
24 January 2023

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Dear Councillor,

A meeting of **SCRUTINY COMMITTEE FOR COMMUNITY, LEISURE AND PARKING** will be held in the **COUNCIL CHAMBER** at these offices on **WEDNESDAY, 1ST FEBRUARY, 2023 at 7.00 pm** when your attendance is requested.

Yours sincerely,
KATHRYN HALL
Chief Executive

A G E N D A

	Pages
1. To note Substitutes in Accordance with Council Procedure Rule 4 - Substitutes at Meetings of Committees etc.	
2. To receive apologies for absence.	
3. To receive Declarations of Interests from Members in respect of any matter on the Agenda.	
4. To confirm the Minutes of the meeting of the Committee held on 16 November 2022.	3 - 6
5. To consider any items that the Chairman agrees to take as urgent business.	
6. Air Quality.	7 - 20
7. Application by part of the Licensed Hackney Trade to amend the Taxi Licensing Policy.	21 - 32

8. Extension of our Public Spaces Protection Order on Car Cruising. **33 - 66**
9. Scrutiny Committee for Community, Leisure and Parking Work Programme 2022/23. **67 - 68**
10. Questions pursuant to Council Procedure Rule 10.2 due notice of which has been given.

To: **Members of Scrutiny Committee for Community, Leisure and Parking:** Councillors Anthea Lea (Chair), A Boutrup (Vice-Chair), K Adams, R Cartwright, P Chapman, R Clarke, J Dabell, B Dempsey, J Edwards, S Ellis, I Gibson, T Hussain, M Pulfer, A Sparasci and D Sweatman

**Minutes of a meeting of Scrutiny Committee for Community,
Leisure and Parking
held on 16th November, 2022
from 7.00 pm**

Present: Anthea Lea (Chair)
J Dabell (Vice-Chair)

K Adams	J Edwards	T Hussain
R Cartwright	S Ellis	D Sweatman
R Clarke	I Gibson	C Trumble
B Dempsey	S Hicks	

Absent: Councillors A Boutrup, P Chapman, M Pulfer and A Sparasci

Also Present: Councillors De Mierre and Webster

The Chairman noted the apologies of the Vice-Chairman, Councillor Boutrup and appointed Councillor Dabell to be the Vice-Chairman with the agreement of the Committee for the duration of the meeting.

The Chairman welcomed Councillor Adams as the new Member to the Scrutiny Committee.

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

Councillor Trumble substituted for Councillor Pulfer and Councillor Hicks substituted for Councillor Sparasci.

2 TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillors Boutrup, Cartwright, Pulfer and Sparasci.

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

Councillor Gibson declared an interest in Item 6: Mid Sussex Wellbeing Annual Report, as he is a Member of West Sussex County Council.

**4 TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON
28 SEPTEMBER 2022.**

The minutes of the meeting held on 28 September 2022 were agreed as a correct record and signed by the Chairman.

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

The Chairman had no urgent business.

6 MID SUSSEX WELLBEING ANNUAL REPORT.

Judy Holmes, Deputy Chief Executive, introduced the report, noting it was an annual update on the work of the Mid Sussex Wellbeing Service, which has been providing a health and wellbeing service to residents since 2011 commissioned by West Sussex County Council.

Members discussed the number and different types of referrals to the service, specifically clarity on referral breakdowns and the Wellbalanced Falls Prevention Programme level of referrals. The Community Services Manager confirmed the type of referral routes and confirmed Care Home referrals are not dealt with directly with the service, these are received from health care professionals only.

A Member asked for clarification on MDSC's financial contributions into the service and return on investments to enable consideration to endorse the continued delivery of the Wellbeing Service for 2022/23. The Community Services Manager confirmed the provisional budget £1,836m is a Public Health Grant allocated to the whole county. MSDC contributes £89,000 towards staffing costs.

Councillor Webster, Cabinet Member for Community noted the number of studies nationwide focusing on fall prevention, the cost to the NHS and impact to quality of life. The work of the Wellbeing Service has helped improve these, with the follow up work of the team and positive feedback from residents. The Deputy Chief Executive, noted MSDC are commissioned by WSCC to deliver these services under a partnership agreement, within this, outcomes are measured at a high level across all districts.

The Chairman thanked officers for the delivery of the service.

The recommendations were moved from the Chairman and Members were asked to vote, which was agreed unanimously with 13 in favour.

RESOLVED

The Scrutiny Committee:

- (i) Noted the performance of the Wellbeing Service in 2021/22;
- (ii) Considered and endorsed the proposed approach for the continued delivery of the Wellbeing Service for 2022/23.

7 LEISURE CONTRACT UPDATE.

Louise Duffield, Director of Resources and Organisational Development gave a brief overview on the complex commercial negotiations underway with the current provider Places Leisure (PL). She advised officers would endeavour to provide as much information as possible to Members.

Rob Anderton, Assistant Director of Commercial Services and Contracts introduced the report.

Members discussed the impact of rising energy costs on the provision of the leisure centres and the use and investment in alternative energy sources.

A Member sought clarity on whether MSDC influence the pricing structures at the leisure centres. The Assistant Director of Commercial Services and Contracts confirmed MSDC control some and the remainder are managed by PL. He would provide details on the pricing structure as requested.

Councillor De Mierre emphasised it was important to note the return to income from PL and the health and wellbeing benefits of the leisure centres to residents.

As there were no further questions the recommendation was moved from the Chairman and Members were asked to vote, which was agreed unanimously with 13 in favour.

RESOLVED

The Scrutiny Committee:

- The Committee noted the contents of the report.

8 SCRUTINY COMMITTEE FOR COMMUNITY, LEISURE AND PARKING WORK PROGRAMME 2022/23.

Louise Duffield, Director of Resources and Organisational Development, introduced the report which set out the schedule of business for the remainder of 2022/23.

The Chairman moved to the vote to note the report which was agreed unanimously with 13 in favour.

RESOLVED

The Scrutiny Committee:

- The Scrutiny Committee noted the Committee's Work Programme for 2022/23 as set out at paragraph 5 of the report.

9 QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.2 DUE NOTICE OF WHICH HAS BEEN GIVEN.

None.

The meeting finished at 7.50 pm

Chairman

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AIR QUALITY.

REPORT OF: Lucy Corrie, Assistant Director Communities
Contact Officer: Adam Dracott Team Leader Environmental Protection
Email: 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
1 February 2023

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.

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 for 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 2022 was approved by Defra in July 2022 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 Partnership, 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 (NO₂) exceeding the air quality objective level of 40ug/m³ 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 (NO₂) concentrations above the objective level, and this was the reason for the AQMA declaration. For 4 of the last 5 years, pollutant concentrations have been below the objective level. For all the other monitoring locations, where they represent relevant exposure, for the last 10 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 2022 related to the data gathered throughout 2021. As expected, there has been a general increase in NO₂ levels compared to those recorded in 2020, as 2021 had a shorter Coronavirus lockdown period than 2020. As a result of impacts from COVID-19 and the associated restrictions on activity during the first seven months of 2021, it was anticipated that measured NO₂ levels would be lower than would have been expected in a "normal" year, and no long-term conclusions should be drawn from this year's data, given that restrictions in response to COVID-19 affected traffic levels significantly. 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 (NO₂) and particulate matter (PM). Particulate matter is often referred to by size, so you may see references to PM₁₀, PM_{2.5} or PM_{0.1} and are a health concern due to their tiny size which can penetrate deep into the lungs.
13. Pollutants:

- Nitrogen dioxide (NO₂) -Road transport is responsible for some 80% of NO₂ 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 including tyre and brake wear. They are also produced when gases and particles interact with one another in the atmosphere. They are categorised by size and identified in microns (µm). Of the different sizes of particulate matter, 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 PM_{0.1}, once inhaled are able to pass directly into the bloodstream. Unlike NO₂, 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 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 (PM₁₀, 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 PM_{2.5} but in the Environment Act 2021 the Secretary of State must set a target for the annual mean level of 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 2020 the fraction of mortality attributable to anthropogenic PM_{2.5} was 5.7% for Mid Sussex. This compares to an estimated fraction of 5.6% for England, and a range between 6.2% (Crawley) and 5.4% (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 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 2021 was submitted in June 2022 and approved by Defra in July 2022. The next report on air quality in the district covering the year 2022 will be submitted in June 2023. The report format is prescribed by Defra and the monitoring data must be presented in the prescribed way.
22. The 2022 report, covering the 2021 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 2021 are positive, with all sites showing a decrease in the nitrogen dioxide (NO₂) levels compared to those recorded in 2019 which was the last year before any of the Covid restrictions were in place. The long-term trend is continuing downwards (see Appendix 2). In 2021 we undertook non-automatic (passive) monitoring of NO₂ 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. Most 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. A small number of sites monitor long-term background levels.
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 NO₂ 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. Since the Annual Status Report was published, we have completed a project to install an air quality station at London Road East Grinstead. In the air quality monitoring station there are 2 continuous analysers giving us measurements of NO₂ and PM₁₀ every 15 minutes and available to view in real-time. 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 October 2022. The action plan measures were reviewed and half yearly updates are circulated amongst members of the group.

Air Quality Management Area

28. Within the AQMA at Stonepound Crossroads exceedances of NO₂ 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 NO₂.

29. The monitoring sites around the Stonepound Crossroads have been selected to measure NO₂ 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 NO₂ has been a steady decline over the years 2011-2022. Appendix 4 displays the NO₂ trend at the monitoring locations at Stonepound Crossroads over the last 5 years.

30. Having declared an AQMA, we fulfilled a requirement 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 NO₂ is 40ug/m³ 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

	CURRENT ACTIONS	STATUS
1	“Cut Engine, Cut Pollution” signs	On-going
2	Improve and promote cycle routes	On-going
3	Encourage alternate transport modes (shared approach between HDC, CBC and MSDC)	On-going
4	Installation of pollutant sensors to optimize traffic signalling	To be completed by Spring 2023
	COMPLETED OR NON-VIABLE ACTIONS	
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) and 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 Site Allocations DPD which was adopted in June 2022 includes a policy on air quality (Policy SA38) and this specifically references the Sussex-wide guidance. 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 in relation to nitrogen dioxide. 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 fast 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.
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.

Future considerations for air quality management

36. The Environment Act 2021 received Royal Assent on 9th 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.
37. The Act makes a clear commitment to improve air quality by setting legally binding targets for fine particulate matter (PM_{2.5}), the most damaging pollutant to human health. The Secretary of State has set a PM_{2.5} limit of 10µg/m³ to be achieved by 2040.
38. 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_{2.5}, 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.
39. 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.

40. 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 2030. 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

41. 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

42. 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 annual maintenance costs for the air quality station in East Grinstead and officer time implications for the calibration of the equipment.

Risk Implications

43. 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

44. 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

45. 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 2022 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
- *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

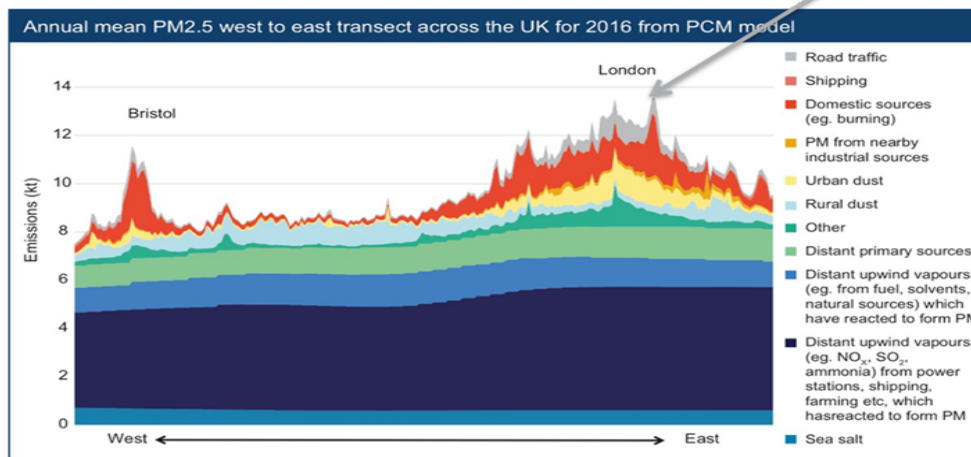
Particulate Matter – PM_{2.5}

Strategies for reducing PM_{2.5}

Domestic sources

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

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_{2.5} 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_{2.5} ~ 1-2 mg / m³. e.g ~20% of PM_{2.5} WHO limit is taken up by natural particles.

