

## Minutes of a Meeting of Mid Sussex District Council held on 26 September 2018 from 7.00 pm to 7.56 pm

### Present:

### Councillors:

Bruce Forbes (Chairman)

Colin Trumble (Vice-Chairman)

Jonathan Ash-Edwards  
Andrew Barrett-Miles  
Edward Belsey\*  
John Belsey  
Margaret Belsey\*  
Liz Bennett  
Michelle Binks  
Anne Boutrup\*  
Pete Bradbury  
Heidi Brunsdon  
Cherry Catharine\*  
Richard Cherry  
Rod Clarke  
Phillip Coote  
Ruth de Mierre  
Tony Dorey  
David Dorking\*  
Sandy Ellis  
Claire Fussell

Steven Hansford  
Sue Hatton  
Ginny Heard  
Chris Hersey  
Margaret Hersey  
Colin Holden  
Anne Jones MBE  
Jim Knight  
Jacqui Landriani  
Andrew Lea  
Anthea Lea  
Judy Llewellyn-Burke  
Andrew MacNaughton  
Gordon Marples  
Gary Marsh\*  
Edward Matthews  
Norman Mockford  
Pru Moore\*  
Howard MUNDIN

Kirsty Page  
Geoff Rawlinson\*  
Peter Reed  
Robert Salisbury\*  
Linda Stockwell  
Dick Sweatman  
Mandy Thomas-Atkin\*  
Neville Walker  
Garry Wall  
Anthony Watts Williams  
Norman Webster\*  
Rex Whittaker  
John Wilkinson  
Peter Wyan

\*Absent

### 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

None.

### 3. TO CONFIRM THE MINUTES OF THE MEETING OF COUNCIL HELD ON 25 JULY 2018

The minutes of the meeting of Council held on 25 July 2018 was 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

In relation to the Leader's Report at item 9, the following Councillors declared an interest: Councillor Ash-Edwards declared a personal interest as Chairman of the Sussex Learning Trust. Councillor Bradbury declared an interest as a West Sussex County Councillor and part of the Sussex Learning Trust, and Councillor Jones declared an interest as a West Sussex County Councillor. Councillor Cherry declared an interest as Governor of a school operated by the Brighton University Trust and

Councillor Knight declared an interest as a Haywards Heath Town 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 provided an update on four recent events. He thanked Steve Trice of Haywards Heath Town Council and Lucinda Joyce for the joint organisation of a Victoria Cross Commemoration Service in honour of Sgt Arthur George Knight VC and he thanked the Officers involved in the organisation of the Community Service Awards in which 44 local residents were recognised for their outstanding voluntary contribution to the District. He thanked Councillor De Mierre and Councillor Wall for their involvement in the successful launch of this years' STEM Challenge which involves a number of local schools designing a drone. He also drew Members attention to a recent community event; 'River of Poppies' which was held on Muster Green and was an excellent way for the town to remember the fallen soldiers of the First World War. In conclusion he reminded Members of the tickets available for the Chairman's charity fund raising concert which is being held in October, raising funds for Sullivan's Heroes.

**7. AMENDMENT TO THE HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING CONVICTION POLICY**

Councillor Walker proposed the report as Chairman of the Scrutiny Committee for Community, Housing and Planning, noting that recent recommendations from the Local Government Association and a national consultation regarding convictions policies have highlighted the need for the Council to update its Conviction policy. The amendments have been made and endorsed at the Scrutiny Committee for Community, Housing and Planning, and has been the subject of an 8 week public consultation period which has now concluded. The report was seconded by the Deputy Leader.

As there were no questions, the Chairman took Members to the recommendation, which was agreed unanimously.

**RESOLVED**

That Council agrees to:

- (i) Approve the amendments to the Hackney Carriage and Private Hire Licensing Conviction Policy, to take effect on 1 December 2018.

**8. RECOMMENDATIONS FROM CABINET - 24 SEPTEMBER 2018**

The Chairman introduced the tabled report and took Members to the recommendations which were agreed unanimously.

