Other Material Implications**

26. At the conclusion of these Reviews, the Council's Legal Services Division will be required to make Community Governance Orders, following adoption in Council.

### **Sustainability Implications**

27. A key aim of any Community Governance Review is to alight upon suitable Governance and Electoral arrangements that are capable of enduring. There is little or no environmental impact.

### **Background Papers**

[Government & Local Government Boundary Commission Guidance on Community Governance Reviews.](#)

[LGBCE Draft Recommendations for Mid Sussex District Council.](#)

### **Enc.**

Draft Terms of Reference for Community Governance Reviews, Guidance for Respondents and maps for the following councils:

- Appendix A - Worth Parish Council
- Appendix B - Hurstpierpoint & Sayers Common Parish Council
- Appendix C - Haywards Heath Town Council
- Appendix D - Burgess Hill Town Council
- Appendix E - East Grinstead Town Council

# Community Governance Review 2021-22

## 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 Principal 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 consider:

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

If the Council (MSDC) 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 (MSDC) 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 Crawley Down. Guidance for respondents includes suggested themes to be covered by qualitative submissions, and that guidance is Appendix 1 to this document. A map showing the current parish area and wards is Appendix 2 to this document.

If a new parish and parish council is resolved, it would result in two newly named Councils:

- Crawley Down Village Council
- Copthorne Parish Council

If a new parish and parish council is not resolved, the name of the existing Worth Parish Council be changed to better reflect the identity of both villages – i.e. Copthorne & Crawley Down Parish Council, or Crawley Down & Copthorne Parish Council.

The review will also consider the electoral arrangements for any 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(s)

- (d) Parish warding – whether the parish(es) 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 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 Worth Parish Council 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 Worth 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 the Horsham Parliamentary Constituency
- write to all registered electors in the Worth Parish Council area
- publicise the review and the notice in this 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 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	Date	Outline of Action
Start Date	14 February 2022	Council publishes the terms of reference
<b>Public Consultation 1</b>	14 February 2022	Two-month consultation period starting with publication of the Review Terms of Reference.
Public Consultation ends	15 April 2022	All representations are examined & considered
Draft proposals considered by MSDC Scrutiny Committee (Customer Services & Service Delivery)	25 May 2022	Any additional recommendations of the Scrutiny Committee are recorded and added to the draft proposals.
Draft proposals re-published if the Scrutiny Committee proposes any amendments	3 June 2022	Council publishes draft proposals
<b>Public Consultation 2</b>	6 June 2022	Further two-month consultation period.
Public Consultation ends	1 August 2022	All representations are examined & considered
Final recommendations <b>[Review ends]</b>	6 September 2022	Published at the MSDC website
Final recommendations considered by MSDC Scrutiny Committee (Customer Services & Service Delivery)	14 September 2022	Scrutiny Committee will consider the extent to which the Council should give effect to the recommendations and make recommendations to Full Council
Final recommendations (as amended, if applicable) are recommended to Full Council for adoption.	28 September 2022	Full Council considers and determines the extent to which the Council shall give effect to the recommendations
Order made	By 31 October 2022	Council publishes Community Governance Order
Order takes effect	May 2023	Next scheduled local government elections

## 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 Council's 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 Community Governance Review.

5.2 The Petition has been validated as having been duly signed by 493 registered electors of the Crawley Down Electoral ward. This exceeds the 461-signature requirement.

5.3 The Petition calls for consideration of a distinct parish council for Crawley Down and proposes that any new parish council should be named 'Crawley Down Village Council'. The full petition wording will be stated within the Public Notice of Community the Governance Review.

## 6. Making representations

6.1 If you wish to make written representations on the community governance review please do so here: [[Hyperlink to online form for Worth PC CGR response](#)]

Or via e-mail: [elections@midsussex.gov.uk](mailto:elections@midsussex.gov.uk)

Alternatively, submissions may be sent by post using the reply envelope supplied, or to:

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

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.

## **Guidance: Responding to a Community Governance Review - APPENDIX 1**

This guidance refers to Community Governance Reviews conducted within the administrative area of the Mid Sussex District Council and explains how you may respond to a Review.

### **What is a Community Governance Review?**

Please see the Terms of Reference (1.1) which precede this guidance.

### **Who can participate by submitting a written response to the Review?**

Any registered local government elector for the area being reviewed may submit their views in writing for the principal authority, Mid Sussex District Council, carefully to consider.

### **What if I am not a registered local government elector?**

You must be a registered local government elector for us to validate any submission you make. If you have received confirmation that you are registered to vote at local government elections in the area under Review, then you are a registered local government elector.

If you are not registered and believe you are eligible to register to vote, you should apply immediately. Applying takes just a few minutes, by visiting: [www.gov.uk/register-to-vote](http://www.gov.uk/register-to-vote)

Exceptions are when views are submitted by local businesses, associations, educational establishments, faith, and other community groups. We will otherwise validate these.

### **How can I participate in the Review?**

All responses must be written, qualitative submissions which as a minimum consider the Terms of Reference for the Review and address the themes outlined below in 'What should be covered within my response?'.  
The best and most cost-effective way to respond is online: [Link to online Form]

Alternatively, you may send your written submission via email to: [elections@midsussex.gov.uk](mailto:elections@midsussex.gov.uk)

entitled: 'CGR response for Area Name'

If you do not have internet access, you may send a typed submission using the reply-paid envelope we have supplied. This is better than sending a handwritten letter.

### **What should be covered within my response?**

Considering the Terms of Reference, we want your views of what the Community Governance arrangements for your area should be. In support of your proposition, you need concisely to explain how it might derive the following benefits:

- Improved community engagement
- Enhanced community cohesion
- Better local democracy
- More effective and convenient delivery of local services and local government

You should also explain how your proposition:

- Reflects the identities and interests of the community

As local petitioners have proposed a new, separate civil parish for Crawley Down you may wish in addition, within your submission to address the following suggested considerations:

**1. *What do you consider to be your community identity?***

Please provide evidence for your answer

**2. *How should the civil parishes in your area be defined in future?***

Please provide reasons for your answer

**3. *Considering your proposal(s), what would be the advantages and disadvantages of these?***

**4. *If a separate civil parish council is not formed as proposed in the petition calling for this Community Governance Review, what do you think the impact might be?***

Please fully explain / evidence your answer

**Can I just write to say that I support or do not support a particular outcome?**

No. Because a petition was submitted, Mid Sussex District Council must conduct a Community Governance Review. Such a Review is a qualitative examination of a range of issues as explained within the Public Notice, the Terms of Reference, and this guidance.

