

COUNCIL

12 DECEMBER 2018



4 December 2018

Unless a majority of the Council resolve to extend the meeting before 10.00 pm it will automatically end at 10.00 pm in accordance with Council Procedure Rule 17.2.

To all Members of the Council,

You are hereby summoned to attend a meeting of the **MID SUSSEX DISTRICT COUNCIL** to be held in the **COUNCIL CHAMBER** at these offices on **WEDNESDAY, 12TH DECEMBER, 2018 at 7.00 pm** to transact the following business:

Yours sincerely,

KATHRYN HALL
Chief Executive

Pages

- | | | |
|-----|---|----------------|
| 1. | Opening Prayer. | |
| 2. | To receive questions from members of the public pursuant to Council Procedure Rule 9. | |
| 3. | To confirm the previous Minutes of the meeting of Council. | 5 - 14 |
| 4. | To received declarations of Interest from Members in respect of any matter on the Agenda. | |
| 5. | To consider any items that the Chairman of the Council agrees to take as urgent business. | |
| 6. | Chairman's Announcements. | |
| 7. | Review of Members' Allowances 2019/2020. | 15 - 34 |
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Working together for a better Mid Sussex

11. Programme of Meetings 2019/20. 71 - 74
12. To receive the Leader's Report.
13. Report of Cabinet Members, including questions pursuant to Council Procedure Rule 10.1.
14. Questions from Members pursuant to Council Procedure Rule 10.2.

To: **Members of Council:** Councillors B Forbes (Chairman), C Trumble (Vice-Chair), J Ash-Edwards, A Barrett-Miles, E Belsey, J Belsey, M Belsey, L Bennett, M Binks, A Boutrup, P Bradbury, H Brunsdon, C Catharine, R Cherry, R Clarke, P Coote, R de Mierre, T Dorey, D Dorking, S Ellis, C Fussell, S Hansford, S Hatton, G Heard, C Hersey, M Hersey, C Holden, A Jones, J Knight, J Landriani, Andrew Lea, Anthea Lea, J Llewellyn-Burke, A MacNaughton, G Marples, G Marsh, E Matthews, N Mockford, P Moore, H Munding, K Page, G Rawlinson, P Reed, R Salisbury, L Stockwell, D Sweatman, M Thomas-Atkin, N Walker, G Wall, A Watts Williams, N Webster, R Whittaker, J Wilkinson and P Wyan

**Minutes of a meeting of Council
held on Wednesday, 31st October, 2018
from 7.00 pm - 8.26 pm**

Present: B Forbes (Chairman)
C Trumble (Vice-Chair)

J Ash-Edwards	G Heard	H Mundin
E Belsey	C Hersey	K Page
J Belsey	M Hersey	P Reed
M Belsey	C Holden	R Salisbury
M Binks	A Jones	L Stockwell
P Bradbury	J Knight	D Sweatman
C Catharine	J Landriani	M Thomas-Atkin
R Cherry	Andrew Lea	N Walker
R Clarke	Anthea Lea	G Wall
P Coote	J Llewellyn-Burke	N Webster
R de Mierre	A MacNaughton	R Whittaker
D Dorking	G Marples	J Wilkinson
C Fussell	G Marsh	A Watts Williams
S Hansford	E Matthews	P Wyan
S Hatton	P Moore	

Absent: Councillors A Barrett-Miles, L Bennett, A Boutrup, H Brunsdon, T Dorey, S Ellis, N Mockford and G Rawlinson

Also Present: Councillors

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 Dr Ian Gibson

The District Plan Inspector was critical of the Council for its failure to provide adequate guidance to neighbourhood plans...on the amounts of housing development they should aim to accommodate. He also said Future plans, both neighbourhood plans and the Site Allocations Plan, must take account of the numbers of new homes expected in each settlement.

The proposed methodology for the SHELAA does not set any housing targets for individual settlements or provide any role for Neighbourhood Plans in the site selection process.

Will the Council ask the Scrutiny Committee to reconsider this approach and involve Neighbourhood Plan communities?

Response from Cllr. Andrew MacNaughton, Cabinet Member for Community, Housing & Planning

Thank you for your question Dr. Gibson, because this provides me with an opportunity to reiterate what officers have already explained to you.

The District Plan does in fact set out the housing requirement for individual settlements in Policy DP6: Settlement Hierarchy. I can also confirm that the Inspector, in his Report into the Examination of the District Plan, acknowledged (in Para 33) that this “is a sound and helpful approach that has been evolved in consultation with parishes and neighbourhoods”.

You are confusing the role of the District Plan with that of the SHELAA. It is the role of the District Plan to provide housing targets which it does in DP6.

The National Planning Policy Framework (NPPF) advises that the purpose of a SHELAA is to inform local planning authorities of the land available in their area. The sites identified in the SHELAA are the palette of potential housing and employment sites which are then subject to further assessment.

There are a number of stages the Council must go through in the Site Selection process. Stage 1 is to assess the sites against the District Plan strategy based on 2 criteria: connectivity to settlements and the size of the proposed site in relation to the existing housing requirement for each settlement, as set out in DP6. At its meeting on 25 September 2018 the Scrutiny Committee considered the outcome of the Stage 1 Assessment. A report outlining Stage 2 of the process will be considered by Scrutiny Committee at its meeting on 21 November 2018.

I can therefore assure you that the Council is satisfied that it has followed government policy and guidance in establishing its methodology. As you will know from your attendance at various meetings I am satisfied that the development of the criteria and the approach has involved Neighbourhood Plan communities. Furthermore the policies of Neighbourhood Plans will be considered in the Stage 2 assessment. Therefore, there is no need for the Scrutiny Committee to reconsider the approach.

Supplementary question from Dr Gibson

My question arose from a vigorous debate by Parish Councils at a recent MSALC meeting. 19 of the 24 Town and Parish Councils in Mid Sussex have made, or drafted Neighbourhood Plans. The preparation of those plans has involved many thousands of unpaid hours from residents committed to their communities and hundreds of thousands of pounds of council tax spent with consultants.

The identification of suitable non-strategic or small scale sites for development is supposed to be one of the key roles of these plans. It is disappointing that Mid Sussex have chosen to take this task away from the local communities that will be affected by the decisions.

Many Councils are now commencing costly reviews of their neighbourhood plans. In order to avoid wasted effort on these reviews, will the Council publish guidance on the role of the neighbourhood plans in the future development of Mid Sussex?

Response from Cllr. Andrew McNaughton

I will give this follow up question further consideration.

The following written response has been given.

“Thank you Dr Gibson. I am fully aware of the work carried out by Towns and Parishes over the preparation of Neighbourhood Plans and also of the significant level of professional and financial support provided by the Planning and other staff of Mid Sussex District Council in order to ensure that Neighbourhood Plans have been successfully ‘Made’.

Paragraph 69 of the revised NPPF (July 2018) clearly states that “neighbourhood planning groups should ... consider the opportunities for allocating small and medium sized sites suitable for housing in their area”. Therefore, allocating small sites is clearly a role which can be performed by Neighbourhood Planning groups and I can assure you that Mid Sussex District Council has never sought to say otherwise.

Equally, Neighbourhood Planning Groups may choose not to allocate sites but instead to focus on more detailed local policies. This is entirely a decision for the Neighbourhood Planning group.

Mid Sussex District Council has consistently made clear through our regular briefings with Town and Parish Councils and through individual meetings with Parishes that officers will support whichever approach Neighbourhood Planning groups wish to take.

For the purpose of preparing the District Plan, Mid Sussex District Council defined a ‘strategic site’ as one of 500+ units. Given that Mid Sussex District Council is required to prepare a Site Allocations DPD to identify sufficient sites to meet the residual housing need figure to be adopted by 2020, the Council must now look at allocating sites of a range of sizes. This approach is made clear in District Plan Policy DP4 which states that the Sites DPD will look to allocating sites of 5 or more units. The need to prepare the Sites DPD was a modification required by the Independent Planning Inspector. This does not preclude a Neighbourhood Planning group from allocating sites however they must do so within the same time frame as the Sites DPD in order that Mid Sussex can demonstrate certainty over delivery of sufficient houses to meet identified need.

Finally, given that there is clear guidance already set out in the NPPF and NPPG on neighbourhood planning, I do not consider that there is any need to publish local guidance on the role of Neighbourhood Plans in the future of development of Mid Sussex.”

3. TO CONFIRM MINUTES OF THE MEETING OF COUNCIL

The minutes of the meeting of Council held on 26 September 2018 were agreed as a correct record and signed by the Chairman.

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

In relation to the Leader's Report at item 9, Councillor Bradbury declared an interest as a West Sussex County Councillor and part of the Sussex Learning Trust.

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 the Chairman's charity fundraising concert, which raised funds for Sullivan's Heroes. Tickets for the concert were sold out and he thanked the Democratic Services Officers involved in the organisation of the concert. He also drew Members attention to the Chairman's Civic Service on Sunday 9 December at St Leonard's Church followed by refreshments at The Crown, Turners Hill.

7. STATEMENT OF GAMBLING POLICY

Councillor Walker proposed the report as Chairman of the Scrutiny Committee for Community, Housing and Planning, noting that the amendments have been considered by the Committee on 4 July 2018. The report was seconded by Councillor Webster who advised that the Citizens Advice Bureau had been added to the list of consultees and that the policy had to be reviewed within three years or as appropriate following the adoption of the statement of Principles Policy in 2015.

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

RESOLVED

Council agreed to:

Approve the policy for Gambling at Appendix 1 for implementation on the 31st January 2019.

8. RECOMMENDATIONS FROM CABINET - 15 OCTOBER 2018

The Deputy Leader introduced the report which proposed the acquisition of another commercial property in the south of the district to generate income. The purchase price was greater than the amount detailed in the report and following proper advice and completion of due diligence it was a good investment.

The report was seconded the Cabinet Member for Finance and Performance who supported the use of Council Reserves to maintain a steady and reliable income stream over the forth coming years.

In response to a Member's question, the Deputy Leader noted that the property had a lease with good covenants and the Council could consider other options for this freehold property beyond the existing tenant of the property.

In response to a Member's question on generated income, the Deputy Leader noted he could not comment as it was commercially sensitive information but this information had been included in the Exempt part of the Cabinet report.

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

RESOLVED

Council agrees:

That £2.7m of the purchase price is financed from Capital Receipts Reserve (£1.1m) and General Reserve (£1.6m).

9. TO RECEIVE THE LEADER'S REPORT

The Leader noted that Partnership working continued to be an important part of promoting sustainable growth in the region.

He noted that the Greater Brighton Economic Board (GBEB) will agree their strategy and vision for the next five years at the meeting in January. Arun District Council has expressed a desire to join the Board which could strengthen its position within the Coast 2 Coast Local Enterprise Partnership (LEP).

He noted that Gatwick Diamond has their AGM this week. They represent the northern Districts and Boroughs within the LEP and together they promote major growth opportunities across the region. He advised that at the last Board meeting he had highlighted that he was the only District and Borough representative on the Board.

He confirmed that significant progress had been made with the progression of the 6th Form College provision and the deadline for formal expressions of interest in running the site was 9 November 2019.

The Leader concluded his report with the recent announcement by Gatwick Airport Limited (GAL) of their wish to increase capacity by using the reserve runway. In response to Members questions, although no further details had been shared at present, he advised that many stakeholders support growth at Gatwick as part of planned investment in the region. The Chief Executive and Leader will be meeting with GAL this week to discuss the Masterplan and they will ask how Mid Sussex will be served in the consultation, and how Mid Sussex would benefit from expansion. He confirmed that the upgrading of the M23 to a smart motorway was in progress. He also advised that the LEP was working with GAL to improve the railway stations and the flow of passengers.

In response to a Member's query regarding the effectiveness of the range of organisations serving the local community, the Leader noted that the LEP is the representative of choice to liaise with the Government. The GBEB and Gatwick Diamond are part of the partnership and the work of the LEP has developed strong links with Homes England.

He noted a Members concern regarding the impact of the planned three month road closure at Borde Hill Lane for the construction of a roundabout, and will liaise with Offices involved.

A Member thanked the Leader for his participation at a recent meeting in East Grinstead which was well attended. The Leader responded that Councillors must take every opportunity to engage with local residents.

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 advising that he will be attending a meeting of the Steering Group for the Burgess Hill Growth project to review sustainable transport and improvements to the A2300. He reported that deliverability was critical and it was important to keep the project on track for completion by 2021.

He drew Members attention to the vigorous lobbying of the Rt. Hon Sir Nicholas Soames MP to secure a temporary Post Office in the Co-op, Haywards Heath whilst the Royal Mail identifies a viable permanent location.

He welcomed the approval of the redevelopment of offices in Perrymount Road to create Haywards Park; this is part of the developer's aspiration to bring high grade offices to Haywards Heath.

He noted that he had attended the launch of East Grinstead Jobs Club along with Councillors Sweatman, Webster and Whittaker. Churches and community organisations are supporting residents to find work and secure better employment. He noted that it is important to employ residents in the region with the potential creation of hundreds of new jobs in the area.

He confirmed that funding had been secured from the Business Rates Pool to match private funding to improve shop frontages. Specific areas have been identified, with London Road, East Grinstead being the first area to be upgraded.

The Deputy Leader concluded his report with the financial implications of the Chancellor's budget; he advised that the two year reduction in Business Rates would mainly assist smaller businesses and independent retailers.

In response to a Member's question on traffic management in the north of the district, the Deputy Leader noted that a key part of sustainable transport was connectivity and the reliance on private vehicles. Homes England would have to demonstrate sustainable transport in their application for the Northern Arc.

Report of the Cabinet Member for Finance and Performance

The Cabinet Member noted that six months into the year, the forecast revenue outturn position for 2018/19 shows the Council is performing as originally planned and financial planning for 2019/20 was underway. She noted that confirmation of the demise of the negative Revenue Support Grant has not been received, which reinforces the importance of obtaining independent reliable income streams.

She noted the additional funding announced in the Chancellor's budget and whilst these are outside the remit of the Council they do affect the residents of Mid Sussex. She advised that the announced improvements in the overall funding guidelines may provide optimism for overall funding for local government in the next spending period. However, there could still be a shortfall in local government funding which would need to be addressed in the Council's financial planning.

The Cabinet Member concluded by reminding Members that the Council aims to remain financially independent and the current robust position leaves the Council well placed to meet the challenges ahead.

Report of the Cabinet Member for Customer Services

The Cabinet Member noted that the Legal Team had again achieved the Lexcel quality standard, which has been held for ten years. Another Trainee Solicitor has now qualified and will work on property and planning matters.

She confirmed that the Land Charges Team have retained over 70% of the local search market and income targets continue to be met in a relatively quiet housing market.

She noted that with 2.5 weeks remaining on the Electoral Canvass the total return was currently 98% (a digital return of 65% and paper return of 35%).

The Cabinet Member concluded her report by advising Members that Mid Sussex has been selected by the Cabinet Office to participate in a Voter ID pilot in the May 2019 elections. A number of models are being piloted and Mid Sussex has been selected to trial a "technology enabled poll card model". The Cabinet Office has rigorously tested and approved the technology to be used and the Democratic Services team is comprehensively planning for the successful delivery of the pilot here in Mid Sussex. A paper will be presented to Council in January.

In response to questions from Members, the Cabinet Member noted that the technology for the Voter ID Pilot would link into the Electoral Register and there would be no change to how postal votes are administered. The pilot is cost neutral to the Council with all pilot expenditure to be funded by the Cabinet Office.

A robust Communications Plan is in place to ensure the public are informed of the identification required in order to vote.

Report of the Cabinet Member for Service Delivery

The Cabinet Member noted that the Serco employee, recently injured in an accident, was making good progress and was being fully supported by Serco.

He noted that the trial for the British Heart Foundation has concluded with 13 tonnes of recycling in the recent phase, making an overall total collected 47 tonnes.

The Cabinet Member noted that 3.34 tonnes of rubbish was picked from the A23 in a joint exercise with Highways England, the total collected was 10 tonnes lower than last year.

He confirmed a joint bid is underway with East Grinstead Town Council to achieve a 3rd Green Flag in the district.

The Cabinet Member noted that four incidents of fly tipping resulted in the removal of 21 tonnes of rubbish, including asbestos resulting in additional costs incurred to hire specialist contractors. He thanked the Councillors who reported the fly tipping and confirmed that the Council does prosecute when evidence is found to identify those responsible. He noted that it was too early to advise if fly tipping would increase because of a recent change in commercial charges at the amenity sites.

In response to a Member's question on the addition of cashless payments for the car parking machines, the Cabinet Member advised that contactless payments were introduced in answer to public requests and a levy of 4p per transaction is charged for those paying by phone.

Report of the Cabinet Member for Community

The Cabinet Member noted that the project to replace and upgrade CCTV was on target to be completed by the end of the year. An additional five cameras will be operational by April 2019 including one in Clair Park. In response to a Members question he noted that the temporary camera in St Johns Park will be linked to Sussex Police headquarters. He confirmed that he was receiving regular updates from the Police on the antisocial behaviour in Burgess Hill. The resolution needed careful management due to the personal circumstances of those involved.