## **RESOLVED**

Council approved:

(i) that £26,039 be transferred to the IER Specific Reserve as detailed in paragraph 22 of the Cabinet report;

(ii) that £325 grant income relating to Flexible Homelessness Support Grant be transferred to Specific Reserve as detailed in paragraph 23 of the Cabinet report;

(iii) that £39,200 be transferred to Specific Reserve as detailed in paragraph 24 of the Cabinet report;

(iv) that £177,169 be transferred to Specific Reserve as detailed in paragraph 25 of the Cabinet report;

(v) that £76,004 be transferred to Specific Reserve as detailed in paragraph 26 of the Cabinet report;

(vi) that £472,000 be transferred to Specific Reserve as detailed in paragraphs 27 of the Cabinet report;

(vii) that £68,699 be transferred to Specific Reserve as detailed in paragraph 28 of the Cabinet report;

(viii) that £171,600 be transferred to Specific Reserve as detailed in paragraphs 29 of the Cabinet report;

(ix) the variations to the Capital Programme contained in paragraph 36 of the Cabinet report in accordance with the Council's Financial Procedure rule B4.

## **9. TO RECEIVE THE LEADER'S REPORT**

The Leader noted that as the Council approaches the final 6 months of the administration it is confident and can look back at very significant achievements for the benefit of local communities.

He noted his recent meetings with the Lindfield and Cuckfield Rotary Club, The Mid Sussex Older Peoples Council and the planned meeting with the University of the Third Age which provides him the opportunity to share the work of the Council.

He noted that strategic partnerships continue to be vitally important and he recently attended the Transport for South East Shadow Board meeting, which continues to make good progress in formulating its case to Government. He has also met with Leaders from the Greater Brighton Economic Board prior to their next meeting and one of their main priorities is to establish its ambitions for the next 5 years.

With regard to the Homes England Masterplan work, he noted the significance and importance of recent decisions made by Cabinet. Work to bring forward detailed plans can progress at pace and it is another step in ensuring the delivery of the

District Plan and underpinning the Land Supply position.

The Leader addressed the funding issues recently outlined by West Sussex County Council and acknowledged that saving £146m over the next 4 years is a challenging position. He noted that the proposals will potentially have an impact on Mid Sussex District Council's budget and an element of cost transference is unavoidable and could possibly result in a negative impact on some of the most vulnerable in our communities. He confirmed that the Council will look at the possibility of collaborative working, however the main issue is the scale of the savings required and the wider implications of Government funding for social care and other key support services.

The Leader concluded his report with confirmation that he has today signed off a press release following the receipt of a letter from the Rt. Hon Anne Milton MP, Minister for Apprenticeships and Skills agreeing the need for 6<sup>th</sup> Form provision in Haywards Heath at the Harlands Road College site. He drew Members attention to the instrumental work carried out by the Chief Executive and Assistant Chief Executive in making the case to government for the re-establishment of educational use on this site, and acknowledged that it would also not have succeeded without the support of the Rt. Hon. Sir Nicholas Soames MP who has championed the case at the highest level. He recognised the support of West Sussex County Council, Jonathan Sharrock at Coast to Capital and Adam Tickell at Sussex University, with their support, the business case made a compelling argument.

With regard to the next steps he confirmed that there will be a competitive bid process whereby existing providers will be invited to put forward their proposals for running the site. This process will be led by the FE commissioners and should come to a conclusion by early 2019.

In response to a Member's query regarding joint working and the support of local Members for the Northern Arc Masterplan going forward, the Leader noted that a governance hierarchy is in place (including the Parish Liaison Group, Steering Group and Governance Board).

A number of Members expressed their congratulations for reaching this key stage in establishing 6<sup>th</sup> form provision in Haywards Heath and discussed the need to continue with a strong voice to Ministers in light of the ongoing funding issues and potential risks to the most vulnerable in society.

In response to questions from Members, the Leader concluded that he understood that the sports fields on the college site have certain protected rights for use by Harlands School, and the Council would support this continuing. He also noted that there is significant interest from the Education sector in a variety of schemes that the Council is working on within the district, and in particular the work with the Sussex University, which highlights that the sector is keen to tap into the skills of the young people within the area.

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

### Report of the Deputy Leader and Cabinet Member for Economic Growth

The Deputy Leader began by adding his congratulations and thanks for all the work

involved in securing the provision of a 6<sup>th</sup> form college in Haywards Heath.

He drew Members attention to the work that is under-way on the A2300 to deliver The Hub Business Park. This is an important aspect to the Burgess Hill Growth Programme as it will include 50,000m<sup>2</sup> of employment space and the potential creation of hundreds of jobs in the area.