It is not a poll of any kind, and the numbers of submissions for each proposition will have no effect upon the outcome. The decision of this authority will depend wholly on the quality of the propositions and the evidence offered in support of them.

Accordingly, we will reject any written submission that merely expresses support or opposition for a particular outcome or is so brief that it is uncertain or provides nothing for us to consider.

**How will I know that my views have been received and considered?**

All online and email submissions will be acknowledged. Depending on the volumes received, it may not be possible to acknowledge all those received by post, but we will try do so.

All qualitative submissions will be carefully considered and when we publish our draft recommendations all such responses will be published together with respondent's names at the council's website. Other personal information such as address, and contact details will be redacted in accordance with general data protection regulations.

We will not publish any submissions that are rejected for undue brevity, or which are wholly uncertain. At a Community Governance Review such data is meaningless.

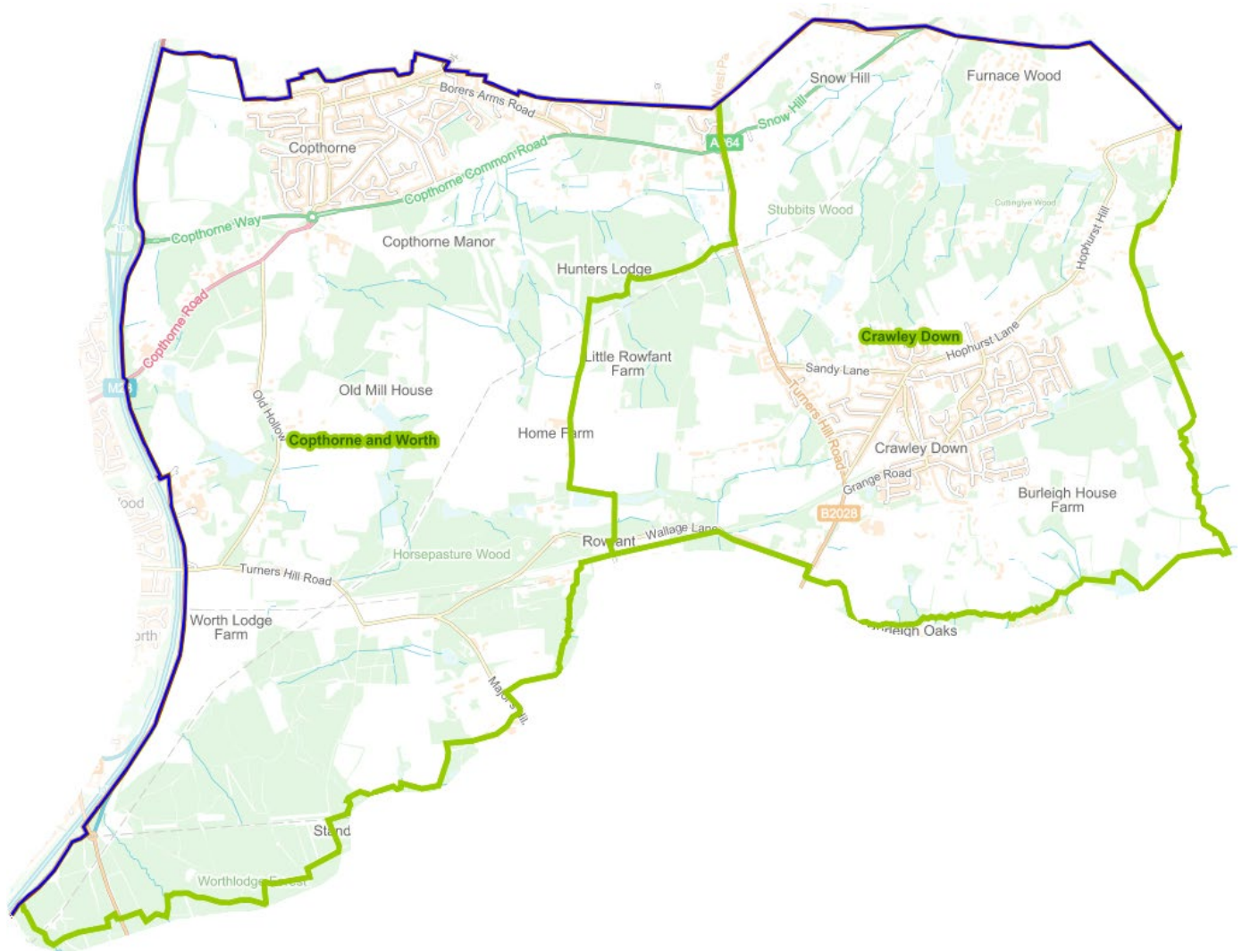
**When and how will participants know the outcome of the Review?**

The Review timetable at section 3 of the Terms of Reference sets out when each stage of the review will happen. When we publish draft recommendations and later the final recommendations, we will at the same time write to all those who contributed to that stage of the Community Governance Review.

The timetable also shows when these matters are due to be considered by a Scrutiny Committee and by a meeting of the full Council. Agendas and papers for all the Council's formal meetings are available via the MSDC website and all such meetings are webcast.

## ToR - APPENDIX 2

This map shows the Parish Council area boundary and the two wards it is currently comprised of.



# Community Governance Review 2021-22

## 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 Principal 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 consider:

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

If the Council (MSDC) 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 (MSDC) makes a community governance order.