Upwind Vapours (inorganic)

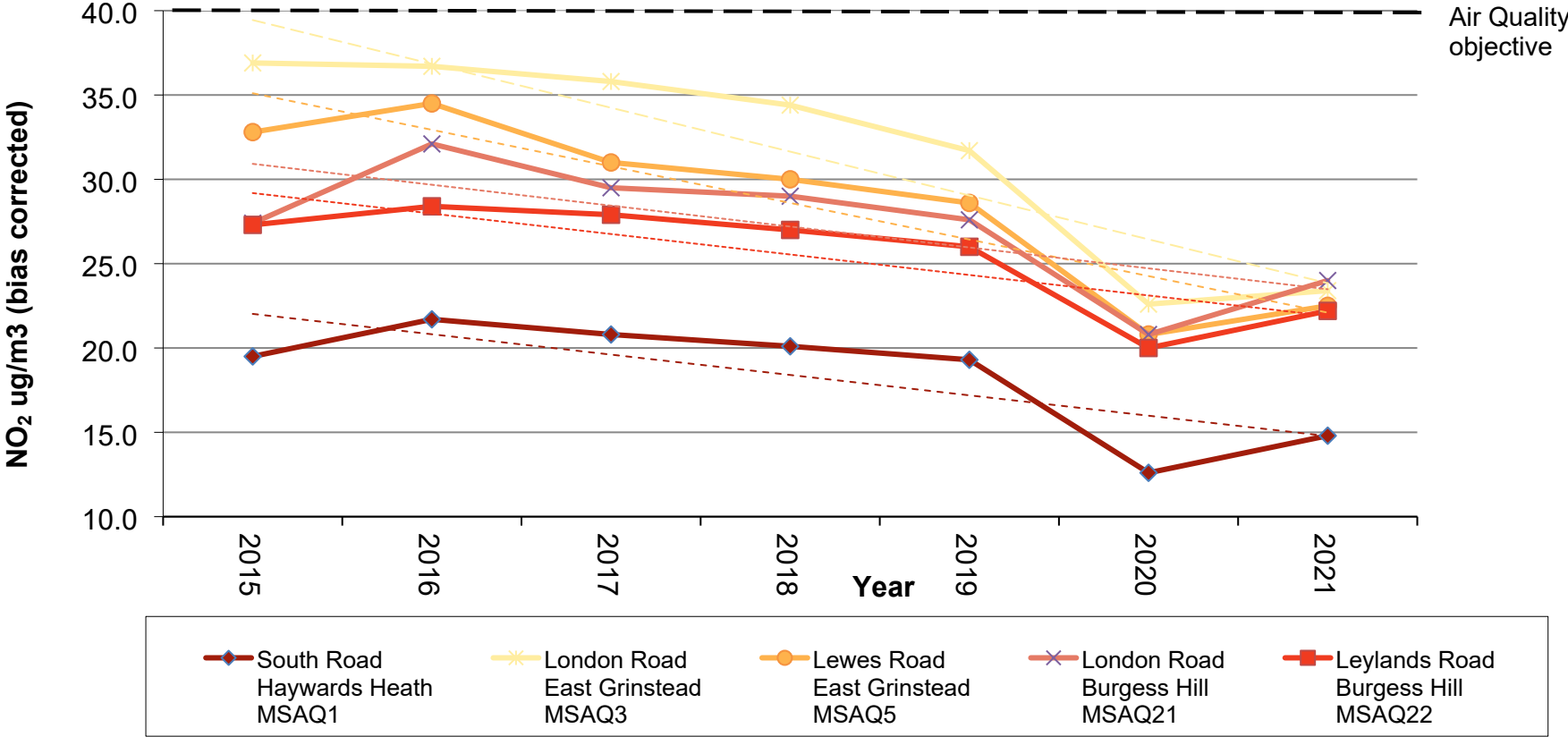
Planned reductions in NO_x and SO₂ will help. Controls are proposed on farming ammonia, but PM_{2.5} formation is highly non-linear. Small NH₃ reductions have little effect on PM_{2.5}

Upwind Vapours (organic)

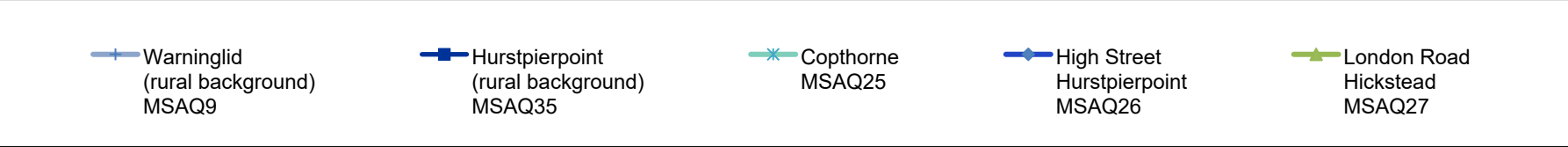
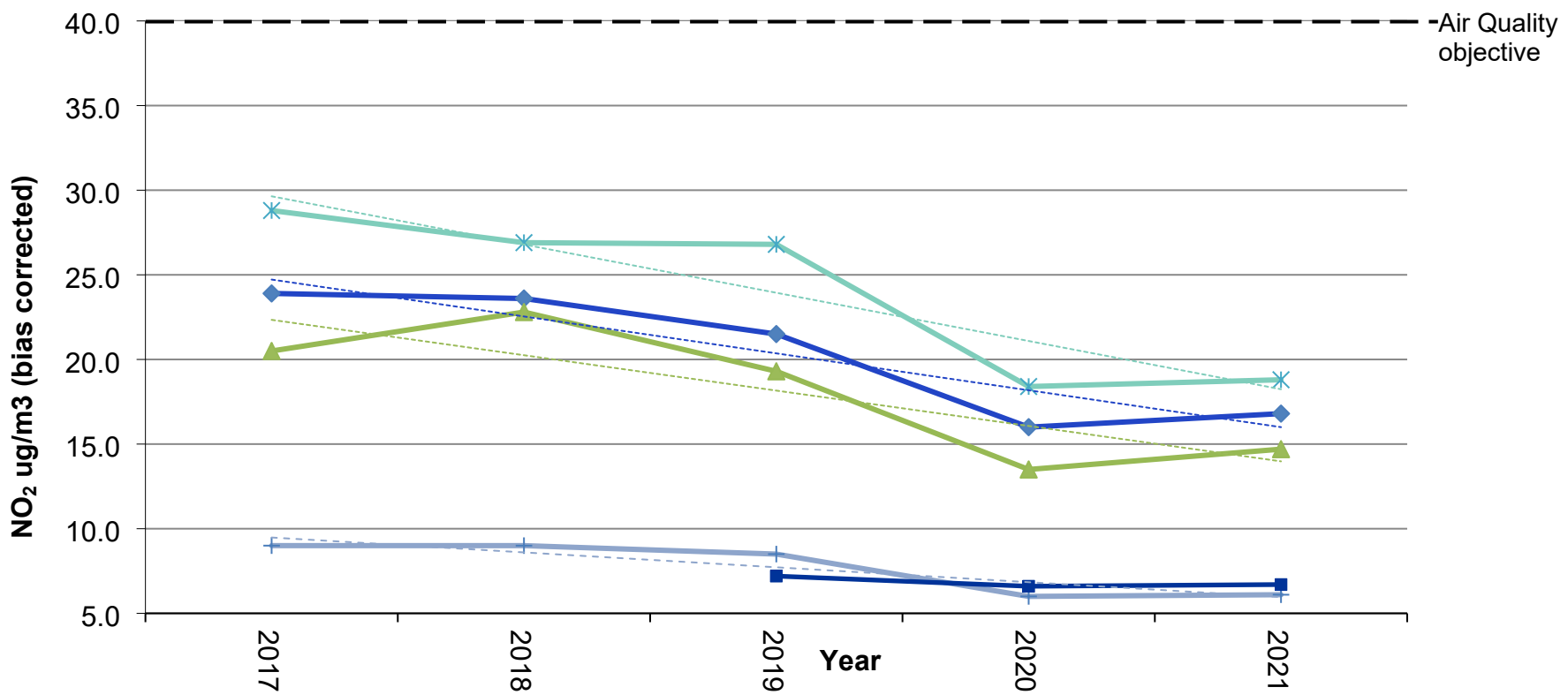
Volatile Organic Compounds are precursors to both ozone and PM_{2.5}. UK needs to halve emissions by 2030. CAS focuses on domestic sources.



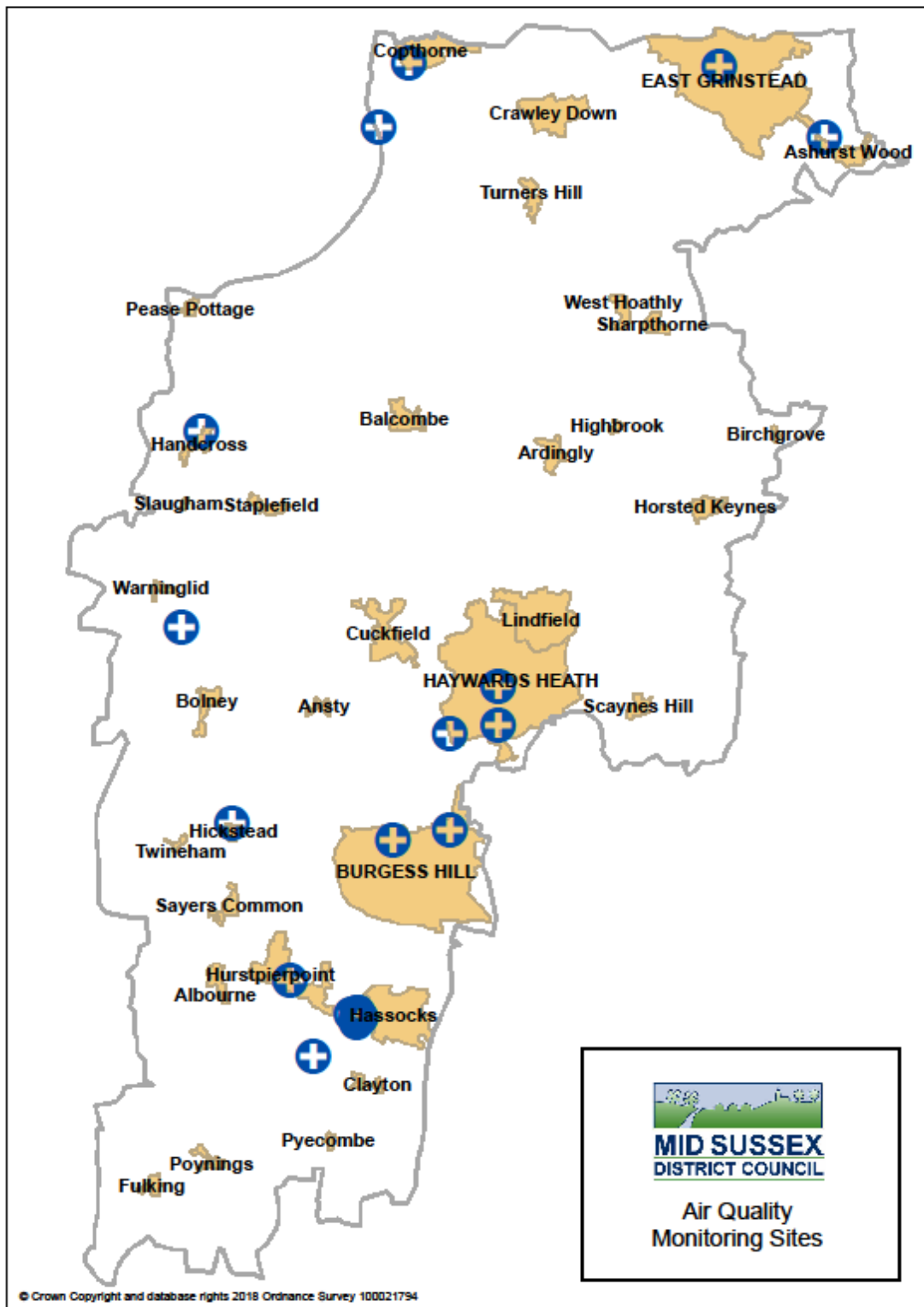
Nitrogen Dioxide Monitoring Trends at 3 Urban Centres 2015 - 2021

