

**Minutes of a meeting of Council
held on 29 March 2023
from 7.00 pm**

Present: M Belsey (Chairman)
P Coote (Vice-Chair)

K Adams	B Dempsey	R Jackson
J Ash-Edwards	J Edwards	J Mockford
R Bates	S Ellis	A Peacock
J Belsey	R Eggleston	C Phillips
A Bennett	A Eves	M Pulfer
P Bradbury	B Forbes	R Salisbury
R Cartwright	L Gibbs	A Sparasci
P Chapman	I Gibson	L Stockwell
R Clarke	S Hatton	D Sweatman
M Cornish	J Henwood	C Trumble
R Cromie	S Hicks	N Walker
J Dabell	S Hillier	R Webb
R de Mierre	T Hussain	N Webster

Absent: Councillors G Allen, L Bennett, A Boutrup, P Brown,
H Brunsdon, E Coe-Gunnell White, J Knight, C Laband,
Andrew Lea, Anthea Lea, G Marsh and S Smith

1. OPENING PRAYER.

The opening prayer was read by the Vice-Chairman.

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

Question from Mr Brooks, read by the Chairman on his behalf

From November 2023, the Environment Act 2021 will amend the Town and Country Planning Act to force developers to provide a biodiversity increase of at least 10% for their projects. If this can't be done on the site itself, it should be done locally (off-site) or via the purchase of national credits.

What is the Council's strategy to maximize this investment in biodiversity at the local level? Are there any flagship projects which could be built on the back of this policy?

The following response was provided by the Cabinet Member for Planning.

I welcome this question as it provides an opportunity to highlight the importance of improving biodiversity, which this Council has been doing.

It is important to note that for many years the Government's national planning policy has included an ambition to secure net gain in biodiversity. We welcome the Environment Act 2021 which makes a minimum of 10% Biodiversity Net Gain (BNG) mandatory from November this year.

The Council has a long-held commitment to securing BNG and we are not waiting for it to become a mandatory requirement:

- the District Plan (adopted in 2018) requires developers to take opportunities to improve, enhance and manage biodiversity;
- The Site Allocations Development Plan Document (adopted in 2022) includes a requirement to deliver a net gain to biodiversity; and
- The emerging District Plan Review includes policies which call for the mandatory 10% net gain requirement to be increased to a minimum of 20% on 'Significant Sites'.

Five years ahead of this statutory requirement we also led the way back in 2018, with a minimum 10% requirement of BNG at the Northern Arc (now known as Brookleigh). In fact, monitoring at Brookleigh shows that on-site BNG will exceed 20%. Furthermore, we continue to work with all our developers to achieve 10% BNG on current planning proposals despite it not being mandatory.

Legislation is clear that BNG can be provided on or off site or via statutory biodiversity credits and operational details of BNG are still being developed by the Government in fact consultation was recently carried out on proposed draft Regulations.

It is worth remembering that BNG will not only be achieved through planning, but this Council is also going further in our Sustainable Economy Strategy which aims to "improve, manage and promote biodiversity and nature recovery". As a result, the Council is refreshing the management plans for our countryside sites to ensure they deliver maximum biodiversity benefit and build on current successes of local rewilding initiatives under the national BLUE campaign.

To provide some background to the BLUE Campaign, in response to a dramatic biodiversity and biomass decline in the UK, a wildlife film maker Fergus Beeley started a simple process around the idea of letting a piece of ground go wild. It has been taken up across the country and if you see a stake with a Blue Heart sign it indicates an area that is participating. Private gardens, allotments, business yards are all taking part and a number of Councils are also working to rewild Council land and verges.

Question from Mr Bright

MSDC's Leader stated in his latest video that Clair Hall refurbishment could cost £3m. The June 2022 Property Report showed costs could be spread over a number of years. The 20th December 2021 report called for investment options but no calculations have been published to date. At closure the footfall had been 55,000 and 40 major shows were cancelled. Can the community now see an investment plan for the opening of the Hall with the same footfall and live performances as at closure with future projections? Why is this information overdue despite so much expenditure on consultancies.