##### 1.2 Scope of the review

The current arrangement for your representation at a local level is through Hurstpierpoint & Sayers Common Parish Council. The parish area includes Goddards Green and for a population of 5797, the Parish Council has 15 parish councillors. There are two wards within the parish namely Sayers Common with 2 ward councillors and Hurstpierpoint with 13 ward councillors.

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 Sayers Common. Guidance for respondents includes suggested themes to be covered by qualitative submissions, and that guidance is Appendix 1 to this document. A map showing the current parish area and wards is Appendix 2 to this document.

If a split is resolved, it would result in two newly named Councils:

- Hurstpierpoint Parish Council
- Sayers Common Parish Council

If a split is not resolved, the name of the existing Parish Council would remain unchanged.

The review will also consider the electoral arrangements for any 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(s)
- (d) Parish warding – whether the parish(es) 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 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 Hurstpierpoint & Sayers Common Parish Council 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 the Arundel & South Downs constituency.
- write to all households in the Hurstpierpoint & Sayers Common area
- publicise the review and the notice in this 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 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	Date	Outline of Action
Start Date	14 February 2022	Council publishes the terms of reference
<b>Public Consultation 1</b>	14 February 2022	Two-month consultation period starting with publication of the Review Terms of Reference.
Public Consultation ends	15 April 2022	All representations are examined & considered
Draft proposals considered by MSDC Scrutiny Committee (Customer Services & Service Delivery)	25 May 2022	Any additional recommendations of the Scrutiny Committee are recorded and added to the draft proposals.
Draft proposals re-published if the Scrutiny Committee proposes any amendments	3 June 2022	Council publishes draft proposals
<b>Public Consultation 2</b>	6 June 2022	Further two-month consultation period.
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Final recommendations <b>[Review ends]</b>	6 September 2022	Published at the MSDC website
Final recommendations considered by MSDC Scrutiny Committee (Customer Services & Service Delivery)	14 September 2022	Scrutiny Committee will consider the extent to which the Council should give effect to the recommendations and make recommendations to Full Council
Final recommendations (as amended, if applicable) are recommended to Full Council for adoption.	28 September 2022	Full Council considers and determines the extent to which the Council shall give effect to the recommendations
Order made	By 31 October 2022	Council publishes Community Governance Order
Order takes effect	May 2023	Next scheduled local government elections

## 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 Council’s 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
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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 Community Governance Review.

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 187-signature requirement.

5.3 The Petition calls for consideration of a distinct parish council for Sayers Common and proposes that any new parish council should be named ‘Sayers Common Parish Council’. The full petition wording will be stated within the Public Notice of Community the Governance Review.

## 6. Making representations

6.1 If you wish to make written representations on the community governance review please do so here: [[Hyperlink to online form for Hurstpierpoint & Sayers Common PC CGR response](#)]

Or via e-mail: [elections@midsussex.gov.uk](mailto:elections@midsussex.gov.uk)

Alternatively, submissions may be sent by post using the reply envelope supplied, or to:

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

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.

## **Guidance: Responding to a Community Governance Review - APPENDIX 1**

This guidance refers to Community Governance Reviews conducted within the administrative area of the Mid Sussex District Council and explains how you may respond to a Review.

### **What is a Community Governance Review?**

Please see the Terms of Reference (1.1) which precede this guidance.

### **Who can participate by submitting a written response to the Review?**

Any registered local government elector for the area being reviewed may submit their views in writing for the principal authority, Mid Sussex District Council, carefully to consider.

### **What if I am not a registered local government elector?**

You must be a registered local government elector for us to validate any submission you make. If you have received confirmation that you are registered to vote at local government elections in the area under Review, then you are a registered local government elector.

If you are not registered and believe you are eligible to register to vote, you should apply immediately. Applying takes just a few minutes, by visiting: [www.gov.uk/register-to-vote](http://www.gov.uk/register-to-vote)

Exceptions are when views are submitted by local businesses, associations, educational establishments, faith, and other community groups. We will otherwise validate these.

### **How can I participate in the Review?**

All responses must be written, qualitative submissions which as a minimum consider the Terms of Reference for the Review and address the themes outlined below in 'What should be covered within my response?'.  
  
The best and most cost-effective way to respond is online: [Link to online Form]

Alternatively, you may send your written submission via email to: [elections@midsussex.gov.uk](mailto:elections@midsussex.gov.uk)

entitled: 'CGR response for Area Name'

If you do not have internet access, you may send a typed submission using the reply-paid envelope we have supplied. This is better than sending a handwritten letter.

### **What should be covered within my response?**

Considering the Terms of Reference, we want your views of what the Community Governance arrangements for your area should be. In support of your proposition, you need concisely to explain how it might derive the following benefits:

- Improved community engagement
- Enhanced community cohesion
- Better local democracy
- More effective and convenient delivery of local services and local government

You should also explain how your proposition:

- Reflects the identities and interests of the community

As local petitioners have proposed a new, separate civil parish for Sayers Common you may wish in addition, within your submission to address the following suggested considerations:

**1. *What do you consider to be your community identity?***

Please provide evidence for your answer

**2. *How should the civil parishes in your area be defined in future?***

Please provide reasons for your answer

**3. *Considering your proposal(s), what would be the advantages and disadvantages of these?***

**4. *If a separate civil parish council is not formed as proposed in the petition calling for this Community Governance Review, what do you think the impact might be?***

Please fully explain / evidence your answer

**Can I just write to say that I support or do not support a particular outcome?**

No. Because a petition was submitted, Mid Sussex District Council must conduct a Community Governance Review. Such a Review is a qualitative examination of a range of issues as explained within the Public Notice, the Terms of Reference, and this guidance.

It is not a poll of any kind, and the numbers of submissions for each proposition will have no effect upon the outcome. The decision of this authority will depend wholly on the quality of the propositions and the evidence offered in support of them.

Accordingly, we will reject any written submission that merely expresses support or opposition for a particular outcome or is so brief that it is uncertain or provides nothing for us to consider.

**How will I know that my views have been received and considered?**

All online and email submissions will be acknowledged. Depending on the volumes received, it may not be possible to acknowledge all those received by post, but we will try do so.