He noted that the Community Safety Task and Finish Group are developing a number of projects which focus on youth and public spaces and these include safeguard training in schools to ensure consistency and compliance.

He confirmed that Sussex Police had completed a social media campaign about safe recreational spaces in response to reported antisocial behaviour in parks. Sussex Police hope to reach a wider audience and improve effectiveness of their social media campaigns by linking Parish Councils. In response to a Members question he noted that 20 Police School Officers are in place to provide counselling for pupils who were victims of bullying.

He advised that East Grinstead Town Council is trialling a scheme where venues and businesses are listed as safe places for people to go if they feel anxious or need support. If successful it could be rolled out across the district.

He noted that Remembrance Beacon funding has been awarded to seven towns and parishes and a six foot Tommy silhouette has been installed by the main doors to the Mid Sussex District Council offices.

The Cabinet Member noted several wellbeing events had been held, and he would be speaking at a South East Social Prescribing Conference later this month. He noted that the GP Wellbeing project was working successfully with local practices.

To conclude his report the Cabinet Member noted that he had met with representatives of the Citizens Advice Bureau who are launching a new client focused website with improved information. He noted the change of name to Citizens Advice in West Sussex - North South East. Last year they assisted over 41,000 people.

In response to a Members question on the CAB providing a better service and allocating more time to people, he noted that the contract ends in April 2019 and no new agreement had been reached with West Sussex County Council. He confirmed that the CAB had been trained on Universal Credit and they were signposting ex-armed forces personnel to a range of services. He noted that the CAB were holding additional sessions in other locations including Burgess Hill Library and no further changes would be made until funding had been finalised.

Report of the Cabinet Member for Housing and Planning

The Cabinet Member advised that this year 17% of planning appeals had been

allowed, which had reduced from 36% in 2017.

He advised that the Council had received a challenge to the five year land supply on a revised planning application in Horsted Keynes. The process will take six months and the Council had recruited the services of a barrister.

He noted that Clarion Housing Group has started the tendering process for three sites in Mid Sussex, and he continues to lobby for more rented units in new schemes.

The Cabinet Member noted that the Guinness Partnership are working with a contractor to obtain a fixed price for Blackwell Farm Road, a consented site, and hope to progress the scheme once executive approval is received from the Board.

With regard to alternative temporary accommodation, the Cabinet Member confirmed that a project group are progressing on the purchase of 3 units and offers have been made on more properties. Following a successful recruitment, the Temporary Accommodation Housing Management Officer will start work this month.

11. QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE 10.2

None.

The meeting finished at 8.26 pm

Chairman

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REVIEW OF MEMBERS' ALLOWANCES FOR 2019/2020

REPORT OF: Head of Regulatory Services, Solicitor to the Council and Monitoring Officer
 Contact Officer: Lucinda Joyce, Senior Democratic Services Officer
 Email: lucinda.joyce@midsussex.gov.uk Tel: 01444 477225
 Wards Affected: All
 Key Decision N/A
 Report to: Council - 12 December 2018

Purpose of Report

- To present the attached report of the Independent Remuneration Panel on the review of Members' Allowances to be paid to Members of Mid Sussex District Council in 2019/20.

Recommendations

- Council is recommended to:**
 - thank the Panel for their work;
 - consider the recommendations of the Panel, summarised below, and
 - agree a scheme of allowances for the financial year 2019/20.

Summary of Recommendations

- The Panel's recommendations for Basic and Special Responsibility Allowances are summarised in the table below (rounded to the nearest whole pound).

Role	Current Allowance (£):	Recommended Allowance (£):
Basic Allowance	4,878	5,000 2.5% increase
Leader's Allowance	20,596	No change
Deputy Leader's Allowance	11,000	No change
Cabinet Member	8,500	No change
Chairman of the Council	6,572	No change
Vice-Chairman of Council	2,251	No change
3x Planning Committee Chairman	14,634 (4,878 x3)	15,000 (5,000 x3) 2.5% increase
3x Planning Committee Vice-Chairman	3,660 (1,220 x 3)	3,750 (1,250 x 3) Increase to continue to reflect 25% of Planning Chairman's allowance
Licensing Committee Chairman	475	1,000
Standards Committee Chairman	475	1,000
Group Leader	250 per group member	No change
3x Scrutiny Committee	11,706	12,000

Chairman	(3,902 x3)	(4,000 x 3)
3x Scrutiny Committee Vice - Chairman	2,928 (3 x 976)	3,000 (1,000 x 3) Increase to continue to reflect 25% of Scrutiny Chairman's allowance
Audit Committee Chairman	2,000	No Change
2x Independent Persons for Standards Matters	1,426 (713 x 2)	1,500 (2 x 750)

The Panel recommends that Members should only be entitled to claim one Special Responsibility Allowance, with the exception of allowances paid to Group Leaders.

4. Deputy Leader's Allowance

Having met with the Leader and Deputy Leader, the Panel recommends that the current allowances remain the same.

5. Cabinet Member's Allowance

The Panel noted that within District Councils in West Sussex the allowance paid to Cabinet Members was significantly at the upper end of the range, however they acknowledged that whilst the Constitution allowed for up to nine Members there were only seven in post creating a significant additional workload.

The Panel noted that there had been an additional Cabinet post created which adds an extra £8,500 to the annual cost of Special Responsibility Allowances. However, the creation or abolition of such posts is not a matter for the Panel and the event is simply noted.

6. Chairs of Licensing Committee and Standards Committee

The Panel noted that the work of the Licensing Committee had increased as greater scrutiny was being applied to the licensing of taxis within the District. Equally they noted the importance of the work of the Standards Committee in ensuring openness and accountability within the Council. The Panel noted that the allowances paid to these two posts were small amounts and did not reflect the current work involved. Accordingly the Panel recommends that both be increased from £475 a year to £1,000 a year.

7. Independent Persons for Standards Matters

The Panel noted that the sum paid was minor and had not changed for many years whilst the work involved had become more complex. Therefore they recommended it be increased from £713 a year to £750 a year.

8. Travelling and Subsistence Allowance

The Panel recommends no change for the mileage allowances as these are in line with HMRC.

Detail	Recommended Rate
Vehicles	
Car Mileage	45p per mile
Car Passenger Mileage Rate	3p per mile for 1 passenger 5p per mile for 2 or more passengers
Cycling Allowance	20p per mile
Subsistence	
Breakfast	£7.00
Lunch	£10.00
Tea	£4.00
Evening Meal	£13.00
Overnight Out of Pocket Expenses Per night	£6.00
Overnight Out of Pocket Expenses Per week	£24.00

9. **Childcare and Dependent Carer's Allowances**

9.1 **Childcare Allowance**

The Panel recommend that this allowance should remain linked to the real living wage rate of £9.00 per hour and that the rate for two or more children be increased by £1 to £18 per hour.

9.2 **Dependent Carer's Allowance**

The Panel agreed that the existing payment of receipt-based actual costs, up to a maximum rate of £18 per hour is appropriate representing an increase of £1 per hour on 2018/19 rates.

10. **Background**

The Local Government Act 2000 requires local authorities to set their schemes of allowance on an annual basis after taking into account the recommendations of an independent panel.

The Mid Sussex Independent Remuneration Panel undertook its review of Members' allowances between October and November 2018 and its report is appended below.

11. **Financial Implications**

The proposed allowances will result in an increase to the Member Allowances Budget of £8,534 which does not include the cost of the allowance paid to an additional member of the Cabinet. This would be an increase of 2.35% to the annual budget compared to the current year.

12. **Appendices**

- Report of the Independent Remuneration Panel on Members' Allowances for 2019/20.

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Mid Sussex

Report of the Independent Remuneration Panel on the review of Members' Allowances 2019/20

Mr Neil Gershon (Chairman)
Mr John Rowe



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CHAIRMAN'S FOREWORD

I am pleased to present the report and recommendations of the Independent Remuneration Panel for Mid Sussex District Council, relating to the financial year 2019/20.

Unfortunately just prior to the Panel's first meeting one member resigned and there was insufficient time for an additional appointment to be made hence the Panel comprised only two members.

The Panel's discussions were informed by data covering allowances paid in similar councils. In addition the Panel wrote to all Councillors asking whether there were any topics they felt should be considered and met with the Leader and Deputy Leader. Although all Councillors were invited to meet the Panel to discuss matters of interest none felt they wished to do so.

The Panel agreed to recommend the implementation of the final year of the four year plan set out in the review approved in 2015. As forecast this entails an increase in the **Basic Allowance** to **£5,000** an increase of 2.5% closely mirroring the rise in the CPI as at September 2018.

The Panel was advised that there had been one additional appointment to the Cabinet during the year which adds one additional Special Responsibility Allowance (SRA) of £8,500 a year to the total cost of members allowances.

As previously, the Panel recommends maintaining the allowance for **Planning Committee Chairs** at 100% of the Base Allowance with the consequent increase in the allowance for **Vice Chairs** set at 25% of the Chair Allowance.

The Panel also agreed to recommend maintaining the allowance paid to **Chairs of Scrutiny Committees** at 80% of the Base Allowance with the consequent increase in the allowance for **Vice Chairs** set at 25% of the Chair Allowance.

The Panel considered all other Special Responsibility Allowances in the light of workloads and advice provided by Officers. It noted that the work undertaken by the Licensing Committee had increased markedly consequent on the introduction of a much closer scrutiny of taxi driver licensing and recommends an increase in the allowance paid to the **Chair of the Licensing Committee to £1,000**. In addition the Panel was apprised of the importance attached to the role of **Standards Committee Chairman** and recommends an increase in that allowance to **£1,000**. In similar vein an increase in the allowance paid to **Independent Persons for Standards Matters** should be increased to **£750**.

As part of this year's consultation process the Panel wrote to all members currently receiving SRAs in an attempt to gather information on the additional workloads imposed by the respective roles with a view to determining the practicality of linking all SRA's to the Base Allowance by use of multipliers as happens in some other authorities in the South East. Unfortunately the response to this exercise was patchy and a further attempt to gather information will be made in due course with a view to informing the Panel's work for 2020/21.

The cost of the changes proposed in the report is £8,534 which does not include the cost of the allowance paid to an additional member of the Cabinet. This would be an increase of 2.35% to the annual budget compared to the current year.

Neil Gershon
December 2018

INTRODUCTION

This Independent Remuneration Panel has been appointed by Mid Sussex District Council to consider and make recommendations for the 2019/20 financial year. The Panel comprises Neil Gershon (this year's Chairman) and John Rowe. The third member resigned just before the Panel commenced its deliberations. Their terms of appointment and a short biography are set out at Appendix A.

TERMS OF REFERENCE

The Panel is required to make recommendations to Mid Sussex District Council on their schemes of allowances. The terms of reference, in so far as they relate to Mid Sussex District Council, are to make their recommendations:

- a) On the amount of Basic Allowance which should be payable to its Elected Members;
- b) About the roles and responsibilities for which a Special Responsibility Allowance should be paid and the amounts thereof;
- c) About the duties for which travelling and subsistence allowances should be paid and the amounts thereof;
- d) As to whether co-optees to committees should receive allowances and the amounts thereof;
- e) As to whether the Council's scheme should include an allowance in respect of arranging for the care of children and dependents and if so, the amount thereof.

WORK OF THE PANEL

The Panel wrote to all Members of the District Council seeking views on any topic relating to allowances and expenses and received no replies. No member expressed a wish to meet with the Panel. The Panel did meet with the Leader and Deputy Leader and appropriate Officers.

The lack of feedback confirmed that the four year plan adopted by the Council in December 2015 was thought to be reasonable in the circumstances.

The comparative data showing equivalent allowances paid by other councils proved to be another key source of information for the Panel and can be found at Appendix C to this report.

The Panel met on two occasions between September and November 2018, and also communicated over this period by email. These meetings planned the review, evaluated the evidence, received and debated its findings, before formulating both draft and final reports containing its recommendations.

As with the previous review, one of the Panel's key considerations was affordability in the current economic climate. Whilst we recognise that the work and demands upon Councillors continues to expand, this has to be balanced against the demand upon the public purse. We therefore make our recommendations accordingly.

Consideration and Recommendations

1. Basic Allowance

The Panel once again examined the record of Basic Allowance rates since the system was introduced in July 2001:

Year	Recommended Rate	Adopted Rate (£):	Percentage increase on previous year	Percentage rate of inflation in same year
2001/2	Scheme introduced 31.7.2001	4000	0	1.26
2002/3	4000	4000	0	1.36
2003/4	4140	4140	+3.5	1.34
2004/5	4245	4245	0	2.05
2005/6	4370	4370	+5.6	2.33
2006/7	4500 ¹	4500	+2.97	2.32
2007/8	4500 plus increase in line with Local Government Pay Settlement for 2007/8	4611	+2.5	3.61
2008/9	4611 plus increase in line with Local Government Pay Settlement for 2008/9	4611	0	2.17
2009/10	4611 plus increase in line with Local Government Pay Settlement for 2009/10	4738	+2.75	3.29
2010/11	4738	4738	0	4.48
2011/12	4501	4501	-5.0	2.83
2012/13	4501 plus increase in line with Local Government Pay Settlement for 2012/13	4501	0	2.56
2013/14	4501	4501	0	1.69
2014/15	4501 plus increase in line with Local Government Pay Settlement for 2014/15	4501	0	Source: Inflation.eu Historic average inflation rate based upon Consumer Price Index (CPI).
2015/16	4501	4501	0	0
2016/17	4620	4620	2.5	1.0
2017/18	4736	4736	2.5	3.0
2018/19	4878	4878	3	3.0

In 2015 the Panel recommended an increase of 10% over a four year period by increments of 2.5% a year taking the Allowance paid in 2017/18 to £4,736. Since the introduction and approval of the four year plan the Panel has had the intention to achieve an allowance of £5,000 for the year 2019/20. Accordingly, and taking note of what appears to be a spike in the rate of inflation to 3% (CPI) the Panel recommended an increase of 3% to £4,878 for the year 2018/19 rising by 2.5% to £5,000 in 2019/20.

2. Special Responsibility Allowances

2.1. Leader, Deputy Leader and Cabinet Members

The Panel noted that there had been an additional Cabinet post created and that would add an extra £8,500 to the annual cost of Special Responsibility Allowances. However, the creation or abolition of such posts is not a matter for the Panel and the event is simply noted.

In discussions with the Leader and Deputy Leader there was no suggestion that the current allowances paid to them and to Cabinet Members required any adjustment.

2.2. Chairs and Vice Chairs of Planning Committees

The Panel noted that the allowance paid to Chairs of Planning Committees had been linked to the basic allowance paid to all members. It saw no reason to depart from this approach and recommends that the allowance paid to Chairs be increased in line with the increase in the basic allowance to £5,000.

The allowance paid to the Vice Chair had been introduced as 25% of the Chair allowance and the Panel recommends this link be continued taking the allowance to £1,250.

2.3 Chairs and Vice Chairs of Scrutiny Committees

The Panel noted that the allowance paid to Chairs of Scrutiny Committees had been linked to 80% of the basic allowance paid to all members. It saw no reason to depart from this approach and recommends that the allowance paid to Chairs be increased in line with the increase in the basic allowance to £4,000

The allowance paid to the Vice Chair had been introduced as 25% of the Chair allowance and the Panel recommends this link be continued taking the allowance to £1,000.

2.4 Chairs of Licensing Committee and Standards Committee

The Panel felt that it was important to recognise that the work of the Licensing Committee had increased quite markedly as greater scrutiny was being applied to the licensing of taxis within the District. Equally the Panel was apprised of the importance of the work of the Standards Committee in ensuring openness and accountability within the Council. The Panel noted that the allowances paid to these two posts were small amounts and did not reflect the current work involved. Accordingly the Panel recommends that both be increased from £475 a year to £1,000 a year.

2.5 Independent Persons for Standards Matters

The Panel noted that the allowance paid had not changed for many years whilst the work involved had become more complex. The Panel also noted that the sum paid was small and recommended it be increased from £713 a year to £750 a year.

2.6 Other Special Responsibility Allowances

The Panel received no representations from recipients of other Special Responsibility Allowances and was not presented with any evidence that workloads or responsibilities had changed. Accordingly no change is recommended to the allowances paid to the Chair and Vice Chair of Council or to the Group Leaders Allowance.

2.7 Future Work

The Panel considered how the various allowances had come about and how the current levels had been arrived at. It had seen evidence from other Councils within the South East and learned that some authorities used a multiple of the basic allowance to determine Special Responsibility Allowances. The Panel will be seeking further information on such schemes with a view to determining whether or not to recommend such an approach for Mid Sussex and will return to this

issue for 2020/21.

2.8 Conclusions

In the light of the four year Plan agreed following the 2015 review and the discussions held by the Panel in 2017 the Panel recommends the following for 2019/20:

- Basic Allowance to rise 2.5% to £5,000;
- Planning Committee Chairs to rise in line with the Basic Allowance as above;
- Planning Committee Vice-Chairs to remain at 25% of the Chair Allowance;
- Scrutiny Committee Chairs to rise to £4,000;
- Scrutiny Committee Vice Chairs to remain at 25% of the Chair rate;
- Licensing Committee Chair to rise to £1,000:
- Standards Committee Chair to rise to £1,000: and
- Allowance for Independent Persons for Standards Matters to rise to £750.