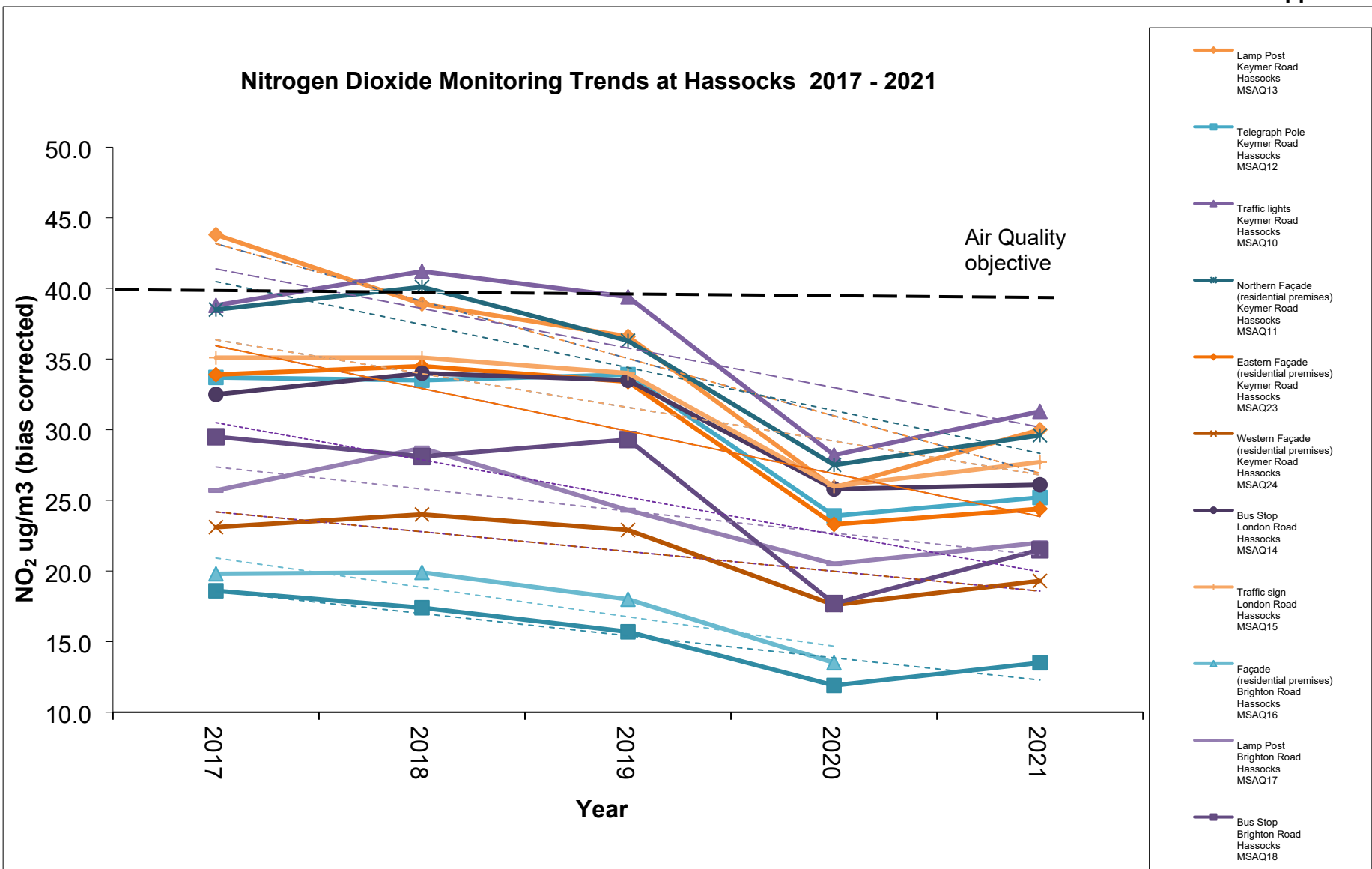


Nitrogen Dioxide Monitoring Trends at 3 Villages and 2 Rural Background Sites 2017 - 2021



Map of Monitoring Locations across Mid Sussex District





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APPLICATION BY PART OF THE LICENSED HACKNEY TRADE TO AMEND THE TAXI LICENSING POLICY.

REPORT OF: Lucy Corrie, Assistant Director Communities
Contact Officer: Jon Bryant, Senior Licensing Officer
Email: jon.bryant@midsussex.gov.uk Tel: 01444 477428
Wards Affected: All
Key Decision No
Report To: Scrutiny Committee for Community, Leisure and Parking
1 February 2023

Purpose of Report

1. To present a request from a section of the licensed hackney and private hire trade to amend the Taxi Licensing Policy relating to the age of vehicles used by the trade.

Summary

2. On 1st October 2012, the Council introduced a Taxi Licensing Policy. Following consultation, it has been revised and re-adopted on several subsequent occasions. From 1st October 2017, Section 4 of the policy introduced a restriction on the age of licensed hackney carriage or private hire vehicles to 10 years.
3. A section of the licensed hackney and private hire trade has formally written to the Licensing Authority requesting amendments to increase the vehicle age limit provision.

Recommendations

4. **The Committee's options are**
 - a) **Recommend to the Cabinet Member that the request is declined and the vehicle age restrictions continue to be enforced at 10 years.**
 - or
 - b) **Recommend to the Cabinet Member that the Council engages in a 6-week consultation to amend the current Taxi Licensing Policy, relaxing the current vehicle age restriction of 10 years to 12 years.**

Background

5. The current Taxi Licensing Policy sought to ensure that members of the public have access to an effective, professional and safe hackney carriage and private hire service in Mid Sussex. In formulating the draft policy, we compiled the existing conditions attached to licences and reviewed a number of national and local policies and conditions.

In drafting the 2012 Policy, the Licensing Team undertook initial consultation with the trade on the main changes proposed; these included the introduction of an age restriction on vehicles and additional testing of vehicles over a certain age.

6. During the consultation phase, the Licensing Team wrote to all licensed hackney carriage drivers, private hire drivers, and operators, informing them of the draft policy and inviting them to comment.
7. In March 2012, following the consultation, the Licensing Committee considered the policy and the trade were invited to attend the Committee. The Committee agreed the Policy including Section 4 to limit the age of vehicles to be licensed to 10 years old. The Committee proposed that from 1st October 2017 the Council would not licence any vehicle over the age of ten years from its initial DVLA registration.
8. We received 108 responses during the consultation period regarding this section of the policy, of which 47 were against the proposal.
9. The policy was formerly adopted by Council in July 2012 with effect from 1st October 2012. The final wording of Section 4.4 in the Policy is as follows:

Vehicle age restrictions

From 1st October 2017 the Council will not license any vehicle over 10 years of age from the date of initial DVLA registration.

Whilst it is recognised that all licensed vehicles require regular maintenance it is accepted that the older a vehicle the more wear and tear it will have and the frequency of maintenance needs to be increased. It is also recognised that newer cars have improved safety features. Restricting the licensable age allows for a more modern fleet with greater safety features and reduces the likelihood of badly maintained vehicles.

10. On 29th June 2017, prior to the introduction of the 10-year vehicle age policy in October 2017, the Scrutiny Committee for Community, Housing and Planning considered a further request from the Mid Sussex Taxi Association (MSTA) to increase the vehicle age limit to 15 years and to defer the implementation of the policy for two years, to 2019. The reasons given were changes in financial circumstances at that time. Following a full consideration of the representations made by the MSTA, the Members of the Scrutiny Committee agreed unanimously that no changes to the Licensing Policy were required.
11. The Policy was therefore introduced on 1st October 2017. Since that time, a small number of drivers have made individual applications to the Licensing Sub A Committee to allow their vehicles to be licensed for more than 10 years. The Sub Committee has determined on each occasion that there were no exceptional circumstances to depart from the policy in these cases.
12. The vehicle age limit has now been in place for over 5 years.
13. Since the introduction of the vehicle age requirement, the full Policy has been reviewed, consulted on, and updated on three further occasions. The current version of the Policy commenced on 1st May 2021. There have been no amendments to the vehicle age limit during these reviews.
14. On the 10th October 2022, the Licensing Authority received a petition from a section of the Licensed Trade requesting that we consider amending the Policy in relation to the vehicle age limit. The reasons provided in their

request are the current financial circumstances that some drivers find themselves in, together with the additional requirements of vehicle livery and CCTV that have also been implemented in 2022.

15. The petition named 75 drivers. It is noted that three drivers have signed twice for different Hackney Vehicle licence numbers and there are 14 entries that are unsigned. The submitted document and petition are contained in Appendix 1
16. They cite the changing financial circumstances as the reasons for requesting a change in the policy. These being:
 - a) Hackney vehicles were mandated to be white in colour from 1st October 2022 which in some cases has meant a change of vehicle or the current vehicle being resprayed or wrapped white;
 - b) The costs of fitting CCTV cameras into licensed vehicles;
 - c) Increased costs to drivers in respect of fuel, servicing, tyres and MOT;
 - d) Rising inflation.
17. The petition requests an extension from 10 to 12 years on the age limit and that a vehicle would be extended if:
 - Prior to the 10-year period the vehicle is inspected by the Licensing Team
 - The vehicle must be roadworthy with an up-to-date MOT and Fitness test
 - The vehicle must be of clean appearance inside and out
 - All vehicles must have the bodywork free from dents, scratches, or defects
 - The Licensing Team are the final decision makers on whether an extension should be granted
 - No appeal against the Licensing Team decision.
18. The Licensing Team have looked at the age policy for other Sussex District & Boroughs and the results are at appendix 3. It is the Team view that they are taking a proportionate and consistent approach to the 10 year age limit. It is also the Teams view is that the suggested change could potentially put a Licensing Officer in a position where drivers could state that one driver is being treated more favourably than another. In addition the team do not have the resources to manage the expected workload that will result from this change.
19. Currently, if an applicant applies with a vehicle over 10 years of age and the Licensing Team refuse to renew or grant the licence, the applicant may appeal to the Licensing Sub A Committee. The applicant must demonstrate to the Committee the exceptional circumstances as to why the Council should deviate from the Policy. If the Sub A Committee refuse to grant, the applicant may exercise their right of appeal to the Magistrates' Court.
20. Since the introduction of the Policy, three vehicle licence holders have made such representations before the Licensing Sub A Committee. These individual cases were not accepted as amounting to exceptional circumstances.
21. Attached to the report are the current vehicle age restrictions for neighbouring authorities.