All qualitative submissions will be carefully considered and when we publish our draft recommendations all such responses will be published together with respondent's names at the council's website. Other personal information such as address, and contact details will be redacted in accordance with general data protection regulations.

We will not publish any submissions that are rejected for undue brevity, or which are wholly uncertain. At a Community Governance Review such data is meaningless.

**When and how will participants know the outcome of the Review?**

The Review timetable at section 3 of the Terms of Reference sets out when each stage of the review will happen. When we publish draft recommendations and later the final recommendations, we will at the same time write to all those who contributed to that stage of the Community Governance Review.

The timetable also shows when these matters are due to be considered by a Scrutiny Committee and by a meeting of the full Council. Agendas and papers for all the Council's formal meetings are available via the MSDC website and all such meetings are webcast.

## APPENDIX 2

This map shows the Parish Council area boundary and the two wards it is currently comprised of.



# Community Governance Review 2022

## 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 Principal 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 now required to consider:

- the impact of boundary and ward changes recommended by the Local Government Boundary Commission (England)
- the impact of community governance arrangements on community cohesion; and
- the size, population and boundaries of a local community or parish.

If the Council (MSDC) 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 (MSDC) makes a community governance order.

##### 1.2 Scope of the review

The review is being undertaken to take account of electoral boundary changes being applied as a result of the LGBCs Review of Mid Sussex District Council.

Specifically, the Town and Parish Council boundaries to be considered are:

- Haywards Heath Town Council – To move the south western boundary to include the developments in the Rocky Lane area.
- Haywards Heath Town Council – To move the northern boundary of the Haywards Heath Franklands ward to Westlands Road and the junction with Gravelye Lane to make the town council boundary coincident with the District Council ward.
- Consequential changes for Ansty & Staplefield Parish Council and Lindfield Rural Parish Council

A key aim is complete this review and give effect to any new boundaries to take effect at the next ordinary local government elections in May 2023.

Other related matters which may arise during 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 Haywards Heath Town Council 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 Parish Councils listed in 1.2 above, 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 the Mid Sussex constituency.
- write to all registered electors in the parish and town council areas listed in 1.2 above
- publicise the review and the notice in this 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 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	Date	Outline of Action
Start Date	14 February 2022	Council publishes the terms of reference
<b>Public Consultation 1</b>	14 February 2022	Two-month consultation period starting with publication of the Review Terms of Reference.
Public Consultation ends	15 April 2022	All representations are examined & considered
Draft proposals considered by MSDC Scrutiny Committee (Customer Services & Service Delivery)	25 May 2022	Any additional recommendations of the Scrutiny Committee are recorded and added to the draft proposals.
Draft proposals re-published if the Scrutiny Committee proposes any amendments	3 June 2022	Council publishes draft proposals
<b>Public Consultation 2</b>	6 June 2022	Further two-month consultation period.
Public Consultation ends	1 August 2022	All representations are examined & considered
Final recommendations <b>[Review ends]</b>	6 September 2022	Published at the MSDC website
Final recommendations considered by MSDC Scrutiny Committee (Customer Services & Service Delivery)	14 September 2022	Scrutiny Committee will consider the extent to which the Council should give effect to the recommendations and make recommendations to Full Council
Final recommendations (as amended, if applicable) are recommended to Full Council for adoption.	28 September 2022	Full Council considers and determines the extent to which the Council shall give effect to the recommendations
Order made	By 31 October 2022	Council publishes Community Governance Order
Order takes effect	May 2023	Next scheduled local government elections

## 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 Council’s 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. Making representations

6.1 If you wish to make written representations on the community governance review please do so here: [[Hyperlink to online form for HHTC CGR response](#)]

Or via e-mail: [elections@midsussex.gov.uk](mailto:elections@midsussex.gov.uk)

Alternatively, submissions may be sent by post using the reply envelope supplied, or to:

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

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.

## **Guidance: Responding to a Community Governance Review - APPENDIX 1**

This guidance refers to Community Governance Reviews conducted within the administrative area of the Mid Sussex District Council and explains how you may respond to a Review.

### **What is a Community Governance Review?**

Please see the Terms of Reference (1.1) which precede this guidance.

### **Who can participate by submitting a written response to the Review?**

Any registered local government elector for the area being reviewed may submit their views in writing for the principal authority, Mid Sussex District Council, carefully to consider.

### **What if I am not a registered local government elector?**

You must be a registered local government elector for us to validate any submission you make. If you have received confirmation that you are registered to vote at local government elections in the area under Review, then you are a registered local government elector.

If you are not registered and believe you are eligible to register to vote, you should apply immediately. Applying takes just a few minutes, by visiting: [www.gov.uk/register-to-vote](http://www.gov.uk/register-to-vote)

Exceptions are when views are submitted by local businesses, associations, educational establishments, faith, and other community groups. We will otherwise validate these.

### **How can I participate in the Review?**

All responses must be written, qualitative submissions which as a minimum consider the Terms of Reference for the Review and address the themes outlined below in 'What should be covered within my response?'.  
  
The best and most cost-effective way to respond is online: [[Link to online Form](#)]

Alternatively, you may send your written submission via email to: [elections@midsussex.gov.uk](mailto:elections@midsussex.gov.uk)

entitled: 'CGR response for Area Name'

If you do not have internet access, you may send a typed submission using the reply-paid envelope we have supplied. This is better than sending a handwritten letter.

### **What should be covered within my response?**

Considering the Terms of Reference, we want your views of what the Community Governance arrangements for your area should be. In support of your case for the boundary being moved or not, you need concisely to explain how your proposition might derive the following benefits:

- Improved community engagement
- Enhanced community cohesion
- Better local democracy
- More effective and convenient delivery of local services and local government

You should also explain how your proposition:

- Reflects the identities and interests of the community

### **Can I just write to say that I support or do not support a particular outcome?**

No. A Community Governance Review is a qualitative examination of a range of issues as explained within the Public Notice, the Terms of Reference, and this guidance.

It is not a poll of any kind, and the numbers of submissions for each proposition will have no effect upon the outcome. The decision of this authority will depend wholly on the quality of the propositions and the evidence offered in support of them.

