

COUNCIL

30 JANUARY 2019



22 January 2019

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, 30TH JANUARY, 2019 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 Minutes of the meeting of Council. | 5 - 12 |
| 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. | Report of the Constitutional Review Group 2018/19. | 13 - 52 |
| 8. | The Mid-Sussex District Council (Identification in Polling Stations) Pilot Order 2019. | 53 - 86 |
| 9. | Polling Places and Polling Scheme for 2019. | 87 - 92 |

Working together for a better Mid Sussex

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| 10. | Appointment of Representatives to the Independent Remuneration Panel from 1 July 2019. | 93 - 94 |
| 11. | Hackney and Private Hire Driver Code of Conduct. | 95 - 98 |
| 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, 12th December, 2018
from 7.00 pm - 7.44 pm**

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

J Ash-Edwards	T Dorey	N Mockford
A Barrett-Miles	D Dorking	P Moore
E Belsey	S Ellis	H Mundin
J Belsey	S Hansford	G Rawlinson
M Belsey	C Hersey	R Salisbury
L Bennett	M Hersey	L Stockwell
M Binks	C Holden	D Sweatman
P Bradbury	A Jones	M Thomas-Atkin
H Brunsdon	J Knight	N Walker
C Catharine	Anthea Lea	G Wall
R Cherry	J Llewellyn-Burke	N Webster
R Clarke	A MacNaughton	J Wilkinson
P Coote	G Marples	P Wyan
R de Mierre	G Marsh	

Absent: Councillors A Boutrup, C Fussell, S Hatton, G Heard,
J Landriani, Andrew Lea, E Matthews, K Page, P Reed,
A Watts Williams and R Whittaker

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.

None.

3. TO CONFIRM THE PREVIOUS MINUTES OF THE MEETING OF COUNCIL.

The minutes of the meeting of Council held on 31 October 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 12, Councillor Jones declared an interest in relation the Health and Social Care Committee as a West Sussex County Councillor. Councillor Ash-Edwards declared an interest regarding the 6th form college provision, as Chairman of the Sussex Learning Trust and a National Leader of

School Governance.

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

None.

6. CHAIRMAN'S ANNOUNCEMENTS.

The Chairman thanked everyone who attended his Civic Service held on Sunday 9 December at St Leonard's Church, Turners Hill, and also thanked the Officers involved in arranging the service. He also took the opportunity to thank the Democratic Services team for their support throughout the past two years.

7. REVIEW OF MEMBERS' ALLOWANCES 2019/2020.

Neil Gershon, Chairman of the Remuneration Panel introduced the report. He noted that the Panel proposed to implement the final year of the four year plan (approved in 2015) to bring the basic allowance up to £5,000 by May 2019/20. Councillor Thomas-Atkin proposed that the report be approved, and thanked Mr Gershon and Mr Rowe for their time in producing the report. This was seconded by the Leader, Councillor Wall who echoed the thanks to the Remuneration Panel and noted the significant progress which has been made over the past 4 years in forming a robust scheme for Member's allowances.

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

RESOLVED

Council agrees:

To adopt the scheme of allowances for the financial year 2019/20.

8. PRIVATE SECTOR HOUSING ENFORCEMENT POLICY.

Councillor Walker introduced the report and clarified that the Council were being asked to approve the full policy as detailed from p.38 to p.62 of the Council papers. He drew Members attention to the policy context on p.27, paragraph 11 whereby the Council has a legal duty to keep housing conditions in its area under review with a view to identifying any action that may need to be taken, and noted that the policy had been endorsed by the Scrutiny Committee for Community, Housing and Planning at its recent meeting. This was seconded by Councillor Webster who clarified that the policy and enforcement powers are applicable to both private and social housing providers in equal measure.

The Chairman took Members to the recommendation, which was agreed unanimously.

RESOLVED

Council agrees:

(i) To approve the Private Sector Housing Enforcement Policy.

9. COUNCIL TAXBASE 2019/20.

Councillor Llewellyn-Burke introduced the report noting that all Towns and Parishes had been informed, and that once again there is a decrease in council tax support discounts. The report was seconded by Councillor Ash-Edwards.

The Chairman took Members to the recommendations, which were agreed unanimously

RESOLVED

Council approved that:

(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

10. RECOMMENDATIONS FROM CABINET

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

RESOLVED

Council approved:

- (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.

11. PROGRAMME OF MEETINGS 2019/20.

The Head of Regulatory Services introduced the report which detailed the proposed programme of meetings for 2018/19. He noted that this was the first draft with the final version to be agreed at the Annual Council in May 2019. He requested that Members contact him if they had any concerns around the proposed dates.

As there were no Members wishing to speak, the Chairman took Members to the recommendation which was approved unanimously.

RESOLVED

That Council approved the Programme as detailed in Appendix 1 of the report.

12. TO RECEIVE THE LEADER'S REPORT.

The Leader echoed the praise for the Civic Service and thanked the Chairman for his efforts in making it a success.

He noted that significant progress had been made with the progression of the 6th Form College provision at the site in Harlands Road. On Friday officers will be meeting with stakeholders and FE commissioners to receive presentations from the final three bidders to run the college from that site. It is hoped that an announcement will be made before Christmas and he thanked officers in this authority who led from the front in an area of work not usually part of Mid Sussex District Council's remit.

With regards to the proposed financial cuts at West Sussex County Council (WSCC) he noted that the Health and Social Care Select Committee (HASC) met today to discuss the proposed cuts to their housing support funding. He said that Councillors Jones and Edward Belsey also attended this meeting. He noted that the funding supported the most vulnerable members of the community and that representations were considered from charity and voluntary groups, probation, police, health, District and Boroughs. A report from the Leaders and Chief Executives of the District and Borough Councils was presented by Nigel Lynn, Chief Executive of Arun, supported

by Mid Sussex District Council's Assistant Chief Executive. The quality and validity of the report was noted by the Leader and the committee recommended to the WSCC Cabinet Member that the proposed cuts are not implemented for 12 months to provide time for the Council to work with WSCC and supported housing providers, which is good news for those who rely on the service. A decision will be taken on this by the WSCC Cabinet Member on 18 December 2018.

Reflecting on the last 12 months, the Leader commented that the National picture has given the Council resolve to focus on the business at hand. A District Plan is now in place, the Council has vision, with the plans for the Burgess Hill redevelopment and the Council's finances are under control. The Council continues to improve service delivery and recent reports to the Scrutiny Committees demonstrates that the Council is performing well. Progress has also been made on the provision of temporary accommodation. However, he acknowledged that there should not be complacency as Members have set challenges around future strategies, for example around parking, town centres and parks and open spaces.

The Leader noted that the Council plays a lead role on a strategic level with a strong voice at the Greater Brighton Economic Board (GBEB), Gatwick Diamond, Coast 2 Capital Local Enterprise Partnership (LEP), and the Shadow Transport for South East Board. Recent meetings of these show they are working well and are taken seriously by Government and are bringing forward investment into Mid Sussex and the region.

He concluded by noting that the Council has an eye on the national picture but remains focussed on what is best for the residents of Mid Sussex.

A Member agreed that the HASC meeting went well.

13. 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 confirmed that the Council's Open-for-Business event being held in spring will focus on apprenticeships and he was happy to confirm that the Economic Development Team had aptly secured the Harlands Road college site as venue for this event.

He also confirmed that the recent acquisition of a commercial asset in Burgess Hill was the Wickes site, and the Council has now completed on this acquisition. Revenue from this will contribute to both this current financial year's budget and the future budget to help ensure the Council remains financially self-sufficient.

Report of the Cabinet Member for Finance and Performance

The Cabinet Member confirmed that she continues to work with Members to produce the service and financial plan for the next year and the Council awaits the provisional settlement on the Local Government financial position. A report will be presented to the Scrutiny Committee for Leader, Resources and Economic Growth in January 2019.

Report of the Cabinet Member for Customer Services

The Cabinet Member confirmed that preparations for the Voter ID pilot are under way with a full campaign plan submitted to the Cabinet Office for their review. A communications plan is also in place, considering marketing proposals such as branded leaflets, banners for shopping centres and brackets and posters for lampposts around the District. She also confirmed that the Electoral register has now been published, and the annual canvas has concluded with a 98.7% return rate. 65% of the return rate has been via digital methods, which has provided a £16,000 saving to the taxpayer.

On social media and through other avenues the Council has been advising residents on the £1 Christmas parking, Christmas tree recycling, food waste and bin collection times over the Christmas period.

In October the Customer Services team received over 8500 calls and met all but one of their key performance indicators.

The Cabinet Member concluded by offering congratulations to the Land Charges team who are now dealing with 80% of the market share.

Report of the Cabinet Member for Service Delivery

The Cabinet Member noted that the latest car park to receive the disabled parking accreditation given by the British Parking Association is Station Road Car Park in Burgess Hill. He noted that the Council is working hard to raise standards across all car parks and most have the accreditation already. In response to a Member's query on the Government's recent discussion around doubling disabled parking spaces he confirmed that the Council has increased the number of disabled spaces across all car parks and are reviewing it with a view to providing more, sited in the best positions.

He reiterated the Cabinet Member for Customer Services comments regarding the amount of waste generated at Christmas and confirmed that the Communications team had issued a leaflet to all households confirming what can and cannot be recycled.

He also confirmed that the Council's flagship green bin service had just reached over 19,000 subscriptions and encouraged Members who have subscribed to the service to talk to neighbours to promote it, as word-of-mouth has proved to be the top reason why others have subscribed.

Report of the Cabinet Member for Community

The Cabinet Member confirmed that the new CCTV camera installation is proceeding to plan and is scheduled to be completed before year end.

He also announced that 2 valuable projects have been extended. These are the Safe in Sussex Freedom Programme which supports women who have experienced domestic abuse, and the Bentswood Community Partnership training opportunities for volunteers.

He confirmed that the NEETS Project by the YMCA Positive Placements team is running well and has assisted 29 young people since April against a target of 30. Of the young people involved, 8 have exited the programme successfully, with the remainder still receiving support.

He also drew Members attention to the work of the Licensing Sub A committee citing a recent case which ended in court. The decision of the committee was upheld and the Council was awarded its costs. He commented that residents need to know they are safe when getting into a licensed taxi in Mid Sussex and although the vast majority of drivers are fit and proper, the Council will not tolerate those that are not.

He concluded by thanking the members of the Scrutiny Committees for their work, the Emergency Planning Liaison and Air Quality Groups, the HASC representative and all the Officers within his portfolio for their diligence over the past year.

A Member expressed a wish to promote the pupil service premium for families of those in the Armed Forces. It was acknowledged that each school has a local authority governor who are aware of the premium but also that some families don't wish to advertise their forces connection so this needed to be considered when promoting the premium.

Report of the Cabinet Member for Housing and Planning

The Cabinet Member confirmed that for the second month in a row the Development Management team has determined 100% of planning applications received in all three categories which reflects excellent performance by the whole team.

On the subject of temporary accommodation he confirmed that the Council has completed on 2 properties and hope to complete on up to 5 by the end of this year. He noted that safety checks need to be done on these properties and some may require redecoration so it is hoped that the properties will be housing residents by January 2019.

He concluded by thanking Officers and Members for their support over the last year.

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

None.

The meeting finished at 7.44 pm

Chairman

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REPORT OF THE CONSTITUTIONAL REVIEW GROUP 2018/19

REPORT OF: Solicitor & Head of Regulatory Services
Contact Officer: Tom Clark, Solicitor & Head of Regulatory Services
Email: Tom.Clark@midsussex.gov.uk - Tel: 01444 477459
Wards Affected: All
Key Decision No
Report to: Council on 30th January 2019

Purpose of Report

1. To report the findings of the Constitutional Review Group 2018/19 to Council for Council to agree the recommendations to take effect from 3rd May 2019.

Summary

2. The report proposes changes to the Scrutiny Committees to provide a more even balance of the workload. The report also proposes changes to the planning delegations to reflect adoption of the District Plan in March 2018. The report also proposes the reduction in the number of Planning Committees to 2 keeping the District Planning Committee meeting every month and a separate Planning Committee for applications below the District "level" meeting on a three weekly basis. The ability for Committee Chairman and Vice Chairman in consultation with the Cabinet member to send a matter up to the District Planning Committee would also apply in reverse. The report also considers financial standing orders and proposes some updating format changes.

Recommendations

3. **To agree that:**
 - 3.1 **The work of the Cabinet Member for Community transfers to the Scrutiny Committee for Customer Services and Service Delivery.**
 - 3.2 **The work of the Cabinet Member for Economic Growth transfers to the Housing and Planning Scrutiny Committee.**
 - 3.3 **The Leader, Finance and Performance Scrutiny Committee retains the scrutiny of the Leader's role which includes working with outside bodies to generate economic development.**
 - 3.4 **Two Planning Committees be established each with a membership of 12 from a planning base of 20 trained planning members as detailed in this report.**
 - 3.5 **The changes at Appendix 1 be agreed in the planning delegations.**
 - 3.6 **The changes to the Financial Standing Orders at Appendix 2 be agreed.**

Background

4. Each year the Constitutional Review Group considers possible changes to the Council's Constitution. This year the Committee has consisted of 6 members as follows:-

Cllr Andrew MacNaughton (Chairman), Cllr Bruce Forbes, Cllr. Ruth de Mierre, Cllr. John Wilkinson, Cllr. Norman Webster and Cllr. Colin Holden.

5. The Committee were provided with evidence that the Scrutiny Committee for Community Housing and Planning had held additional meetings to deal with its large workload. In contrast the Scrutiny Committee for Customer Service and Service Delivery has had lighter agendas. It was therefore felt that the work of the Cabinet Member for Community should transfer to the Scrutiny Committee for Customer Service and Service Delivery.
6. In order to exploit the synergies between economic growth, housing and planning it is suggested that the work of the Deputy Leader and Member for Economic Growth should transfer to the Scrutiny Committee for Housing and Planning.

This would leave the other Scrutiny Committee with the Leader role and Finance and Performance which was its previous role.