Options

22. Following consideration of this request the Committee could recommend to the Cabinet Member that the request is declined and the vehicle age restrictions continue to be enforced at 10 years. Alternatively, the Committee could recommend to the Cabinet Member that the Council engages in a 6-week consultation to amend the current Taxi Licensing Policy, relaxing the current vehicle age restriction of 10 years to 12 years.
23. The Committee will note that Officers have made two recommendations but in view of paragraph 19 and the current ability to apply to use a vehicle over 10 years old in exceptional circumstances, the committee are invited to recommend to the Cabinet Member that the request is declined, and the vehicle age restrictions continue to be enforced at 10 years.

Policy Context

24. This report directly relates to the Mid Sussex District Council Taxi Licensing Policy.
25. Sections 47 and 48 of the Local Government (Miscellaneous Provisions) Act 1976 provide the basis for the vehicle age policy where:

A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary.

26. In respect of both types of licensed vehicles there is a right of appeal against conditions attached to a licence or refusal to renew a licence, in respect of Hackney Carriages:

47 Licensing of Hackney Carriages

(3) Any person aggrieved by any conditions attached to such a licence may appeal to a magistrates' court.

In respect of Private Hire Vehicles:

48 Licensing of Private Hire Vehicles

(7) Any person aggrieved by the refusal of a district council to grant a vehicle licence under this section, or by any conditions specified in such a licence, may appeal to a magistrates' court.

Risk Management Implications

27. Any extension to the current vehicle age policy may impact on the District Council's commitment to reducing emissions as the vehicles that will be extended are likely to be the older diesel vehicles which are generally more polluting.

Equality and customer service implications

28. None identified.

Sustainability Implications

29. It should be noted that there is a commitment within the current Policy to reducing Licensed Vehicle Emissions. Although the licensed trade only forms a small proportion of the current vehicle traffic, they do travel a large number of miles each year. From 1st October 2023 all newly licensed diesel vehicles must be compliant with Euro 6 emissions standard and petrol vehicles with the Euro 4 standard. Any change in the vehicle age limit may impact on this commitment by delaying the replacement of older vehicles.

Background papers

Appendix 1 - Proposal and petition

Appendix 2 – Neighbouring Authorities vehicle age limits

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10 OCT 2022

ENV. HEALTH

Hackney Carriage Taxi Life Extension?

We would like to ask Mid Sussex Council if they would consider extending the 10 year life of a taxi to 12 years if possible. The signatures collected from drivers are asking Mid Sussex Council to consider this please based on the following costs they have had to pay and the ever changing costs within the economy.

Taxis have to be white from 1st October which in some cases has meant a change of taxi.

- Drivers have had to cover the cost of a new taxi.
- Or have repainted at a cost of approx. £2,000.00.
- Some drivers have had their vehicles wrapped approx. cost £1,800.00
- CCTV/Cameras to be fitted at the driver's expense.
- Keeping a taxi on the road has seen ever increasing costs all round, fuel: servicing: tyres: MOT'S have all increased higher than expected.

Driving factors going forward:

The UK is the only G7 country with a smaller economy than before Covid-19.

House prices failed to rise month on month (September) for the first time since July 2021.

Inflation is increasing as we have not seen for many years.

Mortgage rates are rising and expected to hit above 6% and could go beyond.

Energy costs have gone up dramatically although now capped at £2,500.00.

How true it is but it is rumoured Crawley Council have extended the life of a taxi from 10 years to 12, so if possible we ask for help in these difficult times to see if the life of the taxi can go to 12 years with the final say with the licensing team based on the following.

- Before the 10 year period the taxi is inspected by the licensing team (6 months before?).
- The taxi must be roadworthy and up to date with MOT and fitness test.
- The taxi must be of clean appearance inside and out.
- All taxis must have the bodywork without dents, scratches or defects.
- The licensing office has the final say on and if, the 2 year extension will be granted.
- No appeals will be accepted if the licensing team feel the taxi is not in good order to extend to 12 years.

We hope the council will consider this proposal and consider this extension.

We thank you for your time.

Rouf Uddin HVO127

Roufuddin@hotmail.com

07963560361

HVL no	PHVL no	Full name	Signature
120		Taz UDDIN	
93		Fokor UDDIN	
87		MD ABDHAL	
138		AZHER PERVEZ BHAJTI	
56		Stephen Duplano	
225	637	Ismail Smith	
67		MOHSIN RAFIQ	
74		AQEEL NAWAZ	
164		HUSSAIN BASHIR	
051		VEDANTHA SEEWINGOLAM	
055		HIDAYATULLAH ^{SHAH}	
1638		Abdul ALIM	
170		Sabri HUSSEIN	
125		M J KHAMMAN	
083		M. Z. AKHTAR	
74		MR. Salim	
36		Steve Skarson	
196		UMMAD REHMAN	
219		MUHAMMAD SHAARIK	
127		Rouf uddin	
75		SHAHID LATIF	
113		JACUAD MALIK	
215		FAISAL KHAN	
053		MD TAFAZZAL HARVE SHARIF	
102		GRAEME FERUSON	
103		TAZUL ISLAM	
147		RAMON PABLO	
152		Alex Seymour	
54		S. Reihman	

HVL no	PHVL no	Full name	Signature
HV 108		Shan Paekham	
0027		Rob Kwapp	
0019		DARREN WELLER	
HV 60		Shams Choudhury	
HV 68		Kulzam NAZIR	
HV 129		FORUK MIAH	
134		RAF BACCAD	
1087		ATIF Hussain	
0057		RICHARD COSENS	
HV 15		Asif Stanekzai	
139		DANAIL YANILKOV	
HV 107		PAUL SERRIN	
HV 022		MDEMAZ HUSSEN	
HV 43		Shamul Ullah	
1046		Faisal Islam	
215		Faisal Kiyani	
202		Raja Sadig	
HV 04		Paul Tamel	
222		T. Boules	
HV 27		M. Kameel	
HV 132		M. Kameel	
HV 064		EDWARD LEE	
HV 028		A. SORUBI	
HV 077		MR. D. JATS	
HV 066		Kerolos Gouda	
HV 51		adnan Haider Choudhary	
HV 30		Waqas ahmad	
	PV0862	Wasan Lawankul	
	PV1027	Mohamed AZOZ	
HV 008		Western Cars	

HV 76



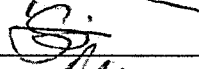

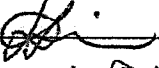

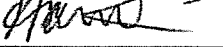

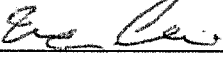

HV 224

HV 208

ALAN CONWAY

RONNIE VANNAU

ANDREW HARRIS

HVL no	PHVL no	Full name	Signature
12		MOHAMMAD ALAM	
214		IMANE AHMED	
85		M. Inuodid	
32		M. Mirzaei	
223		M. D. H. PATWARI	
16		SAHOD AHMAD	
29		M. Hammad	
60		Shams Choudhury	
HV 133		IBRAR - HUSSAIN	
HV0063		T.S. SAJJAN	
HV 78		T. SAJJAN	
HV 44		Rashar	
226		R. ahmed.	

Appendix 2

Adur and Worthing Local Authorities

All new or replacement vehicles must be, from the date of registration 7 years old or less from the start of the licence until its 10th year; thereafter; if the vehicle is in an exceptional condition the vehicle will be licensed for a further year with an interim 6-month garage inspection.

This condition has been in place for 5 years and was reviewed at the beginning of this year with no changes.

Rother

Since April 2018, Rother District Council do not allow a vehicle to be any more than 7 years old when first licensed and the vehicle licence will be renewed up to the vehicle being a maximum of 10 years old.

Wealden

Since January 2018, Wealden District Council do not allow a vehicle to be any more than 7 years old when they first licence it and a maximum of 9 years old to have the licence renewed.

Vehicles which were already licenced prior to the implementation of age criteria in 2018 have grandfather rights and can continue to be licenced providing they meet all the requirements relating to VCT's and general condition.

Arun

Currently no upper or lower age limit but they are reviewing the taxi policy and asking for a maximum age of 10 years. They have had quite a lot of comments back from the trade disagreeing with the 10 years limit.

Hastings

Their new policy adopted last year states that upon first registration vehicles can be no older than 5 years and should exit the trade after 7 years; they do allow a couple of extensions subject to condition for purpose-built vehicles. This is 10 years old.

Crawley

Their maximum is 11 years, but Members gave the older cars 2 extra years during Covid. This was being reviewed at Committee in November when the temporary extension is due to end in March 2023.

Chichester

Any new vehicle will only be licensed for full years up until it is 10 years old from first registration. However, when the policy was brought in, existing licensed vehicles which were older than 10 years or would become over 10 years, were given a maximum period of 5 further years.

The only exception to the above is fully electric vehicles (not hybrids) which are not subject to an age policy. The intention was that this might be an incentive for licence holders to get an EV

Brighton and Hove

In the case of a first application for a hackney carriage or private hire vehicle licence diesel vehicles must be manufactured to Euro 6 emission standard and petrol. There are 146 vehicles manufactured to Euro 4 emission standard and must not normally exceed 10 years of age from date of initial DVLA registration and not more than 10 years of age in the case of any subsequent application for renewal of licence.

The maximum age limit described above, may only be exceeded if the vehicle presented is in exceptional condition, A vehicle may only exceed the normal age limit for a maximum of 2 years.

EXTENSION OF OUR PUBLIC SPACES PROTECTION ORDER ON CAR CRUISING.

REPORT OF: Lucy Corrie, Assistant Director Communities
Contact Officer: Mandy Cunningham, Community Safety and Safeguarding Manager
Email: mandy.cunningham@midsussex.gov.uk Tel: 01444 477094
Wards Affected: Burgess Hill wards of Dunstall, Franklands, Leylands, Meeds, St Andrews, Victoria, East Grinstead ward of Imberhorne, Hurstpierpoint and Downs, Twineham, Bolney
Key Decision: No
Report to: Scrutiny Committee for Community, Leisure and Parking
1 February 2023

Purpose of Report

1. To inform the Scrutiny Committee for Community, Leisure and Parking about proposals to extend our existing Public Spaces Protection Order (PSPO) around Burgess Hill for car cruising for a further three years and to also include two additional areas to the PSPO.

Summary

2. The existing PSPO which covers the six wards in Burgess Hill expires in April 2023. A map outlining the existing zone is at appendix 1. During November/December 2022 officers undertook public consultation on whether to extend the PSPO for a further 3 years. The consultation also proposed to include two additional areas where there have been recurring incidents of car cruising since the order was first made in 2020. The proposed new areas are shown at appendices 2 and 3. Following the closure of the public consultation on 22 December 2022, most respondents were supportive of the proposals. A summary of feedback can be found at appendix 4.
 3. **Scrutiny Committee for Community, Leisure and Parking is asked to recommend to Council that it:**
 - (i) **Note the contents of this report;**
 - (ii) **Agree to extend the existing PSPO for a further three years under the Anti-Social Behaviour, Crime and Policing Act 2014 for the prohibited activities outlined in the existing Order at appendix 5 within the area defined on the map at appendix 1;**
 - (iii) **Agree to implement the PSPO under the Anti-Social Behaviour, Crime and Policing Act 2014 for the prohibited activities outlined in the existing Order at appendix 5 within the two additional areas defined on the maps at appendices 2 and 3.**
-

Background

4. The council adopted a PSPO to tackle car cruising in Burgess Hill in 2020 as this was an ongoing problem in the town, particularly (but not exclusively) in the Council's public car parks. 'Car Cruising' is defined as two or more motor vehicles (including motor bikes) being on a highway or a public place, where any such vehicle or occupant of a vehicle performs any of the prohibited activities. The prohibited activities are:

- causing danger or risk of injury to road users (including pedestrians) by speeding or racing;
 - causing damage or risk of damage to property;
 - speeding or racing;
 - performing stunts (including but not limited to performing a doughnuts maneuver drifting, skidding, handbrake turns, wheel spinning);
 - sounding horns or playing loud music so as to cause a nuisance;
 - revving of engines so as to cause a nuisance;
 - using foul or abusive language;
 - using threatening, intimidating or anti-social behaviour; or
 - causing obstruction on a public highway or publicly accessible place (whether moving or stationary)
5. The existing PSPO is due to expire in April 2023. In the two years prior to the order being made, 140 complaints were received in the Burgess Hill area. This compares with 38 in the PSPO area since the order was made. This suggests that the presence of such an order has been a deterrent.
6. It has always been recognised that the activities may move to other areas that are not covered within the designated PSPO area. Between May and July 2022 there have been 35 complaints and 4 'meets' in Job's Lane just off the A2300 outside Burgess Hill. More recently there have been reports of large 'meets' on the Birches Industrial Estate off Imberhorne Lane in East Grinstead of around 100-150 vehicles - this is thought to be a known group that have also caused problems in Crawley where there is an existing PSPO in place. In both areas, this behaviour has had a detrimental effect on nearby residents and caused local tensions. These two additional areas were included in the public consultation during November and December 2022.