Accordingly, we will reject any written submission that merely expresses support or opposition for a particular outcome or is so brief that it is uncertain or provides nothing for us to consider.

### **How will I know that my views have been received and considered?**

All online and email submissions will be acknowledged. Depending on the volumes received, it may not be possible to acknowledge all those received by post, but we will try do so.









All qualitative submissions will be carefully considered and when we publish our draft recommendations all such responses will be published together with respondent's names at the council's website. Other personal information such as address, and contact details will be redacted in accordance with general data protection regulations.

We will not publish any submissions that are rejected for undue brevity, or which are wholly uncertain. At a Community Governance Review such data is meaningless.

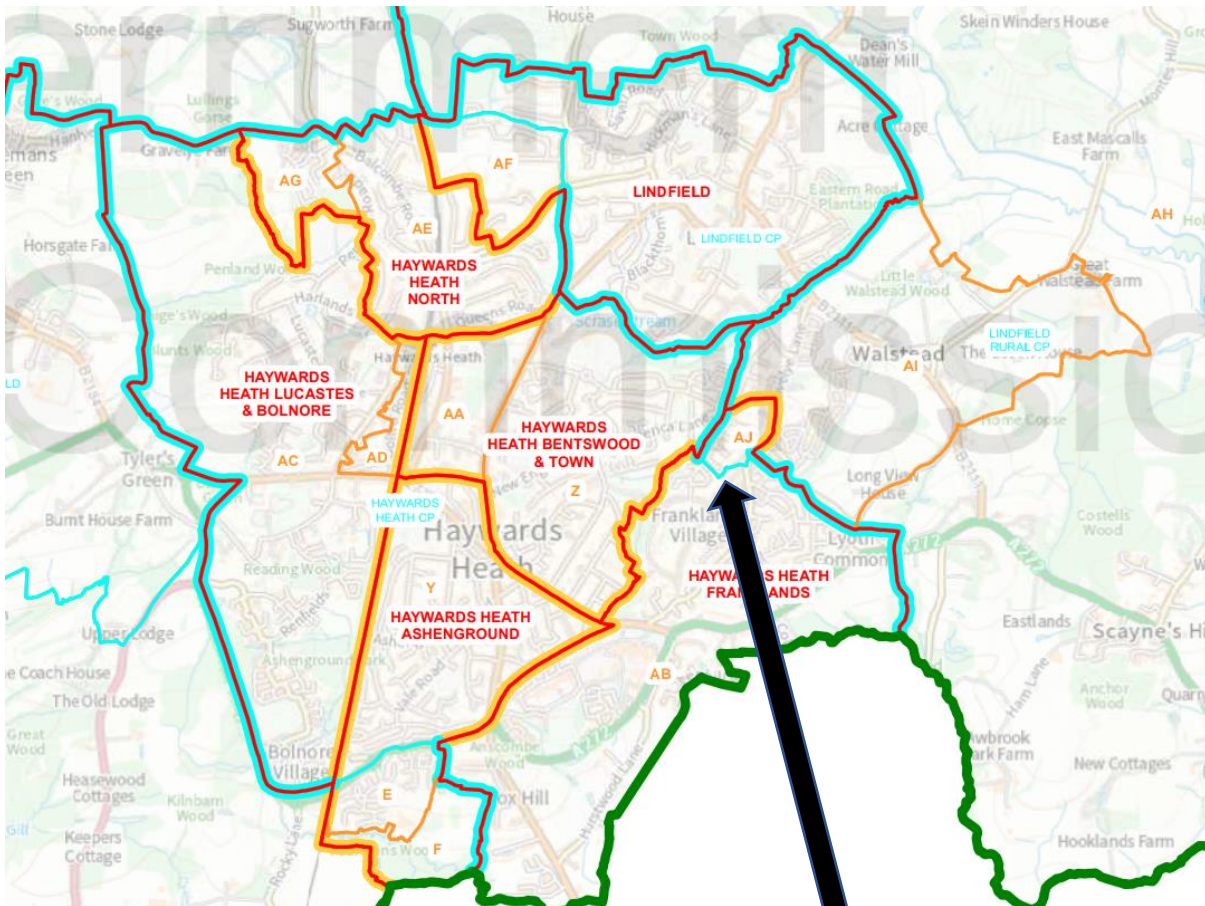
### **When and how will participants know the outcome of the Review?**

The Review timetable at section 3 of the Terms of Reference sets out when each stage of the review will happen. When we publish draft recommendations and later the final recommendations, we will at the same time write to all those who contributed to that stage of the Community Governance Review.

The timetable also shows when these matters are due to be considered by a Scrutiny Committee and by a meeting of the full Council. Agendas and papers for all the Council's formal meetings are available via the MSDC website and all such meetings are webcast.

KEY	
	DISTRICT COUNCIL BOUNDARY
	PROPOSED WARD BOUNDARY
	PARISH BOUNDARY
	PROPOSED PARISH WARD BOUNDARY
	PROPOSED WARD BOUNDARY COINCIDENT WITH PARISH BOUNDARY
	PROPOSED WARD BOUNDARY COINCIDENT WITH PROPOSED PARISH WARD BOUNDARY
	HASSOCKS FULKING CP PROPOSED WARD NAME
	FULKING CP PARISH NAME

### HAYWARDS HEATH TOWN COUNCIL CGR – PROPOSED BOUNDARY CHANGES



# Community Governance Review 2022

## 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 Principal 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 now required to consider:

- the impact of boundary and ward changes recommended by the Local Government Boundary Commission (England)
- the impact of community governance arrangements on community cohesion; and
- the size, population and boundaries of a local community or parish.

If the Council (MSDC) 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 (MSDC) makes a community governance order.

##### 1.2 Scope of the review

The review is being undertaken to take account of housing developments which have been built across existing boundaries. This will aim to amend the parish boundaries to reflect the community that residents of Northern Arc development will belong to.