7. The Group discussed the role of the Leader in promoting Economic Development and noted that this Scrutiny Committee would still have an economic development function given the Leaders role in countywide and sub regional and outside bodies.

8. The new Scrutiny Committees would be called:

Leader, Finance and Performance

Community, Customer Services and Service Delivery

Housing, Planning and Economic Growth

9. Concern was raised by the Group about the number of short agendas on the Planning Committees A & B over the past two years. It was agreed that the Planning function could be dealt with by combining those two committees into one meeting on a three weekly basis. The District Planning Committee will continue to meet monthly. With the consent of the relevant Chairman and Vice Chairman and in consultation with the Cabinet Member, the work of the two planning committees can be exchanged.

10. Concern had been raised by some members and members of the public about the system of substitutes at Planning Committees which are non-political committees. It was agreed that the Council would be better served by having no substitutes on Planning Committees, Licensing Committees, the Audit Committee and the Standards Committee which were all non-political. In order to guard against having too few members on the planning committees as a result of no substitutes it was agreed that the number on these committees should rise to 12 from a pool of 20 trained councillors. This would mean that some councillors would be on both the District Planning Committee and the other Planning Committee while other councillors would serve on only one of these two committees. It was further agreed that the District Planning Committee should continue meeting at 2.00pm with the other Planning Committee still meeting at 7.00 pm.
11. The District Plan was adopted by Council in March 2018 which means that the old Local Plan no longer has relevance when considering planning applications. At Appendix 1 there are proposed changes to the Constitution to take account of the new District Plan. The significant proposed change is to allow delegation to planning officers for up to 9 additional units as opposed to the net gain of 5 under the current delegations. In accordance with District Plan Policy 6 such developments need to be sustainable and adjacent to an existing settlement to be within the delegation.
12. The Council has financial regulations and contract regulations in its Constitution. The financial regulations have been reviewed and amended and the amended version for adoption from May 2019 is attached at Appendix 2. These amendments are not substantive but the text has been reformatted into the CIPFA Model. All limits to financial powers and responsibilities remain the same.

Policy Context.

13. The Council is required to have a Constitution under the Local Government Act 2000. The Constitution is reviewed annually to ensure it is up to date. Changes in the planning delegations need to be made following the adoption of the District Plan in March 2018.

Other Options Considered.

14. The Council could merely update the Constitution to allow for the adoption of the District Plan. Other changes are proposed following discussion within the Constitutional Review Group and an officer review of the evidence.

Financial Implications.

15. Changing the Constitution for May 2019 has very limited financial implications other than the work of existing staff. Fewer planning committees will produce a small saving.

Risk Management Implications.

16. There are risks of error and unnecessary work if the Constitution is not updated.

Equality and Customer Service Implications.

17. There are none as a result of these changes.

Other Material Implications.

18. The Council should maintain an up to date Constitution. A new Council will be elected in May 2019.

Appendix.

1. Changes to the Planning Delegation.
2. Revised financial procedure rules.

Background Papers. The existing Constitution.

- a) The Cabinet Member shall be Consulted before applications for discretionary relief in cases of hardship are approved
 - b) the Cabinet Member shall be consulted before the empty property rate is reduced or remitted
6. To take all actions and make all decisions relating to valuation, valuation list alterations and connected matters

Manager of Revenues and Benefits

BENEFITS

7. To take all actions and make all decisions relating to the administration of Council Tax Benefits, Housing Benefits and other Benefits including making determinations in respect of claims, recovery of overpayments and the investigation and prosecution of fraud

Manager of Revenues and Benefits

PLANNING AND REGULATORY FUNCTIONS

8. To take all actions and make all decisions relating to the Council's function as local planning authority under the Town and Country Planning Acts including **work for the South Downs National Park** and ancillary or other legislation including High Hedges and Street Naming EXCEPT THAT The following matters should be referred to Committee for decision:
- a) Applications from the Chief Executive, Assistant Chief Executive, Heads of Service, or staff involved in the planning process, or their partners, or Members or their partners
 - b) A request being received, within the allotted representation period from any Member of the Council for the application to be referred to the committee for determination. Member requests for a referral to committee must be discussed with officers and confirmed in writing (to include e- mail) have to be supported by another member and have to have planning reasons
 - c) Proposals involving the Council or the County Council as applicant or landowner **(except responses to those Reg 3 applications which accord with the Development Plan and work to TPO trees).**

Divisional Leader for Planning and Economy

- d) Cases (not applications for 'prior approval' submitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) where the Recommendation would, if accepted, result in a decision contrary to the Council's adopted Policies except:
 - ~~(i) the extension of a small dwelling in the Countryside contrary to Policy H13(b) of the 2004 Local Plan.~~
 - (i) the development of a single dwelling house located outside the defined built-up area where that new dwelling is being constructed adjacent to existing dwellings from which Council Tax has been collected for at least three years; and
 - (ii) minor alterations to any permissions granted, under (i) and (ii) above where "minor" means nothing of any significant difference in the opinion of a Planning Officer.
- e) Applications for planning permission (not reserved matters) for a net gain of ~~more than 5 houses~~ fewer than 10 dwellings which are recommended for permission
- f) Major variations to Section 106 Agreements
- g) Non-urgent Article IV Directions
- h) Changes to refusal reasons when a refused application is going to appeal

AND the following matters should be decided only after consultation with the Chairman and Vice-Chairman of the relevant Planning Committee:

- (i) matters relating to Building Preservation and Listed Building Enforcement Notices
- (ii) Stop Notices
- (iii) Injunctions
- (iv) Applications under Section 7 of the Growth and Infrastructure Act 2013

AND the following delegations shall be given to planning officers subject to consultation with at least one Planning Chairman and the relevant Ward Members:-

- (i) the Planning officer be able to agree to minor alterations to an existing planning permission when in their opinion there was no material consequences.
- (ii) Section 73 applications under the Town and Country Planning Act 1990 as amended to be issued with new conditions.

- (iii) Solar Farm applications of whatever size to be a Delegated Decision where there are no objections.
- (iv) To decide the outcome of an application for Permission in Principle and the application for Technical Details Consent.

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PART 4 (vi) Financial Procedure Rules

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A. INTRODUCTION

- a) Financial Procedure Rules provide the internal framework for managing the Council's financial affairs. These rules apply to every member and officer of Mid Sussex District Council and anyone in the public or private sector who acts on behalf of the Council. It is imperative that the Council has a strong and usable set of Financial Procedure Rules that are accessible to all who are dealing with its financial matters.
- b) Under Section 151 of the Local Government Act 1972, each local authority is required to make arrangements for the proper administration of its financial affairs and arrange for one of their officers to be responsible for the administration of those affairs. For Mid Sussex District Council this officer is the Head of Corporate Resources.
- c) Throughout these Financial Procedure Rules, the title Head of Corporate Resources will be used to denote the designated Section 151 Officer of the Council; in the case of absence or non-availability, the Business Unit Leader – Finance will be the deputy Section 151 Officer.
- d) The Head of Corporate Resources is responsible for maintaining a continuous review of the Financial Procedure Rules and submitting any additions or changes necessary to the Council for approval. He/she is also responsible, where appropriate, for reporting breaches of the Financial Procedure Rules to the Audit Committee.
- e) It is the responsibility of Heads of Service to ensure that all officers in their service are aware of the existence and content of the Council's Financial Procedure Rules, as well as other internal regulatory documents, and also to confirm that they comply with them.
- f) It is the responsibility of the Head of Corporate Resources to provide advice and guidance regarding the Financial Procedure Rules that members, officers and others acting on behalf of the Council are required to follow.

A.1 STATUTORY REFERENCES

- a) Local Government Act 1972
- b) Local Government Act 1999
- c) Local Government Act 2003
- d) Accounts and Audit Regulations 2015

A.2 CODES OF PRACTICE

- a) Code of Practice on Local Authority Accounting in the United Kingdom
- b) Prudential Code for Capital Finance in Local Authorities
- c) Service Reporting Code of Practice for Local Authorities (CIPFA)
- d) Treasury Management Code of Practice (CIPFA)
- e) United Kingdom Public Sector Internal Audit Standards (PSIAS) as interpreted by CIPFA's Local Government Application Note

B. FINANCIAL PLANNING

B.1 FORMAT OF THE BUDGET

B.1.1 Why is this important?

The format of the budget determines the level of detail to which financial control and management will be exercised. The format shapes how the rules around virement operate, the operation of cash limits and sets the level at which funds may be reallocated within budgets.

B.1.2 Responsibilities of the Head of Corporate Resources

To advise the Cabinet on the format of the budget that is approved by the Council.

B.1.3 Responsibilities of Heads of Service

To comply with accounting guidance provided by the Head of Corporate Resources.

B.1.4 Key controls

The key controls for the budget format are: -

- a) That the format complies with all legal requirements;
- b) That the format reflects the accountabilities of service delivery; and
- c) That, in published statements where it is required, the format complies with CIPFA's *Service Reporting Code of Practice for Local Authorities*.

B.2 BUDGETS AND MEDIUM-TERM PLANNING

B.2.1 Why is this important?

- a) The Council is a complex organisation responsible for delivering a wide variety of services. It needs to plan effectively and develop systems to enable limited resources to be allocated in accordance with carefully assessed priorities. The budget is the financial statement of the Council's plans and policies.
- b) The revenue and capital budgets must be constructed to ensure that resource allocation properly reflects the service plans and corporate priorities of the Council. Budgets are needed so that the Council can plan, authorise, monitor and control the way money is allocated and spent. It is illegal for the Council to budget for a deficit.
- c) Heads of Service shall prepare annually (normally for submission to Cabinet each January), draft estimates of income and expenditure in a form agreed with the Head of Corporate Resources together with any necessary explanations.

B.2.2 Responsibilities of the Head of Corporate Resources

- a) To prepare and submit reports on budget prospects for Cabinet in accordance with the Constitution, including resource constraints set by the Government. Reports should take account of medium-term prospects and review where appropriate.
- b) To determine the detailed form of revenue estimates and the methods for their preparation, consistent with the budget approved by the Council, and following

consultation with the Cabinet Member for Finance and Performance and Heads of Service.

- c) To prepare and submit reports to the Cabinet Member for Finance and Performance on the overall position, and to the Cabinet on the aggregate spending plans of departments and on the resources available to fund them;
- d) identifying, where appropriate, the implications for the level of council tax to be levied.
- e) To advise on the medium-term implications of spending decisions.
- f) To encourage the best use of resources and value for money by working with Heads of Service to identify opportunities to improve economy, efficiency and effectiveness, and by encouraging good practice in conducting financial appraisals of development or savings options, and in developing financial aspects of service planning.
- g) To advise the Council on the Cabinet's proposals on the robustness of budget set and the adequacy of reserves in accordance with the Local Government Act 2003.

B.2.3 Responsibilities of Heads of Service

- a) To prepare estimates of income and expenditure, in consultation with the Head of Corporate Resources to be submitted to the Cabinet.
- b) To prepare budgets which are consistent with any relevant cash limits, with the Council's annual budget cycle and with guidelines issued by the Cabinet. The format should be prescribed by the Head of Corporate Resources in accordance with the Cabinet's general directions.
- c) To integrate financial and budget plans into service planning, so that budget plans can be supported by financial and non-financial performance measures.
- d) To ensure that budget proposals underpin the Council's strategic priorities and objectives.

B.2.4 Key controls

The key controls for budgets and medium-term planning are: -

- a) Specific budget approval is given for all expenditure;
- b) Budget managers are consulted in the preparation of the budgets for which they will be held responsible and accept accountability within delegations set by the Cabinet for their budgets and the level of service to be delivered; and
- c) A monitoring process is in place to regularly review the effectiveness and operation of budget preparation and to ensure that any corrective action is taken.

B.3 CAPITAL PROGRAMME

B.3.1 Why is this important?

- a) Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the Council, such as land, buildings, and major items of plant, equipment or vehicles.
- b) Capital assets can shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs.
- c) Capital expenditure can also result in the creation of an intangible asset, for items such as software licenses which have no physical substance.
- d) The Council is required to set its Capital Programme having regard to the *Prudential Code for Capital Finance in Local Authorities*, ensuring that it is affordable, prudent and sustainable. This means that capital expenditure forms part of an investment strategy that is carefully prioritised in order to maximise the benefit of limited resources. The Council must also approve its Prudential Indicators which are used to monitor performance throughout the year.

B.3.2 Responsibilities of the Head of Corporate Resources

- a) To annually prepare for Cabinet a draft capital programme and financing covering three future financial years.
- b) To prepare a list of capital projects to be started in the following financial year.
- c) To ensure that there is a detailed justification statement for each project together with the timetable of steps needed to implement each project identifying any constraints or limitation which might affect the programming of projects.
- d) To identify the revenue consequences of implementing each project together with how the project contributes to achieving the Corporate Plan.
- e) To prepare and submit regular reports to the Cabinet on the projected income, expenditure and resources compared with the approved estimates. Also, to inform Cabinet where estimated expenditure on any scheme exceeds the capital programme provision by more than 10% or £50,000 whichever is lower.
- f) The definition of 'capital' will be determined by the Head of Corporate Resources, having regard to government regulations and accounting requirements.

B.3.3 Responsibilities of Heads of Service

- a) To comply with guidance concerning capital schemes and controls issued by the Head of Corporate Resources.
- b) To ensure that all estimates and programmes prepared in connection with capital expenditure shall include reference to the estimated revenue implications of such expenditure in each of the development years and in a full cost year as agreed with the Head of Corporate Resources.
- c) To review the capital programme provisions for their services and the estimated final costs of schemes in the approved capital programme.

- d) To ensure that adequate records are maintained for all capital contracts.
- e) To proceed with projects/contracts only when there is adequate provision in the capital programme and guarantees of any external funding are in place.
- f) To notify the Head of Corporate Resources immediately if the total value of a contract or its annual sum is likely to be different from the original figure by more than the approved limits and associated Cabinet Member decision.