He confirmed that on Thursday 27 September he was attending the launch of Refill Mid Sussex, a national campaign to encourage business to provide free drinking water to people with refillable bottles. The campaign aligned with the Council's sustainability policy, in its aim to reduce the amount of single use plastics and their impact on the environment. 50 businesses are already committed to the scheme, and an App is available for people to identify those participating.

The Deputy Leader also confirmed that the Council continues to review its surplus assets to consider better use and three further sites at Paddockhall Road, Bentswood Crescent and Brighton Road, Handcross were agreed at the Cabinet meeting this week as possible areas to deliver affordable homes.

#### Report of the Cabinet Member for Finance and Performance

The Cabinet Member confirmed that the Council has implemented a discretionary business rate relief scheme, as announced in the Governments Spring 2017 budget, which means that this council can continue to maximise financial assistance to qualifying local businesses from these reliefs. The Policy was amended in August so that the scheme is based on a banded award in order to reduce the administration involved in making a percentage award.

She noted that the Cabinet have now considered the service planning guidelines for 2019/20. The council is striving to maintain its financial independence and will be continuing to focus on managing growth and supporting economic development. However there are some uncertainties; for example surrounding the negative revenue support grant and the implications of the Fair Funding Review in 2020/21. Taking these factors into consideration, as part of the council's prudent planning, consideration will be given to increasing Council Tax.

The Cabinet Member confirmed that Members will be involved in budget setting to produce a strong, sound and tightly managed budget to take the Council in to the next Administration. The budget will be put before the relevant Scrutiny Committee in January 2019 and to the Council in February 2019.

#### Report of the Cabinet Member for Customer Services

The Cabinet Member was not present at the meeting.

#### Report of the Cabinet Member for Service Delivery

The Cabinet Member was not present at the meeting.

### Report of the Cabinet Member for Community

The Cabinet Member was not present at the meeting.

### Report of the Cabinet Member for Housing and Planning

The Cabinet Member noted that the Northern Arc Masterplan has been agreed by the Scrutiny Committee and was agreed by Cabinet at their meeting on Monday 24 September. Homes England and Aecom were present at the Scrutiny meeting to answer Member's questions. Further work on a transport survey is to be undertaken and transport issues will be dealt with as the planning permissions move forward.

He confirmed that the Scrutiny Committee also considered the work of the Site Allocation Working Group and the first stage of the work to discount residential sites that do not comply with the District Plan has been completed. The Scrutiny Committee agreed the recommendations. The working group will consider the next stage and will report back to the Scrutiny Committee as appropriate.

With regard to the Balcombe Flow Testing, the Cabinet Member confirmed that Angus Energy have held Community Liaison Group meetings with Balcombe Parish Council, representative from the village, Mid Sussex District Council, West Sussex County Council and the Police. The flow testing has already commenced and will last for 7 days when the site will then be cleared. When the results of the flow tests are known, Angus Energy will decide on the future of the site and if they proceed, further permissions will be required from West Sussex County Council.

## **11. QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE 10.2**

The following questions 1-5 were submitted by Councillor John Belsey. Questions 6-7 were submitted by Councillor Sweatman.

- 1) In terms of prevention of future incursions could the leader please inform us whether in light of the increased number of incursions this summer as a council we will be taking steps to accelerate our protection measures and at what cost this will be to the council?

### Response from the Leader of the Council:

Since 2013/14, the Council has spent £20k every year on improving security across its parks and open spaces. So that is a total of £130k on a range of measures to try to prevent incursions, like installation of height barriers, more robust vehicle gates, bollards and ditches.

The £20k allocated for 2018/19 has already been spent on permanent and temporary security works.

In light of the recent spate of illegal incursions, Cabinet approved, at its meeting on earlier this week, to allocate over £170k in order to accelerate the programme of security works over the winter in preparation for the next travelling season. This is a very significant increase in resources for the protection of sites in direct response to recent events.

- 2) Can the council leader also confirm that we will review our strategy across the District to ensure we have considered potential sites of incursion and what protection, if any, is appropriate for each site - recognising that our towns and villages are lovely places to live and there is a balance between complete protection and living in a place that looks more like Fort Knox than Mid Sussex.

Response from the Leader of the Council:

The Council has been taking the approach you outline since 2012. The Council identifies sites that may be at risk of incursions and uses the £20k allocated each year to undertake the works necessary on these sites.