Specifically, the Town and Parish Council boundaries to be considered are:

- Burgess Hill Town Council – To move the northern boundaries of Dunstall and Leylands Wards to include the northern arc developments.
- Consequential changes for Ansty & Staplefield Parish Council.

A key aim is complete this review and give effect to any new boundaries to take effect at the next ordinary local government elections in May 2023.

Other related matters which may arise during 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 Burgess Hill Town Council 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 Parish Councils listed in 1.2 above, 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 the Mid Sussex constituency.
- write to all registered electors in the parish and town council areas listed in 1.2 above
- publicise the review and the notice in this 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 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	Date	Outline of Action
Start Date	14 February 2022	Council publishes the terms of reference
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Final recommendations (as amended, if applicable) are recommended to Full Council for adoption.	28 September 2022	Full Council considers and determines the extent to which the Council shall give effect to the recommendations
Order made	By 31 October 2022	Council publishes Community Governance Order
Order takes effect	May 2023	Next scheduled local government elections

## 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 Council’s Circular 1126 recommends:

<b>Electors</b>	<b>Councillors</b>	<b>Electors</b>	<b>Councillors</b>
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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. Making representations

6.1 If you wish to make written representations on the community governance review please do so here: [[Hyperlink to online form for Burgess Hill TC & Northern Arc CGR response](#)]

Or via e-mail: [elections@midsussex.gov.uk](mailto:elections@midsussex.gov.uk)

Alternatively, submissions may be sent by post using the reply envelope supplied, or to:

Community Governance Review  
 Electoral Services  
 Mid Sussex District Council  
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 Haywards Heath  
 West Sussex  
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## **Guidance: Responding to a Community Governance Review - APPENDIX 1**

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entitled: 'CGR response for Area Name'

If you do not have internet access, you may send a typed submission using the reply-paid envelope we have supplied. This is better than sending a handwritten letter.

### **What should be covered within my response?**

Considering the Terms of Reference, we want your views of what the Community Governance arrangements for your area should be. In support of your case for the boundary being moved or not, you need concisely to explain how your proposition might derive the following benefits:

- Improved community engagement
- Enhanced community cohesion
- Better local democracy
- More effective and convenient delivery of local services and local government

You should also explain how your proposition:

- Reflects the identities and interests of the community

### **Can I just write to say that I support or do not support a particular outcome?**

No. A Community Governance Review is a qualitative examination of a range of issues as explained within the Public Notice, the Terms of Reference, and this guidance.

It is not a poll of any kind, and the numbers of submissions for each proposition will have no effect upon the outcome. The decision of this authority will depend wholly on the quality of the propositions and the evidence offered in support of them.

Accordingly, we will reject any written submission that merely expresses support or opposition for a particular outcome or is so brief that it is uncertain or provides nothing for us to consider.

### **How will I know that my views have been received and considered?**

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All qualitative submissions will be carefully considered and when we publish our draft recommendations all such responses will be published together with respondent's names at the council's website. Other personal information such as address, and contact details will be redacted in accordance with general data protection regulations.

We will not publish any submissions that are rejected for undue brevity, or which are wholly uncertain. At a Community Governance Review such data is meaningless.

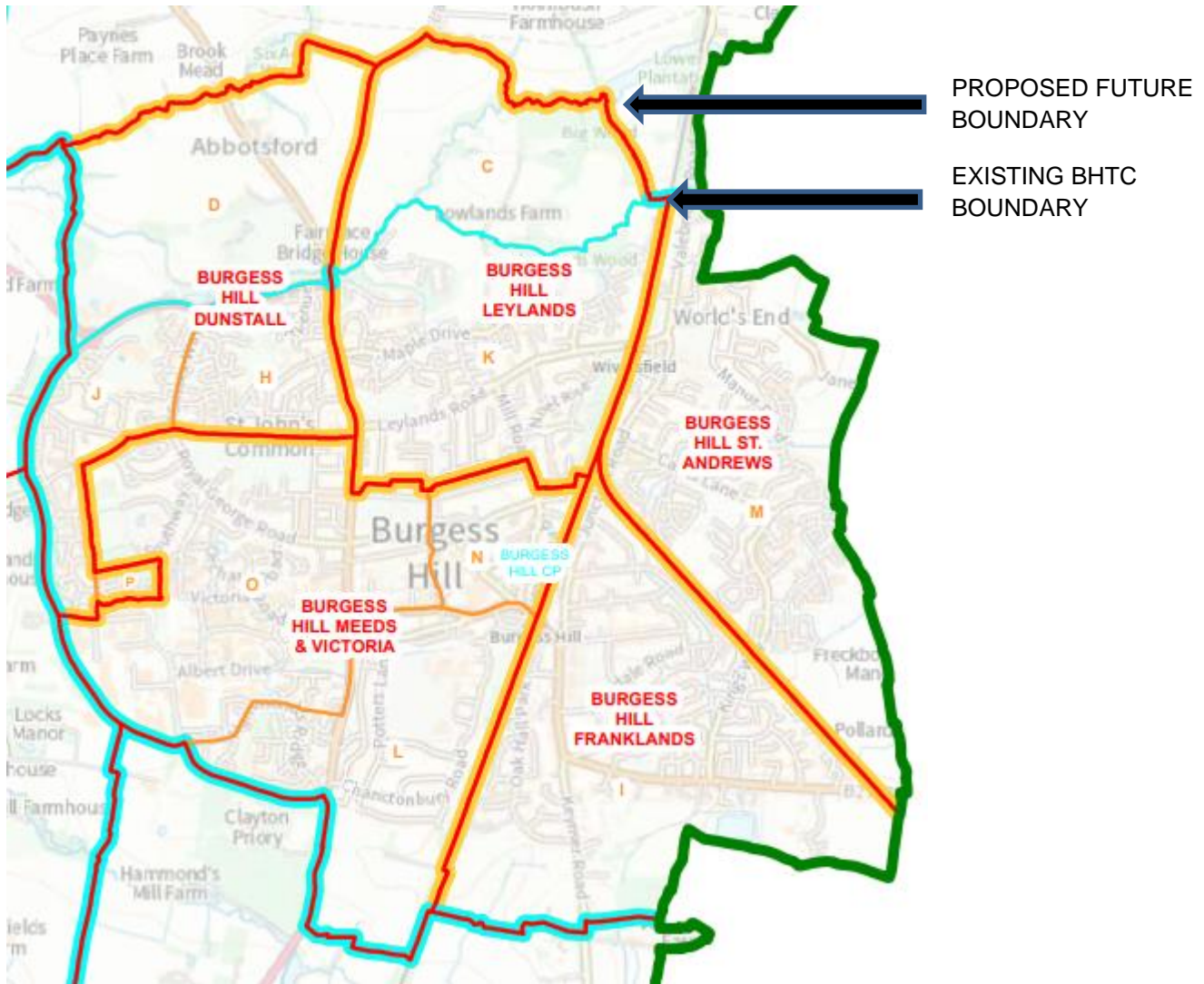
### **When and how will participants know the outcome of the Review?**