B.3.4 Key controls

The key controls for capital programmes are: -

- a) Specific approval by the Cabinet for the planned programme of capital expenditure;
- b) Each capital project must be subject to a project appraisal and assessed against the Council's strategic objectives, prior to approval by the relevant Cabinet Member;
- c) Proposals for improvements and alterations to buildings and land must be approved by the appropriate Heads of Service;
- d) Monitoring of progress in conjunction with expenditure and comparison with approved budget; and
- e) Monitoring of Prudential Indicators throughout the year.

B.4 MAINTENANCE OF RESERVES

B.4.1 Why are these important?

The Council holds reserves for one of three purposes:

- a) Working balance to help cushion the impact of uneven cash flows and avoid unnecessary temporary borrowing (general reserve);
- b) A contingency to cushion the impact of unexpected events or emergencies (general reserve); and
- c) A means of building up funds (earmarked reserve) to meet known or predicted liabilities.

It is the responsibility of the Section 151 Officer to advise the Council on the level of general reserves.

B.4.2 Responsibilities of the Head of Corporate Resources

To advise the Cabinet and/or the Council on prudent levels of reserves for the Council, having regard to advice from the external auditor.

B.4.3 Responsibilities of Heads of Service

To ensure that reserves are used only for the purposes for which they were intended.

B.4.4 Key controls

- a) To maintain reserves in accordance with the *Code of Practice on Local Authority Accounting in the United Kingdom* and agreed accounting policies.
- b) For each reserve established the following must be provided:
 - i. The reason for / purpose of the reserve
 - ii. How and when the reserve can be used
 - iii. Procedures for the reserve management and control
 - iv. A process and timescale for review of the reserve to ensure continuing relevance and adequacy.
- c) Authorisation and expenditure from reserves by the relevant Heads of Service in consultation with the Head of Corporate Resources.

C. FINANCIAL MANAGEMENT

C.1 BUDGETARY CONTROL

C.1.1 Why is this important?

- a) Budgetary control is the means by which the Council manages its finances and ensures their effective use in accordance with the approved budget. Budgetary control is a continuous process, enabling the Council to monitor and review its financial performance during the financial year.
- b) By continuously identifying and explaining variances against budgetary targets, the Council can identify changes in trends and resource requirements at the earliest opportunity.
- c) To ensure that the Council in total does not overspend, each service is required to manage its own expenditure within the cash-limited budget allocated to it.
- d) For the purposes of budgetary control by managers, a budget will normally be the planned income and expenditure for a service area or cost centre.

C.1.2 Responsibilities of the Head of Corporate Resources

To administer an appropriate framework of budgetary management and control that ensures:

- (a) Budget management is exercised within annual cash limits;
- (b) Each Head of Service has available timely information on receipts and payments on each budget;
- (c) Expenditure is only committed against an approved budget;
- (d) All officers responsible for committing expenditure comply with relevant guidance, and these Financial Procedure Rules;
- (e) Each budget heading has a single named manager, determined by the relevant Head of Service. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commit expenditure;
- (f) Significant variances from approved budgets are investigated and reported by budget managers regularly.

- (g) To administer the Council's Scheme of Virement (**see C.2**).
- (h) To submit reports to the Cabinet and to the Council, in consultation with the relevant Heads of Service, where it is not possible to balance expenditure and resources within existing approved budgets under his/her control.
- (i) To prepare and submit regular monitoring reports to Cabinet on the Council's projected income and expenditure compared with the budget.
- (j) To authorise the carry forward of revenue budgets subject to a maximum of £10,000 for each Head of Service.
- (k) To report on any emergency expenditure approved by the Chief Executive to the next meetings of the Cabinet and the Council.

C.1.3 Responsibilities of Chief Executive/Heads of Service

- a) To maintain budgetary control within their departments and to ensure that all income and expenditure is recorded and accounted for properly.
- b) To ensure that an accountable budget manager is identified for each item of income and expenditure.
- c) To ensure that spending remains within the service's overall cash limit, by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are forecast.
- d) To prepare and submit reports to the Cabinet on the service's projected expenditure compared with its budget, in consultation with the Head of Corporate Resources.
- e) To ensure compliance with the Scheme of Virement (**see C.2**).
- f) To agree with the relevant Heads of Service where it appears that a budget proposal, including a virement proposal, may impact materially on another service area.
- g) To submit requests for the carry forward of revenue budgets to the Head of Corporate Resources subject to a maximum of £10,000 for each Head of Service.
- h) The Chief Executive, after consultation with the Leader of the Council, may authorise emergency expenditure of up to £100,000.

C.1.4 Key controls

The key controls for managing and controlling the revenue budget are: -

- a) Budget managers should be responsible only for income and expenditure that they can influence;
- b) There is a nominated budget manager for each budget heading;
- c) Budget managers accept accountability for their budgets and the level of service to be delivered and understand their financial responsibilities;
- d) All budgets are appropriately profiled through the financial year;
- e) Budget managers follow an approved certification process for all expenditure;

- f) Income and expenditure are recorded and accounted for properly.

C.2 SCHEME OF VIREMENT

C.2.1 Why is this important?

- a) Virement is the transfer of a revenue budget from one specific area to another. Virement can be a temporary (in-year) or permanent transfer of budget. Support services, recharges and capital charges budgets are excluded from the scheme of virement.
- b) The Scheme of Virement is intended to enable Cabinet Members together with Heads of Service and their staff to manage budgets with a degree of flexibility within the overall policy framework determined by the Council, and, therefore, to optimise the use of resources.

C.2.2 Responsibilities of the Head of Corporate Resources

- a) To ensure that the Cabinet authorises virement on budgets up to a maximum of £50,000 in total on any one occasion up to a maximum of £200,000 in a financial year.
- b) To ensure that the Council authorises virement on budgets in excess of £100,000 in total on any one occasion.
- c) To ensure that all requests for virement are evidenced in writing (including email).
- d) To ensure that all virements are included in budget monitoring reports to the Cabinet.

C.2.3 Responsibilities of Chief Executive/Heads of Service

- a) The Chief Executive may authorise virement on budgets up to a maximum of £50,000 in total on any one occasion up to a maximum of £100,000 in a financial year.
- b) Heads of Service may authorise virement on budgets under their control of up to a maximum of £10,000 in total on any one occasion up to a maximum of £50,000 in a financial year.
- c) Virements against future anticipated fees and charges or other uncertain sources of income will not be allowed.
- d) Savings of a non-recurring nature (temporary) cannot be used to justify the incurring of expenditure with a continuing commitment into later years (permanent).
- e) Virement that is likely to impact on the level of service activity of another department should be implemented only after agreement with the relevant Head of Service.
- f) To ensure that all requests for virement are evidenced in writing and sent to the Head of Corporate Resources.

C.2.4 Key controls

Key controls for the Scheme of Virement are: -

- a) It is administered by the Head of Corporate Resources within guidelines set by the Council. Any variation from this scheme requires the approval of the Cabinet;

- b) The overall budget is recommended by the Cabinet and approved by the Council. Heads of Service are authorised to incur expenditure in accordance with the estimates that make up the budget.
- c) Virement does not create a net increase in budget. Heads of Service are expected to exercise their discretion in managing their budgets responsibly and prudently.

C.3 ACCOUNTING POLICIES

C.3.1 Why are these important?

- a) The Council is required to follow proper practices in preparing its Statement of Accounts.
- b) The Council's Accounting Policies are a key part in ensuring that this is done and these are detailed in the Statement of Accounts.

C.3.2 Responsibilities of the Head of Corporate Resources

- a) To establish suitable accounting policies and to ensure that they are applied consistently.
- b) To ensure that the accounting policies are consistent with proper practices as set out in the *Code of Practice on Local Authority Accounting in the United Kingdom*, for each financial year. The accounting policies are set out in the annual Statement of Accounts, and cover such items as: -
 - i. Any significant estimates included in debtors and creditors at year-end;
 - ii. Details on material provisions and reserves;
 - iii. Fixed assets;
 - iv. Receipts from sale of fixed assets;
 - v. Depreciation;
 - vi. Capital charges;
 - vii. Repayment of borrowing;
 - viii. Government grants;
 - ix. Leasing; and
 - x. Pensions.

C.3.3 Responsibilities of Heads of Service

To adhere to the accounting policies and guidelines approved by the Head of Corporate Resources.

C.3.4 Key controls

The key controls for accounting policies are:

- (a) Systems of internal control are in place to ensure that financial transactions are lawful;
- (b) Suitable accounting policies are established and applied consistently;
- (c) Proper accounting records are maintained;
- (d) Financial statements are prepared which present fairly the financial position of the Council and its expenditure and income; and
- (e) Accounting policies are set out in the Statement of Accounts and are subject to external audit.

C.4 ACCOUNTING RECORDS AND RETURNS

C.4.1 Why are these important?

- a) Maintaining proper accounting records is one of the ways in which the Council discharges its responsibility for stewardship of public resources.
- b) The Council has a statutory responsibility to prepare annual accounts that present its operations during the financial year fairly.
- c) These annual accounts are subject to external audit. This audit provides assurance that the accounts are prepared properly, that proper accounting practices have been followed and that quality arrangements have been made for securing economy, efficiency and effectiveness in the use of the Council's resources.

C.4.2 Responsibilities of the Head of Corporate Resources

- a) To determine the accounting policies, procedures and the method for recording transactions for the Council.
- b) To arrange for the compilation of all accounts and accounting records under his/her direction.
- c) To make proper arrangements for the audit of the Council's annual accounts in accordance with the Accounts and Audit Regulations 2015.
- d) To ensure that all claims for funds (including grants) are made accurately and by the due date.
- e) To prepare and publish the audited annual accounts of the Council for each financial year, in accordance with the statutory timetable.
- f) To ensure the proper security and retention of financial documents in accordance with the requirements set out in the Council's Document Retention Policy.
- g) To ensure that an asset register is maintained and assets are appropriately revalued and categorised in accordance with *Code of Practice on Local Authority Accounting in the United Kingdom*.

C.4.3 Responsibilities of Heads of Service

- a) To ensure that a copy of any approved funding from a third party, including government grant, is immediately passed to the Head of Corporate Resources.
- b) To ensure that all necessary service related information is available to support all claims for funds, including government grants.
- c) To maintain adequate records to provide a management/audit trail leading from the source of income/expenditure through to the accounting statements.
- d) To supply information required to enable the statement of accounts to be completed and published in accordance with the timetable and guidelines issued by the Head of Corporate Resources.

C.4.4 Key controls

The key controls for accounting records and returns are:

- (a) All finance employees and budget managers operate within the required accounting standards and timetables;
- (b) All the Council's transactions, material commitments, contracts and other essential accounting information are recorded completely, accurately and on a timely basis;
- (c) Procedures are in place to enable accounting records to be reconstituted in the event of systems failure;
- (d) Reconciliation procedures are carried out to ensure transactions are correctly recorded;
- (e) Prime documents are retained in accordance with legislative and other requirements, as set out in the Council's Document Retention Policy; and
- (f) The central accounting system of the Council, administered by the Head of Corporate Resources, is the prime system upon which the financial position of the council, or any part of the Council, will be assessed.

C.5 THE ANNUAL STATEMENT OF ACCOUNTS

C.5.1 Why is this important?

- a) The Council has a statutory responsibility to prepare its own accounts to present its operations during the financial year in a fair manner.
- b) The Council is responsible for approving the statutory annual statement of accounts, through delegation to the Audit Committee.

C.5.2 Responsibilities of the Head of Corporate Resources

- a) To establish suitable accounting policies and to apply them consistently.
- b) To make judgements and estimates which are reasonable and prudent.
- c) To comply with the *Code of Practice on Local Authority Accounting in the United Kingdom*.
- d) To sign and date the statement of accounts, stating that it presents fairly the financial position of the Council at the accounting date and its income and expenditure for the financial year.
- e) To draw up the timetable and requirements for final accounts preparation and to advise employees and the external auditor accordingly.

C.5.3 Responsibilities of Heads of Service

To comply with accounting guidance provided by the Head of Corporate Resources and to supply the Head of Corporate Resources with information when required.

C.5.4 Key controls

The key controls for the annual statement of accounts are: -

- (a) The Council is required to make arrangements for the proper administration of its financial affairs and to secure that one of its officers has the responsibility for the

administration of these affairs. In this Council, that officer is the Head of Corporate Resources; and

- (b) The Council's statement of accounts must be prepared in accordance with proper practices as set out in the *Code of Practice on Local Authority Accounting in the United Kingdom*.

D. RISK MANAGEMENT AND CONTROL OF RESOURCES

D.1 RISK MANAGEMENT

D.1.1 Why is this important?

- a) All organisations, whether private or public sector, face risks to people, property and continued operations. Risk is the chance or possibility of loss, damage, injury or failure to achieve objectives caused by an unwanted or uncertain action, event or outcome.
- b) Risk management is a planned and systematic approach to identifying, evaluating and controlling risk. Its objectives are to secure the assets of the organisation and to ensure the continued financial and organisational wellbeing of the Council. It is, therefore, an integral and essential part of good business practice.
- c) Risk management is concerned with evaluating the measures an organisation already has in place to manage identified risks and then recommending the action needed to control these risks effectively. Such action could include the following:
 - i. Transferring risk (where it is insurable or is better managed by an external partner);
 - ii. Terminating risk (prevent the risk from occurring by doing things differently);
 - iii. Treating risk (put in place measures to reduce risk to an acceptable level); and
 - iv. Tolerating risk (accept that risk cannot be avoided at a reasonable cost and, if necessary, put in place contingency plans)
- d) It is the overall responsibility of the Cabinet to approve the Council's Risk Management Strategy, and to promote a culture of risk management awareness throughout the Council.

D.1.2 Responsibilities of the Head of Corporate Resources

- a) To prepare and promote the Council's Risk Management Strategy.
- b) To develop risk reduction strategies (including continuity planning) in conjunction with other
- c) Heads of Service and to monitor their effectiveness.
- d) To include all appropriate employees of the Council in a suitable fidelity guarantee insurance policy.
- e) To effect corporate insurance cover, through external insurance and internal funding, and to negotiate all claims, in consultation with other officers where necessary.