3. Travelling and Subsistence Allowance

No representations were received on the current levels of Travel and Subsistence allowances. We recommend that these allowances continue to be linked to those deemed acceptable by HMRC and note that HMRC increased the recommended rate for subsistence in July 2017.

Detail	Recommended Rate
Vehicles	
Car Mileage	45p per mile
Car Passenger Mileage Rate	3p per mile for 1 passenger 5p per mile for 2 or more passengers
Cycling Allowance	20p per mile
Subsistence	
Breakfast	£7.00
Lunch	£10.00
Tea	£4.00
Evening Meal	£13.00
Overnight Out of Pocket Expenses Per night	£6.00
Overnight Out of Pocket Expenses Per week	£24.00

4. Childcare and Dependent Carer's Allowances

4.1. Childcare Allowance

The Panel agreed that this allowance should be linked to the real living wage rate of £9.00 per hour¹ and that the rate for two or more children be increased by £1 to £18 per hour.

4.2. Dependent Carer's Allowance

The Panel agreed that the existing payment of receipt-based actual costs, up to a maximum rate of £18 per hour, an increase of £1, was appropriate.

5. Frequency of Panel Review

As this review marks the end of the four year plan the Panel proposes a more in depth review for 2020/21 with a view to the development of a further four year plan and the possible creation of a scale of multipliers to link Special Responsibility Allowances to the Base Allowance.

¹ www.livingwage.org.uk

6. Summary of Recommendations

The Panel's recommendations for Basic and Special Responsibility Allowances are summarised in the table below (rounded to the nearest whole pound).

Role	Current Allowance (£):	Recommended Allowance (£):
Basic Allowance	4,878	5,000 2.5% increase
Leader's Allowance	20,596	No change
Deputy Leader's Allowance	11,000	No change
Cabinet Member	8,500	No change
Chairman of the Council	6,572	No change
Vice-Chairman of Council	2,251	No change
3 x Planning Committee Chairman	14,634 (4,878 x 3)	15,000 (5,000 x 3) 2.5% increase
3 x Planning Vice-Chairman	3,660 (1,220 x 3)	3,750 (1,250 x 3) 25% of Planning Chairman's allowance
Licensing Committee Chairman	475	1,000
Standards Committee Chairman	475	1,000
Group Leader	250 per group member	No change
3 x Scrutiny Committee Chairman	11,706 (3,902 x 3)	12,000 (4,000 x 3)
3 x Scrutiny Vice-Chairman	2,928 (3 x 976)	3,000 (1,000 x 3) 25% of Scrutiny Chairman's allowance
Audit Committee Chairman	2,000	No change
2 x Independent Persons for Standard Matters	1,426 (2 x 713)	1,500 (2 x 750)

The cost of the changes proposed in the report is £8,534 which represents an increase of 2.35% to the annual budget compared to the current year. This does not include the cost of the allowance paid to an additional member of the Cabinet as this falls outside the Panel's remit.

The Panel recommends that Members should continue to only be entitled to claim one Special Responsibility Allowance, with the exception of allowance paid to the Group Leaders.

ACKNOWLEDGEMENTS

The Panel would like to extend its thanks to those who took the time to reply to our request for comments and to those who were able to meet with us. We would also like to offer our collective thanks to the Member Services Team, for their research and administrative support of our work this year.

APPENDIX A
Panel Membership

Members of the Independent Panel for the Review of Members' Allowances are appointed for a four-year term:

Name	Term ends
Neil Gershon	31 July 2019
John Rowe	31 July 2019
Vacancy	

BIOGRAPHICAL INFORMATION

Neil Gershon

Neil Gershon spent his working life in the University sector during which time he was responsible for HR matters and was involved in remuneration committees for non-academic staff. He retired from the post of Registrar at the University of Sussex in 2004. He is currently the Chairman of Furnihelp Mid Sussex, a local furniture recycling charity. He lives in Haywards Heath.

John Rowe

John Rowe has over 30 years' experience as a senior director for international companies including STV International Ltd and during the course of his career he was involved in marketing, sales and HR. He lives in Crawley Down.

APPENDIX B
Members and Officers Interviewed

The Panel wishes to acknowledge and thank those who were able to spare the time to attend face-to-face discussions:

Leader of the Council

Deputy Leader of the Council

Solicitor to the Council

APPENDIX C - Comparable Allowances of District and Borough Councils in the South East Region.

Council - 12 December 2018

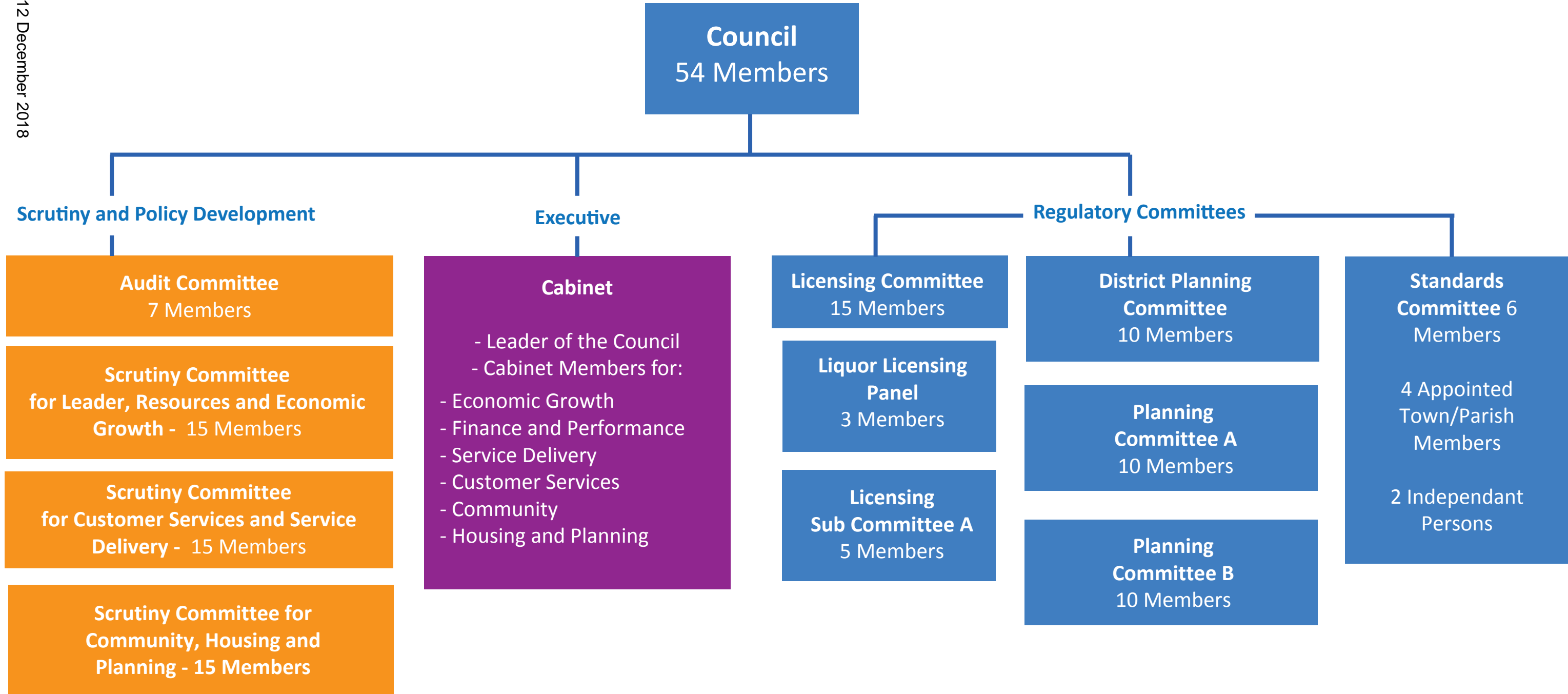
Council Name	Type of Council (County, Unitary or District/Borough)	Basic Allowance for 2018/19	Leader	Deputy Leader	Cabinet Member / Portfolio Holder	Chair Audit Committee	Licensing Committee Chair	Deputy Chair Licensing Committee	Members of Licensing Committee	Planning Committee Chair	Deputy Chair Planning Committee	Members of Planning Committee	Overview and Scrutiny Committee Chair	Deputy Chair Overview and Scrutiny Committee	Overview and Scrutiny Co-optee	Chair / Civic Mayor	Deputy Chair/ Civic Mayor	Opposition Group Leader	Deputy Opposition Leader	Group Leader	Committee Chair	Independent Person	1 SRA per cllr?
Adur District Council	District/Borough	4,336	13008.00	£6,504	5,420.00	2,168	3,252.00	1,084.00	0	4,336.00	1,084.00	0	3,252.00	1,084.00	0	N/A	2,168.00	£1084	£2168	0	0	0	0
Arun District Council	District/Borough	5,374	14196.00	£10,400	8,320.00	3,750.00	4,000.00	1,200.00	250.00	6,000.00	1,980.00	750.00	4,870.00	1,607.00	£50 per meeting attended	8,320.00	2,745.00	£3,917	None	None	Standards Committee - £1,500	£50 per meeting attended and mileage allowance	No
Ashford Borough Council	District/Borough	4,698	15366.89	10,244.59	7,683.45	5,122.30	1,536.69	n/a	0	6,146.76	2,048.92	0	6,142.76	2,048.92	0	0	0	n/a	n/a	236.18 per Group member	n/a	1,536.69	Only at Porfolio Holder Level or above
Aylesbury Vale District Council	District/Borough	5,580	16740.00	12,555.00	11,160.00	4,185.00	2,790.00	0	0	5,580.00	0	0	4,185.00	0	0	5,580.00	0	Share of £5,472 (apportioned depending on number of Cllrs)	0	Share of £5,472 (apportioned depending on number of Cllrs)	Nil, apart from the above Committees	£200	Yes
Basingstoke and Deane Borough Council	District/Borough	7,014	23367.00	15,570.00	11,688.00	5,838.00	5,838.00	588.00	0	7,014.00	696.00	0	5,835.00	588.00	0.00	4,662.00	1,347.00	7,014.00	0	3,501.00	5,838	1,725.00	Yes
Bracknell Forest Council	Unitary	8,687	28954.00	17,372.00	15,926.00	2,201.00	5,626.00	553.00	0	7,239.00	723.00	0	7,239.00	0	297.00	12,703.00	4,234.00	£9,651	£965	Proportionate to size of group from 9,651 pot	2,201	400	Yes
Brighton & Hove City Council	Unitary	12,118	32,142	22,499.00	0.00	6,428.00	12,215.00	4,018.00	0	12,215.00	4,018.00	0	0.00	0	0	13,082.00	3,662.00	11250	6428	6428	11250	1000	Yes
Buckinghamshire County Council	County	11,454	42,518	28,377.00	0.00	0	0	0	0	5,403.00	0	0	10,805.00	0	0	13,502.00	3,379.00	3,684	0	0	5,403	0	yes
Canterbury City Council	District/Borough	5,369	£18,662.91	5,368.78	0.00	511	5,624	0	None	5,624.44	511.31	None	N/a	N/a	N/a	5,624.44	4,090.54	£137.03 per Councillor	4,091	£137.03 per Councillor	£2,556.56	£476.54	Yes
Cherwell District Council	District/Borough	4,284	7296	2520	6372	3552	253 + 253 per meeting capped at 1012	0	0	4248	0	0	3552	0	0	0	0	2940	0	0	3552	732	no
Chichester District Council	District/Borough	4,725	14500	7,700.00	7,000.00	4,800.00	4,800.00	will be paid if Chairman off for more than 2 months	0	6,000.00	will be paid if Chairman off for more than 2 months	0	4,800.00	will be paid if Chairman off for more than 2 months	0	5,000.00	will be paid if Chairman off for more than 2 months	4500	0	4500	0	0.00	Yes
Chiltern District Council	District/Borough	4,800	13,920	6,960.00	6,240.00	1,680.00	1,680.00	0	0	5,040.00	1,440.00	720.00	3,360.00	0	0	5,040.00	2,016.00	960	0	960.00	96 per meeting (for Governance & Electoral Arrangements; Appeals and Complaints and Licensing Sub-Committee)	200	No (although no member receives more than one SRA)
Crawley Borough Council	District/Borough	6,190	14860	0.00	7,428.00	2,477.00	5,101.00	0	0	6,190.00	0.00	0	6,647.00	0	n/a	10,803.00	1,684	£2289 plus £285 per group member	n/a	n/a	n/a	750.00	Yes
Dartford Borough Council	District/Borough	5,177	32,445.00	17,304.00	8,652.00	2,163.00	0	0	0	0.00	0.00	0	2,163.00	0	0	4,917.00	1,847.00	8,652.00	5,191.00	4,326.00	0	565.00	No
Dover District Council	District/Borough	3,980	£14,832	7,416.00	5,562.00	3,708.00	927	260.00	260.00	3,708.00	927.00	0	3,708.00	927.00	0	5,300.00	1,400.00	4,171.00	1,854.00	0	Varies depending on committee	927.00	Yes
East Hampshire District Council	District/Borough	5,200	18,000	10,000.00	6,000.00	2,000.00	2,000	0	250.00	6,000.00	3,000.00	250.00	0 - we have a Governance, Audt & Scrutiny Committee	0	0	3,000.00	0	3,000.00	0	0	2,000.00	0	Yes
East Sussex County Council	County	12,546	35,129	17,900.00	15,969.00	0	0	0	0	6,403.00	0	0	6,403.00	0	0	12,554.00	5,127.00	12,554 (largest opposition group)	3,327 largest opposition group)	5,027 (second largest opposition group)	0	£35 per hour	Yes
Eastbourne Borough Council	District/Borough	2,808	4212	2,808.00	2,808.00	nil	1,404.00	nil	Chair of a licensing sub £93, member of a sub £62 - per hearing.	2,106.00	1,404.00	1,404.00	1,404.00	nil	n/a	2,808.00	1,404.00	2106	1404	n/a	n/a	retainer of £1,000. Payments can also be made at a specified daily rate (up to a maximum of 20 days) as and when duties are performed (currently set at £154 per day).	no
Eastleigh Borough Council	District/Borough	6,240	20358.00	9414	7910	2688	0	0	0	0	0	0	2688	673	0	0.00	0	5,379.00	0	0	3,363	£50 per month	no
Elmbridge Borough Council	District/Borough	5,066	12665.00	0.00	6,333.00	3,800	2,533.00	633.00	0	5,699.00	1,425.00	0	6,333.00	3,167.00	0	0	0	With membership greater than 10% of total members = £2,533	0	0	0	0	YES
Epsom & Ewell Borough Council	District/Borough	3,341	2338.41	3,341.36	0.00	2,338.41	2,338.95	0	0	3,341.36	1,002.41	334.14	2,338.95	0	Not applicable	Not currently included in scheme separate civic budget but Mayor continues to receive allowance as ordinary member of Council	Not currently included in scheme - separate civic budget but Mayor continues to receive allowance as ordinary member of Council	200 plus 50 per group member	Not applicable	See Leader of the Council	2338.95	1002.41	No - with the exception of the Chairman of the Planning Committee who is not entitled to claim the allowance as an ordinary member of the Planning Committee in addition to the Chairman's allowance
Fareham Borough Council	District/Borough	6,944	20833.20	0.00	11,574.00	4,340.25	7,233.75	868.05	0	10,416.60	868.05	0	8,101.80	868.05	0	4,629.60	868.05	1-9 members = £3472.20; 10 or more members = £6944.40	0	0.00	Panel Chairman - £7233.75; Panel Vice Chairman = £868.05	714.00	Yes
Gosport Borough Council	District/Borough	6,280	13893.72	0.00	0.00	0	0	0	0	4,449.72	0	0	0	0	0	0	0	3655.08	0	1624.44	0	0	0
Gravesham Borough Council	District/Borough	4,728	21275.00	9,455.00	4,728.00	1,182.00	709.00	0.00	0	4,728.00	0.00	0	2,364.00	709.00	0	0	0	4,728.00	0	0	0.00	0	No
Guildford Borough Council	District/Borough	6,864	8236.00	1,373.00	5,491.00	3,432.00	3,432.00	0	0	5,491.00	0.00	0	5,491.00	0	0	5,491	2,745	5,491	0	£68.46 per group member	£3,432	0	No
Hampshire County Council	County	12,244	29547.00	17,727.00	17,727.00	5,909.00	0	0	0	11,818.00	2,960.00	0	11,818.00	2,960	689	18,752.00	9,603.00	12,453	0	0	0	689.00	Yes
Hart District Council	District/Borough	4,652	16284.00	8,142.00	7,328.00	2,443.00	1,629.00	0.00	0	4,886.00	1,627.00	0	3,257.00	0.00	0	4,071.00	0.00	2,443.00	0	Minority group leader - £102 per member of group	0	1,196.00	Yes
Hastings Borough Council	District/Borough	5,913	11823.00	7,689.00	6,384.00	2,958.00	963.00	0.00	102 per sub committee	3,549.00	1,299.00	963.00	2,958.00	1,299.00	0	3,144.36 (not part of our allowance budget)	2,053.44 (not part of our allowance budget)	177 per member plus 1,266	177 per member	177 per member plus 1,266	Chair of Environment and Safety Committee 564	Standards Committee 591; Museums Committee 69	No