The Review timetable at section 3 of the Terms of Reference sets out when each stage of the review will happen. When we publish draft recommendations and later the final recommendations, we will at the same time write to all those who contributed to that stage of the Community Governance Review.

The timetable also shows when these matters are due to be considered by a Scrutiny Committee and by a meeting of the full Council. Agendas and papers for all the Council's formal meetings are available via the MSDC website and all such meetings are webcast.

KEY	
	DISTRICT COUNCIL BOUNDARY
	PROPOSED WARD BOUNDARY
	PARISH BOUNDARY
	PROPOSED PARISH WARD BOUNDARY
	PROPOSED WARD BOUNDARY COINCIDENT WITH PARISH BOUNDARY
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### BURGESS HILL TOWN COUNCIL CGR – PROPOSED BOUNDARY CHANGES



# Community Governance Review 2022

## 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 Principal 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 now required to consider:

- the impact of boundary and ward changes recommended by the Local Government Boundary Commission (England)
- the impact of community governance arrangements on community cohesion; and
- the size, population and boundaries of a local community or parish.

If the Council (MSDC) 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 (MSDC) makes a community governance order.

##### 1.2 Scope of the review

The review is being undertaken to consider the feasibility and desirability of a reduction to the Council size from 19 Councillors to 16 Councillors.

The entire town council warding pattern would be considered as part of the Review.

A key aim is complete this review and give effect to any new council size and boundaries to take effect at the next ordinary local government elections in May 2023.

Other related matters which may arise during 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 East Grinstead Town Council 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 Parish Councils listed in 1.2 above, 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 the Mid Sussex constituency.
- write to all registered electors in the parish and town council areas listed in 1.2 above
- publicise the review and the notice in this 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 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	Date	Outline of Action
Start Date	14 February 2022	Council publishes the terms of reference
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Final recommendations (as amended, if applicable) are recommended to Full Council for adoption.	28 September 2022	Full Council considers and determines the extent to which the Council shall give effect to the recommendations
Order made	By 31 October 2022	Council publishes Community Governance Order
Order takes effect	May 2023	Next scheduled local government elections

## 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. Making representations

6.1 If you wish to make written representations on the community governance review please do so here: [[Hyperlink to online form for EGTC CGR response](#)]

Or via e-mail: [elections@midsussex.gov.uk](mailto:elections@midsussex.gov.uk)

Alternatively, submissions may be sent by post using the reply envelope supplied, or to:

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

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.

## **Guidance: Responding to a Community Governance Review - APPENDIX 1**

This guidance refers to Community Governance Reviews conducted within the administrative area of the Mid Sussex District Council and explains how you may respond to a Review.

### **What is a Community Governance Review?**

Please see the Terms of Reference (1.1) which precede this guidance.

### **Who can participate by submitting a written response to the Review?**

Any registered local government elector for the area being reviewed may submit their views in writing for the principal authority, Mid Sussex District Council, carefully to consider.

### **What if I am not a registered local government elector?**

You must be a registered local government elector for us to validate any submission you make. If you have received confirmation that you are registered to vote at local government elections in the area under Review, then you are a registered local government elector.

If you are not registered and believe you are eligible to register to vote, you should apply immediately. Applying takes just a few minutes, by visiting: [www.gov.uk/register-to-vote](http://www.gov.uk/register-to-vote)

Exceptions are when views are submitted by local businesses, associations, educational establishments, faith, and other community groups. We will otherwise validate these.

### **How can I participate in the Review?**

All responses must be written, qualitative submissions which as a minimum consider the Terms of Reference for the Review and address the themes outlined below in 'What should be covered within my response?'.  
  
The best and most cost-effective way to respond is online: [[Link to online Form](#)]

Alternatively, you may send your written submission via email to: [elections@midsussex.gov.uk](mailto:elections@midsussex.gov.uk)

entitled: 'CGR response for Area Name'

If you do not have internet access, you may send a typed submission using the reply-paid envelope we have supplied. This is better than sending a handwritten letter.

### **What should be covered within my response?**

Considering the Terms of Reference, we want your views of what the Community Governance arrangements for your area should be. In support of your case for a particular council size, you need concisely to explain how your proposition might derive the following benefits:

- Improved community engagement
- Enhanced community cohesion
- Better local democracy
- More effective and convenient delivery of local services and local government

You should also explain how your proposition:

- Reflects the identities and interests of the community

### **Can I just write to say that I support or do not support a particular outcome?**

No. A Community Governance Review is a qualitative examination of a range of issues as explained within the Public Notice, the Terms of Reference, and this guidance.

It is not a poll of any kind, and the numbers of submissions for each proposition will have no effect upon the outcome. The decision of this authority will depend wholly on the quality of the propositions and the evidence offered in support of them.

Accordingly, we will reject any written submission that merely expresses support or opposition for a particular outcome or is so brief that it is uncertain or provides nothing for us to consider.

### **How will I know that my views have been received and considered?**

All online and email submissions will be acknowledged. Depending on the volumes received, it may not be possible to acknowledge all those received by post, but we will try do so.







All qualitative submissions will be carefully considered and when we publish our draft recommendations all such responses will be published together with respondent's names at the council's website. Other personal information such as address, and contact details will be redacted in accordance with general data protection regulations.