D.1.3 Responsibilities of Heads of Service

- a) To notify the Head of Corporate Resources immediately of any injury, loss, liability or damage that may lead to a claim against the Council, together with any information or explanation required by the Head of Corporate Resources or the Council's insurers.
- b) To take responsibility for risk management and minimising exposure to loss, having regard to advice from the Head of Corporate Resources and other specialist advisers (e.g. health and safety, emergency planning).
- c) To ensure that there are regular reviews of Corporate and Departmental risk registers to identify and evaluate risk and to determine the ways in which risk can be managed. The risks and the mitigating actions should be recorded and monitored on an ongoing basis.
- d) To notify the Head of Corporate Resources promptly of all new risks, properties or vehicles that require insurance and of any alterations affecting existing insurances.
- e) To consult the Head of Corporate Resources on the terms of any indemnity that the Council is requested to give.

D.1.4 Key controls

The key controls for risk management are: -

- a) Procedures are in place to identify risks, to evaluate their likely impact and probability of occurring, and to determine suitable risk reduction strategies. The risk management process operates continually to ensure that changes in circumstances and new risks are identified, evaluated and managed;
- b) Corporate and Departmental Risk Registers are produced and are regularly reviewed and action taken when appropriate;
- c) Risk management procedures are communicated effectively throughout the Council. Managers know that they are responsible for managing risks in their areas and are provided with relevant information on risk management initiatives;
- d) Acceptable levels of risk are determined and insured against where appropriate; and provision is made through balances or reserves for losses where insurance is not appropriate;
- e) The Council has identified business continuity plans for implementation in the event of disaster that results in significant loss or damage to its resources.

D.2 INTERNAL CONTROLS

D.2.1 Why are these important?

- a) The Council has statutory obligations, and, therefore, requires internal controls to identify, meet and monitor compliance with these obligations.
- b) The Accounts and Audit Regulations 2015 requires the Council to conduct a review at least once in a year of the effectiveness of its system of internal control and include a statement on internal control with any statement of accounts.
- c) The Council faces a wide range of financial, operational, legal and commercial risks, both from internal and external factors, which threaten the achievement of its objectives.

- d) Internal controls are necessary to manage these risks and minimise the occurrence of significant control failings and weaknesses.
- e) The system of internal controls is established in order to provide measurable achievement of:
 - i. Efficient and effective operations;
 - ii. Reliable financial information and reporting;
 - iii. The accomplishment of goals, objectives and targets;
 - iv. The safeguarding of assets;
 - v. Compliance with laws and regulations; and
 - vi. The management of risks.

D.2.2 Responsibilities of the Head of Corporate Resources

To assist the Council to put in place an appropriate control environment and effective internal controls that provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.

D.2.3 Responsibilities of Heads of Service

- a) To manage processes to check that established controls are being adhered to and to evaluate their effectiveness, in order to be confident in the proper use of resources, achievement of objectives and management of risks.
- b) To review existing controls in the light of changes affecting the Council and to establish and implement new ones in line with guidance from the Head of Corporate Resources.
- c) Heads of Service should also be responsible for removing controls that are unnecessary or not cost or risk effective – for example, because of duplication.
- d) To report annually on the systems of control in place within their Department.
- e) To ensure employees have a clear understanding of the consequences of lack of control.

D.2.4 Key controls

The key controls are: -

- a) Key controls should be reviewed on a regular basis and the Council should make a formal statement annually in the Statement of Accounts to the effect that it is satisfied that the systems of internal control are operating effectively;
- b) managerial control systems, including defining policies, setting objectives and plans, monitoring financial and other performance, taking appropriate anticipatory and remedial action and ensuring that personnel are competent, suitably qualified and trained. The key objective of these systems is to promote ownership of the control environment by defining roles and responsibilities;
- c) Financial and operational control systems and procedures, which include physical safeguards for assets, segregation of duties, authorisation and approval procedures and information systems; and
- d) An effective internal audit function that is properly resourced. It should operate in accordance with the principles contained in the *United Kingdom Public Sector Internal Audit Standards (PSIAS)* as interpreted by CIPFA's *Local Government Application Note* and with any other statutory obligations and regulations.

D.3 INTERNAL AUDIT

D.3.1 Why is this important?

- a) The requirement for an Internal Audit function for local authorities is implied by section 151 of the Local Government Act 1972, which requires that authorities make arrangements for the proper administration of their financial affairs.
- b) The Accounts and Audit Regulations 2015 more specifically require that a relevant body shall maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control. All auditing activity within the Council is accountable to the Audit Committee.
- c) Accordingly, Internal Audit is an independent and objective appraisal function established by the Council for reviewing the system of internal control. It examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources.
- d) However, it is the responsibility of management to establish and maintain an effective system of internal control, irrespective of the Internal Audit function.

D.3.2 Responsibilities of the Head of Corporate Resources

- a) To ensure that internal auditors have the authority to: -
 - i. Access all Council utilised premises as and when required;
 - ii. Access all assets, records, documents, and correspondence and control systems;
 - iii. Request and receive any information and explanation considered necessary concerning any matter under consideration;
 - iv. Require any employee or contractor of the Council to account for cash, equipment or any other council asset under his/her control;
 - v. Access or have sight of relevant records of external parties (e.g. contractors) as may reasonably be required; and
 - vi. Directly access the Chief Executive, Cabinet Members and Scrutiny Members.
- b) To ensure that strategic and annual audit plans, an annual activity report and an annual opinion on internal control are prepared by the Head of Corporate Resources or his representative and approved by the Audit Committee.
- c) To ensure that effective procedures are in place to investigate promptly any fraud or irregularity.

D.3.3 Responsibilities of Heads of Service

- a) To ensure that internal auditors are given access at all reasonable times to premises, personnel, documents and assets that the auditors consider necessary for the purposes of their work.
- b) To ensure that auditors are provided with any information and explanations that they seek in the course of their work.
- c) To consider and respond promptly to recommendations in audit reports.
- d) To ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.

- e) To notify the Head of Corporate Resources, the Chief Executive or Internal Audit immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the Council's property or resources.
- f) To ensure that new systems for maintaining financial records, or records of assets, or changes to such systems, are discussed with and agreed by the Head of Corporate Resources or his representative prior to implementation.

D.3.4 Key controls

The key controls for Internal Audit are: -

- a) That it is independent in its planning and operation;
- b) The Head of Corporate Resources or his representative has direct access to the Chief Executive, all levels of management and directly to elected members; and
- c) The internal auditors comply with the *United Kingdom Internal Audit Standards* as interpreted by CIPFA's *Local Government Application Note*.

D.4 PREVENTING FRAUD AND CORRUPTION

D.4.1 Why is this important?

- a) The Council will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the Council.
- b) The Council expects all members and employees to act with propriety and accountability. It expects them to lead by example in adhering to legal requirements, rules, procedures and practices.
- c) The Council also expects that individuals and organisations with whom the Council comes into contact (for example, suppliers, contractors and service providers) will act towards the Council with integrity and without thought or actions involving fraud and corruption.

D.4.2 Responsibilities of the Head of Corporate Resources

- a) To develop and maintain an anti-fraud and corruption policy.
- b) To develop and maintain a whistleblowing policy
- c) To maintain adequate and effective internal control arrangements.
- d) To ensure that all suspected irregularities are reported to Internal Audit.
- e) To ensure that procedures are in place to respond to National Fraud Initiatives.

D.4.3 Responsibilities of Heads of Service

- a) To ensure that all suspected irregularities are reported to the Head of Corporate Services.
- b) To instigate the Council's disciplinary procedures when the outcome of an investigation indicates improper behaviour.

- c) To ensure that where financial impropriety is discovered, the Head of Corporate Resources is informed.
- d) To maintain a departmental register of interests recording potential conflicts of interest (financial or otherwise) between employees and organisations or individuals that the Council deals with (for example, suppliers, contractors, voluntary organisations).

D.4.4 Key controls

The key controls regarding the prevention of financial irregularities are: -

- a) The Council has an effective anti-fraud and corruption policy and maintains a culture that will not tolerate fraud or corruption;
- b) All members and employees act with integrity and lead by example;
- c) Senior managers are required to deal swiftly and firmly with those who defraud or attempt to defraud the Council or who are corrupt;
- d) High standards of conduct are promoted amongst members by the Audit Committee, in accordance with the Code of Conduct for Members;
- e) The maintenance of both a register of interests (to record potential conflicts of interest between employees or members and the Council) and a register of hospitality (to record any hospitality or gifts accepted);
- f) Compliance with the Council's Contract Regulations and procurement processes;
- g) Whistleblowing procedures in place and operate effectively; and
- h) Compliance with legislation

D.5 ASSETS – (LAND, BUILDINGS, EQUIPMENT ETC.)

D.5.1 Acquisitions

D.5.2 Why are these important?

As the Council is funded by public monies, it is publicly accountable for the way that it spends its money. Value for money must be demonstrated, therefore, the Council has to exercise control over its purchasing activity, including asset acquisition (e.g. property, vehicles, plant and equipment, furniture).

D.5.3 Responsibilities of the Head of Corporate Resources

- a) To issue guidelines on the best practice in respect of asset acquisition.
- b) To periodically review all guidelines to ensure that they still reflect best practice.
- c) To ensure that all expenditure is properly recorded in the Council's accounts and records.

D.5.4 Responsibilities of Heads of Service

- a) To ensure that the Council's policies and procedures are complied with.

- b) To ensure that the necessary separation of duties is observed.
- c) To ensure that assets purchased are necessary.

D.5.5 Key controls

The key controls for asset acquisition are:

- a) Council policies in respect of the acquisition of assets are complied with at all times. This includes compliance with Contract Regulations for all asset acquisitions.
- b) There are at least two employees involved in the process of acquisition, with a separation of duties between employees involved in the different parts of the process.
- c) Procedures protect employees involved in the acquisition of assets from accusations of impropriety.

D.5.6 Asset disposal and transfer

D.5.7 Why is this important?

- a) It would be uneconomic and inefficient for the cost of maintaining assets to outweigh their benefits. Obsolete, non-repairable or unnecessary resources should be disposed of in accordance with the law and the Council's policies and procedures.
- b) Assets are sometimes used by or transferred to an external party, for example as part of an outsourced contract or partnership arrangement.
- c) It is important that the legal and financial basis for the transfer is determined and properly documented, so that the interests of the Council are protected.

D.5.8 Responsibilities of the Head of Corporate Resources

- a) To issue guidelines representing best practice for disposal of assets.
- b) To ensure appropriate accounting entries are made to remove the value of disposed or transferred assets from the Council's records and to include the sale proceeds, if appropriate.

D.5.9 Responsibilities of Heads of Service

- a) To seek advice from the Head of Corporate Resources on the disposal of surplus or obsolete materials, equipment and vehicles.
- b) To seek advice from the Head of Corporate Resources where assets are to be transferred or predominantly used by an external party.
- c) To ensure that income received for the disposal of an asset is properly banked and coded.
- d) To authorise the write off and disposal of obsolete or surplus materials and equipment.
- e) To ensure that the disposal of obsolete or surplus materials and equipment, is by competitive quotation or auction, unless, following consultation with the Head of Corporate Resources, the Cabinet decides otherwise.

D.5.10 Specifically relating to the disposal or acquisition of land and buildings: -

- a) To ensure that all disposals of land and buildings are in accordance with the Council's land sale policy current at the time.
- b) Where disposal of land and buildings is allowed, it shall be conducted in accordance with the provisions detailed in (a) (i) – (vi) below.
 - i. Approved methods of disposal shall be by:-
 - (i) Private Treaty;
 - (ii) Auction;
 - (iii) Tender;
 - (iv) Sealed Offer;
 - (v) Exchanges of land; or
 - (vi) Compulsory Purchase Order
 - ii. To ensure that where land is to be disposed of by the Council, the Head of Corporate Resources shall ensure compliance with Financial Procedure Rules and S123 of the Local Government Act 1972.

D.5.11 Key controls

- a) Assets for disposal or transfer are identified and are disposed of or transferred at the most appropriate time, and only when it is in the best interests of the Council, and the best price or contract terms are obtained, bearing in mind other factors, such as environmental issues. For items of significant value, disposal should be by competitive tender or public auction.
- b) Procedures protect employees involved in the disposal of assets from accusations of personal gain.

D.5.12 Security – (Including Inventories)

D.5.13 Why is this important?

- a) The Council holds assets in the form of property, vehicles, equipment, furniture and other items worth many millions of pounds. Information held by the Council is also a key asset.
- b) It is important that assets are safeguarded and used efficiently in service delivery, and that there are arrangements for the security of assets required for service operations.
- c) An up-to-date asset register is a prerequisite for proper fixed asset accounting and sound asset management.

D.5.14 Responsibilities of the Head of Corporate Resources

- a) To ensure that an asset register is maintained in accordance with good practice for all assets with a value in excess of £10,000,
- b) To receive the information required for accounting, costing and financial records from each Head of Service.
- c) To ensure that assets are valued in accordance with the *Code of Practice on Local Authority Accounting in the United Kingdom*.

D.5.15 Responsibilities of the Head of Digital and Customer Services

- d) To maintain a central register of IT equipment.

D.5.16 Responsibilities of Heads of Service/Head of Corporate Resources

- a) The Head of Corporate Resources is responsible for the maintenance of an asset register of all land and properties owned by the Council. The function of the asset register and inventory is to provide the Council with information about fixed assets so that they are: -
 - i. safeguarded;
 - ii. used efficiently and effectively;
 - iii. adequately maintained; and
 - iv. accounted for.
- b) To ensure the proper security of all employees, buildings and other assets under their control.
- c) To pass title deeds to the Head of Regulatory Services who is responsible for custody of all title deeds.
- d) To ensure the safe custody of vehicles, equipment, furniture, and other property belonging to the Council.
- e) To ensure that assets are identified, their location recorded and that they are appropriately marked and insured.
- f) To ensure that keys to safes and similar receptacles are carried on the person of those responsible at all times; loss of any such keys must be reported to the Head of Corporate Resources as soon as possible.
- g) To arrange for the valuation of assets for accounting purposes to meet requirements specified by the Head of Corporate Resources.
- h) To carry out an annual check of all items on the inventory in order to verify location, to review condition and to take action in relation to surpluses or deficiencies, annotating the inventory accordingly.
- i) To make sure that property is only used in the course of the Council's business, unless the Heads of Service concerned has given permission otherwise.