Council Name	Type of Council (County, Unitary or District/Borough)	Basic Allowance for 2018/19	Leader	Deputy Leader	Cabinet Member / Portfolio Holder	Chair Audit Committee	Licensing Committee Chair	Deputy Chair Licensing Committee	Members of Licensing Committee	Planning Committee Chair	Deputy Chair Planning Committee	Members of Planning Committee	Overview and Scrutiny Committee Chair	Deputy Chair Overview and Scrutiny Committee	Overview and Scrutiny Co-optee	Chair / Civic Mayor	Deputy Chair/ Civic Mayor	Opposition Group Leader	Deputy Opposition Leader	Group Leader	Committee Chair	Independent Person	1 SRA per cllr?
Havant Borough Council	District/Borough	5,891	14800.00	8,800.00	8,140.00	1,480.00	2,960.00	0	0	3,577.00	0.00	0	5,920.00	0	0	0.00	0.00	0.00	0	Band A 2-5 Members: £600, Band B 6-10 Members: £1,200, Band C 11-15 Members: £1,800, Band D 16+ Members: £2,400	0	0	Yes
Horsham District Council	District/Borough	4,970	13515.00	8,510.00	6,950.00	2,415.00	2,415.00	0	0	£3,810 (2 Committees)	£1,275 (2 Committees)	0	5,060.00	1,690.00	0	5,060.00	1,695.00	4,170.00	0	0	Governance Committee - £2,415, Standards Committee - £2,415	Basic Allowance - £1,275	NO
Isle of Wight Council	Unitary	7,854	15708	9,817.50	7,854.00	3,141.60	2,356.20	0	0	6,283.20	1,570.80	0	7,854.00	1,571	0	5,497.80	1,570.80	0.00	0	1570.8	0	£19.93 per hour	Yes
Kent County Council	County	14,725	48425.00	31,745.50	31,475.50	8,472.05	N/A	N/A	N/A	10,658.20	N/A	N/A	8,472.05	N/A	N/A	15,959.70	8,472.05	£7,263.40 plus £575 per additional group member	Varies according to group	N/A	£8,472.05	£500 per annum plus a daily rate of £100	Yes
Lewes District Council	District/Borough	3,196	14821.00	0.00	5,928.00	4,446	60 per meeting	0	0-13 meetings = £0, 13-26 meetings = £533.00, 27-40 meetings = £799.00, 41+ meetings = £1065.00	4,446.00	741.00	533.00	3,557	0	0	2,224.00	0	4,446	0	0	1,112.00 (Chair of Employment Committee), Chair of Scrutiny Panels - £50.00 per meeting, Chair of Standards Committee - £222.00 per meeting (max 5)	25.00 per hour	No one councillor shall receive more than one SRA with the exception of the Cabinet Member for Planning should he or she additionally be a member of the Planning Applications Committee
Maidstone Borough Council	District/Borough	4,807	19226.00	0.00	N/A	3,845.00	3,845.00	N/A	N/A	7,690.00	N/A	N/A	N/A	N/A	N/A	2,550.41	1,020.26	N/A	N/A	£387 per Member (excluding the Leader's party)	7,690	£721	Yes
Medway Council	Unitary	8,987	20739.30	15,083.10	11,312.36	5,656.24	0	0	£32.71 per day	7,541.52	3,770.83	0	9,427.28	3,770.83	0	13,656.22	6,880.85	9,427.28	3,770.83	(>10% of members not currently payable) £4,713.48	Chair Employment Matters £3,770.83 Chair HWB £7,541.52	0	2nd and subsequent allowances are 50% of SRA
Mid Sussex District Council	District/Borough	4,878	20596.00	11,000.00	8,500.00	2,000.00	£475	0	0	4,878.00	1,220	0	3,902.00	976	0	6,572.00	2,251.00	250 per group member	0	250 per group member	0	713	No
Milton Keynes Council	Unitary	10,500	30600.00	15,300.00	11,220.00	5,610.00	8160	0	0	8,160.00	0	0	4,590	0	£640 (voting co-optees only)	11,220.00	5,610.00	£632 per member	0	£632 per member	0	0	Yes
Mole Valley District Council	District/Borough	4,370	7500.00	4250	If 4 or less Portfolio Holders – all to share £16,000 If 5 Portfolio Holders each to receive £3,200 If 6 Portfolio Holders each to receive £3,200 If 7 Portfolio Holders each to receive £3,200 If 8 or 9 Portfolio Holders – all to share £22,400 (these figures do not include the Leader of the Council who receives a separate allowance)	2,135.00	535.00	0	0	2,560.00	350	0	2,135.00	300	0	2,560.00	960.00	3,735.00	535.00	535	0	0	0
New Forest District Council	District/Borough	6,299	19987.00	0.00	9,994.00	2,059.00	£2,059	0	0	6,995.00	0	0	4,998.00	0	£55.36 up to 4 hours; £110.72 over 4 hours	0	0	£7,496 (formula on Group size)	0	0	£2,059	£294 p.a.	Yes
Oxford City Council	District/Borough	5,016	15048.00	5,016.00	7,524.00	1254	0	0	0	5,016.00	0	0	5,016.00	0	0	5,016.00	1,254.00	2,508.00	0	0	0	0	No we operate a 2 SRA rule
Oxfordshire County Council	County	10,201	29582.90	20,402.00	16,321.00	6,120.60	0	0	0	6,120.60	0	0	6,120.60	0	0	8,670.85	2,167.71	8160.8	no information received	no information received	no information received	£6060 Audit and Governance Committee	no
Portsmouth City Council	Unitary	10,955	19719.00	0.00	7,669.00	3,834.00	3,834.00	0	0	3,834.00	0	0	2,739.00	0	0	7,669.00	1,096.00	6,573.00	0	£3,287 (group 5+) or £2,291 (Group 2 to 4)	3,834	0	Yes, whichever the highest.
Reading Borough Council	Unitary	8,220	7004.00	5,722.00	3,816.00	2,147.00	2,147.00	1,074.00	n/a	2,147.00	1,074.00	n/a	n/a	n/a	n/a	n/a	n/a	£3816	n/a	£2147	£2147	£1074	Yes
Reigate & Banstead BC	District/Borough	5,599	13901.00	11,353.00	9,268.00	0.00	433.00	0	0	5,346.00	0	790.00	3,106.00	0	0	12,954.00	2,676.00	£144 basic allowance plus £57 for each Member of Group	0	£144 basic allowance plus £57 for each Member of Group	0	£550	No
Rother District Council	District/Borough	4,388	12814.38	3,612.63	2,787.38	2,039.02	2,039.02	0	0	2,787.38	0	0	2,787.38	0	0	0.00	0.00	436.71	0	437	0	354.00	NO
Royal Borough of Windsor and Maidenhead	Unitary	8,143	24428.00	13,434.00	12,215.00	0.00	6,107.00	0	0	6,107.00	0	0	6,107.00	0.00	0	3,060	1,020	4,886.00	0	1,221.00	0	1000	Yes
Runnymede Borough Council	District/Borough	3,680	7360.00	1,840.00	0.00	1,214.00	3,680.00	1,840.00	0	6,440.00	4,293.00	2,147.00	3,680.00	1,840.00	0	3,680.00	920.00	2,760.00	0	2,760.00	3,680.00	0	No
Rushmoor Borough Council	District/Borough	5,140	15850.00	9,129.00	7,870.00	5316	0.00	0	0	5,316.00	0	0	3,963.00	1,189	490	1,484.00	0	3,194.00	0	0	0	490	Yes
Sevenoaks District Council	District/Borough	5,466	16400.00	0.00	6,833.00	2,187.00	2,187.00	546.00	137.00	3,281	1,020.00	269.00	2,187.00	546.00	0	10,301.00	4,463.00	1,358.00	0	1,358.00	2,187.00	1,000.00	yes

Council Name	Type of Council (County, Unitary or District/Borough)	Basic Allowance for 2018/19	Leader	Deputy Leader	Cabinet Member / Portfolio Holder	Chair Audit Committee	Licensing Committee Chair	Deputy Chair Licensing Committee	Members of Licensing Committee	Planning Committee Chair	Deputy Chair Planning Committee	Members of Planning Committee	Overview and Scrutiny Committee Chair	Deputy Chair Overview and Scrutiny Committee	Overview and Scrutiny Co-optee	Chair / Civic Mayor	Deputy Chair/ Civic Mayor	Opposition Group Leader	Deputy Opposition Leader	Group Leader	Committee Chair	Independent Person	1 SRA per cllr?	
Folkestone & Hythe District Council	District/Borough	5,306	23344.00	11,672.00	10,611.00	6,101.00	0	0	0	6,101.00	0	0	6,101.00	0	0	7,958.00	1,592.00	7,958.00	0	0	0	0	0	YES
Slough Borough Council	Unitary	7,626	19827.00	13,878.00	10,905.00	2,974.00	2,974.00	991.00	0	4,957.00	1,651.00	0	6,941.00	1,387.00	0	6,116.00	2,931.00	5,948.00	0	0	0	1,288.00	yes	
South Bucks District Council	District/Borough	4,800	13920.00	6,960.00	6,240.00	2,400.00	2,400.00	0	0	3,840.00	960	720	3,840.00	0	0	3,840.00	1,584.00	0	0	816 (2+ members)	720 (Governance and Electoral Arrangements Committee)	200 p.a.	Yes	
South Oxfordshire District Council	District/Borough	4,763	19051.00	13,336.00	9,525.00	1,429.00	1,905.00	0	0	5,716.00	2,858	0	2,858.00	0	0	4,763.00	1,429.00	1,905.00	0	0.00	2,858	0	Yes	
Southampton City Council	Unitary	12,285	24570.00	0.00	12,285.00	0.00	6142.5	0	0	6,142.50	0	0	6,142.50	0	£693	0	0	1/24th Basic X membership	0	1/24th Basic X membership	3071.25	0	Yes	
Spelthorne Borough Council	District/Borough	6,049	13911.00	9,182.00	6,956.00	3,479.00	4,869	0	0	5,564.00	0	0	4,869.00	0	0	0	0.00	3,241.00	0	0	0	1,000 Standards Chairman, 500 Vice Chairman	Yes with the exception of the Leader who is also eligible for an SRA as Chairman/Vice Chairman of the Joint Committee	
Surrey County Council	County	12,443	43085.87	27,924.00	22,544.93	10,019.97	0	0	0	12,024.00	1,503.00	0	12,024.00	1,503.00	Nil (expenses only)	18,035.95	6,512.98	12,024.00 (total amount, divided between two posts)	Allowances for group appointments are decided by the group. Each group generates £170.34 for each member it has. They then decide how this is broken down between them.	Allowances for group appointments are decided by the group. Each group generates £170.34 for each member it has. They then decide how this is broken down between them.	£8015.98 - £12024	0.00	No	
Surrey Heath Borough Council	District/Borough	5,087	13864.00	8,686.00	4,626.00	3,700	3,700.00	1,849.00	0	4,283.00	2.14	0	3,700.00	1,478.00	0	4,823.00	1,849.00	0.00	0	4,626.00	0.00	0	yes	
Swale Borough Council	District/Borough	5,115	18926.10	0.00	11,355.66	1,893.12	1,893.12	0	0	6,623.88	0.00	0	5,678.34	0	0	3,580.71	1,534.59	Minority Leader of the largest minority party £5,678.34	0	0.00	0	0	Yes	
Tandridge District Council	District/Borough	4,212	5947.00	1,494.00	0.00	0	0	0	0	2,987.00	747.00	577.00	2,987.00	747.00	0	2,987.00	747.00	1,494.00	0	0.00	2,987.00	0.00	No	
Test Valley Borough Council	District/Borough	6,516	12355.00	8,445.00	7,872.00	N/A	3,884.00	777.00	N/A	4,900.00	991.00	N/A	6,516.00	1,304.00	N/A	2,919.00	574.00	£2,919	N/A	N/A	N/A	NO	YES	
Thanet District Council	District/Borough	4,570	18082.00	10,776.00	7,990.00	5,204.00	3,216.00	805.00	0	5,204.00	1,216.00	0	3,995.00	1,608.00	0	2,188.00	1,530.00	2,881.00	£1,431	0	1,216.00	250.00	Yes	
Tonbridge & Malling Borough Council	District/Borough	5,283	18384.00	14,000.00	£8,400 (x5)	2,500.00	2,500.00	625.00	None	£2,500 (x3)	£325 (x3)	None	2,500.00	£625 (x2)	None	Not SRA	Not SRA	£2,250 (£1,250 plus £250 per member of group)	N/A	N/A	Varies: £2,500 Standards; £1,300 General Purposes and programmed advisory boards)	513.00	Yes	
Tunbridge Wells Borough Council	District/Borough	5,500	19250.00	0.00	11,000.00	1,375.00	1,375.00	0	0	5,500.00	1,320.00	0	1,375.00	0	0	5,380.00	1,080.00	275.00	0	0	0	800.00	No	
Vale of White Horse District Council	District/Borough	4,763	19051.00	13,336.00	9,525.00	1,429.00	1905	0	0	5,716.00	2,858.00	0	2,858.00	0.00	0	4,763.00	1,429.00	1,905.00	0	0	1905	0	Yes	
Waverley Borough Council	District/Borough	4,758	13977.00	9,676.00	6,451.00	3,225.00	3,225.00	1,614.00	0	3,225.00	1,614.00	0	3,225.00	1,614.00	0.00	564.00	0	3,225.00	0	0	1893	0	Yes	
Wealden District Council	District/Borough	4,521	13224.00	0.00	5,469.00	3,699.00	1,344.00	0	0	4,128.00	1,377.00	0	3,699.00	0	0	4,689.00	1,158.00	375.00	0	0	0	810.00	Yes	
West Berkshire Council	Unitary	7,546	18865.00	11,319.00	9,433.00	2,830	2,830.00	0	0	4,716.00	0.00	0	4,716.00	0	0	5,660.00	1,132.00	7,546.00	£2,264	£1,865	£2,830	1,030.00	Yes	
West Oxfordshire District Council	District/Borough	4,700	21150.00	14,100.00	11,750.00	1,175.00	1,175.00	0	0	5,875.00	0.00	0	4,700.00	0	0	4,700.00	0	2,350	0	0	1175	0	No, but where there is more than one, the total value of SRAs cannot exceed the rate for a Cabinet portfolio holder	
West Sussex County Council	County	11,642	32297.00	23,254.00	20,670.00	9,114.00	0	0	0	9,114.00	0	0	9,114.00	0	Travel expenses only	20,670.00	8,221.00	Depends on group size. The leader of a group of 3-4 members gets £4,153, leader of a group of 5-14 members gets £10,431 and a leader of a group of 15 or more gets £12,740. Each payment is supplemented by an additional £200 per member of the group up to a total payment of £14,586	0	Depends on group size. The leader of a group of 3-4 members gets £4,153, leader of a group of 5-14 members gets £10,431 and a leader of a group of 15 or more gets £12,740. Each payment is supplemented by an additional £200 per member of the group up to a total payment of £14,586	9,114	Travel expenses only	yes	
Winchester City Council	District/Borough	5,694	17070.00	9,312.00	7,758.00	2,328.00	3,105.00	0	0	7,758.00	2,328.00	0	7,758.00	0	0	2,328.00	0.00	7,758.00	2328 (note: other opposition leader - none currently)	0	0	400.00	yes	
Woking Borough Council	District/Borough	7,200	12000.00	2,000.00	750.00	0	500.00	0	0	750.00	0	0	500.00	0	0	14,241.00	1,430.00	1,000.00	0	0	0	£360 (5% of the Basic Allowance)	Yes	
Wokingham Borough Council	Unitary	7,784	20000.00	0.00	10,000.00	2,500.00	2,500.00	0	0	5,000.00	0	1,250.00	5,000.00	0	0	7,420.00	1,960.00	7,500.00	0	0	0	1,000.00	Yes	
Worthing Borough Council	District/Borough	4,786	13794.00	7,179.00	5,982.00	2393	3,589.00	1,196.00	0	4,786.00	1,196.00	0	3,589.00	1,196.00	0	2,393.00	1,196	2393	0	0	0	0	no	
Wycombe District Council	District/Borough	6,198	21693.00	15,495.00	12,396.00	3,099.00	3,099.00	3,099.00	For meetings held in the daytime (Panels, etc) £103.30 per daytime meeting	6,198.00	3,099.00	daytime meeting allowance of £103.30 if attend Site Visits	6,198.00	3,099.00	not applicable	12,396.00	4,649	21693	not applicable	21693	3099	£211.10 (Standards Committee)	Yes - highest is paid, no other	

MSDC Committee Structure

Council - 12 December 2018



PRIVATE SECTOR HOUSING ENFORCEMENT POLICY

REPORT OF: Tom Clark, Head of Regulatory Services.
Contact Officer: Yvonne Leddy Business Unit Leader Environmental Health and Building Control
Email: yvonneleddy@midsussex.gov.uk Tel: 01444 477300
Wards Affected: ALL
Key Decision: No
Report to: Council - 12 December 2018

Purpose of Report

1. To seek the Council's agreement to the Environmental Health's approach to improving and enforcing private sector housing standards in the District.