The following response was provided by the Leader:

The video to which Mr Bright refers was published to update local people on the work that Cabinet agreed to in late 2022, namely engaging in soft market testing with experienced cultural providers and other operators. The aim of this work remains to advise us on the viability of each of the two options we agreed to explore, as set out in previous Cabinet reports. I was pleased to see the number of cultural providers who came to view the site and share their expertise.

This will enable us to come back to Cabinet in relation to potential next steps – specifically looking to either have a brand-new building or a significant remodelling of the current building. Our focus remains working to secure an investment partner and cultural anchor tenant who can help us deliver cultural and leisure provision in a modern, fit for purpose venue on the Clair Hall site. The report on this work is due to deliver in the spring on schedule which will enable Cabinet to consider and propose next steps.

We continue in the meantime to support the NHS in their campaigns and know that they and residents are grateful for the use of this facility.

I also remind Members that during consultation in 2021, 95 % residents wanted to see positive change on the Clair Hall site and that is what we are working to.

I would urge Mr Bright and others to keep up to date on our engagement hub where we share all the information on our work to deliver a sustainable venue for now and the future.

Supplementary Question

Mr Bright noted that Clair Hall closed three years ago and it has been used by the NHS with volunteers since then. The hall main door signage with the 'Clair Hall' name has been removed and the grounds are neglected and overgrown. The community is concerned that the Hall will go the same way as the Martlets in Burgess Hill. He asked if the Council will engage with local organisations to produce quickly an investment plan to reopen in a more immediate timescale than is being planned by the Council, which we now learn will probably be 4-5 years past the closure date.

The Leader noted that the building is the day-to-day operational responsibility of the NHS and they are responsible for the operational management. He referred Mr Bright to the previously published reports which transparently set out the work being undertaken. The next report from expert advisers will be provided to Cabinet later in spring. The goal is to ensure we have a modern, fit for purpose community and entertainment venue on the Clair Hall site, that meets the needs of the community for the next 50 years rather than just recognising what has been there in the past.

3. TO CONFIRM MINUTES OF THE MEETING OF COUNCIL HELD ON 1 MARCH 2023.

The minutes of the Council meeting held on 1 March 2023 were agreed as a correct record and signed by the Chairman. 40 Members voted in favour, with 1 against and no abstentions.

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

Councillor Gibson declared an interest in Item 7 as he is the County Councillor for Imberdown.

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

None.

6. CHAIRMAN'S ANNOUNCEMENTS.

The Chairman noted that recent engagements were listed on the Council's website.

The Chairman acknowledged that this was the last Council meeting of this Council year and her last as Chairman. She announced that it had been an honour and privilege to serve as Chairman of the Council for the past 2 years and acknowledged all the volunteers in Mid Sussex who work hard to make a difference in resident's lives. In concluding, she thanked everyone for their support, and for those Members who would not be standing again, she wished them well.

The Leader of the Council gave a vote of thanks from all Members, and presented the Chairman with gifts, noting that she had served with calm authority and professionalism.

7. EXTENSION OF OUR PUBLIC SPACES PROTECTION ORDER ON CAR CRUISING.

Councillor Webster moved the item noting that a public consultation had taken place in November 2022 and the report had been considered by the Scrutiny Committee on 1 February 2023. It was seconded by Councillor Ash-Edwards.

The Chairman took Members to a vote on the recommendations as set out in the report which were approved with 42 in favour.

RESOLVED

The Council noted the content of the report and:

- (i) Agreed 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;
- (ii) Agreed 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.

8. STANDARDS COMMITTEE - ANNUAL REPORT.

Councillor Bradbury moved the item. This was seconded by Councillor Webster.

The Chairman took Members to a vote on the recommendations as set out in the report, which were approved unanimously.

RESOLVED

Council noted the contents of the report.