D.5.16 Key controls

- a) Assets are valued on an annual basis in accordance with the *Code of Practice on Local Authority Accounting in the United Kingdom*.
- b) Procedures prevent the unauthorised disposal of theft of assets.

D.6 TREASURY MANAGEMENT

D.6.1 Why is this important?

- a) Many millions of pounds pass through the Council's books each year. The scale of the local authority treasury activity and issues such as the Icelandic banking collapse has led to the development of CIPFA's *Code of Practice on Treasury Management*

and Prudential Code for Capital Finance in Local Authorities (Prudential Code). These aim to provide assurances that the Council's money is properly managed in a way that balances risk with return, but with the overriding consideration being given to the security of the Council's capital sum.

D.6.2 Responsibilities of Head of Corporate Resources

- a) To arrange the borrowing and investments of the Council, including bank overdrafts, in such a manner as to comply with the CIPFA *Code of Practice on Treasury Management, the Prudential Code*, the Council's Treasury Management Strategy and the Council's Treasury Management Practices.
- b) To report on treasury activities to the Audit Committee, with recommendations (including adoption of the Treasury Management Strategy Statement & Annual Investment Strategy) referred for approval by Full Council.
- c) To operate bank accounts as are considered necessary. All arrangements with the Council's approved bankers regarding the Council's bank accounts, and the terms on which they are conducted shall be made by the Head of Corporate Resources.
- d) To ensure that detailed arrangements are made regarding the Council's bank accounts and for the issue of cheques and cards. All cheques or cards shall be ordered only on the authority of the Head of Corporate Resources who shall advise on proper arrangements for their safe custody.
- e) All of the Council's bank accounts must be in the name of "Mid Sussex District Council".
- f) To ensure that all investments or utilisation of monies and other accumulations and the sale or realisation of investments are made in the name of the Council or in the name of nominees approved by the Cabinet.
- g) To effect all borrowings in the name of the Council.
- h) To act as the Council's registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money and investment by the Council.
- i) To ensure that in circumstances where the Council has decided to finance capital expenditure by way of leasing, deferred purchase, or similar arrangements, the Head of Corporate Resources or his/her authorised representative shall so far as possible, obtain competitive quotations from relevant funding sources and such arrangements shall be subject to approval by the relevant Cabinet Member.

D.6.3 Responsibilities of Heads of Service

- a) To follow the instructions on banking issued by the Head of Corporate Resources.
- b) To ensure that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the approval of the Cabinet, following consultation with the Head of Corporate Resources.
- c) To ensure that Heads of Service advise the Head of Corporate Resources of the disposal of any vehicle or item of equipment that is subject to a lease.

D.6.4 Key controls

The key controls are: -

- a) A Treasury Management Strategy that is produced in accordance with the requirements of the *Code of Practice on Treasury Management*;
- b) Treasury Management Procedures are in place and are reviewed on an annual basis.

D.7 WORKFORCE

D.7.1 Why is this important?

The Council sees its employees as a valuable asset to running its business. In order to provide the highest level of service, it is essential that the Council recruits and retains high calibre, knowledgeable employees, who are qualified to an appropriate level.

D.7.2 Responsibilities of the Head of Corporate Resources

- a) To ensure that Heads of Service have identified budget provision for all existing and new employees.
- b) To act as an advisor to Heads of Service on areas such as National Insurance and pension contributions, as appropriate.

D.7.3 Responsibilities of the Head of Digital and Customer Services

- a) To develop a workforce strategy, policy and procedures and ensure they are disseminated and enforced.

D.7.4 Responsibilities of Heads of Service

- a) To produce an annual workforce budget.
- b) To ensure that the workforce budget is an accurate forecast of workforce levels and is equated to an appropriate revenue budget provision (including on-costs and overheads).
- c) To ensure that the workforce budget is not exceeded without due authority and that it is managed to enable the agreed level of service to be provided.
- d) To comply with, and ensure employees comply with, the Council's Human Resource policies (for example: recruitment, training and flexible working policies).
- e) To seek the advice of the Head of Corporate Resources on the VAT liabilities of any income received via payroll deductions or salary sacrifice.

D.7.5 Key controls

The key controls for employees are: -

- a) An appropriate workforce strategy and policy exists, in which employee requirements and budget allocation are matched;
- b) Procedures are in place for forecasting workforce requirements and cost;
- c) Controls are implemented that ensure that employee time is used efficiently and to the benefit of the Council; and
- d) Checks are undertaken prior to appointing new employees to ensure that they are appropriately qualified, experienced and trustworthy.

E. FINANCIAL SYSTEMS AND PROCEDURES

E.1 GENERAL

E.1.1 Why is this important?

- a) As an organisation in receipt of public funding the Council is governed by a number of laws requiring that it makes proper arrangements for the administration, reporting and safeguarding of those funds and act in a way that is open and accountable as to how those funds are used.
- b) Whilst all Council Officers and Members have a general financial responsibility, Section 151 of the Local Government Act 1972 requires that a suitably qualified officer must be responsible for the financial administration of the organisation. This officer is referred to as the Responsible Financial Officer (RFO).

E.1.2 Head of Corporate Resources

- a) The Head of Corporate Resources is be the RFO and will be responsible for the proper administration of the Council's financial affairs, prescribe appropriate financial systems, protocols, procedures and policies, maintain an internal audit service and report to the Council in the event of any decision or action leading to, or may lead to, unlawful expenditure, loss, deficiency or accounting entry and;
 - i. will be responsible for ensuring the final accounts are completed and published in accordance with statute and accepted public sector accounting requirements and the reporting to members of any material amendments specified by external audit,
 - ii. will have unrestricted access to all Council assets, systems, documents, information, data, employees and members held by the Council,
 - iii. issue guidance, advice or instruction on the application of these financial systems and procedures as appropriate,
 - iv. recommend to Council the addition, alteration or deletion to the Financial Procedure Rules.

E.1.3 Chief Executive/Heads of Service (Senior Management Team)

- a) The Chief Executive and Heads of Service Heads being the Senior Management Team of the Council;
 - i. will manage budgets and financial activity within their area of responsibility including the planning and control of budgets and prevention of fraud and corruption to ensure efficient and effective use of resources,
 - ii. shall consult with the Head of Corporate Resources and obtain approval on any matter that may have a material effect, advantageous or detrimental, on the Councils financial position or financial strategy,
 - iii. comply with any instruction given by the Head of Corporate Resources regarding the form and method of financial record keeping or the operation of any financial procedures.

E.1.4 Cabinet, Committees and Sub-Committees

All Members of Cabinet, any Committee or Sub-Committee will ensure that decisions taken are within their remit and relevant budgets, are compliant with adopted policies, and consistent with achievement of the Council's service or corporate plans

E.1.5 Council

The Council will;

- a) determine the Medium Term Financial Strategy (MTFS)
- b) approve an annual budget and determine the level of local taxation and other statutory charges
- c) approve the Treasury Management Strategy (TMS) and prudential indicators
- d) approve changes to these financial procedures

E.1.6 Officers and Members

All Officers and Members will contribute to the general stewardship of the Council's financial affairs in compliance with the Council Constitution and any systems, procedures, policies prescribed by law or the Head of Corporate Resources relating to the Council's financial management. They will bring to the attention of the Head of Corporate Resources any matter that is contrary to the provisions of these Financial Procedure Rules code or the high standard of financial probity expected of the Council or may bring the Council into disrepute or legal challenge.

E.2 INCOME

E.2.1 Why is this important?

- a) Income can be vulnerable to loss, delay, theft or misappropriation.
- b) Effective income collection systems are necessary to ensure that all income due is identified, collected, receipted and banked properly.
- c) It is preferable to obtain income in advance of supplying goods or services as this improves the Council's cash flow and also avoids the time and cost of administering debts.

E.2.2 Responsibilities of the Head of Corporate Resources

- a) To agree arrangements for the collection of all income due to the Council and to approve the procedures, systems and documentation for its collection in accordance with the requirements of the Accounts and Audit Regulations 2015.
- b) To agree the write-off of bad debts up to an approved limit in each case. The Head of Corporate Resources is approved to write-off a debt (or combination of debts) in relation to any individual debtor in any one financial year of up to **£10,000**.
- c) To ensure that the write-off of amounts over **£10,000 up to £25,000** are agreed by the Cabinet Member for Finance and Performance with responsibility for resources.
- d) To ensure that the write-off of amounts over **£25,000** are agreed by Full Council.
- e) In cases of bankruptcy or liquidation, to agree debt write-offs of any amount.

E.2.3 Responsibilities of Heads of Service

- a) To establish a charging policy, in consultation with the Head of Corporate Resources, for the supply of goods or services by the Council, including the appropriate charging of VAT, and to review it regularly, in line with corporate policies and robust budget proposals.
- b) To ensure that all invoices and credit notes are raised promptly in accordance with instructions provided by the Head of Corporate Resources.
- c) To establish and initiate appropriate recovery procedures, including legal action, with the assistance of the Head of Corporate Resources, where necessary, for debts that are not paid promptly.

- d) To securely hold receipts, tickets and other records of income for the appropriate period, in accordance with the Document Retention Policy.
- e) To recommend to the Head of Corporate Resources all debts to be written off, and to keep a record of all such debts, up to the approved limit.

E.2.4 Key controls

The key controls associated with income are: -

- a) All income due to the Council is identified and charged correctly, in accordance with an approved charging policy, which is regularly reviewed;
- b) All income is collected from the correct person, at the right time, using the correct procedures and the appropriate stationery;
- c) All money received by an employee on behalf of the Council is paid without delay to the Head of Corporate Resources or, as he directs, to the Council's bank, and properly recorded.
- d) Effective action is taken to pursue non-payment within defined timescales;
- e) Formal approval for debt write-off is obtained;
- f) Appropriate write-off action is taken after all avenues are exhausted;
- g) Appropriate accounting adjustments are made following write-off approval;
- h) All appropriate income documents are retained and stored for the defined period in accordance with the document retention policy; and
- i) Money collected and deposited is reconciled to the bank account by a person who is not involved in the collection or banking process.

E.3 EXPENDITURE

E.3.1 Why is this important?

- a) The Council spends a significant amount each financial year on procuring goods, works and services, and public money so spent should demonstrate probity and be in accordance with the Council's policies.
- b) The Council has a duty under Section 3 of the Local Government Act 1999 to ensure it achieves best value and continuous improvement in relation to the procurement process.
- c) Every officer and Member of the Council has a responsibility to declare any interests they have in contracts (whether financial or non-financial), in accordance with S.117 of the Local Government Act 1972 and the Officer Code of Conduct and Code of Conduct for Members.

E.3.2 Responsibilities of the Head of Corporate Resources

- a) To ensure that all the Council's financial systems and procedures are sound and properly administered.

- b) To approve any changes to existing financial systems and to approve any new systems before they are introduced.
- c) To approve the form of official orders.
- d) To monitor the aggregate value of goods, works and services purchased across the Council.
- e) To maintain an up-to date list of employees authorised to approve orders, payments, certificates and letters of intent, including specimen signatures, identifying in each case the limits of authority.
- f) To ensure that a budgetary control system is established that enables commitments incurred by placing orders to be shown against the appropriate budget allocation so that they can be taken into account in budget monitoring reports.

E.3.3 Responsibilities of Heads of Service

- a) To ensure that unique pre-numbered official orders are used for all goods, works and services, other than any authorised exceptions.
- b) To ensure that two authorised employees are involved in the ordering, receiving and payment process.
- c) To ensure that only appropriate employees are given approval to authorise orders and payments and to sign letters of acceptance or otherwise commit the Council to contracts. Such approval should be reviewed periodically to ensure its ongoing suitability.
- d) To forward the names of authorising officers together with specimen signatures and details of the limits of their authority to the Head of Corporate Resources.
- e) To ensure that no authorised signatory shall approve his / her own claim for reimbursement of expenditure.
- f) To ensure that employees are aware of the Officer Code of Conduct, the Procedure Rules for contracts and other Council policies or documents affecting procurement.
- g) To ensure that contracts, loans, leasing or rental arrangements are not entered into without prior agreement from the Head of Corporate Resources.
- h) To ensure that all appropriate payment records are retained and stored for the defined period, in accordance with the Document Retention Policy.

E.3.4 Key controls

The key controls associated with expenditure are: -

- a) All orders for goods, works and services are placed only by authorised persons and are correctly recorded;
- b) All purchases (contracts) of goods, works and services are made in accordance with the Council's Procedure Rules for contracts;
- c) Goods received are checked, and works and services are monitored, to ensure they are in accordance with the order, are of appropriate quality and have been performed or received at the correct time.

- d) At least two employees are involved in the ordering, receiving and payment process.
- e) Payments should be certified by someone other than the person who received the goods, works or services or who checked the payment details. This shall include a check that an appropriate and valid VAT invoice has been submitted.
- f) Payments are not made unless goods, works and services have been delivered, provided or performed for the Council at the correct price, time, quantity and quality standards;
- g) All payments are made to the correct organisation or person for the correct amount and are properly recorded;
- h) All appropriate evidence of the procurement transaction (for example, orders, payment documents and contract documents) are retained and stored for the defined period, in accordance with Council's Procedure Rules for contracts and the Document Retention Policy;
- i) All expenditure, including VAT, is accurately recorded against the right budget.

E.3.5 Payments to Employees and Members

E.3.6 Why are these important?

Employees' costs are the largest item of expenditure for most Council services. It is therefore important that payments are accurate, timely, made only where they are due for services to the Council and that payments accord with individuals' conditions of employment. It is also important that all payments are accurately and completely recorded and accounted for, and that members' allowances are authorised in accordance with the scheme adopted by the Council.