Recommendations

Council is recommended to approve the Private Sector Housing Enforcement Policy contained in Appendix 1.

Background

2. The Council, as a local housing authority, has a legal duty under Section 3 of the Housing Act 2004 to keep housing conditions in its area under review with a view to identifying any action that may need to be taken.
3. Private housing plays a significant part in the housing provision within Mid Sussex and we recognise that the majority of this housing is in good condition and well managed, however, nationally the conditions in the private rented sector tend to be less satisfactory than any other occupancy type. We have a responsibility to deal with unsatisfactory housing that presents health and safety hazards to the occupiers.
4. This enforcement policy outlines the approach of the Environmental Health to securing that standards are met, seeks to ensure that good practice is maintained, and all properties let as residential dwellings and properties under registered provider control, throughout Mid Sussex are of good quality and are well managed.
5. The policy summarises the types of enforcement and legislation most commonly applied by the Housing Standards Team, ranging from verbal warnings, statutory notices, and legal action including prosecution. It is not an exhaustive list and is not intended to be a definitive interpretation of the legislation, nor provide a full statement of the law. Instead, the policy clearly sets out our approach to enforcement and is designed to be both fair to responsible landlords but capable of dealing with uninformed or rogue landlords in order to maintain and improve conditions within this sector.
6. The type of enforcement taken will vary according to the legislation being applied. In some cases, taking enforcement action is a statutory duty, provided certain criteria are met. In other cases, officers have the ability to use informal action as a first option when appropriate through working with landlords and residents and others offering advice, information and assistance to aid them to reach compliance with housing related legislation.

7. Where an informal approach fails to achieve the desired result, or a failure to comply is of a serious nature, officers will use the full range of enforcement options available to them under the relevant legislation to achieve compliance to protect those at risk. In the most serious contraventions possible action will include prosecution.
8. The type of enforcement action pursued is always considered on a case by case basis. Following consideration of the specific circumstances of the particular case the most appropriate enforcement option will be applied accordingly. In every case enforcement seeks to:
 - Promote and achieve sustained compliance with the law
 - Ensure that landlords take action to deal immediately with serious risks
 - Ensure that landlords who breach legislative requirements are held to account
9. In recent years' changes to legislation have granted local authorities the power to enforce penalty charges as a tool to tackle non-compliance in some cases, and as an alternative to prosecution under the following legislation:
 - the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014 – this required, from 1 October 2014, all letting agents and property managers to join one of three government-approved redress schemes, with local authorities able to enforce fines of up to £5000 for those who do not comply.
 - Housing and Planning Act 2016: it allows local authorities to impose a civil penalty of up to £30,000 for certain offences, including overcrowding, failure to licence and HMO or breach of improvement notices etc. The level of civil penalty to be imposed has to be determined on a case by case basis.
 - Smoke and CO Alarm Regulations: which require landlords to install smoke alarms on every floor of their property, and test them at the start of every tenancy, and to install carbon monoxide alarms in high risk rooms. These penalty charges are already in use by the Housing Standards Team having previously been approved by the Cabinet Member on 20th March 2017. They have been included in this policy to ensure transparency of all powers and penalty charges issued by this team in a singular reference tool.
 - Housing Act 2004: it allows the Council to impose a civil penalty as an alternative to prosecution for offences such
 - ✓ as failure to comply with an improvement notice;
 - ✓ offences in relation to licensing of Houses in Multiple Occupation;
 - ✓ contravention of an overcrowding notice;
 - ✓ failure to comply with managements regulations in respect to Houses in Multiple Occupation;

10. The Government under the Housing and Planning Act 2016 have also provided the Council with further tools to deal with rogue landlords. We can now use the national database of rogue landlords and property agents with convictions of certain offences and Banning orders for the most serious and prolific offenders, preventing them from letting and / or managing rented properties.

Policy Context

11. The Council as a local housing authority has a legal duty under Section 3 of the Housing Act 2004 to keep housing conditions in its area under review with a view to identifying any action that may need to be taken. This function is undertaken by the Housing Services and Environmental Health in Mid Sussex District Council.
12. The Private Sector Housing Enforcement Policy has been considered and endorsed by the Scrutiny Committee for Community, Housing and Planning at the meeting on 21 November 2018.

Financial Implications

13. None identified

Equality and Customer Service implications

14. It is recognised that poor housing contributes to poor health and quality of life. This enforcement policy seeks to improve housing conditions for all tenants.

Background Papers

Appendix 1 - Private Sector Housing Enforcement Policy

PRIVATE SECTOR HOUSING ENFORCEMENT POLICY

1. Introduction

Mid Sussex District Council's Housing Standards Team is committed to improving standards in private sector housing, ensuring that all privately rented accommodation is well managed, properly maintained, safe and habitable.

- 1.1 Although Mid Sussex has some excellent landlords and letting agents, the Council has a vital role to play in tackling criminal, rogue and irresponsible landlords and preventing them from profiting from their non-compliance with the law.
- 1.2 In order to regulate private sector housing, the Council's Housing Standards Team will conduct pro-active and re-active property inspections, routinely respond to requests for visits and investigate complaints of disrepair together with other teams from within the Council, including Housing Needs, Housing Benefits and Planning. The team will request information, carry out inspections, process licence applications, bring empty properties back into use, encourage and promote good practice, provide owners and landlords with advice and information, investigate possible offences and, where appropriate, take enforcement action and prosecute offenders.

2. Aims and Principles of the Enforcement Policy

- 2.1 The overall aim of the Housing Standards Team is to raise standards in the private sector housing stock. This benefits the health and wellbeing of Mid Sussex residents and helps maintain the housing stock for future generations.
- 2.2 The principles of the Private Sector Housing Enforcement Policy are to ensure that:
 - Tenants of private landlords and registered providers of social housing live in homes that are free of unacceptable hazards and risks to their health and safety;
 - All Houses in Multiple Occupation are safe, well managed and all relevant Management Regulations are adhered to;
 - All licensable Houses in Multiple Occupation are licensed and all licensing conditions are met
 - The Council meets its statutory obligations in relation to private housing.
- 2.3 This Enforcement Policy provides an overview of the broad principles and processes with which the Council will seek to comply when taking action to ensure that all private sector housing in the district is healthy, well managed and safe. It should be read in conjunction with other strategies and policies.

- 2.4 When discharging its duties in relation to private sector housing, the Council will follow the principles of good enforcement set out in the following:
- Regulators Compliance Code
 - Criminal Procedure and Investigations Act 1996 (CPIA) and associated Code
 - Police & Criminal Evidence Act 1984 (PACE) and associated Codes
 - The Enforcement Concordat
 - Housing Act 2004
 - Regulation of Investigatory Powers Act 2000
 - Housing and Planning Act 2016
 - Mid Sussex District Council Environmental Health Enforcement Policy
 - Legislation and statutory guidance relating to each service area
 - Procedures and guidance notes within each team

3. Principles underpinning Enforcement Action

3.1 This Enforcement Policy helps to promote efficient and effective approaches to regulatory inspection and enforcement, which improve regulatory outcomes without imposing unnecessary burdens. This is in accordance with the Regulators' Code.

3.2 The Private Sector Housing Team's enforcement activity will be:

- **Proportionate** – Enforcement action will be proportionate and reflect the nature, scale and seriousness of any breach or non-compliance.
- **Fair and objective** – Enforcement action will be based on the individual circumstances of the case, taking all available facts into account. Officers will carry out investigations with a balanced and open mind.
- **Transparent** – Enforcement action will be undertaken in accordance with clearly defined policies and procedures that are readily available. All communications will be easy to understand, with clear reasons being given for any enforcement action taken.
- **Consistent** – Enforcement action will be undertaken and monitored within the Private Sector Housing Team to ensure consistency in the interpretation and enforcement of legislation, work with other regulatory agencies and to share and develop good practice.
- **Accountable** – Enforcement action will be undertaken in a responsible manner that has a clear purpose. Where appropriate, the Private Sector Housing Team will work closely with landlords, tenants and other stakeholders that have an interest in private sector housing.

3.3 While it is understood that it is primarily the responsibility of individuals and businesses to ensure compliance with relevant legislation, the Council will help them, where possible, to understand their legal responsibilities. The aim of the

Council is to secure compliance with the legislation, which it will do by making the most efficient use of the Council's resources.

4. ENFORCEMENT OPTIONS

- 4.1 The officers will strive to ensure that all enforcement decisions are consistent, balanced, fair, and relate to common standards that ensure that the public and others are adequately protected.
- 4.2 In order to achieve and maintain consistency of enforcement, officers will follow all official guidance and codes of practice.
- 4.3 In coming to any enforcement decisions consideration will be given to the following factors:
- The seriousness of the deficiencies identified in the dwelling
 - The past history of compliance
 - The confidence in management and the degree of wilfulness involved
 - The consequences of non-compliance
 - The existence of statutory duties or discretionary powers
 - The likely effectiveness of the various enforcement options
- 4.4 In the event of a contravention being detected then the enforcement options available to the Council include:
- To take no action;
 - To take informal action;
 - To take formal action;
 - Simple caution;
 - To issue a Civil Penalty Notice;
 - To prosecute;
 - Execution of work required by statutory notice where the recipient has not complied (Works in Default)
 - Rent Repayment Orders
 - Banning Orders for the most serious and prolific offenders
- 4.5 Enforcement options may escalate up through the list so that informal action may lead to formal action, etc. dependent upon the success or otherwise of interventions, but this staged escalation will not be appropriate in each case and an intervention at the higher end of the enforcement spectrum may be necessary. In some cases a combination of enforcement options may be appropriate.
- 4.6 Enforcement options specific to the Housing Standards Team function are detailed in Appendix 1-3 below.

5. THE HOUSING HEALTH AND SAFETY RATING SYSTEM (HHSRS)

- 5.1 The HHSRS is set out in Part 1 of the Housing Act 2004. It is a method of assessing how likely it is that the condition of a property will cause a hazard to the health of the occupants over a 12 month period. There are two categories of hazards:
- 5.2 **Category 1 hazards** represent a serious danger to health and the Council has a duty to take appropriate action to see these hazards reduced.
- 5.3 **Category 2 hazards** represent a lesser danger and, although it has no duty to take direct action, the Council has power to reduce category 2 hazards through appropriate action.
- 5.4 Much of this enforcement policy relates to our enforcement work under the Housing Act 2004. The Housing Standards Team uses other legislation as appropriate and most of these are listed later in this document.

6. INSPECTION AND COMPLIANCE VISITS

- 6.1 Dwellings are inspected both reactively (in response to a request or complaint) and proactively based on risk and intelligence. Where there is reason to believe a hazard may exist but access is denied or prior warning would defeat the purpose of the inspection, the Council can apply to the Magistrates Court to obtain a warrant to enter a property without prior notice and using force if necessary. The inspection may be limited to that part of the property where the Officer has reason to believe there may be a problem but may extend to the whole of the property, common parts and any gardens, garages and yards.
- 6.2 Once a property has been inspected and assessed, Officers will calculate the hazards found and consider what action to take. The actions can be broken down into 'informal' and 'formal' action (see below).
- 6.3 Before considering any action in respect of a tenanted property, the tenant/s will normally be expected to have first contacted their landlord or managing agent about the problem in writing. This applies to both private and social housing tenants. Legislation covering landlord and tenant issues requires that tenants notify their landlords of any problems with the property. This is because landlords can only carry out their obligations under the legislation once they have been made aware of a problem. Copies of correspondence between landlord and tenant, unless confidential, may be required by the Housing Standards team before any action is taken.
- 6.4 There are some circumstances in which this prior contact may not be appropriate, for example:
- Where the matter appears to present an imminent risk to the health and safety of the occupants;
 - Where there is a history of harassment, threatened eviction or poor management.

- Where the tenant is old and frail or otherwise vulnerable;
- Where the tenant's first language is not English and this is likely to cause difficulty in communicating with the landlord;
- Where the tenant could not for some other reason be expected to contact their landlord/managing agent.

In these (or other similar) situations, Council officers may proceed directly with enforcement action.

7. INFORMAL ACTION

- 7.1 Where the Housing Standards Team is made aware that hazards exist at a premises, the team will attempt to resolve this informally where possible. Informal action will include verbal advice and advisory letters given by Officers.
- 7.2 The Team will attempt to make contact with the person(s) responsible for remedying actionable defects to notify them of and invite them to attend any inspection. If it is not possible to contact the relevant person by telephone or email then a letter will be sent to any known address for that person.
- 7.3 The Team will aim to write to the owner, managing agent or landlord within 14 days of the inspection outlining the nature of the problem/s identified. The letter will provide confirmation of the remedial action to be taken to remedy the hazard or defect and will propose a reasonable timescale for works to be completed by. If suitable alternative remedies are proposed by the owner, managing agent, or landlord, they will be considered. Every effort will be made to mutually agree a way forward.
- 7.4 Action taken by the owner or landlord will be monitored and if necessary follow up letters, emails and telephone calls will be used in an effort to ensure the remedial works are carried out informally.

8. FORMAL ACTION

- 8.1 It is not always possible to adopt an informal approach, especially where legislation requires formal action to be taken straight away or the owner, agent or other person/s responsible are not co-operating with the Housing Standards Team informally. There will be times when officers consider that the risk to the occupant is high enough to warrant formal action without an informal stage. Factors include whether the current occupants are vulnerable or where the property poses an imminent risk to health or safety.
- 8.2 Formal action will usually involve the service of a statutory notice. Most notices served require the recipient to commence and complete remedial works within specified time limits. In deciding whether to move into formal action involving the service of statutory notices, the property will be assessed for formal action according to:
- the number and type of category 1 and 2 hazards
 - the vulnerability and personal circumstances of the current occupiers

- In the case of HMOs, whether they are licensable or not, the number of households in residence, any overcrowding, poor management and/or risk from fire.
- 8.3 Under the Housing Acts, the following enforcement actions are available to the Council when considering the most appropriate course of action:
- Serve an Improvement Notice or Suspended Improvement Notice;
 - Make a Prohibition Order or Suspended Prohibition Order;
 - Serve a Hazard Awareness Notice;
 - Make a Demolition Order;
 - Declare a Clearance Area;
 - Make an Interim or Final Empty Dwelling Management Order
 - Take Emergency Remedial Action (Category 1 Hazards only);
 - Make an Emergency Prohibition Order; (Category 1 Hazards only);
 - Serve an Overcrowding Notice.
- 8.4 Officers will use the Housing Health and Safety Rating System Enforcement Guidance (published by the ODPM, February 2006) https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7853/safetyratingsystem.pdf to determine the most appropriate course of action from the above list. They will adhere to the relevant consultation requirements set out in the legislation to take into account the views of occupiers, owners and other stakeholders.
- 8.5 Notices and Orders served under the Housing Act 2004 contain a 'Statement of Reasons' which will set out the reasons why one type of enforcement action was taken rather than another. The officer will be willing to discuss the works specified in the notice; the reason for serving the notice; and any alternative remedy the recipient may propose.
- 8.6 Not more than one course of action can be taken at a time for the same hazard (unless it is an emergency action) but alternative action can follow if one of the actions taken has proved unsuccessful. Emergency procedures cannot be used for category 2 hazards.
- 8.7 Where a Notice is served and there is a change in ownership of the property, the notice can be enforced against the new owner or recipient. However, any outstanding liabilities such as fines or costs remain with the original owner or recipient of the notice.
- 8.8 There are statutory rights of appeal against Notices, Orders and associated decisions made by the Council. Appeals against enforcement action are made to the First Tier Tribunal (FTT). The FTT may confirm, quash or vary a Notice, Order or decision. Details of these rights and information on making an appeal are contained in the Notices/ Orders.
- 8.9 Charges will be made for any formal enforcement action that the Council takes.

9 EMERGENCY MEASURES

- 9.1 Where the Council is satisfied that a Category One hazard poses an imminent risk of serious harm to the health or safety of occupants or visitors of a premises, emergency measures can be taken. Emergency measures include Emergency Remedial Action or service of an Emergency Prohibition Order.

