

**Minutes of a meeting of Council
held on 20 September 2023
from 7.00 pm**

Present: R Jackson (Chairman)
J Henwood (Vice-Chair)

A Bashar	J Dabell	J Knight
R Bates	J Edwards	P Lucraft
J Belsey	R Eggleston	M Miah
M Belsey	A Eves	J Mockford
A Bennett	L Farren	D Pascoe
K Berggreen	I Gibson	E Prescott
G Casella	S Hatton	C Phillips
L Carvalho	S Hicks	A Rees
P Chapman	J Hitchcock	J Russell
C Cherry	T Hussain	R Whittaker
R Clarke	C Hobbs	C Wood
AM Cooke	M Kennedy	G Zeidler
M Cornish	P Kenny	

Absent: Councillors M Avery, P Brown, D Eggleton, S Ellis, G Marsh,
A Peacock, A Platts and D Sweatman

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 Kenward – presented in his absence.

A recent Freedom of Information request revealed that there is a substantial amount of Section 106 money that was gained as a result of the property developments on Perrymount Road in Haywards Heath that is still unused and remains available. These contributions are to support community and social infrastructure. Will any of this money along with the existing money that was originally set aside for Clair Hall in 2019 that hopefully still remains unused be allocated to any successful community group looking to refurbish and re-open the venue.

The following response was provided by the Cabinet Member for Finance, Revenues and Benefits

S106 monies have indeed been secured from the development along Perrymount Road for a whole range of infrastructure. £68,038 was secured for 'Clair Hall or replacement building.'

This money is still available for the Clair Hall site.

Question from Mr Lewis

Following approval of the SA13 south of folders Lane development by MSDC. Planning committee I would like to ask that if the Chair, as others on the committee, SHOULD be impartial and make decisions based on clear planning guidelines and not any other potential risk such as legal challenge, why did the chair deem it appropriate to direct members towards approval by strongly directing them that if it was rejected it would leave the council open to possible appeal with all the costs associated with that in effect pressurising members to vote one way based on his personal view?

The following response was provided by Monitoring Officer

The Council has no role to consider questions on decisions which it has made in its various regulatory roles, as it cannot change a decision once it is made. The question which has been raised does, however seek clarity on the role of Chairman - particularly in the Council's regulatory committees- which, in the interests of transparency, should be addressed.

Planning Committee has a regulatory role which it must carry out within tightly defined statutory, policy and established legal principles. The role of the Chairman is to ensure debate on an item which is before the committee remains relevant to the matters which are properly within the scope of the committee to consider. This can include chairing the debate and providing summary or concluding remarks before a vote.

The Chairman will also seek advice for the committee from officers (in addition to that set out in the report), and at appropriate points during the debate, again to ensure that the committee is considering those matters which are relevant to the decision being made.

It is entirely proper that a committee is made aware of the potential consequences of a decision which it is to make, and this is an approach which has been approved by the Courts. The relevant planning considerations are set out in the officer's report and in the advice those officers give at the committee. The purpose of the committee is to determine the weight to be given to those considerations and, in doing so, determine whether planning permission should be granted.

I have watched the meeting and I have no concerns. The Chairman acted appropriately and was very careful to indicate that if the Committee wished to reject the application it had to do so based on material planning considerations. This is correct as a matter of law. The reference to the appeal decision merely emphasised the consequences of failing to do so.

Supplementary Question from Mr Lewis

If that was deemed appropriate, why was no such direction given to a smaller development DM21/3875 in Haywards Heath which was rejected despite similar objections that were raised for SA13? There was no mention of legal consequences of a rejection on that albeit smaller development.

The Monitoring Officer agreed to provide a written response.

3. TO BE AGREED BY GENERAL AFFIRMATION THE MINUTES OF THE PREVIOUS MEETING HELD ON 26 JULY 2023.

The minutes of the last meeting were agreed as a correct record and signed by the Chairman.

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

Councillor Russell declared an interest in Motion B as she is the West Sussex County Council Cabinet Member for Children, Young People, Learning and Skills.

Councillor Gibson declared an interest regarding Agenda item 11 as he is a West Sussex County Councillor.

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

None.

6. CHAIRMAN'S ANNOUNCEMENTS

The Chairman highlighted recent engagements and announced that collection boxes are available for Members to take and distribute in support of his chosen charity Winston's Wish. He also confirmed plans for a Civic Service to be held in December 2023.