E.3.7 Responsibilities of the Head of Corporate Resources

- a) To arrange the secure payment of salaries, wages, compensation or other emoluments to existing and former employees, in accordance with procedures prescribed by him or her, on the due date.
- b) To make redundancy and severance payments in accordance with statutory requirements.
- c) To record and make arrangements for the accurate and timely payment of tax, pension and other deductions in respect of employees and members.
- d) To make arrangements for payment of all travel and subsistence claims or allowances for employees and members upon receiving the prescribed form, duly completed and authorised in accordance with authorised signatory lists (for employees) or with the Members' Allowances Scheme.

E.3.8 Responsibilities of Heads of Service

- a) To ensure appointments are made in accordance with Council procedures and approved establishments, grades and scale of pay, and that adequate budget provision is available.
- b) To notify the Head of Corporate Resources of all appointments, terminations or variations which may affect the pay or pension of an employee or former employee, in the form and to the timescale required by the Head of Corporate Resources.

- c) To ensure that adequate and effective systems and procedures are operated, so that: -
 - i. Payments are only authorised to bona fide employees;
 - ii. Payments are only made where there is a valid entitlement;
 - iii. Conditions and contracts of employment are correctly applied; and
 - iv. Employees' names listed on the payroll are checked at regular intervals to verify accuracy and completeness.
- d) To send an up-to-date list of the names of officers authorised to sign records (for example timesheets, expense claims, and starter and leaver forms) to the Head of Corporate Resources, together with specimen signatures.
- e) To ensure that payroll transactions are processed only through the payroll system.
- f) Heads of Service should give careful consideration to the employment status of individuals employed on a self-employed consultant or subcontract basis. HMRC applies a tight definition for employee status. All decisions regarding the method of paying self-employed persons, including those operating as companies, should be referred to the Head of Corporate Resources.
- g) To certify travel and subsistence claims and other allowances on a form approved by the Head of Corporate Resources, together with all relevant VAT receipts.
- h) To ensure that the Head of Corporate Resources is notified of the details of any employee benefits in kind, to enable full and complete reporting within the income tax self-assessment system.
- i) To ensure that all appropriate payroll documents are retained and stored for the defined period in accordance with the Document Retention Policy.
- j) To ensure that all members' claims submitted are signed by the Head of Regulatory Services or such officer as he/she shall designate within his/her department.

E.3.9 Responsibilities of Members

To submit claims for members' travel and subsistence allowances to the Head of Regulatory Services on forms agreed by the Head of Corporate Resources, on a monthly basis and, in any event, within one calendar month of the year end.

E.3.10 Key controls

The key controls for payments to employees and members are: -

- a) Proper authorisation procedures are in place and that there is adherence to corporate timetables in relation to: -
 - i. starters;
 - ii. leavers;
 - iii. variations;
 - iv. enhancements; and
 - v. that payments are made on the basis of timesheets or claims;
- b) An authorised establishment structure exists that is maintained accurately and is up to date;
- c) Frequent reconciliation of payroll expenditure against approved budget and bank account;

- d) All appropriate payroll documents are retained and stored for the defined period in accordance with the document retention policy; and
- e) That Her Majesty's Revenue and Customs (HMRC) regulations are complied with.

E.4 TAXATION

E.4.1 Why is this important?

The Council is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax are severe. It is, therefore, very important for all officers to be aware of their role.

E.4.2 Responsibilities of the Head of Corporate Resources

- a) To complete all HMRC returns regarding PAYE.
- b) To complete a monthly return of VAT inputs and outputs to HMRC.
- c) To monitor the Council's level of expenditure on VAT exempt activities, and to report on action taken or needed to remain within the 5% threshold level.
- d) To provide details to HMRC regarding the construction industry tax deduction scheme.
- e) To maintain up-to-date guidance for Council employees on taxation issues.
- f) To ensure systems are in place to record other tax due to HMRC, and to complete the necessary returns.

E.4.3 Responsibilities of Heads of Service

- a) To ensure that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HMRC regulations.
- b) To ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax registration requirements.
- c) To ensure that all persons employed by the Council are added to the Council's payroll, and that tax is deducted from any payments, except where the individuals are employed by a recognised employment agency.
- d) To follow the guidance on taxation issued by the Head of Corporate Resources.

E.4.4 Key controls

The key controls for taxation are: -

- a) Heads of Service are provided with relevant information and kept up to date on tax issues;
- b) Heads of Service are instructed on required record keeping;
- c) All taxable transactions are identified, properly carried out and accounted for within stipulated timescales;
- d) Records are maintained in accordance with instructions; and
- e) Returns are made to the appropriate authorities within the stipulated timescale.

E.5 INSURANCE

E.5.1 Why is it important?

All organisations, whether private or public sector, face risks to people, property and continued operations. Risk is the chance or possibility of loss, damage, injury or failure to achieve objectives caused by an unwanted or uncertain action or event. Insurance is one method of mitigating risk by ensuring that the Council can continue to provide services.

E.5.2 Responsibilities of the Head of Corporate Resources

- a) To arrange insurance cover in all appropriate cases.
- b) To negotiate all insurance claims made on the Council's insurers.
- c) To review, as necessary, all insurances in consultation with Heads of Service as appropriate.
- d) To ensure that all employees of the Council are included in a suitable fidelity guarantee insurance.

E.5.3 Responsibilities of the Heads of Service

Heads of Service will ensure prompt notification to the Head of Corporate Resources;

- a) Of any incidents that may give rise to a claim against the Council the costs of which may be indemnified by the Council's insurances,
- b) Of loss of or damage to any Council property or asset under its ownership, responsibility, custody or control,
- c) Of any change in risk or ownership of or responsibility for any asset or property.

E.5.4 Key Controls

The key controls for insurance are: -

- a) Insurable losses are reported to the Head of Corporate Resources;
- b) Claims are made to the relevant insurance company in a timely fashion;
- c) A regular review of insurable assets is undertaken; and
- d) Insurance is undertaken in accordance with the Council's Risk Management Strategy.

E.6 EXTERNAL FUNDING

E.6.1 Why is this important?

- a) External funding is potentially a very important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the Council.
- b) Local authorities are increasingly encouraged to provide seamless service delivery through working closely with other agencies and private service providers.

- c) Funds from external agencies such as the National Lottery provide additional resources to enable the Council to deliver services to the local community. However, in some instances, although the scope for external funding has increased, such funding is linked to tight specifications and may not be flexible enough to link to the Council's aims and objectives.

E.6.2 Responsibilities of the Head of Corporate Resources

- a) To ensure that all funding notified by external bodies is received and properly recorded in the Council's accounts.
- b) To ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements or an exit strategy is agreed.
- c) To ensure that audit requirements are met.
- d) To ensure that all claims are submitted by the due date.
- e) To action budget transfers in relation to approved bids.

E.6.3 Responsibilities of Heads of Services

- a) To ensure that the Head of Corporate Resources is advised, at the earliest possible time, of all applications for external funding.
- b) To submit reports to the relevant Committee or Cabinet.
- c) To give the Head of Corporate Resources a copy of all approvals received from government departments or other sources of external funds.
- d) To ensure that all supporting information is kept to support claims for funds.
- e) To ensure that the project progresses in accordance with the agreed conditions and that all expenditure is properly incurred and recorded.

E.6.4 Key controls

The key controls for external funding are: -

- a) To ensure that key conditions of funding and any statutory requirements are complied with and that the responsibilities of the accountable body are clearly understood;
- b) To ensure that funds are acquired only to meet the priorities approved in the policy framework by the Council;
- c) To ensure that any match-funding requirements are given due consideration prior to entering into long-term agreements and that future revenue budgets reflect these requirements or an exit strategy is agreed;
- d) To ensure risks are identified, within acceptable limits and are capable of being managed;
- e) To ensure monitoring and reporting frameworks are established and followed; and
- f) To ensure adequate controls and governance arrangements are in place and are followed

THE MID-SUSSEX DISTRICT COUNCIL (IDENTIFICATION IN POLLING STATIONS) PILOT ORDER 2019

REPORT OF: SOLICITOR TO THE COUNCIL
Contact Officer: Terry Stanley, Business Unit Leader – Democratic Services
Email: Terry.Stanley@midsussex.gov.uk Tel: 01444 477415
Wards Affected: All
Key Decision: No
Report to: Council
30 January 2019

Purpose of Report

1. To ask Council to agree; The Mid-Sussex District Council (Identification in Polling Stations) Pilot Order 2019 – which is attached to this report at appendix 1
2. For Member's convenience it may be helpful to note that the first 8 pages of the Order make the required changes to Schedule 1 and the last 10 pages depict prescribed forms. The pages in between by necessity repeat the changes to amend them also for Schedules 2 and 3.

Summary

3. To participate in the government's Voter ID Pilot at the local elections scheduled for 2nd May 2019, it is necessary for the Minister for the Constitution to give legal effect to the Pilot by way of Ministerial Order, which she is due to sign 26th February 2019.
4. The Order makes legislative modifications to; the Representation of the People Act 2000, the Local Elections (Principal Areas) (England and Wales) Rules 2006 and the Local Elections (Parishes and Communities) (England and Wales) Rules 2006.
5. The modifications are required to enable the pilot to proceed in the Mid Sussex administrative area at District, Town and Parish Council elections on 2nd May 2019.
6. The Pilot does not apply to any County Council by-elections or Neighbourhood Plan referendum held alongside the local elections on the same date.

Recommendation

7. **That Council approve The Mid-Sussex District Council (Identification in Polling Stations) Pilot Order 2019, and;**
 - (a) **That Council authorises the Head of Regulatory Services (The Returning Officer) to accept such minor amendments as the Cabinet Office or The Minister may require.**

Background

8. The Government is committed to introducing measures to reduce, or eliminate, the potential for electoral fraud to occur at UK elections.
9. Following a successful Voter ID pilot in 5 local authority areas at the May 2018 local elections, the Electoral Commission (EC) reported its statutory evaluation 19th July 2018. Their key findings were:

- (a) 0.6% of people wanted to vote at their polling station but did not have the right identification; many came back with the right identification, but 0.2% did not.
 - (b) People in areas where the pilot schemes took place were significantly less likely to think that electoral fraud took place than those in other areas where elections were also held in May 2018.
 - (c) Electoral staff successfully ran the pilot schemes in all of the 5 pilot areas and close to 100% of polling staff also told the EC they were confident about the process they had to follow in order to check voters' identification.
 - (d) Nearly 9 out of 10 (86%) polling station voters said they were aware beforehand that they had to show identification to vote at their polling station.
 - (e) Nearly everyone was able to show the right identification at their polling station, and almost 8 in 10 (79%) people said the requirement made no difference to whether or not they voted.
10. Officers applied to be considered for the 2019 pilot and Council was notified at its meeting 31st October 2018 that Mid Sussex had been selected.

Risk management

- 11. As is usual with major electoral events, established risk management methodologies required by the Electoral Commission and the Cabinet Office are in use.
- 12. A range of pilot impacts for the administration of the elections are being carefully planned for and mitigations are being developed for identified risks.
- 13. A resident of another pilot authority (Braintree) has applied to the High Court to challenge the legal right of the Minister to enact the pilot Orders and the government is robustly defending this action. Contingency plans to revert to the existing system are in place in the event that this claim is successful at any time ahead of polling day.

Roles and Responsibilities

- 14. The Local Authority is responsible for project management and administration of all elections in its area. It is also responsible for the practical application and management of the Voter ID Pilot at local elections in Mid Sussex on 2nd May 2019.
- 15. Led by Democratic Services, work on the pilot benefits from contribution and ongoing assistance from Digital & Communications, Legal Services, ICT, Customer Services and Community Services, Policy and Performance.
- 16. The Cabinet Office has commissioned the pilot and the services of technology-enabling partners. It has engaged in detail with pilot authorities relating to policy and methodology. It oversees the application and management of the pilot in each pilot area and is the sole government department with legal accountability for it.
- 17. The Electoral Commission provides advice, guidance and support to the Cabinet Office and to pilot authorities relating to; electoral administration, project and risk management, resources, performance standards and evaluation. The Electoral Commission spent a day examining these with Democratic Services 13th December 2018 and commended the Council for the thorough and advanced status of its plans.

18. Cabinet Office and Electoral Commission officials are likely to be operating within the district on polling day and they will be guests at our election count on 3rd May 2019.

Policy Context.

19. Government policy is to propose measures that it can demonstrate would enhance Electoral integrity and promote voter confidence in the conduct and security of UK elections. It is considered that our participation in the Voter ID pilot will contribute significantly to these aims, helping to shape the development of future electoral law.

Other Options Considered

20. Officers considered not taking part in the pilot but concluded it is likely that such electoral reform will occur in the foreseeable future. It is therefore believed advantageous for the council to be engaged with development of it at an early stage.

Financial Implications

21. The Cabinet Office has undertaken that all costs wholly or partly attributable to the Pilot shall be reimbursed and officers have received the necessary accounting and claims guidance and materials. It is therefore intended that the Pilot be cost neutral.

Equality and Customer Service Implications

22. Officers have conducted a comprehensive Equality Impact Assessment which is published at the Council's website: Equality Impact Assessment of Voter ID Pilot

Background Papers

Appendix 1 – The Mid-Sussex District Council (Identification in Polling Stations) Pilot Order 2019.

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The Mid-Sussex District Council (Identification in Polling Stations) Pilot Order 2019

Made - - - - [xx] February 2019

Coming into force in accordance with Article 1

This Order is made in the exercise of the powers conferred by section 10(1) of the Representation of the People Act 2000 (“the 2000 Act”)(a).

Mid-Sussex District Council (the “Council”) submitted proposals for a scheme under section 10 of the 2000 Act to apply to any election that will take place in relation to any vacancy in the membership of the Council and any election to a parish council with which that election will be combined arising on the ordinary day of elections in 2019.

The Minister for the Cabinet Office modified the Council’s proposals having consulted the Council on those modifications, as required by section 10(1) of the 2000 Act.

The Minister for the Cabinet Office also consulted the Electoral Commission on these proposals, as required by section 10(1A) of the 2000 Act.

The Minister for the Cabinet Office makes the following Order:

Citation and commencement

1. This Order may be cited as The Mid-Sussex District Council (Identification in Polling Stations) Pilot Order 2019 and comes into force on the day after the day it is made.