9. CONSTITUTION REVIEW.

Councillor Webster moved the item noting that a cross party working group had been convened to review the Constitution in detail. This was seconded by Councillor Alison Bennett.

Councillor Phillips proposed an amendment to paragraph 6.1 on p.13 of the Constitution to increase the number of members on Scrutiny Committees from 11 Members to 15. This was seconded by Councillor Gibson.

Discussion was held on the amendment. It was noted that there is a reduction from 45 Scrutiny Committee Members to 22, however it was also noted that any Member has the option to attend a Scrutiny Committee as an observer, and at the discretion of the Chairman may speak at the meetings. It was noted that full Council meetings provide further ability to scrutinise decisions and political balance was also discussed.

The Chairman took Members to a vote on the amendment. This was lost with 10 Members voting in favour, 31 against and 1 abstention.

Further discussion was held on the role of the Audit Committee. Members noted that the Constitution is reviewed annually and so further changes could be made to committee arrangements if members felt that was necessary.

The Chairman took Members to a vote on the recommendations as set out in the report, which were approved with 37 in favour, 5 against and no abstentions.

RESOLVED

Council agreed to adopt the updated Constitution (Appendix A) noting the changes outlined in paragraphs 9 to 28.

10. PROGRAMME OF MEETINGS 2023/2024.

Councillor Webster moved the item noting that it does not preclude additional meetings being added if the need arises. This was seconded by Councillor Ash-Edwards.

The Chairman took Members to a vote on the recommendation as set out in the report, which was approved with 39 in favour, 2 against and 1 abstention.

RESOLVED

Council approved the Programme of Meetings at Appendix 1.

11. MSDC PAY POLICY STATEMENT 2023/24.

Councillor Cromie moved the item noting that it is an annual report under the Localism Act. This was seconded by Councillor Ash-Edwards.

The Chairman took Members to a vote on the recommendation as set out in the report, which was approved with 41 in favour, 1 against and no abstentions.

RESOLVED

Council agreed the Pay Policy at Appendix A, to comply with the requirements of the Localism Act.

12. TO RECEIVE THE LEADER'S REPORT.

The Council received the Leader's update. In response to a question regarding the Levelling-Up Bid, he noted that he wrote to support the bid on both occasions. In response to a question around Leisure Centres he acknowledged the significance of keeping the centres open during the pandemic and highlighted that funding and land has been secured for the Centre for Outdoor Sport which is one of the biggest investments in sport in recent years.

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

The Council received the Deputy Leader's update. In response to a question regarding the Centre for Outdoor Sport, he confirmed that feedback from the public consultation was being considered by the Consultants and he would provide further information to the Councillor directly, as feedback was still being received. He noted that some sports groups will continue to use their own facilities and the Council is working to support them. In terms of the overall mix of provision at the site, there were no significant changes anticipated, compared to what was outlined in the original report.

The Council received the Cabinet Member for Economic Growth and Net Zero's update.

The Council received the Cabinet Member for Community's update. In response to a question around permanent CCTV provision at East Court he acknowledged the wish to have an installation date confirmed. The project is jointly managed with Sussex Police and BT and the Council is in weekly contact with them to establish the installation date. With regard to the roll out of the DISC-Online crime reporting and

intelligence system by Sussex Police, he confirmed that the roll out had started in Haywards Heath and will progress to Burgess Hill and East Grinstead in May.

The Council received the Cabinet Member for Leisure and Parking's update.

The Council received the Cabinet Member for Planning's update. With regard to a question around the NHS's response to planning applications, he noted that the Council is dependent on the opinions of experts in these areas but does question the NHS on what they want to provide. The Leader has also written to local Members of Parliament on this subject. In response to a question around bus provision and sustainable transport at the Panattoni Park, he agreed to look into this further and respond to the Councillor directly.

The Council received the Cabinet Member for Housing and Customer Services' update.

14. QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE 10.2

None.

The meeting finished at 8.32 pm

Chairman