We will not publish any submissions that are rejected for undue brevity, or which are wholly uncertain. At a Community Governance Review such data is meaningless.

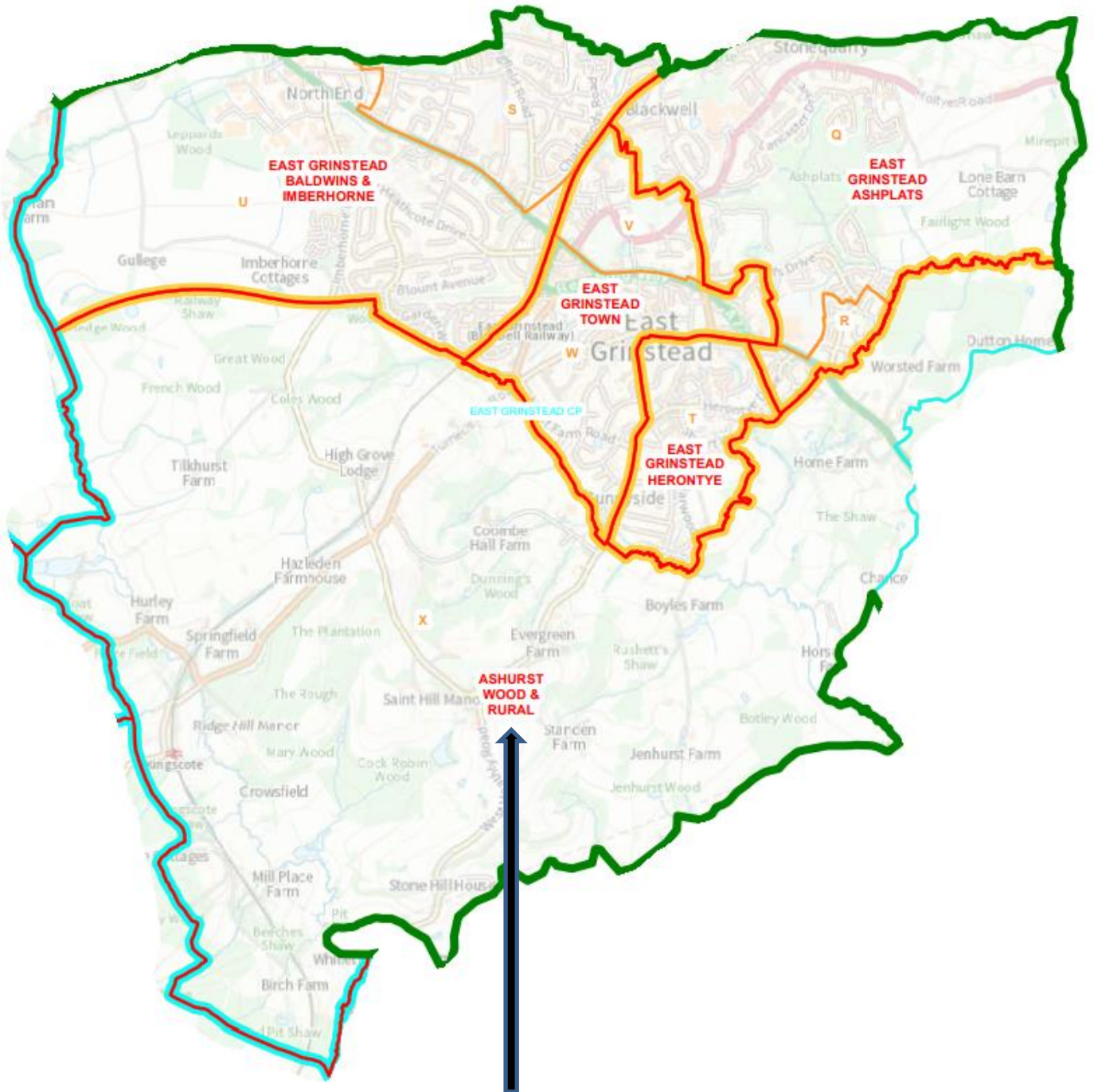
### **When and how will participants know the outcome of the Review?**

The Review timetable at section 3 of the Terms of Reference sets out when each stage of the review will happen. When we publish draft recommendations and later the final recommendations, we will at the same time write to all those who contributed to that stage of the Community Governance Review.

The timetable also shows when these matters are due to be considered by a Scrutiny Committee and by a meeting of the full Council. Agendas and papers for all the Council's formal meetings are available via the MSDC website and all such meetings are webcast.

KEY	
	DISTRICT COUNCIL BOUNDARY
	PROPOSED WARD BOUNDARY
	PARISH BOUNDARY
	PROPOSED PARISH WARD BOUNDARY
	PROPOSED WARD BOUNDARY COINCIDENT WITH PARISH BOUNDARY
	PROPOSED WARD BOUNDARY COINCIDENT WITH PROPOSED PARISH WARD BOUNDARY

### EAST GRINSTEAD TOWN COUNCIL CGR – EXPECTED WARDING PATTERN



The ward name shown here is an error on the LGBCE map from the draft recommendations. It is now most likely to be called Worsted Rural.

## SCRUTINY COMMITTEE FOR COMMUNITY, CUSTOMER SERVICES AND SERVICE DELIVERY WORK PROGRAMME 2021/22.

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

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### Purpose of Report

1. For the Scrutiny Committee for Community, Customer Services and Service Delivery to note its Work Programme for 2021/22.

### 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 2021/22 is set out below:

Meeting Date	Item	Reason for Inclusion
Wed 23 March 2022	Equality and Diversity Scheme Progress Report.	To update Members on the operation of the Council's Equality and Diversity Scheme.
Wed 25 May 2022	Potential Fare Increase for Hackney Carriages.	To inform Members on the potential fare increase for Hackney Carriages.
Wed 25 May 2022	Community Governance Reviews Draft Recommendations.	To inform Members of the Council's draft recommendations for x5 Parish Councils.

### **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.