7. RECOMMENDATIONS FROM CABINET HELD ON 11 SEPTEMBER 2023.

Councillor Eggleston moved the item noting that despite experiencing inflationary pressures to the budget, the Council has benefited from a significant increase in treasury management income due to an increase in interest rates.

The item was seconded by Councillor Bennett.

The Chairman took Members to a vote on the recommendation as set out in the report which was approved unanimously.

RESOLVED

That Council approves that the balance of interest (including additional Dividend income) totalling £715,000 is transferred to the General Reserve and set aside to support the forecast budget gap in 2024/25.

8. STANDARDS COMMITTEE ANNUAL REPORT.

Councillor Cornish moved the item, which was seconded by Councillor Wood.

The Chairman took Members to a vote on the recommendation as set out in the report which was approved unanimously.

RESOLVED

Council noted the contents of the report.

9. TO RECEIVE THE LEADER'S REPORT.

The Council received the Leader's update. In response to a question on initiatives to support local traders in Burgess Hill, he noted that the most significant steps taken are recent activities to encourage that the redevelopment of the Martlet's Shopping Centre is brought forward by New River Retail before the current planning permission expires.

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

The Council received the Deputy Leader and Cabinet Member for Communities and Communications update during which she agreed to circulate details of the Council's current work as signatories to the Armed Forces Covenant.

The Council received the Cabinet Member for Finance, Revenues and Benefits update. In response to questions on Clair Hall she agreed to consider the request for suitable parking provision and confirmed that the Clair Hall site remains an asset of Mid Sussex District Council.

The Council received the Cabinet Member for Leisure and Customer Services update. In response to a question related to the East Grinstead Sports Council he confirmed that a positive meeting had taken place with discussions around the ambitions for the site. The Cabinet Member also responded to a number of questions related to the maintenance of parks, paths and playgrounds, acknowledging that the new contract for maintenance of these areas will bring many benefits in the long term. He confirmed that a report setting out the plan for the next 10 years re investment across park areas will be brought to a Cabinet meeting in October. In response to specific queries over the state of maintenance at several parks and paths in Burgess Hill, the Cabinet Member agreed to provide a written response.

He also responded to a question related to the food waste trial, confirming that there is a need to consider recent Government announcements, the outcome of the detail associated with the implementation of the Environment Act and assessment by West Sussex County Council before the trial could be considered for expansion to a District wide scheme. Regarding comments around an increase in the number of people becoming homeless, he acknowledged the variety of factors affecting this including mortgage repossession, the cost of living and increased pressure on temporary accommodation.

The Council received the Cabinet Member for Sustainable Economy and Housing update during which he agreed to provide a link to the work carried out by Beam (an organisation supporting people in danger of becoming homeless) in the next Member Information Bulletin.

11. MOTIONS ON NOTICE.

Motion A – Active Travel

Councillor Cornish proposed the motion, setting out many positive benefits of prioritising the movement of people using sustainable transport modes. This was seconded by Councillor Eves who noted that supporting the delivery of a multi-function route is referenced in the District Plan under policy DP7.

Members debated the motion. Discussion was held on a variety of areas including the need for a cycle route between Haywards Heath and Burgess Hill, the need to accommodate those walking, and equestrian routes, a link through to Gatwick, and the need to balance any changes with those travelling by car so unintended traffic issues are not created. Members broadly supported the motion and acknowledged that the Highways Authority at West Sussex County Council was the delivering authority for active travel.

The Chairman took Members to a vote on the motion as set out in the agenda which was approved unanimously.

RESOLVED

This Council,

Recognising, as declared in its Net Zero Carbon Emissions Report prepared for Council by Ricardo in September 2022, that vehicular transport accounts for 36% of all carbon emissions in this district;

Noting that 46% of short trips in towns and cities should be walked, wheeled or cycled by 2025 (Active Travel England 2023-2025);

Having declared, in Objective 6 of its Sustainable Economic Strategy, that it will “promote sustainable travel options and initiatives, including green travel plans, to businesses, schools and residents;”

Recognising that modal shift is essential to reduce carbon emissions and to ease congestion and air pollution, and that people are far more likely to use bicycles if cyclists are as far as possible separated from main roads, making walking, wheeling and cycling an attractive choice for everyday trips;

Noting that a multifunctional network to facilitate active travel between Haywards Heath and Burgess Hill is included in the Site Allocations - Development Plan Document under section SA37: “The Council continues to support the delivery of a dedicated multifunctional network, within the lifetime of this plan and will work with key stakeholders to ensure opportunities to deliver the scheme are prioritised and maximised”.