Interpretation

2. In this Order and in any modification to an enactment made by this Order, unless the contrary intention appears—

“2000 Act” means the Representation of the People Act 2000;

“2006 Principal Areas Rules” means the Local Elections (Principal Areas) (England and Wales) Rules 2006;(b)

“2006 Parish Rules” means the Local Elections (Parishes and Communities) (England and Wales) Rules 2006;(c)

“the election” means any local government election that takes place arising from a vacancy in the membership of Mid-Sussex District Council, or any election to a parish council which is combined with that election, arising on the ordinary date of elections in 2019.

Conduct of elections

3.—(1) In relation to the election, the enactments specified in this article shall have effect subject to the substitutions and modifications made by this article.

(a) 2000 c. 2. The powers conferred under section 10 are exercisable concurrently by the Secretary of State and the Minister for the Cabinet Office; see section 16A as amended by the Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016 (S.I. 2016/997).

(b) S.I. 2006/3304.

(c) S.I. 2006/3305.

(2) The provisions in Schedule 2 to the 2006 Principal Areas Rules set out in column (1) of the Table in Schedule 1 to this Order shall have effect subject to the modifications in column (2) of that Table.

(3) The provisions in Schedule 3 to the 2006 Principal Areas Rules set out in column (1) of the Table in Schedule 2 to this Order shall have effect subject to the modifications in column (2) of that Table.

(4) The provisions in Schedule 3 to the 2006 Parish Rules set out in column (1) of the Table in Schedule 3 to this Order shall have effect subject to the modifications in column (2) of that Table.

(5) In Part 7 of Schedules 2 and 3 to the 2006 Principal Areas Rules, for the following forms substitute the form of the same name in Part 1 of Schedule 4 to this Order—

- (a) official poll card;
- (b) official proxy poll card.

(6) In Part 7 of Schedule 3 to the 2006 Parish Rules, for the following forms substitute the form of the same name in Part 2 of Schedule 4 to this Order—

- (a) Official poll card;
- (b) Official proxy poll card.

(7) In Part 7 of Schedules 2 and 3 to the 2006 Principal Areas Rules, and Part 7 of Schedule 3 to the 2006 Parish Rules for the “form of directions for the guidance of the voters in voting” substitute the form of the same name in Part 3 of Schedule 4 to this Order.

(8) In Part 7 of Schedules 2 and 3 to the 2006 Principal Areas Rules, and Part 7 of Schedule 3 to the 2006 Parish Rules, after “form of declaration to be made by the companion of a voter with disabilities” insert “form of ballot paper refusal” in Part 4 of Schedule 4 to this Order.

(9) The provisions set out in column (1) of the Table in Schedule 5 to this Order shall have effect subject to the modifications in column (2) of that Table.

Duty to co-operate with the Electoral Commission

4.—(1) The returning officer for a local government election to which this order applies shall ensure that the Electoral Commission, and any person authorised by the Commission, is afforded access to any ballot paper, document, equipment, computer software, computer hardware, data stored electronically or place that is to be, is being, or has been used for the purposes of the election.

(2) Paragraph (1) shall apply only to the extent that the Electoral Commission reasonably requires access to the ballot paper, document, equipment, computer software, computer hardware, data stored electronically or place for the purpose of enabling the Commission to assess the election in question.

(3) Paragraph (1) shall not require the returning officer to give access without an order of the court, to any ballot paper, document, equipment, computer software, computer hardware, data stored electronically which, by reason of a requirement in any enactment, is contained within a sealed packet.

Minister for the Constitution
Cabinet Office

SCHEDULE 1

Article 3(2)

Modifications to Schedule 2 to the 2006 Principal Areas Rules

Table

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification</i>
23	After paragraph (4) insert— “(5) The returning officer must ensure that arrangements are in place in each polling place to enable a voter to produce a specified document in private where the voter makes a request to do so.”
Provision of polling stations	
25	After sub-paragraph (3)(c) insert— “(ca) that the voter must bring identification to the polling station;”
Issue of official poll cards	After sub-paragraph (4) insert— “(4A) The returning officer must take reasonable steps to provide the elector and any proxy with information concerning the requirement to provide identification at the polling station and the forms of identification that are acceptable.”
	After rule 25 insert— “Replacement poll card 25A.—(1) Where an elector claims he has lost or not received his poll card he may apply to the returning officer for a replacement poll card. (2) The application must include— <ul style="list-style-type: none">(a) evidence of the elector’s identity;(b) the reason for making the application; and(c) confirmation that the elector would not be able to provide any document in accordance with rule 35(2A). (3) Where the returning officer— <ul style="list-style-type: none">(a) is satisfied as to the elector’s identity;(b) is satisfied that the elector would not be able to provide any document in accordance with rule 35(2A); and(c) has no reason to doubt that the elector has either lost or has not received the poll card, the returning officer must issue another poll card in accordance with paragraphs (4) and (5). (4) Rule 25(2) to (5) applies in relation to the issue of a replacement poll card as those paragraphs apply to the initial issue of a poll card, subject to paragraph (5). (5) Where an elector applies for a replacement poll card in person— <ul style="list-style-type: none">(a) before 5pm on the fourth day before the day of the poll, the returning officer may hand a replacement poll card to him;(b) after 5pm on that day, the returning officer may only hand a replacement poll card to him;

instead of delivering it in accordance with rule 25(2).

(6) The returning officer must enter in a list—

- (a) the name and number of the elector as stated in the register; or
- (b) in the case of an elector who has an anonymous entry, his electoral number alone.

(7) An application may not be made under paragraph (1) after 9pm on the day of the poll.

(8) This regulation applies in the case of a proxy who claims that he has lost or not received his proxy poll card but—

- (a) reading a reference to an elector as a reference to a proxy, and
- (b) reading a reference to a poll card as a reference to a proxy poll card.

Cancellation of poll card

25B.—(1) The returning officer must immediately cancel a poll card if—

- (a) an elector notifies the returning officer that he has lost or not received that poll card, and the returning officer—
 - (i) is satisfied as to the elector’s identity; and
 - (ii) has no reason to doubt that the elector has either lost or has not received it; or
- (b) the returning officer has issued a replacement poll card under rule 25A.

(2) This regulation applies in the case of a proxy poll card but—

- (a) reading a reference to an elector as a reference to a proxy, and
- (b) reading a reference to a poll card as a reference to a proxy poll card.”

26

Equipment of polling stations

After sub-paragraph 3(d) insert—

- “(e) the form referred to in rule 35(2E) for recording the refusal of a ballot paper (“ballot paper refusal form”) as prescribed in the Appendix;
- (f) the form referred to in rule 35(2I) for recording information relating to a specified document (“data collection form”).”

After paragraph (6) insert—

“(6A) The returning officer must also provide a large notice, to be displayed inside the polling station, which describes the specified documents one of which a voter must produce before receiving a ballot paper.”

30

After sub-paragraph (1)(f) insert—

- “(fa) representatives of the Cabinet Office;”

Admission to polling station

33

In the Table of questions to be put to the voter, after question 6 insert—

Questions to be put to voters

“7. Any person applying as an elector or proxy	(a) What is your name? (b) What is your address?”
--	--

After paragraph (4) insert—

“(5) Nothing in this rule prevents the presiding officer who attends at a polling station from providing any voter with a questionnaire concerning the requirement to provide identification at the polling station in order to vote.

(6) The questionnaire mentioned in paragraph (5) must not—

- (a) be delivered to a voter until the voter has placed their ballot paper into the ballot box; or
- (b) contain any question designed to elicit any information from the voter as to the candidate for whom the voter has voted.”

35

At the beginning of paragraph (1) insert “Subject to paragraphs (2A) to (2I),”

Voting Procedure

After paragraph (2) insert—

“(2A) A ballot paper must not be delivered to a voter unless that voter has produced a specified document to the presiding officer or a clerk.

(2B) Where a voter produces a specified document, the presiding officer or clerk to whom it is produced must deliver a ballot paper to the voter in accordance with paragraph (1) unless the officer or clerk decides that the document raises a reasonable doubt as to whether the voter is the elector or proxy he represents himself to be.

(2C) Where in such a case—

- (a) it is the presiding officer who so decides he must refuse to deliver a ballot paper to the voter;
- (b) it is the clerk who so decides, he must refer the matter and produce the document to the presiding officer, who shall proceed as if it had been to him that the voter had presented himself and produced the document in the first place.

(2D) The decision of the presiding officer under paragraph (2B) may not be questioned in any proceedings whatsoever other than proceedings on an election petition.

(2E) Where the presiding officer refuses to deliver a ballot paper in accordance with paragraph (2C), the voter’s electoral number must be recorded on the ballot paper refusal form together with the reason why a ballot paper was refused.

(2F) A specified document is—

- (a) the voter’s poll card; or
- (b) where the voter is unable to produce their poll card, a

document specified in paragraph (2G).

(2G) The documents referred to in paragraph (2F)(b) are any of the following issued to the voter—

- (a) a passport issued by a Commonwealth country or a member State of the European Economic Area;
- (b) a photocard driving licence (including a provisional licence) issued in the United Kingdom or by a Crown Dependency or by a Member State of the European Union;
- (c) an electoral identity card issued under section 13C (Electoral identity card: Northern Ireland) of the Representation of the People Act 1983;
- (d) a biometric immigration document issued in the United Kingdom in accordance with regulations made under section 5 of the UK Borders Act 2007;(a)
- (e) an identity card issued in the European Economic Area which bears a photograph of the voter;
- (f) a PASS scheme card (national proof of age standards scheme);
- (g) a Ministry of Defence Identity Card;
- (h) a concessionary travel pass funded by HM Government;
- (i) an Oyster 60+ pass;
- (j) a photo card parking permit issued as part of the Blue Badge scheme.

(2H) The presiding officer must—

- (a) inspect a voter's specified document in a private area where the voter makes a request to do so; and
- (b) exclude any person from that private area while such an inspection is taking place other than a person permitted by the voter to be present.

(2I) The presiding officer must record the following information on the data collection form—

- (a) the number of voters who produced a poll card where a ballot paper was delivered;
- (b) in respect of each type of document referred to in paragraph (2G), the number of documents produced where a ballot paper was delivered;
- (c) the number of voters who produced a document referred to in paragraph (2G) but were refused a ballot paper;
- (d) the number of voters who produced a document other than a specified document;
- (e) the number of voters who produced no document;
- (f) the number of voters referred to in sub-paragraphs (c) to (e) who later returned and produced a specified document and were delivered a ballot paper;
- (g) the number of voters who were refused a ballot paper due to a failure to correctly answer a statutory question.”

(a) 2007 c. 30.

After paragraph (6) insert—

“(7) This rule applies to a proxy as it applies to an elector but a reference to a poll card is to be read as a reference to a proxy poll card.

(8) In this rule, a reference to—

- (a) a “document” is a reference to the document itself, but does not include a document in electronic form, and does not include a copy;
- (b) “producing a document”, is a reference to producing the document for inspection.”

36

**Votes marked by
presiding officer**

After paragraph (1) insert—

“(1A) Paragraphs (2A) to (2I) of rule 35 apply in the case of a voter who applies under paragraph (1) above as they apply in the case of a voter who applies under rule 35(1), but reading a reference to delivering a ballot paper to a voter as a reference to causing a voter's vote to be marked on a ballot paper.”

37

**Voting by persons
with disabilities**

After paragraph (2) insert—

“(2A) Paragraphs (2A) to (2I) of rule 35 apply in the case of a voter who applies under paragraph (1) above as they apply in the case of a voter who applies under rule 35(1), but reading a reference to delivering a ballot paper to a voter as a reference to granting a voter's application.”

38

**Tendered ballot
papers**

After paragraph (6) insert—

“(7) Paragraphs (2A) to (2I) of rule 35 apply in the case of a person who seeks to mark a tendered ballot paper under paragraph (1), (4) or (6) above as they apply in the case of a voter who applies for a ballot paper under rule 35(1).”

43

**Procedure on close of
poll**

After sub-paragraph (2) insert—

“(2A) As soon as practicable after the close of the poll, the presiding officer must also—

- (a) tally the number of each type of document recorded under rule 35(2I)(b);
- (b) tally the number of entries recorded under each of sub-paragraphs (a) and (c) to (g) of rule 35(2I); and
- (c) arrange for the data collection form and the ballot paper refusal form to be delivered to the returning officer in accordance with the returning officer's instructions.”

After paragraph (5) insert—

“(6) Where marked copies of the register of electors (including any copy notices issued under section 13B(3B) or (3D) of the 1983 Act), the list of proxies or completed corresponding number lists are held in electronic form, as soon as practicable after the close of the poll the presiding officer must—

- (a) ensure that those registers or lists are securely

transmitted to the relevant registration officer; and

(b) notify the returning officer that he has done so.

(7) As soon as reasonably practicable after receiving such notice, the returning officer must ensure that such information held other than by the relevant registration officer is destroyed.”

44

After sub-paragraph (2)(e) insert—

“(f) representatives of the Cabinet Office.”

**Attendance at
counting of votes**

52

After paragraph (2) insert—

“(2A) Within 10 days after the day of the poll, the returning officer must forward—

**Delivery of documents
to relevant
registration officer**

(a) the data collection form to the Electoral Commission, and send a copy of that form to the Cabinet Office and to Mid-Sussex District Council, and

(b) the ballot paper refusal form to the relevant registration officer, and send a copy of that form to the Electoral Commission and the Cabinet Office.

(2B) The recipient of such a form may only use the information contained in it for the purposes of evaluating the pilot scheme.

(2C) The data collection form and ballot paper refusal form may not be disclosed to any person other than in proceedings relating to an election petition or in relation to an investigation into electoral fraud.”

In paragraph (3) for “rules 53, 54 and 55” substitute “rules 43, 53, 54 and 55”.

After paragraph (3) insert—

“(4) For the purposes of paragraph (2A), any day falling within rule 2(1) must be disregarded.”