10 SANCTIONS FOR NON COMPLIANCE WITH NOTICES

- 10.1 If a Notice or an Order is complied with or amendments are required to the Notice as a result of new information, a 'Revocation Notice' will be served confirming that the original Notice or Order has been withdrawn. However, if the Notice is not complied with, the following sanctions will usually be considered:

- Formal caution
- Civil Penalty Notice
- Rent Repayment Order
- Prosecution
- Carrying out the works in default;
- Carry out works in default and issue a civil penalty, prosecution or formal caution

11. SIMPLE CAUTIONS

- 11.1 Guidance has been provided by the Ministry of Justice – Simple Cautions for Adult Offenders (the latest version is dated 13 April 2015). A Simple Caution (once known as a formal or police caution) is a formal warning that may be given to persons aged 18 or over who agree to it and admit to committing an offence. The Simple Caution scheme is designed to provide a means of dealing with low-level, mainly first-time, offending without a prosecution. Simple cautioning is not to be used as an alternative to a weak prosecution case.
- 11.2 A prosecution will only take place if it is in the public interest and there is sufficient evidence (see section 11 below) to support that course of action. In a case where there is sufficient evidence to warrant a prosecution but the public interest would not benefit from such a course of action, then a Simple Caution will be considered as an alternative.
- 11.3 In deciding whether to offer a Simple Caution the Full Code Test as set out in the Code for Crown Prosecutions must be applied.
- 11.4 Such cases should be fully considered by the case officer who will present the case to the Business Unit Leader of Environmental Health and Building Control for the authority to issue a Simple Caution.
- 11.5 The Cautioning Officer will be the Business Unit Leader of Environmental Health and Building Control and the cautioning procedure in the Ministry of Justice guidance will be followed.

- 11.6 Where appropriate the issue of a simple caution will be notified to a home authority, originating authority, lead authority or primary authority.
- 11.7 If an offender refuses to accept a formal caution, the delegated officer will refer the matter to the Head of Regulatory Services who may pursue a prosecution, taking into account the relevant guidance and the Council's Constitution.

12. CIVIL PENALTY NOTICES

- 12.1 Local authorities are able to impose a civil penalty as an alternative to prosecution for the following offences under the Housing Act 2004:
- Failure to comply with an Improvement Notice (section 30);
 - Offences in relation to licensing of Houses in Multiple Occupation (section 72);
 - Offences in relation to licensing of houses under Part 3 of the Act (section 95);
 - Offences of contravention of an overcrowding notice (section 139)
 - Failure to comply with management regulations in respect of Houses in Multiple Occupation (section 234)
- 12.2 Income received from a civil penalty notice can be retained by the Council provided that it is used to further the local authority's statutory functions in relation to their enforcement activities covering the private rented sector, as specified in Regulations.
- 12.3 The level of civil penalty to be imposed has to be determined on a case-by-case basis up to a maximum of £30,000 and the following factors must be considered to help ensure that the civil penalty is set at an appropriate level:
- **Severity of the offence.** The more serious the offence, the higher the penalty should be.
 - **Culpability and track record of the offender.** A higher penalty will be appropriate where the offender has a history of failing to comply with their obligations and/or their actions were deliberate and/or they knew, or ought to have known, that they were in breach of their legal responsibilities. Landlords are running a business and should be expected to be aware of their legal obligations.
 - **The harm caused to the tenant.** This is a very important factor when determining the level of penalty. The greater the harm or the potential for harm (this may be as perceived by the tenant), the higher the amount should be when imposing a civil penalty.
 - **Punishment of the offender.** A civil penalty should not be regarded as an easy or lesser option compared to prosecution. While the penalty should be proportionate and reflect both the severity of the offence and whether there is a pattern of previous offending, it is important that it is set at a high enough level to help ensure that it has a real economic impact on the offender and demonstrates the consequences of not complying with their responsibilities.
 - **Deter the offender from repeating the offence.** The ultimate goal is to prevent any further offending and help ensure that the landlord fully complies with all of their legal responsibilities in future. The level of the penalty should

therefore be set at a high enough level such that it is likely to deter the offender from repeating the offence.

- **Deter others from committing similar offences.** While the fact that someone has received a civil penalty will not be in the public domain, it is possible that other landlords in the local area will become aware through informal channels when someone has received a civil penalty. An important part of deterrence is the realisation that (a) the local housing authority is proactive in levying civil penalties where the need to do so exists and (b) that the level of civil penalty will be set at a high enough level to both punish the offender and deter repeat offending.
- **Remove any financial benefit the offender may have obtained as a result of committing the offence.** The guiding principle here should be to ensure that the offender does not benefit as a result of committing an offence, i.e. it should not be cheaper to offend than to ensure a property is well maintained and properly managed.

- 12.4 Civil penalties can only be used as an alternative to prosecution. Although only one civil penalty can be issued (as an alternative to prosecution) for each of the first 4 offences listed above, a civil penalty can be issued for **each** separate breach of the HMO Management Regulations.
- 12.5 Where the Council is in a position to prosecute a letting agent and landlord for failing to obtain a licence for a licensable HMO, it has the option of imposing a (civil) financial penalty on the letting agent and the landlord as an alternative to prosecution. Where the letting / managing agent and landlord have committed the same offence, the Council can impose a civil penalty on both of them at different levels, depending on the circumstances of the case.
- 12.6 If the Council believes that it has a reasonable prospect of a conviction in a particular case, **it will always consider a civil penalty in the first instance** and only by exception will it seek alternative measures such as prosecution or formal cautions.
- 12.7 Where a civil penalty is imposed and an appeal is subsequently made to the First-tier Tribunal, the Council will need to be able to demonstrate *beyond reasonable doubt* that the offence had been committed.

13. RENT REPAYMENT ORDERS

- 13.1 The Housing Act 2004 introduced rent repayment orders (RROs) to cover situations where the landlord of a property had failed to obtain a licence for a property that was required to be licensed, specifically offences in relation to licensing of Houses in Multiple Occupation (section 72(1)) and offences in relation to licensing of houses under Part 3 of the Act (section 95(1)).
- 13.2 Rent repayment orders have now been extended through Chapter 4 of Part 2 of the Housing and Planning Act 2016 to cover the following offences:
- Failure to comply with an Improvement Notice (section 30 Housing Act 2004);
 - Failure to comply with a Prohibition Order (section 32 Housing Act 2004);

- Breach of a Banning Order (section 21 Housing and Planning Act 2016);
 - Using violence to secure entry to a property (section 6 Criminal Law Act 1977);
 - Illegal eviction or harassment of the occupiers of a property (section 1 Protection from Eviction Act 1977).
- 13.3 Income received from a rent repayment order can be retained by the Council provided that it is used to further the local authority's statutory functions in relation to their enforcement activities covering the private rented sector, as specified in Regulations.
- 13.4 An application for an RRO is made to the First-Tier Tribunal and can be applied for when the landlord has committed an offence, whether or not a landlord has been convicted of one of the offences listed above.
- 13.5 Both local housing authorities and tenants have the power to apply for RROs and the maximum amount of rent that can be recovered is capped at 12 months.
- 13.6 If a local housing authority becomes aware that a person who is a landlord has been convicted of any of the relevant offences, and the offence was committed in their area, it must consider applying for an RRO.
- 13.7 The Council will apply for an RRO where:
- A landlord has been successfully prosecuted for one of the relevant offences and at least one of the tenants affected was in receipt of housing benefit or universal credit.
 - An RRO is likely to present a greater pecuniary penalty and deterrent than prosecution and at least one of the tenants affected was in receipt of housing benefit or universal credit.
 - A fixed penalty notice has been issued and at least one of the tenants affected was in receipt of housing benefit or universal credit.
- 13.8 The Council will assist tenants who are not in receipt of housing benefit or universal credit to apply for an RRO in the circumstances above by providing statements and advice.
- 13.9 Where an application for an RRO is made and the landlord has not been convicted of the offence for which the RRO application is being made, the First-tier Tribunal will need to be satisfied beyond reasonable doubt that the landlord has committed the offence i.e. a criminal standard of proof is required.
- 13.10 Where a landlord has been convicted of the offence to which the RRO relates, the First-tier Tribunal must order that the maximum amount of rent is repaid (capped at a maximum of 12 months).
- 13.11 Where a landlord has not been convicted of the offence to which the RRO application relates, the following factors should be taken into account when considering how much rent a local housing authority should seek to recover:
- RROs should have a real economic impact on the offender and demonstrate the consequences of not complying with their responsibilities. We will consider the conduct of the landlord and tenant, the financial circumstances of the

landlord and whether the landlord has previously been convicted of similar offences;

- **Deter the offender from repeating the offence.** The level of the penalty should be set at a high enough level such that it is likely to deter the offender from repeating the offence;
- **Dissuade others from committing similar offences.** RROs are imposed by the First-tier Tribunal and so the fact someone has received a rent repayment order will be in the public domain. Robust and proportionate use of RROs is likely to help ensure others comply with their responsibilities.
- **Remove any financial benefit the offender may have obtained as a result of committing the offence.** This is an important element of RROs: the landlord is forced to repay rent, and thereby loses much, if not all, of the benefit that accrued to them by not complying with their responsibilities.

13.12 In deciding whether to apply for an RRO, the Council must have regard to 'Rent repayment orders under the Housing and Planning Act 2016 - Guidance for Local Housing Authorities'. This process applies whether or not the landlord has been convicted of the offence:

13.13 Before applying for an RRO, the Council must give the landlord a notice of intended proceedings;

- A notice of intended proceedings must be served within 12 months of the date on which the landlord committed the offence to which it relates;
- A notice of intended proceedings must inform the landlord that the Council is proposing to apply for an RRO and explain why;
- State the amount that the Council is seeking to recover;
- Invite the landlord to make representations within a period specified in the notice which must be at least 28 days.
- The Council must consider any representations made within the notice period;
- The Council must not apply to the First-tier Tribunal for an RRO until the period specified in the notice of intended proceedings has expired;
- An application for an RRO can be made to the First-tier Tribunal once the notice has been made and the time for representations has passed.

13.14 Where the landlord fails to pay a RRO, the Council will refer the case to the county court for an Order of that Court. If necessary, the Council will use county court bailiffs to enforce the order and recover the debt.

14. PROSECUTION

14.1 The Councils recognise that the decision to prosecute is significant and could have far reaching consequences for all involved including defendants, victims and witnesses.

14.2 It will be for the case officer to decide whether prosecution is appropriate in any individual case, but the case will be discussed with the Business Unit Leader of Environmental Health and Building Control prior to referring any case to the Legal Team. The case officer will then produce a case file and briefing note for the Legal

Team, who will decide whether the case meets the requirements of the Code of Practice for Crown Prosecutors.

- 14.3 It follows that a prosecution will only be progressed when the case has passed both the evidential test and the public interest test. The decision to proceed with a prosecution rests with the Business Unit Leader of Environmental Health and Building Control.

The Evidential Stage

- 14.4 For any prosecution to proceed, the Council must be satisfied that there is enough evidence to provide a 'realistic prospect of conviction' against each defendant on each charge.
- 14.5 A realistic prospect of conviction is an objective test that means that a jury or bench of magistrates, properly directed in accordance with the law, is more likely than not to convict the defendant of the charge alleged.

The Public Interest Stage

- 14.6 The public interest must be considered in each case where there is enough evidence to provide a realistic prospect of conviction. The Council will balance factors for and against prosecution carefully and fairly.
- 14.7 Public interest factors that can affect the decision to prosecute usually depend on the seriousness of the offence or the circumstances of the defendant. A prosecution will usually take place unless there are public interest factors tending against prosecution which clearly outweigh those tending in favour, or it appears more appropriate in all the circumstances of the case to divert the person from prosecution.
- 14.8 There may be circumstances where, as well as prosecution, it will also be appropriate to serve a statutory notice to enforce the remedy.
- 14.9 On final completion of prosecution cases, officers must inform other interested parties of the outcome of the case as necessary. In particular, any complainants or victims will be informed. The outcome of the case will be reviewed with the relevant Business Unit Leader of Environmental Health and Building Control to discuss any necessary future action.

Banning Orders

- 14.10 In certain circumstances and for the most serious offenders, the Council may apply for a Banning Order. These were introduced under the Housing and Planning Act 2016 and the provisions came into force on 6 April 2018. A Banning Order bans a person from letting a property in England and/or engaging in letting agency or property management work, if they have been convicted of a banning order offence.

The minimum period for a banning order is 12 months but there is no statutory maximum period.

14.11 Housing related offences regarded as Banning Order offences include:

- Illegally evicting or harassing a residential occupier in contravention of the Protection from Eviction Act 1977 or the Criminal Law Act 1977
- Any of the following offences under the Housing Act 2004;
- Failure to comply with an Improvement Notice (Section 30)
- Offences in relation to licensing of HMOs (Section 72)
- Allowing a HMO that is not subject to licensing to become overcrowded (Section 139)
- Failure to comply with management regulations in respect of HMOs (Section 234)
- Failure to comply with a Prohibition or Emergency Prohibition Order (Section 20 and 21)
- An offence under the Health and Safety at Work etc. Act 1974 where a person contravenes Section 36 of the Gas Safety (Installation and Use) Regulations 1998
- An offence under Section 32 of the Regulatory Reform (Fire Safety) Order 2005

15 WORKS IN DEFAULT

- 15.1 The Council has been given powers under the Housing Act 2004 and other legislation to carry out works in default where a person has been required to do works by formal Notice or Order, but has failed to either start works or make adequate progress.
- 15.2 The Council will only undertake works in default for emergency works to make the property safe.

16 HOUSES IN MULTIPLE OCCUPATION

- 16.1 As HMOs are higher risk than single family homes, the conditions, facilities and management are more closely regulated. Some HMOs are subject to mandatory HMO licensing.
- 16.2 Under the Housing and Planning Act 2016, HMO licences are required for all HMOs that are occupied by 5 or more persons forming more than one household who are sharing facilities from October 2018.
- 16.3 Prospective HMO licence-holders must complete an application form, supply various documents and pay their licence fee. Inspections are usually undertaken as part of the application process but may happen at any time during the lifetime of the licence. Licences are issued by the local authority and conditions may be attached to the licence (including the maximum permitted number of occupants and households that can occupy the property). Works may be required to meet minimum standards prior

to the licence being issued. Licences are issued for a five-year period and a new licence must be applied for before the end of that period.

- 16.4 The HMO licensing regime includes arrangements for assessing the suitability of the premises for the number of occupants, including the adequacy of the amenities. It also provides for the assessment of the fitness of a person to be the licence holder and the potential management arrangements of the premises.
- 16.5 It is a criminal offence if a person controlling or managing an HMO does not have the required licence. Failure to comply with any condition attached to a licence is also an offence under section 72 of the Housing Act 2004. In cases where a licensable HMO property is found to be operating without a licence the Council will take legal action.

Management Regulations

- 16.6 All identified hazards and breaches of the relevant HMO Management Regulations in any HMO, whether licensable or not, will be dealt with in accordance with the enforcement approach set out in the main body of this policy.

Redress Scheme

- 16.7 The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014 introduced a requirement for letting agents and property managers to belong to an approved redress scheme. The redress scheme must be approved by Government or designated as a Government administered redress scheme.
- 16.8 Where the Council is aware of an offence, it is required to take enforcement action relating to activities undertaken within the district and may serve a Notice on the perpetrator requiring the payment of a monetary penalty of an amount determined by the Council.
- 16.9 The expectation in Government guidance is that a monetary penalty of £5,000 should be considered the norm and the penalty must not exceed this amount. A lower penalty should only be charged if the Council is satisfied there are extenuating circumstances.
- 16.10 Where a Notice is served requiring a monetary penalty, there is a right to appeal to the First-tier Tribunal, and the Notice will be suspended until the appeal is determined or withdrawn.
- 16.11 Further details of the redress scheme is contained in Appendix 2

17 OTHER LEGISLATION ENFORCED BY ENVIRONMENTAL HEALTH SECTION FOR PRIVATE SECTOR HOUSING.

- 17.1 *The Smoke and Carbon Monoxide Alarm (England) Regulations 2015*

Since the 1st October 2015 all landlords are required to have at least one smoke alarm installed on every storey of their rental property which is used as living accommodation, and a carbon monoxide alarm in any room used as living accommodation where solid fuel is used.

The Regulations allow the Council to issue a Penalty Charge Notice where a relevant landlord has failed to take reasonable steps to comply with a remedial notice. Such Notice will allow 28 days to:

1. Fit one or more smoke alarms in an occupied rented property
2. Fit a carbon monoxide detector to a room with a solid fuel burning combustion appliance
3. Take steps to check that each smoke and carbon monoxide alarm required by Regulations is working correctly at the start of the tenancy.

Statement of Principles supporting Penalty Charge Notices issued under The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 is attached in Appendix 3.

17.2 *Environmental Protection Act 1990*

The Environmental Protection Act 1990 defines statutory nuisance, and gives the Council power to serve an Abatement Notice requiring the owner to remedy a building that is so far defective as to be prejudicial to the health of its occupier or a nuisance. Examples of such nuisances could include rainwater penetration through defective roof or windows, rising or penetrating dampness and condensation, defective (rotten) timber flooring, elements exhibiting structural failure e.g. ceilings, and dangerous fixtures and fittings.

17.3 *Public Health Act 1936*

Though much of this Act has been repealed or its provisions resurrected in other legislation, it still provides the Council with power to require by notice the repair of defective sanitary facilities and the clearance, cleansing and, if necessary, fumigation of premises that are filthy and verminous. It also extends statutory nuisance provisions, (now in the Environmental Protection Act) to tents, vans, sheds (agricultural/migrant worker type accommodation) or canal boats used as dwellings.

17.4 *Public Health Act 1961*

This Act still provides the Council with power to require by notice the unblocking of stopped-up drains or minor repairs to private drains. At the request of an owner, the Council may undertake the repair of a private drain and recover its costs from the owner.