Power to make orders

7. Under the Anti-Social Behaviour, Crime and Policing Act 2014, a PSPO is an enforceable form of bylaw with Fixed Penalty Notice Powers attached. A Council may make a PSPO if it is satisfied on reasonable grounds that the following two conditions are met:
8. The first condition is that:
- Activities carried on in a public place within MSDC's area have had a detrimental effect on the quality of life of those in the locality, or
 - It is likely that activities will be carried on in a public place within that area and that they will have such an effect.
9. The second condition is that the effect or likely effect of the activities:
- Is, or is likely to be of a persistent or continuing nature,
 - Is, or is likely to be, such as to make the activities unreasonable, and
 - Justifies the restrictions imposed by the notice

Consultation

10. The Council is required to consult with the community before putting in place any PSPO and a consultation was undertaken from 17 November to 22 December 2022. In total, 33 responses were received with most respondents supporting the proposals. A summary of the consultation is at appendix 4.
11. Two respondents were not supportive of the proposals. Feedback from those who were unsupportive included an objection to a blanket ban being imposed and a belief that car cruising is not a problem in Mid Sussex.
12. The Sussex Police and Crime Commissioner and the Chief Constable of Sussex Police are both fully supportive of the proposals as are relevant town and parish councils where the PSPO is proposed.

Partnership working

13. Officers have worked closely with Sussex Police and Crawley Borough Council (as known car cruising groups are travelling between Districts) including sharing relevant information and intelligence. Sussex Police have confirmed that they are willing to carry out enforcement measures in cases where they attend incidents where prohibited activities are occurring. The Mid-Sussex District Council (MSDC) anti-social behaviour team can also issue notices where they have evidence that offences have been committed.
14. Within MSDC, the Community Safety Team have been working with Legal Services on the proposed extension and consultation document. Parking Services are also supportive of the proposals.

Policy Context

15. This proposal supports the Council's corporate priority of supporting strong and resilient communities through effective enforcement of anti-social behaviour.

Other Options Considered

16. Officers have considered the option of letting the existing order lapse. This was rejected on the grounds that it could lead to car cruisers returning to Burgess Hill and causing problems for local residents and businesses and create additional burdens on ASB officers and Police to tackle the issue in the absence of this enforcement tool.
17. Officers have considered extending the PSPO to the existing area in Burgess Hill only, however, the inclusion of two small additional areas will not impact significantly on officers' time or costs and will help to mitigate the problem in these areas. Officers believe that the activities are likely to continue in these locations if the order is not implemented as outlined.

Financial Implications

18. Costs for any additional signage and advertising costs can be accommodated within existing budgets. Other financial implications are any associated enforcement costs and legal costs for non-payment of fines, although these are likely to be minimal. We can seek to recoup legal costs on conviction and income generated from fixed penalty notices can be held in reserve and/or reinvested in the service to help counter this.

Risk Management Implications

19. As previously indicated, it is recognised that car cruisers may move to other areas of Mid Sussex once the PSPO has been extended. However, it would not be practical or cost effective to implement this across the District and MSDC cannot justify the legal conditions to enforce a District wide PSPO. The Council, in partnership with Sussex Police will continue to monitor any reports of car cruising and take appropriate action if it becomes a continual problem elsewhere.
20. Workloads may increase for the Community Safety and Legal team in the event of any prosecutions for non-payment of fines. However, the commitment to partnership working with Sussex Police and using shared systems and resources to gather evidence will help to mitigate impact on officers' time.

Equality and Customer Service Implications

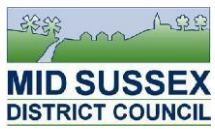
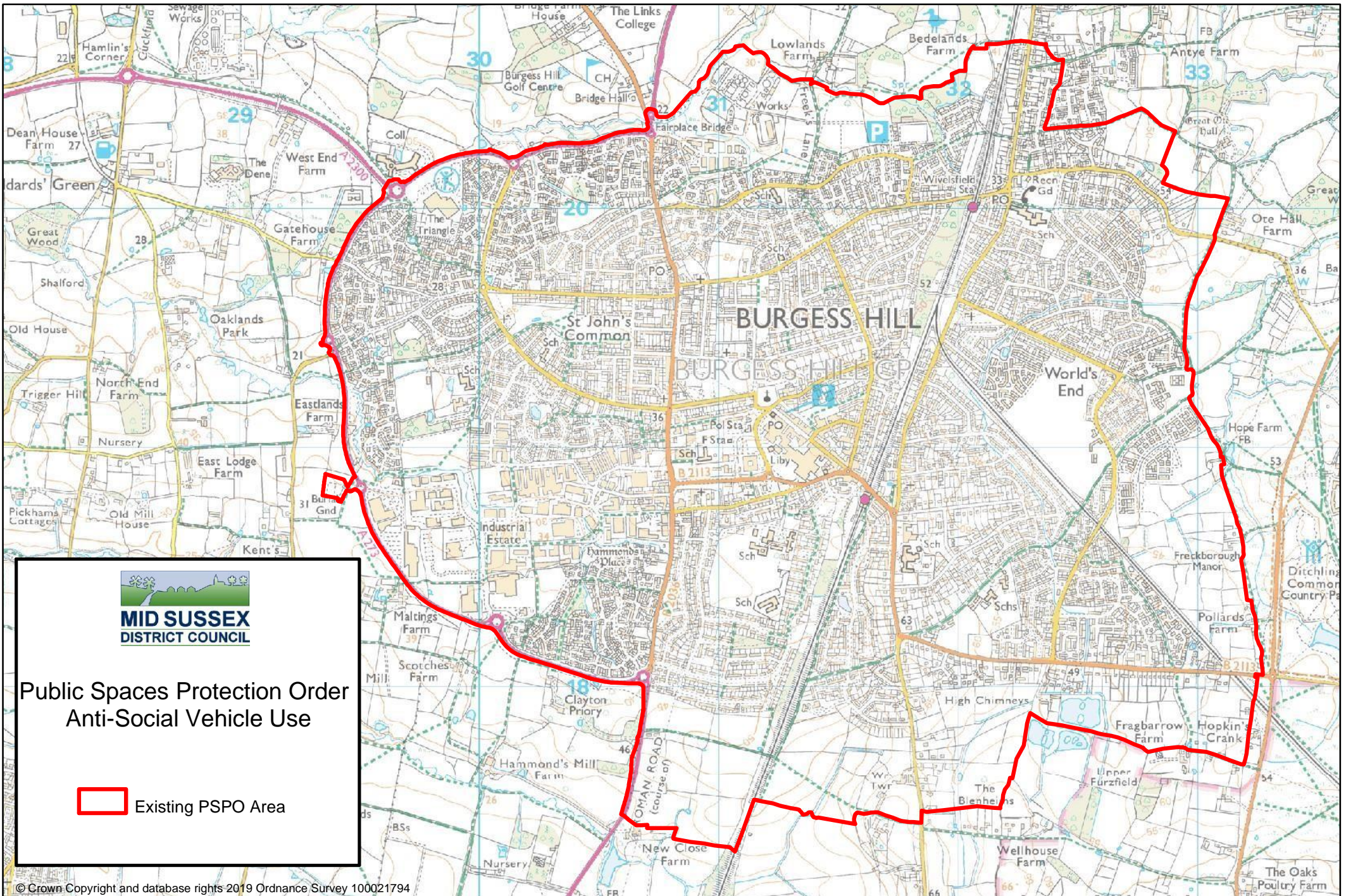
21. An equalities impact assessment is at Appendix 6.

Sustainability Implications

22. The proposal contributes to the United Nations sustainable development goal of making human settlements inclusive, resilient and sustainable. It specifically contributes towards target 11.7 to provide universal access to safe, inclusive, and accessible green and public spaces.

Background Papers

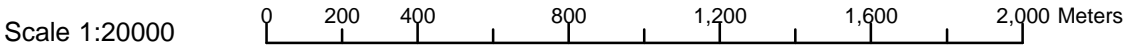
- Appendix 1 – Map of existing area
- Appendix 2 - Map of proposed additional area A2300 and Job's Lane
- Appendix 3 - Map of proposed additional area Birches Industrial Estate
- Appendix 4 – Summary of feedback
- Appendix 5 – Current Public Spaces Protection Order
- Appendix 6 – Equalities Impact Assessment



**Public Spaces Protection Order
Anti-Social Vehicle Use**

 Existing PSPO Area

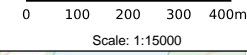
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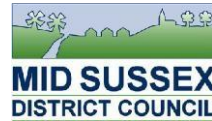
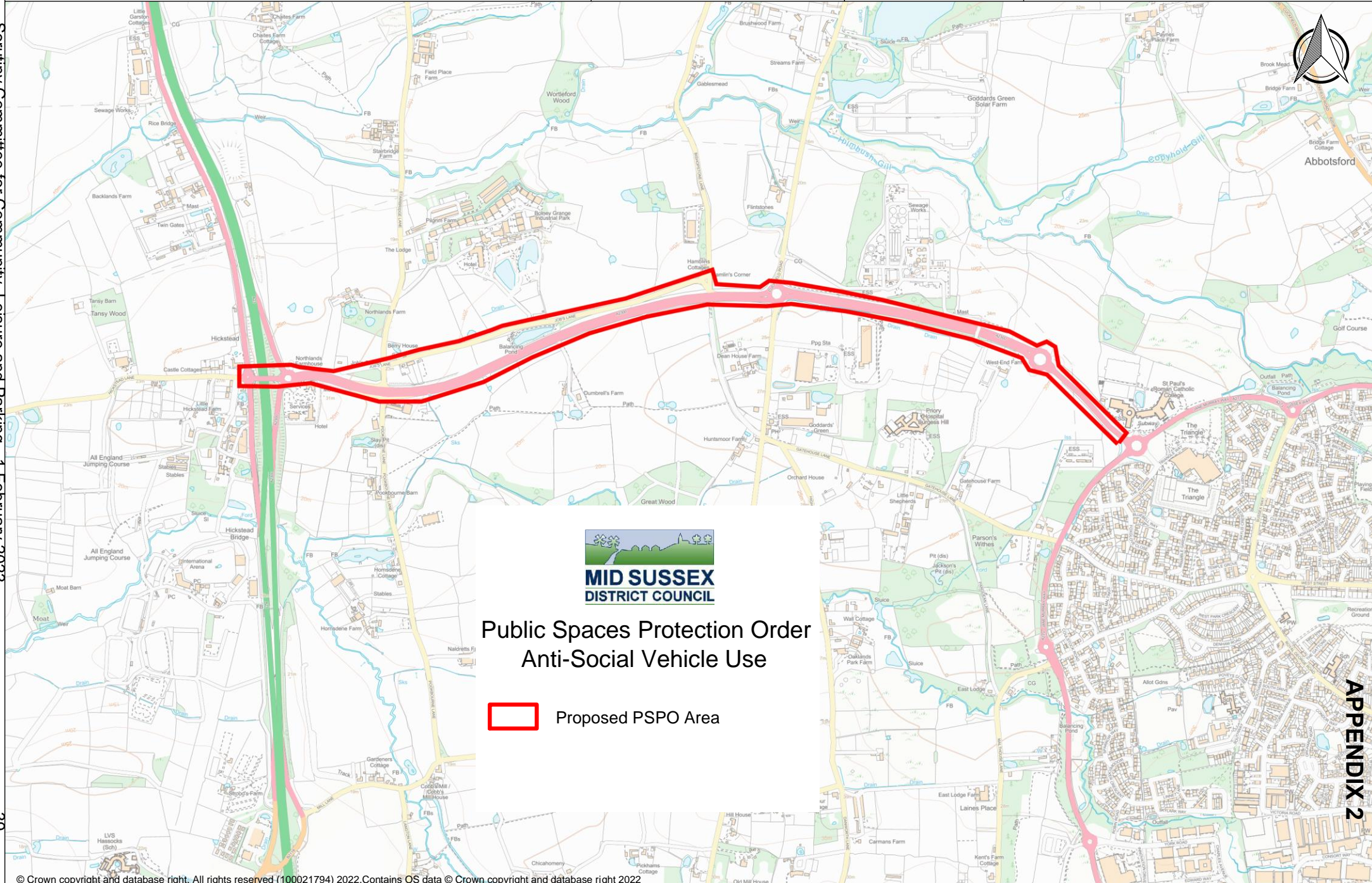
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Author:


Date: 02/11/2022



Scrutiny Committee for Community, Leisure and Parking - 1 February 2023



**Public Spaces Protection Order
Anti-Social Vehicle Use**

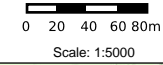
 Proposed PSPO Area

APPENDIX 2

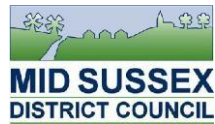
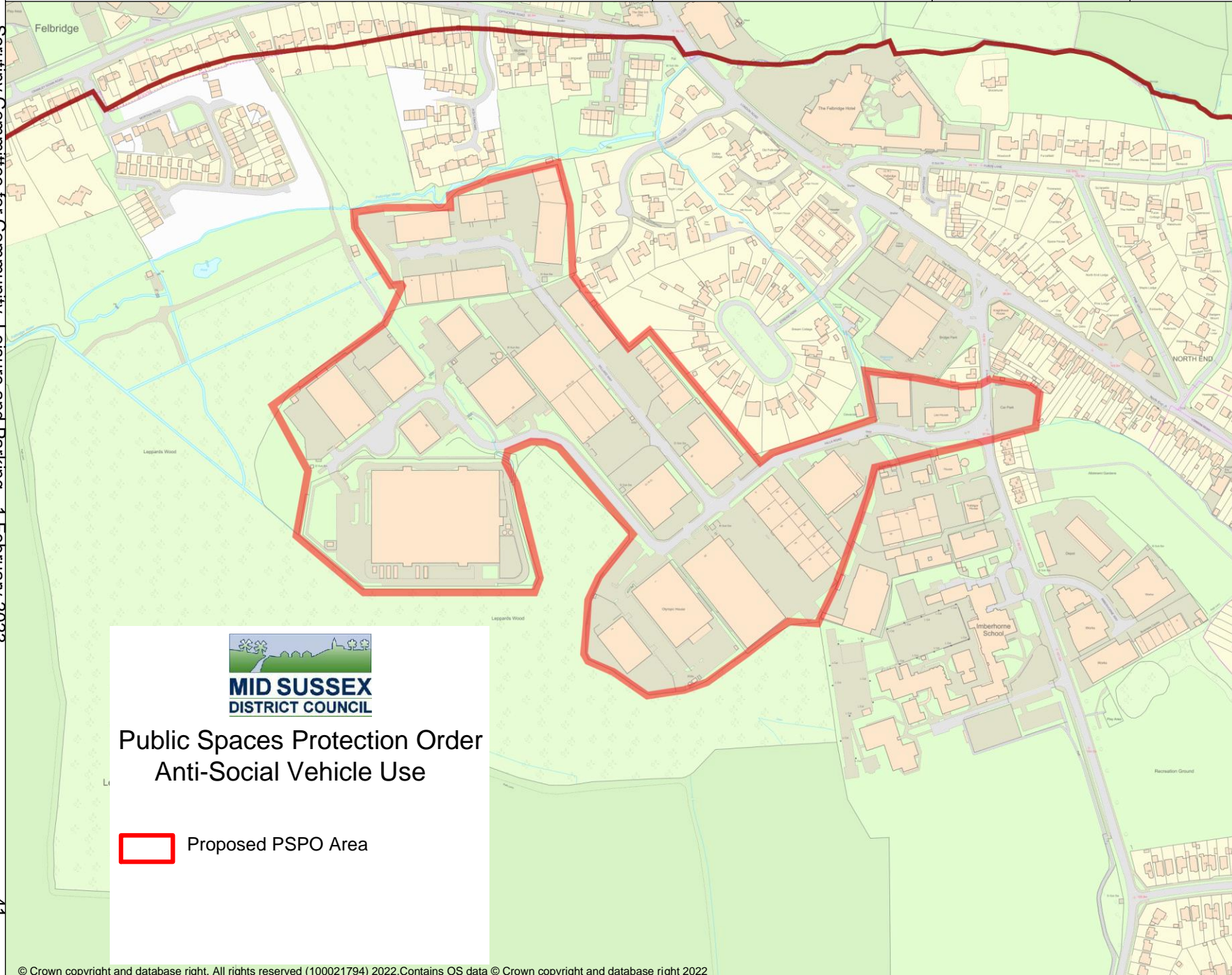
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Author:


Date: 14/11/2022



District, Borough, Unitary



**Public Spaces Protection Order
Anti-Social Vehicle Use**

 Proposed PSPO Area

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**PUBLIC SPACES PROTECTION ORDER EXTENSION FOR CAR
CRUISING/ANTI-SOCIAL USE OF VEHICLES IN BURGESS HILL
& PROPOSAL TO INTRODUCE A PUBLIC SPACES PROTECTION
ORDER COVERING THE A2300/JOB'S LANE & BIRCHES
INDUSTRIAL ESTATE EAST GRINSTEAD**

CONSULTATION REPORT

January 2023

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Results of consultation.....	6
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Background

In 2020 Mid Sussex District Council (MSDC) introduced a Public Spaces Protection Order (PSPO) under sections 59-75 of the Anti-Social Behaviour, Crime and Policing Act 2014 in Burgess Hill to tackle the ongoing issue of anti-social use of vehicle activity (also known as car cruising) in the town. Offenders would be issued with fixed penalty notices and for persistent offenders, the council would be able to prosecute for breach of the PSPO and any person found guilty would be liable on summary conviction of a fine of up to £1,000. Since the Order was put in place, activities within the designated area have significantly reduced which suggests that the presence of such an order has been a deterrent. The current PSPO is due to expire in April 2023.

MSDC has consulted on extending the existing PSPO for a further three years and also to extend the designated areas to cover the A2300/Jobs Lane which falls just to the northwest of Burgess Hill and also the Birches Industrial Estate in East Grinstead. These two additional areas have been subject to car cruising activities in recent months and have caused local tensions.

A consultation was undertaken with residents and businesses in Mid Sussex to enable them to share their views on the proposals. This would enable the council and Police to assess the extent and significance of the problem as well as ensuring that any new measures are supported by local people and addresses relevant issues.

This report sets out the key findings from the PSPO consultation which ran for 5 weeks from 17th November 2022 to 22nd December 2022.

Methodology

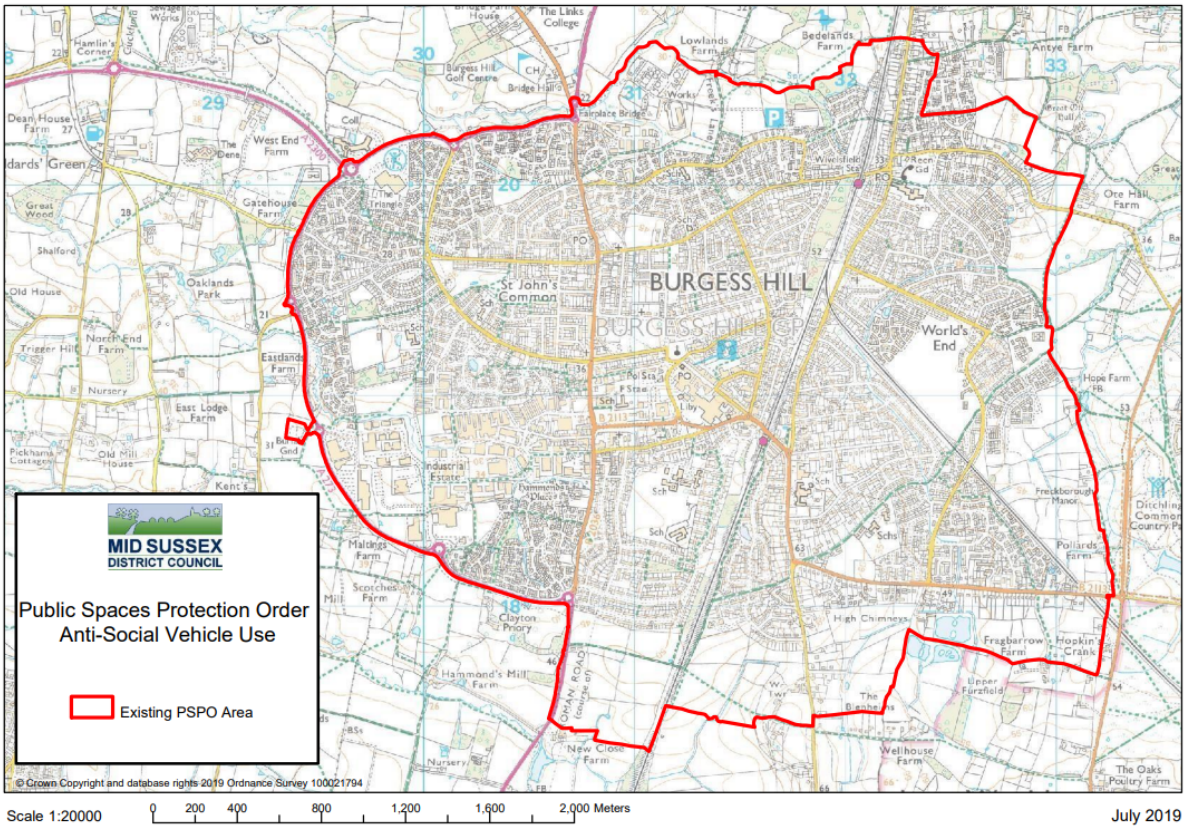
An online survey was created for residents & businesses. The Council used a number of promotional methods to ensure that as many people could respond as possible. The consultation was published on the MSDC website and promoted via social media. It was also promoted via the Police and relevant town and parish councils. A copy of the notice was in the Mid Sussex Times and displayed on local noticeboards close to where known activities had taken place.

Notices were also hand delivered in residential and industrial areas surrounding the areas where complaints had been received. Council staff spoke to local businesses in the areas under consultation.