The additional funding allocated by Cabinet on Monday will allow us to accelerate this work and further security measures will be implemented this winter.

However, I must emphasise that our public open spaces are just that and so they are, by their nature, difficult to protect entirely.

- 3) Alongside the physical protections the council could put in place, many people have questioned why the council doesn't seek to ban either specific people from the District or, copying Croydon Council, banning traveller incursions in their entirety from our District. Please could you update us whether these options have been considered and whether it is or is not possible to introduce them?

Response from the Leader of the Council:

The large scale injunctions you refer to are a new development this year. The test Courts will apply before granting such an injunction is fairly significant in terms of the number of incursions and the impact on local communities. But it is a development we will be following closely and may consider if we believe the Court will support our request.

- 4) Regarding the process of dealing with the travellers and the process, one of the key frustrations felt by residents of East Grinstead was that it was not clear to the public what steps were being taken and where we were with the process, please could you confirm that in future, the Council could seek to issue a press release on a regular basis during an incursion explaining where we are in the process, this is particularly important on incursions in the centre of towns like East Grinstead where there are heightened tensions in the town during the period of incursion.

Response from the Leader of the Council:

I understand and share your frustrations. As I'm sure you'll appreciate, press releases are not the most efficient method for getting sensitive information across in a timely manner.

When there is an incursion, officers issue a twice daily briefing for relevant Ward Members, Cabinet members and the relevant Town and Parish Councils. We also use social media. For the public, both the West Sussex County Council website and our own website provide regular updates when incursions occur.

- 5) Although on each occasion in East Grinstead the police looked at using their powers of eviction on no occasion did they feel able to despite being on grounds used by the public, for example forcing football matches to be postponed. I know the legislation on this is extremely complex and I understand that the government may be looking at this again this Autumn, but could you assure us that there is and will continue to be strong lines of communication between the police and the council officers ensuring the basis for the police decisions are known and understood by council officers and that this dialogue continues as the situation develops. Regardless of the police decisions does the Council straight away begin the process for obtaining a court order?

Response from the Leader of the Council:

Officers and the police work together from the outset to decide which powers to use. This starts as soon as an incursion is reported. Of the 9 incursions in this District during 2018, the Police used their powers on 4 occasions. On every incursion, officers work closely with the police to gather the evidence and also rely on the public to help. This is why reporting issues to the police or the Council rather than just posting on social media is required. The public can use the Council's website to report issues in connection with incursions and this information is used by officers and by the police.

- 6) I have also been given to understand that the police are sometimes unable to move travellers on as the comparatively small West Sussex transit site near Chichester does not have capacity to take them. As leader of East Grinstead Town Council I would request that MSDC writes to East Sussex, West Sussex and the authority in Brighton to allow travellers sites to be used across Sussex so that the capacity of the other transit sites can also be taken into account, thus potentially making it easier to move the travellers on - please confirm whether this is something that Mid Sussex District Council will be doing?



Response from the Leader of the Council:

Unfortunately at the moment a legal framework does not exist to enable the Police to send travellers to transit sites outside the County. The legislation only allows the police to use their powers under S62 of the Criminal Justice and Public Order Act 1994 Act to move travellers to a transit site within the county area. This is a frustration for officers and the police. However, it is possible we may be able to lobby for a change in the law on this matter but I think the prospect of a change maybe fairly unlikely.

- 7) Finally, one of the residual problems that we have to deal with is the waste that is often left behind. I understand from the police that it would be for the council to consider fining anyone leaving rubbish behind as that is within the council's responsibility. Is this something that could be looked into further to see if this would be possible? It is something that residents find extremely difficult to bear that they end up bearing the clear up cost.

Response from the Leader of the Council:

Whilst it is extremely frustrating, it is unfortunately very difficult to take action against travellers in respect of the litter and fly tipping following an incursion. Travellers are, by their nature, a transient population, and therefore, identifying and pursuing them is challenging and enforcement would be extremely difficult.

We, of course, recognise that residents find it difficult that the cost of clear-up is ultimately met by the Council Tax payer. The clear-up costs associated with this year's incursions are £6,000, however, this is considerably less than the cost of pursuing enforcement action, the budget for which this year is £15,000.

The Meeting was closed at 7.56 pm.

Chairman