17.5 *Local Government (Miscellaneous Provisions) Act 1976*

This Act gives the Council powers to require details of the ownership of buildings and land, to intervene to bring about the restoration of disconnected services (electricity, gas, or water), and secure the unblocking of stopped up private drains in shared use.

17.6 *Local Government (Miscellaneous Provisions) Act 1982*

This Act gives the Council power to require the making secure, by boarding up or otherwise, of empty buildings to prevent unauthorised entry and/or where the building is likely to become a danger to the public.

17.7 *Building Act 1984*

Although primarily concerned with ensuring the safety of new buildings through the application of Building Regulations, the Building Act 1984 includes powers for the Council to adopt an accelerated procedure for dealing with defects in buildings that amount to statutory nuisances (see EPA 1990 above), to require major repairs to drainage systems and to deal with ruinous or dilapidated buildings including empty homes.

17.8 *Prevention of Damage by Pests Act 1949*

The housing standards team can serve Notice where steps should be taken for the destruction of rats or mice on the land or to keep the land free from rats and mice. The team may serve notice on the owner or occupier of the land or property requiring works to clear, proof or treat the land from existing or likely pest infestations.

17.9 *Caravan Sites and Control of Development Act 1960*

This Act enables the Environmental Health Section to prevent land being used as a caravan site without a license and to ensure the conditions and amenities on any site are provided and maintained in good condition.

17.10 *Mobile Homes Act 2013*

This Act enables the Council to set and enforce site license conditions and take action to protect tenants against eviction and harassment.

18. COMPLAINTS AGAINST THE SERVICE

- 18.1 If any person believes that they have not received fair or consistent treatment as outlined in this Policy, they can access the Councils' Complaints Procedure. The matter will be considered and a decision made as to whether the Enforcement Policy has been breached in this instance and the complainant will be given a reply in writing explaining the decision. This is without prejudice to any formal appeal mechanism.

PRIVATE SECTOR HOUSING - GENERAL

The general principles which will guide enforcement officers to the appropriate option are set out below.

'No Action'

Housing Standards Team has a duty to investigate complaints about deficiencies in dwellings, or alleged statutory nuisance. Where it appears to the officer that the problems have arisen through the lifestyle or actions of the tenant or similar, then advice will be given to the complainant and it may be appropriate that no further action is taken.

Informal Action

The Housing Act 2004 requires that at least 24 hours notification of intention to enter a dwelling must be served on all interested parties prior to an inspection being carried out to validate any consequent formal action that may be taken. In certain circumstances if the matter is urgent or defeat the object, such as investigating HMO licensing or management offences, immediate access can be justified. This requirement means that landlords would be notified of any enquiries made by tenants and the tenants could be subject to pressure from landlords or even eviction. It is therefore desirable that tenants be afforded the option of receiving informal advice from this team without this pressure to allow them to make informed choices about further actions. This can include cases where condensation and associated mould growth is being caused by the incorrect use of available heating and ventilation.

Tenants are advised prior to visit that should a serious category 1 hazard be discovered during an informal advisory visit that the visiting officer must contact the landlord/owner to request that action be taken

Advice will be given to tenants both verbally and in writing regarding any deficiencies found, responsibilities for remediation and possible consequences of intervention.

If appropriate, and at the tenant's request, the landlord will be notified of any deficiencies within the dwelling and invited to provide details of any actions they may intend to take. The landlord will, if necessary, be informed that the environmental health service retain the option to carry out a formal inspection under the Housing Act 2004.

Formal Action

Local authorities are obliged to carry out a formal inspection if they have reason to believe that a category 1 hazard, as assessed under the Housing Health and Safety Rating System (HHSRS), is likely to exist in a dwelling. If either initial information, or an informal inspection indicates that a category 1 hazard exists, or if the informal approach has not resulted in the mitigation of deficiencies within a dwelling, the officer will arrange for this formal assessment.

Notice of Intention to carry out an inspection.

The owner, landlord, managing or letting agent, the tenant and other interested persons must be notified of the intention to carry out an inspection of a dwelling at a specified time

and date. Failure to notify relevant persons may invalidate any subsequent formal action under the Housing Act 2004.

Assessment under HHSRS

Following the assessment of the dwelling under the HHSRS, the officer has a number of options available to them to mitigate any Category 1 (band A-C) or Category 2 (bands D+) Hazards identified. The Housing Act 2004 requires that each option is considered and that the reasons for the use of any one option are explained and justified.

The Council is required to take action where it has identified category 1 hazards and has discretion to take action where category 2 hazards are identified. In general, the Council will take action if high category 2 hazards (bands D & E) are identified, dependent on the class of hazard. However, if only minor deficiencies which score band F or below using the HHSRS are identified in a dwelling, this will not normally result in formal action, as the deficiencies are of low risk.

If category 1 hazards are identified, the landlord, or person responsible for rectifying the deficiencies, will normally be notified that the Housing Standards Team is required to take enforcement action and will be offered the opportunity to comment on works required to mitigate the hazards and specify likely timescales for these works.

The Housing Standards Team charge for the service of Housing Act notices apart from Hazard Awareness Notices. The case officer will notify the relevant person in advance of the likely charges. The charge will be based upon the time and resources used by the Housing Standards Team in identifying the hazards, determining the appropriate action and serving the Notice, but will be a minimum of £150.

The officer will take the appropriate formal action based upon their consideration of the options available under the Housing Act 2004. The contents of any formal notice will take into consideration works already completed and the timescales indicated by the recipient, where they are considered reasonable in the opinion of the officer.

Officers will follow the Environmental Health procedure on serving of formal notices. Officers are responsible for ensuring that their Notices are correctly drafted and will arrange for said Notices to be checked for accuracy by the Team Leader prior to service. Officers will ensure that copies of the Notices are served on all relevant persons.

Failure to comply with the requirement of a Statutory Notice will normally result in prosecution or a civil penalty notice. Some statutory notices may require works-in-default, with costs being recovered from the relevant person.

Emergency Action

Where Officers are satisfied that a category 1 hazard poses an imminent risk of serious harm to the health or safety of occupants or visitors of premises, emergency measures can be taken. Emergency measures include Emergency Remedial Action or service of an Emergency Prohibition Order.

Civil Penalties

Civil penalties were introduced through the Housing and Planning Act 2016. Local housing authorities have the power to impose a civil penalty as an alternative to prosecution for the following offences under the Housing Act 2004:

- Failure to comply with an Improvement Notice (section 30)
- Offences in relation to licensing of Houses in Multiple Occupation (section 72);
- Offences in relation to licensing of houses under Part 3 of the Act (section 95);
- Offences of contravention of an overcrowding notice (section 139)
- Failure to comply with management regulations in respect of Houses in Multiple Occupation (section 234)

The level of civil penalty to be imposed has to be determined on a case-by-case basis up to a maximum of £30,000.

Housing Standards Team will consider the following factors to help ensure that the civil penalty is set at an appropriate level:

- a) Severity of the offence.
- b) Culpability and track record of the offender.
- c) The harm caused to the tenant.
- d) Punishment of the offender.
- e) Deter the offender from repeating the offence.
- f) Deter others from committing similar offences.
- g) Remove any financial benefit the offender may have obtained as a result of committing the offence.

Rent Repayment Orders

An application for a rent repayment order (RRO) can be made in respect of the following offences:

- Failure to comply with an Improvement Notice (section 30 Housing Act 2004);
- Failure to comply with a Prohibition Order (section 32 Housing Act 2004);
- Failure to obtain a licence for a licensable HMO (section 72(1) or house (Part 3, section 95(1) Housing Act 2004).
- Breach of a banning order (section 21 Housing and Planning Act 2016);
- Using violence to secure entry to a property (section 6 Criminal Law Act 1977);
and
- Illegal eviction or harassment of the occupiers of a property (section 1 Protection from Eviction Act 1977).

An application for an RRO is made to the First-Tier Tribunal and can be applied for when the landlord has committed an offence, whether or not a landlord has been convicted of one of the offences listed above.

Both local housing authorities and tenants have the power to apply for RROs and the maximum amount of rent that can be recovered is capped at 12 months. The Council will assist tenants who are not in receipt of housing benefit or universal credit to apply for an RRO in the circumstances above by providing statements and advice.

Where an application for an RRO is made and the landlord has not been convicted of the offence for which the RRO application is being made, the First-tier Tribunal will need to be satisfied beyond reasonable doubt that the landlord has committed the offence i.e. A criminal standard of proof is required.

Where a landlord has been convicted of the offence to which the RRO relates, the First-tier Tribunal must order that the maximum amount of rent is repaid (capped at a maximum of 12 months).

Where a landlord has not been convicted of the offence to which the RRO application relates, the following factors should be taken into account when considering how much rent a local housing authority should seek to recover:

- Punishment of the offender;
- Deter the offender from repeating the offence;
- Dissuade others from committing similar offences;
- Remove any financial benefit the offender may have obtained as a result of committing the offence.

Prosecution

Prosecution will, in general, be restricted to a minority of circumstances where there is a blatant disregard for the law. Prosecutions will be related to risk and not used as a punitive response to minor breaches.

The circumstances where prosecution is appropriate should include one or more of the following:

- Where there is a blatant disregard for the law such that health or safety has been put at risk.
- Where there is a failure to comply in full or in part with the requirements of a statutory notice
- Where a particular contravention has the potential to cause harm.

It will be for the case officer to decide whether prosecution is appropriate in any individual case, but the case will be discussed with the Business Unit Leader of Environmental Health and Building Control prior to referring any case to the Legal Team. The case officer will then produce a case file and briefing note for the Legal Team, who will decide whether the case meets the requirements of the Code of Practice for Crown Prosecutors.

Works in Default

If there is a breach of an improvement notice under the Housing Act 2004, or some Notices under other legislation, the local authority has the option to carry out works in default and to recover the costs from the recipient of the notice.

This option may be considered when an individual lacks the resources or ability to comply with the Notice, or where concurrent prosecutions are not considered appropriate. Any costs incurred by the local authority will be recovered through sundry debtors, including registering as a charge on the property as necessary.

Interim Management Orders

Local authorities are under a duty to make an Interim Management Order (IMO) in some circumstances where an HMO or Part 3 house which is required to be licensed but is unlicensed. They also have the power to make IMOs and Special IMOs for other categories of house.

This option will be considered when we are statutorily required to do so or where this will be the most appropriate and cost effective means of improving the health and safety of the occupants.

Banning Orders

For the most serious offenders, the Council will consider whether to apply for a Banning Order. These were introduced under the Housing and Planning Act 2016 and the provisions came into force on 6 April 2018. A Banning Order bans a person from letting a property in England and/or engaging in letting agency or property management work, if they have been convicted of a banning order offence. The minimum period for a banning order is 12 months but there is no statutory maximum period.

Enforcement Procedure in respect of The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014

The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014 makes it a legal requirement for all lettings agents and property managers in England to join a Government-approved redress scheme.

Mid Sussex District Council (the Council) is the enforcing authority for this Order within the district. The authority to enforce the Order shall be delegated to the Business Unit Leader of Environmental Health and Building Control.

The Council can impose a fine of up to £5,000 where it is satisfied, *on the balance of probability*, that someone is engaged in letting or management work and is required to be a member of a redress scheme, but has not joined.

Government guidance on the enforcement of the Order states that the expectation is that a £5,000 fine should be considered the norm and that a lower fine should only be charged if the enforcing authority is satisfied that there are extenuating circumstances.

The procedure for issuing a fine is as follows;

Step 1: Notice of Intent

The Council will give written notice of their intention to impose a penalty. This will set out:

- (i) the reasons for the penalty;
- (ii) the amount of the penalty; and
- (ii) that there is a 28 day period to make written representations or objections, starting from the day after the date on which the notice of intent was sent.

This written notice will be served within 6 months of the date on which the Council has gathered sufficient evidence and satisfied any internal requirements that a fine is appropriate.

The Council may at any time withdraw the notice of intent or reduce the amount specified in the notice at any time by giving notice in writing.

Step 2: Representations and Objections

The person whom the notice of intent is served on has 28 days starting from the day after the date the notice of intent was sent to make written representations and objections to the enforcement authority in relation to the proposed fine.

Step 3: Final Notice

At the end of the 28 day period the Council will decide, having taken into account any representations received, whether to impose the fine.

The Council will consider all representations on their own merit. In particular the following may be considered relevant in deciding the final level of fine issued:

1. Internal failed preventative measures – in cases of national agents that have other branches registered but due to internal processes failing local office is unregistered.
2. Good attitude and cooperation with the Council – in cases where the agent has cooperated fully with the Council in investigating the breach of the Order.
3. Immediate and voluntary remediation – when the breach was brought to the attention of the agent they immediately joined a relevant scheme.
4. No previous history of non-compliance with other housing legislation if this is a first breach of any housing related legislation.
5. Any relevant personal circumstances.
6. Undue financial hardship – if the fine would cause the agent undue financial hardship such that it might not be able to continue to operate.

Following the final consideration of the fine the Council will give at least 28 days for payment to be made. When imposing a fine, the Council will issue a final notice in writing which explains:

- (i) why the fine is being imposed;
- (ii) the amount to be paid;
- (iii) how payment may be made;
- (iv) the consequences of failing to pay;
- (v) that there is a right to appeal against the penalty to the First-tier Tribunal and that any appeal must be made within 28 days after the imposition of the fine.

The Council may withdraw the final notice or reduce the amount specified in the notice at any time by giving notice in writing.

Step 4: Appeals

If an appeal is lodged the fine cannot be enforced until the appeal is disposed of. Appeals can be made on the grounds that:

- (i) the decision to impose a fine was based on a factual error or was wrong in law;
- (ii) the amount of the fine is unreasonable; or
- (iii) that the decision was unreasonable for any other reason.

The First-tier Tribunal may agree with the Council's notice to issue a penalty or may decide to quash or vary the notice and fine.

Appeals will be heard by the General Regulatory Chamber, further details on the appeals procedure can be found at the following link:

<http://hmctsformfinder.justice.gov.uk/courtfinder/forms/policy-makers-guidance-eng.pdf>

Step 5: Recovery of the penalty

If the lettings agent or property manager does not pay the fine within the 28 day period the Council will recover the fine with the permission of the court as if payable under a court order. Where proceedings are necessary for the recovery of the fine, a certificate signed by the Council's chief finance officer stating that the amount due has not been received by a

date stated on the certificate will be taken as conclusive evidence that the fine has not been paid.

Statement of Principles supporting Penalty Charge Notices issued under The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

Regulation 13

This statement is required under Regulation 13 of The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (the Regulations) and relates to matters that Mid Sussex District Council (the Council) must have regard to in determining the amount of any penalty charge issued under the Regulation 8 of the same Regulations.

The Regulations allow the Council to issue Penalty Charge Notices where a relevant landlord has failed to take reasonable steps to comply with a remedial notice. Such notices allow 28 days to:

1. Fit one or more smoke alarms in an occupied rented property
2. Fit a carbon monoxide detector to a room with a solid fuel burning combustion appliance
3. Take steps to check that each smoke and carbon monoxide alarm required by Regulations is working correctly at the start of the tenancy.

In determining the amount of a penalty charge the Council takes into account the following principles:-

1. Financial Penalty

Landlords issued with a penalty charge notice have been given 28 days to comply with statutory provisions that they should already have undertaken. It is not enough to recover the cost of completing the works as this in itself does not deter inaction that puts tenants' lives at risk. The financial penalty should be set at an amount to ensure that those few landlords that fail to comply with the law are sufficiently penalised.

The amount of financial penalty is set at £5,000.

This amount is modified by the mitigating provisions noted below.

2. Mitigating Factors

The Council agrees to reduce the amount of the financial penalty element of the Penalty Charge in the following circumstances:

a) Early Payment

Where a relevant landlord issued with a penalty charge notice makes payment within 14 days of the service date, the penalty charge will be reduced by 50%

b) Discretion by Head of Regulatory Services

A landlord may write to the Head of Regulatory Services within 28 days of the date the Penalty Charge Notice is served requesting a review. Such a request should include such information as appropriate as to why he/she should not be required to pay the Penalty Charge. The Head of Regulatory Services may confirm, vary or withdraw the penalty charge notice.

COUNCIL TAXBASE 2019/20

REPORT OF: Head of Corporate Resources
Contact Officer: Peter Stuart, Head of Corporate Resources
Email: Peter.Stuart@midsussex.gov.uk Tel: 01444 477315
Wards Affected: All
Key Decision: No
Report to: Council on 12 December 2018

Purpose of Report

1. The purpose of this report is for the Council to formally determine the domestic taxbase for the district for 2019/20.

Summary

2. The report proposes that the domestic taxbase for next year is 60,707.5, an increase of 1.21%. The estimated collection rate is 99.4%.