Recalling the report commissioned by MSDC: BH-HH Greenways Options Appraisal by CJ Founds: <https://burgesshill.net/images/msdc-pnc-options-appraisal-report-v04.pdf> and noting that, of the 16 routes identified, 12 were found to be unfeasible, and the remaining four depended on agreement with a private landowner through which part of the route may have to pass;

Noting that a secondary school is being built between the two towns for 900 pupils and 70 staff, with cycling/walking access available from the south but not from Haywards Heath;

Recalling that a Local Cycling and Walking Infrastructure Plan (LCWIP) study, ref 05136 by PJA, was signed off on 7th March 2023;

1. Asks MSDC's Leader to write to WSCC to urge them to work with developers, as part of the District Plan review, to identify on-site and financial contributions to deliver active travel routes between towns, and connecting towns to villages;
2. Asks MSDC's Leader to report back to MSDC Full Council on the response from WSCC;
3. Commits to participate in the forthcoming WSCC Active Travel Strategy Consultation taking account of the foregoing studies.
4. Urges Members and residents to contribute to the eight-week WSCC Active Travel Strategy Consultation.
5. Encourages landowners to engage with Highways Authority and Planning Authority to make land available to deliver sustainable travel opportunities, such as the routes between Burgess Hill and Haywards Heath.

Motion B – Support for West Sussex Care Leavers

Councillor Russell proposed the motion, highlighting the need for strong collaboration between Districts, Boroughs and wider community sectors to ease the issues faced by children when leaving care. She acknowledged the positive partnership projects that are already underway and supported by Mid Sussex District Council such as the West Sussex House Project and the project team to remodel the West Sussex offer for 16 to 25 year olds in terms of a supported accommodation. The motion was seconded by Councillor J Belsey.

Members debated the motion. Discussion was held on areas including the progress made by the County Council in this subject over recent years, the role of 'Corporate Parent' and the wish for further training on this for District Councillors, and a request for the Care Leavers Board to speak with District Councillors about the work they do. Personal experience was shared on the importance of the opportunities for care leavers, as well as the work that Beam carry out within the District. A suggestion was raised around the potential of having a District Council Care Leavers Champion.

The Chairman took Members to a vote on the motion as set out in the agenda which was approved unanimously.

RESOLVED

The Care Leavers service in West Sussex supports young people to exit care successfully as they move towards independence, and operates under a clear legislative framework provided by the Children (Leaving Care) Act 2000 and the Children and Social Work Act 2017.

The most recent Children and Young People's Scrutiny Committee held on the 13th September 2023, included a paper on 'Leaving Care in West Sussex' which was in direct response to the recent comments in the full inspection by Ofsted back in March 2023 with respect to meeting the needs of care leavers.

The Children and Social Work Act 2017 introduces corporate parenting principles which comprise seven needs that local authorities in England must have regard to. The West Sussex Care Leavers service and increasingly our partners, operate in line with these principles which centre around the promotion of physical and mental

health and wellbeing of those children and young people; to encourage those children and young people to express their views and to take those views into account; to help children and young people gain access to and make the best use of services provided by the local authority and its relevant partners; to promote high aspirations and seek to secure the best outcomes for those children and young people; for those children and young people to be safe and have stability in their homelives, relationships and in education or work, and ultimately to prepare those children and young people for adulthood and independent living.

Whilst it is accepted that corporate parenting is not the statutory responsibility of the District Council, as District Councillors we should acknowledge that we are all corporate parents, particularly given that the West Sussex House Project Partnership Agreement was recently signed by all seven of the District and Borough Council partners, endorsing this view.

But as Mid Sussex District Councillors, we could be the first to go further and support the further aspirations of the West Sussex Care Leaver service through initiatives such as;

- Providing a shopfront facing community base for our Care Leavers – providing a communal space to meet, laundry facility, life skills, WiFi and a place to meet Leaving Care Personal Advisors
- Linking to the above objective, a space for the County Council's Youth Emotional Support Service for meeting with children from across the county.
- To offer free access to local gym/leisure centre/swimming pool to support young people's health and wellbeing.
- An apprenticeship or work-based opportunity provided by the District and Borough for any Care Leaver who wanted to explore this as an alternative Employment Education and Training option.

This Council therefore calls upon the Leader and Cabinet to instruct officers to explore these initiatives, by engaging directly with the West Sussex Care Leavers Service, to proactively help the service move towards Good and onto Outstanding status through the implementation of these initiatives for the benefit of our young people leaving care.

12. QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE 10.2.

None.

The meeting finished at 8.29 pm

Chairman