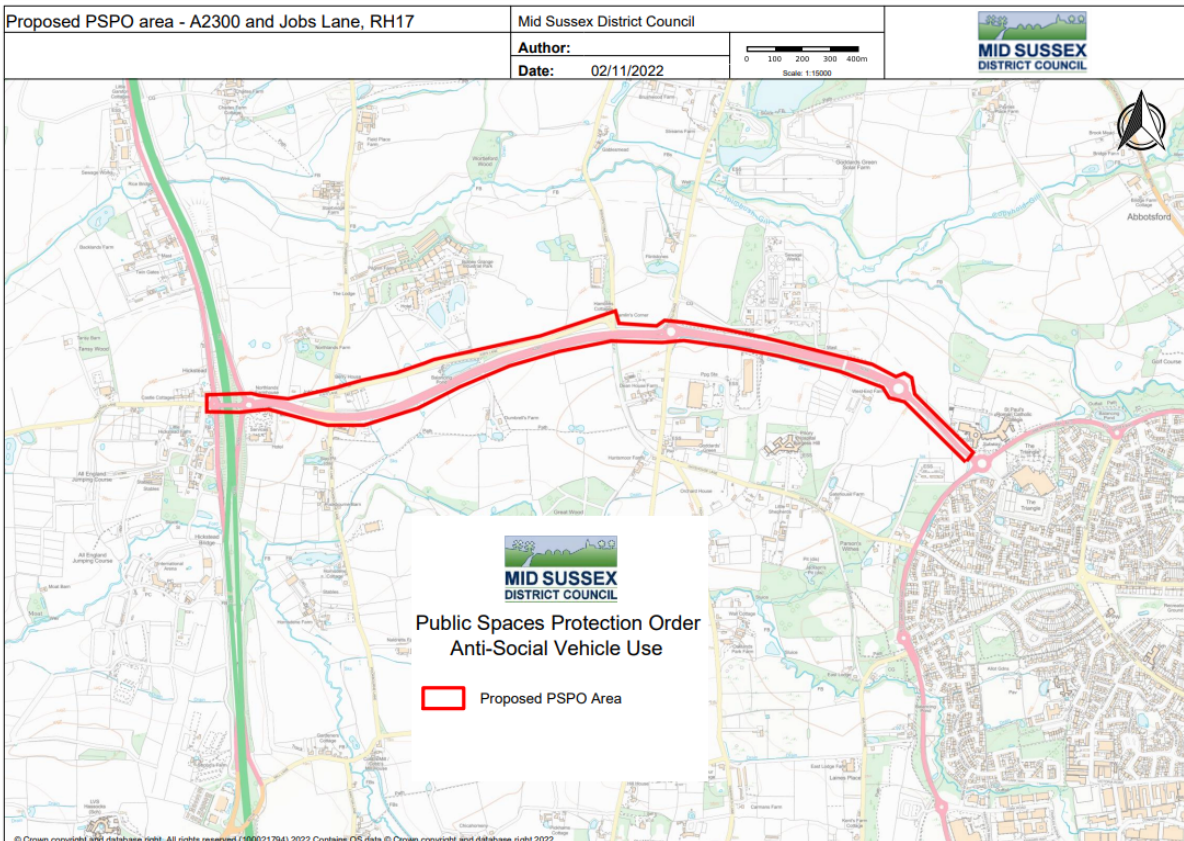
Sussex Police and the Sussex Police and Crime Commissioner were also consulted separately and both are fully supportive of the proposals.

A total of 33 responses were received from the consultation.

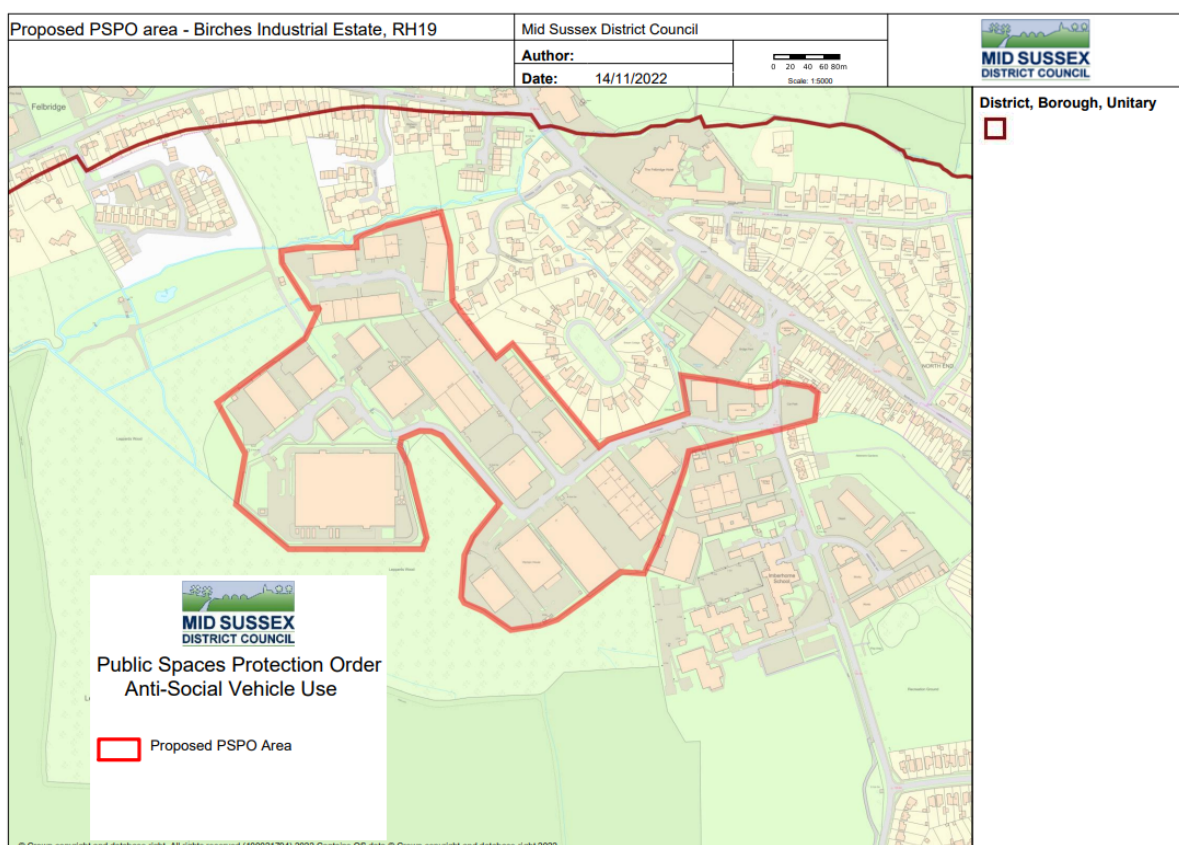
Defined Areas: Burgess Hill



A2300 and Jobs Lane



Birches Industrial Estate East Grinstead



Respondent Profile

The Sussex Police and Crime Commissioner and the Chief Constable of Sussex Police are both fully supportive of the proposals. This is in addition to the consultation responses. 29 responses to the consultation were from individuals and 4 were from parish or town councils. Burgess Hill and East Grinstead town councils are both supportive of the proposals. No responses from businesses were received.

Respondents were asked to provide their area of residence/business which allows for analysis of where responses are coming from and if there are any trends in particular areas. In total, 48% of respondents were from Burgess Hill, 27% from East Grinstead and 18% from one of the wards which fall within the A2300/Jobs Lane area (Hurstpierpoint and Sayers Common, Twineham or Bolney).

Table 1 Responses to the Consultation

Ward Area	Number	Ward Area	Number
Burgess Hill, Dunstall	5	East Grinstead, Imberhorne	7
Burgess Hill, St Andrews	4	East Grinstead (other)	2
Burgess Hill, Franklands	2	Bolney	2
Burgess Hill (not specified)	2	Jobs lane (ward not specified)	2
Burgess Hill, Leylands	1	Hurstpierpoint and Sayers Common	1
Burgess Hill, Meeds	1	Twineham	1
Burgess Hill, Victoria	1	Outside proposed area (Cuckfield/Haywards Heath)	2
Total	33		

Headline Results

- 67% of respondents said that they had experienced or been affected by anti-social use of vehicles in the designated areas since 2020.
- 81% of respondents were supportive of the proposals to extend the PSPO in Burgess Hill and a further 12% reported that this area was not applicable to them or they did not have a view.
- 72% of respondents were supportive of the proposals to introduce a PSPO on the A2300 and Jobs Lane with a further 21% reporting that this area was not applicable to them or they did not have a view.
- 60% of respondents were supportive of the proposals to introduce a PSPO on the Birches Industrial Estate with a further 33% reporting that this area was not applicable to them or they did not have a view.
- The biggest issues affecting residents are dangerous driving, noise and excessive speeding. Some residents also reported issues of intimidating or threatening behaviour.
- 6% of respondents did not support the proposal. Feedback from those who were unsupportive include an objection to a blanket ban being imposed on this activity and a belief that car cruising is not a problem in Mid Sussex.

Results of consultation

Table 2: Number of respondents who had been affected

	Yes	No	Not stated
In the past three years, have you experienced or been affected by anti-social use of vehicles in the areas indicated on the plans?	22	8	3

Table 3: Responses in respect of the proposal to extend the existing PSPO in Burgess Hill for a further three years

	Support Proposal	Do Not Support	Don't Know/Not Applicable
Do you support an extension of the existing PSPO to ban the anti-social use of vehicles in Burgess Hill?	27	2	4

Note that an option was offered to enter don't know/not applicable as respondents may not live or visit the other areas under consideration.

Table 4: Responses in respect of the introduction of a PSPO on the A2300/Jobs Lane

	Support Proposal	Do Not Support	Don't Know/Not Applicable
Do you support the implementation of a PSPO to ban the anti-social use of vehicles on the A2300 and Jobs Lane?	24	2	7

Table 5: Responses in respect of the introduction of a PSPO on the Birches Industrial Estate in East Grinstead

	Support Proposal	Do Not Support	Don't Know/Not Applicable
Do you support the implementation of a PSPO to ban the anti-social use of vehicles on the Birches Industrial Estate in East Grinstead	20	2	11

Conclusion

33 responses to the consultation were received. The feedback to the consultation shows that 81% of respondents support the extension of a PSPO in Burgess Hill, 72% support a PSPO on the A2300/Jobs Lane and 60% support a PSPO on the Birches Industrial estate. A smaller percentage did not give an opinion if it did not affect them and only two respondents did not support the proposals.

Most people reported issues around dangerous driving, noise and excessive speed although other issues were also reported including threatening behaviour, loud music, littering, damage to street furniture and anti-social parking.

Consultation questions:

Q1. Please indicate if you live in any of the following neighbourhood wards?

- -Bolney
- -Burgess Hill, Dunstall
- -Burgess Hill, Franklands
- -Burgess Hill, Leylands
- -Burgess Hill, Meeds
- -Burgess Hill, St Andrews
- -Burgess Hill, Victoria
- -East Grinstead, Imberhorne
- -Hurstpierpoint and Sayers Common
- -Twineham

Q2. If you live elsewhere, please indicate the town/village where you live?

Q3. In the past three years, have you experienced or been affected by anti-social use of vehicles in the areas indicated on the plans?

Q4. If “Yes”, please describe how you have been affected

Q5. Do you support an extension of the existing PSPO to ban the anti-social use of vehicles in Burgess Hill? *(Yes/No/Don't know or n/a)*

Q6. If “No” or “Don't know” please state your reasons why?

Q7. Do you support the implementation of a PSPO to ban the anti-social use of vehicles on the A2300 and Jobs Lane? *(Yes/No/Don't know or n/a)*

Q8. If “No” or “Don't know” please state your reasons why?

Q9. Do you support the implementation of a PSPO to ban the anti-social use of vehicles on the Birches Lane Industrial Estate in East Grinstead? *(Yes/No/Don't know or n/a)*

Q10. If “No” or “Don't know” please state your reasons why?

Q11. Please use the space below to add any further information that you feel may be relevant?

MID SUSSEX DISTRICT COUNCIL

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

Car Cruising Public Spaces Protection Order 1 of 2023 (“Order”)

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

1 General

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

2 Definition of Car Cruising and Prohibited Activities

2.1 'Car Cruising' is defined as two or more motor vehicles (including motor bikes) being on a highway or a public place, where any such vehicle or occupant of a vehicle performs any of the prohibited activities.