Recommendations

3. **(a) Pursuant to the Head of Finance's report and in accordance with the Local Authorities (Calculation of Tax Base) (Amendment) (England) Regulations 2003, the amounts calculated by Mid Sussex District Council as its tax base for the whole area for the year 2019/20 shall be 60,707.5 and for each parish area for the year 2019/20 shall be:**

Albourne	306.0
Ansty & Staplefield	1,010.2
Ardingly	739.2
Ashurst Wood	754.3
Balcombe	839.7
Bolney	637.4
Burgess Hill	11,916.7
Cuckfield	1,679.5
East Grinstead	11,418.5
Fulking	146.7
Hassocks	3,389.9
Haywards Heath	11,940.8
Horsted Keynes	692.6
Hurstpierpoint & Sayers Common	3,049.9
Lindfield	2,841.4
Lindfield Rural	1,455.5
Newtimber	42.2
Poynings	134.1
Pyecombe	127.1
Slaugham	1,297.5
Turners Hill	597.1
Twineham	138.8
West Hoathly	934.8
Worth	4,617.6

Background

4. The tax base is the divisor used to convert the total net amount required for local authority spending in the area to a level of council tax due for a band D property.

5. A tax base is required to be calculated for each parish area in order to allocate Special Items, which for this Council comprise the precepts of the Parish and Town Councils.
6. It should be noted that setting the tax base is the sole responsibility of the District Council as the Billing Authority and we have given explanations of the individual parish taxbases where requested to the Town and Parish Councils.

Method of Calculation

7. The method of calculation is laid down in the Local Authorities (Calculation of Council Tax Base)(England) Regulations 2012.
8. The starting point is the actual number of properties within each tax band as shown on the Council's Valuation List as at 30 November 2018 (the "Relevant Day") less the actual number of exemptions and discounts at that time. The resulting figures are adjusted to take account of estimated movements within and between bands affecting 2019/20 (i.e. changes from 1 December 2018 to 31 March 2020) to arrive at the number of chargeable properties within each band for the year.
9. The numbers of chargeable properties within each tax band are expressed as band D equivalents. The aggregate of all bands is multiplied by the estimated collection rate to determine the tax base for the area. The collection rate represents the effect of losses on collection due to non-payment. For 2019/20 the estimated rate is adjusted to 99.4%.
10. The calculations referred to in the previous paragraphs are shown in Appendix 1.
11. The 2019/20 tax base so calculated for the whole district is 60,707.5 which represents an increase of 724.2 (1.21%) on the tax base for the current year. The effect at parish area level ranges from a decrease of -3.5 to an increase of 184.9 and in percentage terms from -1.17% to +4.78%.
12. The number of property equivalents included in the tax base has risen by 647.8 (1.0%), with a decrease in exemptions (-5; -0.7%), increase in 50% discounts (4, 5.4%) and increase in 25% discounts (342.0; 1.8%), decrease in council tax support discounts (-103.1, -2.9%), which has meant that the net number of band D equivalent chargeable dwellings has increased by 668.5 (1.2%).

Policy Context

13. It is a legal requirement to set a taxbase for each financial year.

Financial Implications

14. The financial implications are detailed within the body of the report.

Risk Management Implications

15. There is a risk that the projections within the report are not accurate to a significant degree although best endeavours have been used to research, quantify and extrapolate the data upon which the projections are based. This risk can be mitigated by the monitoring of both databases throughout the year, although corrective action can only be undertaken on a year to year basis rather than within the year.

Equality and Customer Service Implications

16. This report has no such implications.

Other Material Implications

17. There are no legal implications as a direct consequence of this report.

Background Papers

Local Authorities (Calculation of Council Tax Base)(England) Regulations 2012 and Council Tax (Exempt Dwellings) (England) (Amendment) Order 2012.

Technical Reforms to Council Tax Report and Council Tax Discount Scheme for Mid Sussex Report, Scrutiny Committee for Leader and Service Delivery, 16th August 2012.

The Town and Parish Councils have been provided with the tax base information.

Table 1: Mid Sussex Tax Base 2019/20 - Analysed by chargeable dwellings

	band A	band B	band C	band D	band E	band F	band G	band H	Total
No of dwellings									
Property equivalents*	2,142.45	6,751.07	13,748.33	16,787.87	11,117.30	8,330.81	4,529.79	396.87	63,804.49
Exemptions (various classes)	-110.00	-141.00	-153.00	-147.00	-76.00	-64.00	-27.00	-1.00	-719.00
Disabled reductions	7.00	33.00	40.00	-22.00	-5.00	-28.00	-5.00	-20.00	0.00
Chargeable	2,039.45	6,643.07	13,635.33	16,618.87	11,036.30	8,238.81	4,497.79	375.87	63,085.49
Single discounts	1,166.00	3,978.00	5,000.00	4,548.00	2,431.00	1,289.00	598.00	45.00	19,055.00
Two discounts	4.00	2.00	10.00	5.00	7.00	14.00	26.00	10.00	78.00
Council Tax Support discounts **	299.47	1,126.08	1,209.81	664.43	149.32	39.07	13.54	0.63	3,502.35
Net chargeable	1,446.48	4,521.49	11,170.52	14,814.94	10,275.73	7,870.49	4,321.75	358.99	54,780.39
Ratio to Band D	6/9ths	7/9ths	8/9ths	9/9ths	11/9ths	13/9ths	15/9ths	18/9ths	
Band D equivalent	964.32	3,516.71	9,929.35	14,814.94	12,559.23	11,368.49	7,202.92	717.98	61,073.9
Total multiplied by Collection Rate of 99.4%									60,707.5

* Includes estimates of effect of new dwellings and other changes to the valuation list, and increases for local premiums for long-term empty dwellings.

** Reductions under the local council tax support reduction scheme.

Table 2: Mid Sussex Tax Base 2019/20 - Analysed by Parish Area

Parish area	band A	band B	band C	band D	band E	band F	band G	band H	Total
Albourne	3.0	6.8	32.0	72.3	37.4	42.0	101.1	11.4	306.0
Ansty & Staplefield	12.9	19.1	80.3	142.0	196.4	185.9	315.0	58.6	1,010.2
Ardingly	14.5	19.2	77.7	183.2	151.5	166.0	107.7	19.4	739.2
Ashurst Wood	6.6	17.4	94.6	181.6	155.6	132.8	163.7	2.0	754.3
Balcombe	12.2	38.3	73.7	140.6	118.4	229.4	204.7	22.4	839.7
Bolney	15.5	19.6	15.4	83.0	87.5	143.5	223.7	49.2	637.4
Burgess Hill	146.8	687.1	2,812.8	3,581.1	2,455.9	1,604.3	608.8	19.9	11,916.7
Cuckfield	23.3	44.3	184.1	216.1	400.5	298.8	464.2	48.2	1,679.5
East Grinstead	274.4	729.5	2,028.0	2,517.6	2,547.1	2,344.0	937.2	40.7	11,418.5
Fulking	4.0	5.0	15.5	15.9	26.7	19.7	48.5	11.4	146.7
Hassocks	23.5	200.7	407.0	949.7	999.8	452.3	333.0	23.9	3,389.9
Haywards Heath	128.3	1,128.9	2,512.9	3,085.2	1,759.2	2,138.2	1,146.4	41.7	11,940.8
Horsted Keynes	5.2	16.0	71.4	119.7	108.8	162.0	176.7	32.8	692.6
Hurstpierpoint and Sayers Common	48.6	117.1	376.4	700.8	798.8	449.8	512.5	45.9	3,049.9
Lindfield	7.6	149.0	201.4	552.7	538.3	779.3	565.4	47.7	2,841.4
Lindfield Rural	15.0	43.7	126.8	241.3	349.4	406.2	215.0	58.1	1,455.5
Newtimber	0.5	5.3	13.8	6.7	3.4	1.4	9.1	2.0	42.2
Poynings	4.3	14.1	28.0	13.4	20.3	15.0	31.1	7.9	134.1
Pyecombe	2.5	3.8	7.0	26.0	17.0	29.8	41.0	0.0	127.1
Slaugham	36.9	105.4	207.8	279.3	207.2	259.3	149.9	51.7	1,297.5
Turners Hill	128.2	25.7	102.5	113.8	73.5	84.3	61.7	7.4	597.1
Twineham	4.0	1.2	9.3	17.4	27.0	18.7	41.8	19.4	138.8
West Hoathly	16.8	20.7	104.2	181.4	219.3	165.8	173.5	53.1	934.8
Worth	23.9	77.7	287.4	1,305.1	1,184.9	1,171.7	528.0	38.9	4,617.6
Total	958.5	3,495.6	9,870.0	14,725.9	12,483.9	11,300.2	7,159.7	713.7	60,707.5

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RECOMMENDATIONS FROM THE CABINET MEETING OF 12 NOVEMBER 2018.

1. BUDGET MANAGEMENT 2018/19 – HALF YEAR PROGRESS REPORT

The Cabinet report reviewed the progress on the Revenue Budget, Capital Programme and Treasury Management for 2018/19.

Summary

The forecast revenue outturn position for 2018/19 at the end of September is showing a projected net overspend of £1,000 against the original estimate, which relates mainly to forecast income shortfalls in Garden waste, Building control and Outdoor facilities partly offset by unbudgeted investment income,.

Recommendations:

That Council approve

- (i) that £9,188 grant income relating to Transition to Universal Credits and for Removal of Temporary Accommodation from Universal credits be transferred to Specific Reserve as detailed in paragraph 22 of the Cabinet report;
- (ii) that £8,244 grant income relating to Assisted Digital Support and Personal Budgeting support for Universal credits and final Universal credits Local Authority Universal support payment for 2017/18 be transferred to Specific Reserve as detailed in paragraph 23 of the Cabinet report;
- (iii) that £12,211 grant income relating to Universal credits: Management, Support for Housing Expertise, Housing Benefit Natural Migration and Housing Benefit Debt Migration be transferred to Specific Reserve as detailed in paragraph 24 of the Cabinet report;
- (iv) that £117,268 be transferred to Specific Reserve as detailed in paragraphs 25 of the Cabinet report;
- (v) the variations to the Capital Programme contained in paragraph 39 of the Cabinet report in accordance with the Council's Financial Procedure rule B4.

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PROGRAMME OF MEETINGS 2019/20

REPORT OF: Tom Clark, Head of Regulatory Services and Monitoring Officer
Contact Officer: Lucinda Joyce – Senior Democratic Services Officer
Email: lucinda.joyce@midsussex.gov.uk Tel: 01444 477225
Wards Affected: All
Key Decision No
Report to Council - 12 December 2018

Purpose of Report

1. To approve the Programme of Meetings for 2019/2020.

Recommendations

2. **It is recommended that the Programme (attached to this report as Appendix 1) be approved.**
-

Background

3. Each year the Council sets a Programme of Meetings, as attached at Appendix 1, which has been prepared on the same basis as the previous year unless otherwise instructed.
4. Following the District Council elections in May, a series of New Member Induction meetings have been included in the programme. Six training sessions for all Members have also been included throughout the rest of the year.

Financial and Other Material Implications

5. This report has no financial or other material implications.

Background Papers

6. None

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Programme of Meetings 2019-2020

Date	Meeting	Time
Tues 7 May	New Member meetings with KH, PS and TC.	Various
Wed 8 May	New Member Induction Day 1	9.30am
Fri 10 May	New Member Induction Day 2	9.45pm
Fri 17 May	New Member Induction Day 3	9.45pm
Wed 22 May	Annual Council	7.00pm
Thurs 23 May	Planning Committee A	7.00pm
Thurs 30 May	District Planning Committee	2.00pm
Mon 3 Jun	Cabinet	4.00pm
Tues 4 Jun	New Member Induction Day 4	TBC
Thurs 6 Jun	Planning Committee B	7.00pm
Tues 11 Jun	Cabinet Grants Panel	4.30pm
Weds 12 Jun	Scrutiny Committee for Leader, Resources and Economic Growth	7.00pm
Mon 17 Jun	Standards Committee	6.00pm
Thurs 20 Jun	Planning Committee A	7.00pm
Tues 25 Jun	Member Training	6.30pm
Weds 26 Jun	Charity Trustees	6.45pm
Wed 26 Jun	Council	7.00pm
Thurs 27 Jun	District Planning Committee	2.00pm
Wed 3 Jul	Scrutiny Committee for Community, Housing and Planning	7.00pm
Thurs 4 Jul	Planning Committee B	7.00pm
Mon 8 Jul	Cabinet	4.00pm
Wed 10 Jul	Scrutiny Committee for Customer Services and Service Delivery	7.00pm
Mon 15 Jul	Licensing Committee	7.00pm
Tues 16 Jul	Member Training	6.30pm
Thurs 18 Jul	Planning Committee A	7.00pm
Tues 23 Jul	Audit Committee	7.00pm
Wed 24 Jul	Council	7.00pm
Thurs 25 Jul	District Planning Committee	2.00pm
Thurs 1 Aug	Planning Committee B	7.00pm
Thurs 15 Aug	Planning Committee A	7.00pm
Thurs 22 Aug	District Planning Committee	2.00pm
Thurs 29 Aug	Planning Committee B	7.00pm
Mon 2 Sept	Cabinet Grants Panel	4.30pm
Wed 4 Sept	Scrutiny Committee for Leader, Resources and Economic Growth	7.00pm
Tues 10 Sept	Audit Committee	7.00pm
Wed 11 Sept	Scrutiny Committee for Customer Services and Service Delivery	7.00pm
Thurs 12 Sept	Planning Committee A	7.00pm
Mon 16 Sept	Cabinet	4.00pm
Tues 17 Sept	Member Training	6.30pm
Wed 18 Sept	Scrutiny Committee for Community, Housing and Planning	7.00pm
Thurs 19 Sept	District Planning Committee	2.00pm
Tues 24 Sept	Licensing Committee	7.00pm
Wed 25 Sept	Charity Trustees (Annual report)	6.45pm
Wed 25 Sept	Council	7.00pm
Thurs 26 Sept	Planning Committee B	7.00pm
Mon 7 Oct	Standards Committee	6.00pm
Thurs 10 Oct	Planning Committee A	7.00pm
Mon 14 Oct	Cabinet	4.00pm
Thurs 17 Oct	District Planning Committee	2.00pm
Tues 22 Oct	Member Training	6.30pm
Wed 23 Oct	Scrutiny Committee for Community, Housing and Planning	7.00pm
Thurs 24 Oct	Planning Committee B	7.00pm

Wed 6 Nov	Council	7.00pm
Thurs 7 Nov	Planning Committee A	7.00pm
Tues 12 Nov	Audit Committee	7.00pm
Wed 13 Nov	Scrutiny Committee for Customer Services and Service Delivery	7.00pm
Thurs 14 Nov	District Planning Committee	2.00pm
Mon 18 Nov	Cabinet	4.00pm
Wed 20 Nov	Scrutiny Committee for Leader, Resources and Economic Growth	7.00pm
Thurs 21 Nov	Planning Committee B	7.00pm
Tues 3 Dec	Licensing Committee	7.00pm
Thurs 5 Dec	Planning Committee A	7.00pm
Tues 10 Dec	Cabinet Grants Panel	4.30pm
Wed 11 Dec	Council	7.00pm
Thurs 12 Dec	District Planning Committee	2.00pm
Thurs 19 Dec	Planning Committee B	7.00pm
Mon 13 Jan	Cabinet	4.00pm
Wed 15 Jan	Scrutiny Committee for Leader, Resources and Economic Growth	7.00pm
Thurs 16 Jan	Planning Committee A	7.00pm
Tues 21 Jan	Member Training	6.30pm
Wed 22 Jan	Scrutiny Committee for Community, Housing and Planning	7.00pm
Thurs 23 Jan	District Planning Committee	2.00pm
Wed 29 Jan	Council	7.00pm
Thurs 30 Jan	Planning Committee B	7.00pm
Wed 5 Feb	Scrutiny Committee for Customer Services and Service Delivery	7.00pm
Mon 10 Feb	Cabinet	4.00pm
Thurs 13 Feb	Planning Committee A	7.00pm
Tues 17 Feb	Licensing Committee	7.00pm
Thurs 20 Feb	District Planning Committee	2.00pm
Tues 25 Feb	Cabinet Grants Committee	4.30pm
Thurs 27 Feb	Planning Committee B	7.00pm
Tues 3 Mar	Audit Committee	7.00pm
Wed 4 Mar	Council (Budget)	7.00pm
Mon 9 Mar	Standards Committee	6.00pm
Tues 10 Mar	Member Training	6.30pm
Thurs 12 Mar	Planning Committee A	7.00pm
Mon 16 Mar	Cabinet	4.00pm
Wed 18 Mar	Scrutiny Committee for Customer Services and Service Delivery	7.00pm
Thurs 19 Mar	District Planning Committee	2.00pm
Wed 25 Mar	Scrutiny Committee for Community, Housing and Planning	7.00pm
Thurs 26 Mar	Planning Committee B	7.00pm
Wed 1 Apr	Council	7.00pm
Tues 7 Apr	Scrutiny Committee for Leader, Resources and Economic Growth	7.00pm
Thurs 9 Apr	Planning Committee A	7.00pm
Thurs 16 Apr	District Planning Committee	2.00pm
Thurs 30 Apr	Planning Committee B	7.00pm
Mon 4 May	Cabinet	4.00pm
Wed 13 May	Annual Council	7.00pm