2.2 The "Prohibited Activities" are:

- a. causing danger or risk of injury to road users (including pedestrians) by speeding or racing;
- b. causing damage or risk of damage to property;
- c. speeding or racing;
- d. performing stunts (including but not limited to performing a doughnuts maneuver drifting, skidding, handbrake turns, wheel spinning);
- e. sounding horns or playing loud music so as to cause a nuisance;
- f. revving of engines so as to cause a nuisance;
- g. using foul or abusive language;
- h. using threatening, intimidating or anti-social behaviour; or
- i. causing obstruction on a public highway or publicly accessible place (whether moving or stationary)

3 Offence

3.1 A person who without reasonable excuse:

- a. Participates in Car Cruising or any activity prohibited by this Order; or
- b. promotes, organises or publicises Car Cruising (including but not limited to via email, the internet, social media, or via any publication or broadcast medium) to take place; or
- c. attends any meeting either as a vehicle owner, driver, passenger or spectator where a reasonable person would consider that Car Cruising was or is taking place;

on Land to which this Order applies commits an offence.

4 Penalty

4.1 In accordance with section 67 of the Act, a person commits an offence if at any time and without reasonable excuse they engage in any activity prohibited by this Order.

4.2 A Police Officer or Council Officer may issue a fixed penalty notice to any person they have reason to believe has committed an offence under this Order.

4.3 A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of the fixed penalty to the Council.

- 4.4 Where a person is issued with a fixed penalty notice under this Order, the amount of the fixed penalty shall be £100 (reduced to £60 if paid within 10 days). If the fixed penalty is paid within 14 days the offender will not be prosecuted.
- 4.5 A person who is guilty of an offence under this Order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale (£1,000).

5 Appeals

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

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MID SUSSEX DISTRICT COUNCIL

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

Car Cruising Public Spaces Protection Order 1 of 2019 ("Order")

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

1. General

- 1.1 This order shall come into operation on 7 April 2020 and shall have an effect for 3 years thereafter, unless extended by further orders under the Council's statutory powers.
- 1.2 In making this order, the council is satisfied on reasonable grounds that:
- (a) the conditions set out in section 59(2) of the Act have been met, namely that the activities identified below have been carried on in a public place within the Council's area and have had a detrimental effect on the quality of life of those in the locality; and
 - (b) the conditions set out in section 59(3) of the Act have been met, namely that effect or likely effect of the activities is, or is likely to be of a persistent or continuing nature; is, or is likely to be, such as to make these activities unreasonable and justifies the restrictions imposed.
- 1.3 This applies to all land:
- (a) which is open to the air (including land which is covered but open to the air on at least one side);
 - (b) to which the public are entitled or permitted to have access (with or without payment); and
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- (a) to prevent the detrimental effect on the quality of life of those in the locality continuing, occurring or recurring; or
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- b. causing damage or risk of damage to property;
- c. speeding or racing;
- d. performing stunts (including but not limited to performing a doughnuts maneuver drifting, skidding, handbrake turns, wheel spinning);
- e. sounding horns or playing loud music so as to cause a nuisance;
- f. revving of engines so as to cause a nuisance;
- g. using foul or abusive language;
- h. using threatening, intimidating or anti-social behaviour; or
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- c. attends any meeting either as a vehicle owner, driver, passenger or spectator where a reasonable person would consider that Car Cruising was or is taking place;

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5.2 In Accordance with section 66 of the Act, interested persons can challenge the validity of this order on two grounds: that the Council did not have power to make the order, or to include particular prohibitions or requirements, or that a requirement of the Act was not complied with.

EXECUTED AS A DEED by affixing the
THE COMMON SEAL of
MID SUSSEX DISTRICT COUNCIL

This 7th day of April 2020

In the presence of

Authorised Officer:



MID SUSSEX DISTRICT COUNCIL

Equality Impact Assessment

Title of Policy/Service/Contract: Extension of existing Public Spaces Protection Order (PSPO) on car cruising in Burgess Hill and introduction of the order in two additional areas

Division: Communities Directorate

Lead Officer: Mandy Cunningham

Date Assessment completed: 22 December 2022

1. SCOPING

1.1 What are the aims of the policy, service/service change or contract?

In 2020 the Council adopted a PSPO to address car cruising activities and associated anti-social behaviour in Burgess Hill to address an ongoing problem within the town's public spaces. This is due to expire in April 2023.

The Council is proposing to extend the period of the Order for a further three years as the Order has resulted in a reduction in car cruising activity. The Council is also proposing to introduce an Order in two additional locations where there have been more recent car cruising activities. These are the A2300 between Burgess Hill town and the A23 and Jobs Lane and at the Birches Industrial Estate in East Grinstead. Breach of the PSPO in the first instance, will result in offenders being issued with a fixed penalty notice (FPN).

1.2 Who does the service/policy/contract affect? Who are the main customers (internal or external)?

The Order will continue to affect residents and visitors of Burgess Hill and also users of the A2300, residents of Jobs Lane and businesses, visitors and nearby residents on the Birches Industrial Estate in East Grinstead. Internal staff at the Council are already authorised and trained to issue fixed penalty notices. Sussex Police are supportive of the order and will work in partnership with the council in taking action against offenders.

To ensure that all residents and businesses in the locality are aware of the proposed extension of the order and proposed new areas. The Council carried out a public consultation in November/December 2022. This was advertised via social media and the local press and leaflet drops were also carried out in specific areas where activities have taken place in the past few months.

1.3 What equality information is available, including any evidence from engagement and analysis of use of services?

No FPNs have been issued to date since the existing PSPO was made, therefore data available is limited. However, there are no indications that this order will adversely affect any protected group.

Information relating to individuals committing car cruising offences will be collected by the Council and Sussex Police, with whom the Council hold an information sharing protocol for this purpose.

1.4 What does this information tell us about the equality issues associated with the service and implications for the protected groups?

The use of powers will be a reactive tool to deal with the detrimental effects of car cruising and associated anti-social behaviour in the designated public areas. Therefore, no particular group will be targeted.

1.5 Are contractors or partnerships used to deliver the service? Yes

If No go to section 2.

If yes, please refer to the guidance notes for completing impact assessments and complete the next three questions.

Identify the contractors/partnerships used to deliver the service.

The order will be enforced in partnership by both Mid Sussex District Council and Sussex Police.

What is their contribution to equality in service delivery and the promotion of equality?

Sussex Police abide by strict equality and diversity policies and procedures which can be viewed on the Sussex Police website: [Diversity-Equality-Inclusion-Strategy-2020-2023-MASTER- APR 20.indd \(sussex.police.uk\)](#)

How are equality issues addressed through contractual arrangements and service level agreements?

Both the Council and Sussex Police are statutory organisations that are members of the wider Safer West Sussex Partnership which brings together statutory and other key partners to provide a co-ordinated and partnership approach to reduce crime and anti-social behaviour. Relevant policies and protocols are in place: [Safer West Sussex Partnership \(SWSP\) - West Sussex County Council](#)

2. Assessment of Impact on People with a Protected Characteristic; Analysis and Action Planning

Any gaps in information or provision, opportunities to promote equalities and good relations identified above need to be translated into SMART actions and recorded here. These actions need to be delivered and monitored through the service planning process.

Opportunity to promote equality, good relations and/or address barriers to service/differential impact	Current action taken to address these	Further actions required and timescales	Lead Officer	How will impact be measured
Age (older / younger people, children)				
<p>Under the ASB, Crime and Policing Act, Fixed Penalty Notices can be issued to those aged from 10 years old.</p>	<p>Powers will, where appropriate, be used with parents / carers before any further sanction is taken against the child / young person.</p> <p>A contextual safeguarding approach will be taken when there are concerns around under 18s and we will work with the Youth Justice Service and where appropriate, WSCC's Childrens Services when dealing with a case involving someone under the age of 18 years. We would not issue notices to anyone under 18 if we believe that they are victims of criminal exploitation.</p>	<p>To be monitored regularly and review as necessary</p>	<p>Mandy Cunningham</p>	<p>Number of notices issued to those under 18 years</p> <p>Number of notices issued to parents</p>
Disability (people with physical / sensory impairment or mental disability, including those with a non-visible disability)				
<p>There may be additional needs that make it difficult for an individual to respond to what is required.</p>	<p>A contextual safeguarding approach would be undertaken in cases where there are individuals who may be more vulnerable and we would ensure that exploitation of such individuals has been ruled out before issuing any notice.</p> <p>Notices may be issued to individuals with additional needs</p>	<p>This will be regularly monitored</p>	<p>Mandy Cunningham</p>	<p>Number of notices issued where disability identified.</p>

	<p>however these will be taken into consideration at the time of the offence.</p> <p>Engagement with specific support services could also be included as appropriate.</p>			
Gender reassignment (a transgender person is someone who proposes to, starts or has completed a process to change his or her gender)				
None identified				
Pregnancy & maternity (pregnancy is the condition of being pregnant & maternity refers to the period after the birth)				
None identified				

Opportunity to promote equality and/or barriers to service/differential impact	Current action taken to address these	Further actions required and timescales	Lead Officer	How will impact be measured
Race (ethnicity, colour, nationality or national origins & including gypsies, travellers, refugees & asylum seekers)				
There may be differing language needs among some BME groups	Where language is an issue, when serving a notice, officers will take any details that can be obtained from an individual and ask the individual to attend the Council premises or other suitable location to discuss with the use of an interpreter before issuing the notice.	Monitor the impact of this to see if it adversely affects certain communities	Mandy Cunningham	Number of notices issued with language identified as a barrier
Religion & belief (religious faith or other group with a recognised belief system or not having a religion)				
None identified				
Sex (male / female non-binary)				
None identified				
Sexual orientation (lesbian, gay, bisexual, queer, questioning, heterosexual)				
None identified				
Marriage & civil partnership				
None identified				
Military families /veterans				
None identified				
People who are disadvantaged by socio-economic factors such as low incomes, skill or living in a deprived area				
None identified				

People who live in a rural area				
None identified				

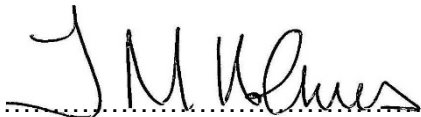
3. Mid Sussex District Council Equality Impact Assessment Summary

Key Findings	Future Actions
<ul style="list-style-type: none"> • The PSPO is a reactive tool to address the detrimental effect that car cruising can have on others. It will not target any specific protected group. • Consideration will be taken in respect of those under 18 . involved in car cruising activities to ensure that they are not being exploited by older individuals and we will work with the Youth Justice Service before issuing any notice to a minor. • Consideration will be taken in respect of those with disabilities, particularly if they have a learning disability or lack capacity to ensure that they are not victims of criminal exploitation. • We will work with an appropriate translation service where language is a barrier before issuing an individual with a notice. 	<ul style="list-style-type: none"> • Data in respect of those with disabilities, under 18 and those with language barriers who are issued with notices will be collected and recorded to assess the impact.

4. Signing off this assessment and action plan

Signature ...Mandy Cunningham.....
 Person undertaking the assessment

Date 22 December 2022.....

Signature.....
 Deputy Chief Executive

Date: 4th January 2023

Please send your completed impact assessment to Neal Barton for publication on the website.

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SCRUTINY COMMITTEE FOR COMMUNITY, LEISURE AND PARKING WORK PROGRAMME 2022/23.

REPORT OF: Louise Duffield, Director, Resources and Organisational Development
Contact Officer: Ellen Fisher, Democratic Services Officer
Email: ellen.fisher@midsussex.gov.uk
Tel: 01444 477208
Wards Affected: All
Key Decision: No

Purpose of Report

1. For the Scrutiny Committee for Community, Leisure and Parking to note its Work Programme for 2022/23.

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 is 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 2022/23 is set out below:

Meeting Date	Item	Reason for Inclusion
22 March 2023	Parking Strategy and Action Plan	Annual Update

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.

Sustainability Implications

9. None.

Background Papers

None.