SCHEDULE 2

Article 3(3)

Modification to Schedule 3 to the 2006 Principal Areas Rules

Table

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification</i>
23	After paragraph (4) insert— “(5) The returning officer must ensure that arrangements are in place in each polling place to enable a voter to produce a specified document in private where the voter makes a request to do so.”

**Provision of polling
stations**

Issue of official poll cards

After sub-paragraph (3)(c) insert—

“(ca) that the voter must bring identification to the polling station;”

After sub-paragraph (4) insert—

“(4A) The returning officer must take reasonable steps to provide the elector and any proxy with information concerning the requirement to provide identification at the polling station and the forms of identification that are acceptable.”

After rule 25 insert—

“Replacement poll card

25A.—(1) Where an elector claims he has lost or not received his poll card he may apply to the returning officer for a replacement poll card.

(2) The application must include—

- (a) evidence of the elector’s identity;
- (b) the reason for making the application; and
- (c) confirmation that the elector would not be able to provide any document in accordance with rule 35(2A).

(3) Where the returning officer—

- (a) is satisfied as to the elector’s identity;
- (b) is satisfied that the elector would not be able to provide any document in accordance with rule 35(2A); and
- (c) has no reason to doubt that the elector has either lost or has not received the poll card,

the returning officer must issue another poll card in accordance with paragraphs (4) and (5).

(4) Rule 25(2) to (5) applies in relation to the issue of a replacement poll card as those paragraphs apply to the initial issue of a poll card, subject to paragraph (5).

(5) Where an elector applies for a replacement poll card in person—

- (a) before 5pm on the fourth day before the day of the poll, the returning officer may hand a replacement poll card to him;
- (b) after 5pm on that day, the returning officer may only hand a replacement poll card to him,

instead of delivering it in accordance with rule 25(2).

(6) The returning officer must enter in a list—

- (a) the name and number of the elector as stated in the register; or
- (b) in the case of an elector who has an anonymous entry, his electoral number alone.

(7) An application may not be made under paragraph (1) after 9pm on the day of the poll.

(8) This regulation applies in the case of a proxy who claims

that he has lost or not received his proxy poll card but—

- (a) reading a reference to an elector as a reference to a proxy, and
- (b) reading a reference to a poll card as a reference to a proxy poll card.

Cancellation of poll card

25B.—(1) The returning officer must immediately cancel a poll card if—

- (a) an elector notifies the returning officer that he has lost or not received that poll card, and the returning officer—
 - (i) is satisfied as to the elector’s identity; and
 - (ii) has no reason to doubt that the elector has either lost or has not received it; or
- (b) the returning officer has issued a replacement poll card under rule 25A.

(2) This regulation applies in the case of a proxy poll card but—

- (a) reading a reference to an elector as a reference to a proxy, and
- (b) reading a reference to a poll card as a reference to a proxy poll card.”

26

Equipment of polling stations

After sub-paragraph 4(d) insert—

- “(e) the form referred to in rule 35(2E) for recording the refusal of a ballot paper (“ballot paper refusal form”) as prescribed in the Appendix;
- (f) the form referred to in rule 35(2I) for recording information relating to a specified document (“data collection form”).”

After paragraph (6) insert—

“(6A) The returning officer must also provide a large notice, to be displayed inside the polling station, which describes the specified documents one of which a voter must produce before receiving a ballot paper.”

30

Admission to polling station

After sub-paragraph (1)(f) insert—

- “(fa) representatives of the Cabinet Office;”

33

Questions to be put to voters

In the Table of questions to be put to the voter, after question 6 insert—

“7.	Any person applying as an elector or proxy	(a) What is your name? (b) What is your address?”
-----	--	--

After paragraph (4) insert—

“(5) Nothing in this rule prevents the presiding officer who attends at a polling station from providing any voter with a questionnaire concerning the requirement to provide identification at the polling station in order to vote.

(6) The questionnaire mentioned in paragraph (5) must not—

- (a) be delivered to a voter until the voter has placed their ballot paper into the ballot box; or
- (b) contain any question designed to elicit any information from the voter as to the candidate for whom the voter has voted.”

35

At the beginning of paragraph (1) insert “Subject to paragraphs (2A) to (2I),”

Voting Procedure

After paragraph (2) insert—

“(2A) A ballot paper must not be delivered to a voter unless that voter has produced a specified document to the presiding officer or a clerk.

(2B) Where a voter produces a specified document, the presiding officer or clerk to whom it is produced must deliver a ballot paper to the voter in accordance with paragraph (1) unless the officer or clerk decides that the document raises a reasonable doubt as to whether the voter is the elector or proxy he represents himself to be.

(2C) Where in such a case—

- (a) it is the presiding officer who so decides he must refuse to deliver a ballot paper to the voter;
- (b) it is the clerk who so decides, he must refer the matter and produce the document to the presiding officer, who shall proceed as if it had been to him that the voter had presented himself and produced the document in the first place.

(2D) The decision of the presiding officer under paragraph (2B) may not be questioned in any proceedings whatsoever other than proceedings on an election petition.

(2E) Where the presiding officer refuses to deliver a ballot paper in accordance with paragraph (2C), the voter’s electoral number must be recorded on the ballot paper refusal form together with the reason why a ballot paper was refused.

(2F) A specified document is—

- (a) the voter’s poll card; or
- (b) where the voter is unable to produce their poll card, a document specified in paragraph (2G).

(2G) The documents referred to in paragraph (2F)(b) are any of the following issued to the voter—

- (a) a passport issued by a Commonwealth country or a member State of the European Economic Area;
- (b) a photocard driving licence (including a provisional licence) issued in the United Kingdom or by a Crown Dependency or by a Member State of the European Union;

- (c) an electoral identity card issued under section 13C (Electoral identity card: Northern Ireland) of the Representation of the People Act 1983;
 - (d) a biometric immigration document issued in the United Kingdom in accordance with regulations made under section 5 of the UK Borders Act 2007;^(a)
 - (e) an identity card issued in the European Economic Area which bears a photograph of the voter;
 - (f) a PASS scheme card (national proof of age standards scheme);
 - (g) a Ministry of Defence Identity Card;
 - (h) a concessionary travel pass funded by HM Government;
 - (i) an Oyster 60+ pass;
 - (j) a photo card parking permit issued as part of the Blue Badge scheme.
- (2H) The presiding officer must—
- (a) inspect a voter’s specified document in a private area where the voter makes a request to do so; and
 - (b) exclude any person from that private area while such an inspection is taking place other than a person permitted by the voter to be present.
- (2I) The presiding officer must record the following information on the data collection form—
- (a) the number of voters who produced a poll card where a ballot paper was delivered;
 - (b) in respect of each type of document referred to in paragraph (2G), the number of documents produced where a ballot paper was delivered;
 - (c) the number of voters who produced a document referred to in paragraph (2G) but were refused a ballot paper;
 - (d) the number of voters who produced a document other than a specified document;
 - (e) the number of voters who produced no document;
 - (f) the number of voters referred to in sub-paragraphs (c) to (e) who later returned and produced a specified document and were delivered a ballot paper;
 - (g) the number of voters who were refused a ballot paper due to a failure to correctly answer a statutory question.”

After paragraph (7) insert—

“(8) This rule applies to a proxy as it applies to an elector but a reference to a poll card is to be read as a reference to a proxy poll card.

(9) In this rule, a reference to—

- (a) a “document” is a reference to the document itself, but does not include a document in electronic form, and does not include a copy;
- (b) “producing a document”, is a reference to producing the

(a) 2007 c. 30.

document for inspection.”

- 36 **Votes marked by presiding officer** After paragraph (1) insert—
“(1A) Paragraphs (2A) to (2I) of rule 35 apply in the case of a voter who applies under paragraph (1) above as they apply in the case of a voter who applies under rule 35(1), but reading a reference to delivering a ballot paper to a voter as a reference to causing a voter's vote to be marked on a ballot paper.”
- 37 **Voting by persons with disabilities** After paragraph (2) insert—
“(2A) Paragraphs (2A) to (2I) of rule 35 apply in the case of a voter who applies under paragraph (1) above as they apply in the case of a voter who applies under rule 35(1), but reading a reference to delivering a ballot paper to a voter as a reference to granting a voter's application.”
- 38 **Tendered ballot papers** After paragraph (6) insert—
“(7) Paragraphs (2A) to (2I) of rule 35 apply in the case of a person who seeks to mark a tendered ballot paper under paragraph (1), (4) or (6) above as they apply in the case of a voter who applies for a ballot paper under rule 35(1).”
- 43 **Procedure on close of poll** After sub-paragraph (2) insert—
“(2A) As soon as practicable after the close of the poll, the presiding officer must also—
(d) tally the number of each type of document recorded under rule 35(2I)(b);
(e) tally the number of entries recorded under each of sub-paragraphs (a) and (c) to (g) of rule 35(2I); and
(f) arrange for the data collection form and the ballot paper refusal form to be delivered to the returning officer in accordance with the returning officer's instructions.”
After paragraph (5) insert—
“(6) Where marked copies of the register of electors (including any copy notices issued under section 13B(3B) or (3D) of the 1983 Act), the list of proxies or completed corresponding number lists are held in electronic form, as soon as practicable after the close of the poll the presiding officer must—
(a) ensure that those registers or lists are securely transmitted to the relevant registration officer; and
(b) notify the returning officer that he has done so.
(7) As soon as reasonably practicable after receiving such notice, the returning officer must ensure that such information held other than by the relevant registration officer is destroyed.”
- 44 After sub-paragraph (3)(e) insert—
“(f) representatives of the Cabinet Office.”

Attendance at counting of votes

52

After paragraph (2) insert—

“(2A) Within 10 days after the day of the poll, the returning officer must forward—

Delivery of documents to relevant registration officer

(a) the data collection form to the Electoral Commission, and send a copy of that form to the Cabinet Office and to Mid-Sussex District Council, and

(b) the ballot paper refusal form to the relevant registration officer, and send a copy of that form to the Electoral Commission and the Cabinet Office.

(2B) The recipient of such a form may only use the information contained in it for the purposes of evaluating the pilot scheme.

(2C) The data collection form and ballot paper refusal form may not be disclosed to any person other than in proceedings relating to an election petition or in relation to an investigation into electoral fraud.”

In paragraph (3) for “rules 53, 54 and 55” substitute “rules 43, 53, 54 and 55”.

After paragraph (3) insert—

“(4) For the purposes of paragraph (2A), any day falling within rule 2(1) must be disregarded.”

SCHEDULE 3

Article 3(4)

Modifications to Schedule 3 to the 2006 Parish Rules

Table

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification</i>
23 Provision of polling stations	After paragraph (4) insert— “(5) The returning officer must ensure that arrangements are in place in each polling place to enable a voter to produce a specified document in private where the voter makes a request to do so.”
25 Issue of official poll cards	After sub-paragraph (4)(c) insert— “(ca) that the voter must bring identification to the polling station;” After sub-paragraph (5) insert— “(5A) The returning officer must take reasonable steps to

provide the elector and any proxy with information concerning the requirement to provide identification at the polling station and the forms of identification that are acceptable.”

After rule 25 insert—

“Replacement poll card

25A.—(1) Where an elector claims he has lost or not received his poll card he may apply to the returning officer for a replacement poll card.

(2) The application must include—

- (a) evidence of the elector’s identity;
- (b) the reason for making the application; and
- (c) confirmation that the elector would not be able to provide any document in accordance with rule 35(2A).

(3) Where the returning officer—

- (a) is satisfied as to the elector’s identity;
- (b) is satisfied that the elector would not be able to provide any document in accordance with rule 35(2A); and
- (c) has no reason to doubt that the elector has either lost or has not received the poll card,

the returning officer must issue another poll card in accordance with paragraphs (4) and (5).

(4) Rule 25(2) to (5) applies in relation to the issue of a replacement poll card as those paragraphs apply to the initial issue of a poll card, subject to paragraph (5).

(5) Where an elector applies for a replacement poll card in person—

- (a) before 5pm on the fourth day before the day of the poll, the returning officer may hand a replacement poll card to him;
- (b) after 5pm on that day, the returning officer may only hand a replacement poll card to him;

instead of delivering it in accordance with rule 25(2).

(6) The returning officer must enter in a list—

- (a) the name and number of the elector as stated in the register; or
- (b) in the case of an elector who has an anonymous entry, his electoral number alone.

(7) An application may not be made under paragraph (1) after 9pm on the day of the poll.

(8) This regulation applies in the case of a proxy who claims that he has lost or not received his proxy poll card but—

- (a) reading a reference to an elector as a reference to a proxy, and
- (b) reading a reference to a poll card as a reference to a proxy poll card.

Cancellation of poll card

25B.—(1) The returning officer must immediately cancel a poll card if—

- (a) an elector notifies the returning officer that he has lost or not received that poll card, and the returning officer—
 - (i) is satisfied as to the elector’s identity; and
 - (ii) has no reason to doubt that the elector has either lost or has not received it; or
- (b) the returning officer has issued a replacement poll card under rule 25A.

(2) This regulation applies in the case of a proxy poll card but—

- (a) reading a reference to an elector as a reference to a proxy, and
- (b) reading a reference to a poll card as a reference to a proxy poll card.”

26

Equipment of polling stations

After sub-paragraph 4(d) insert—

- “(e) the form referred to in rule 35(2E) for recording the refusal of a ballot paper (“ballot paper refusal form”) as prescribed in the Appendix;
- (f) the form referred to in rule 35(2I) for recording information relating to a specified document (“data collection form”).”

After paragraph (6) insert—

“(6A) The returning officer must also provide a large notice, to be displayed inside the polling station, which describes the specified documents one of which a voter must produce before receiving a ballot paper.”

30

Admission to polling station

After sub-paragraph (1)(f) insert—

- “(fa) representatives of the Cabinet Office;”

33

Questions to be put to voters

In the Table of questions to be put to the voter, after question 6 insert—

“7.	Any person applying as an elector or proxy	(a) What is your name? (b) What is your address?”
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After paragraph (4) insert—

“(5) Nothing in this rule prevents the presiding officer who attends at a polling station from providing any voter with a questionnaire concerning the requirement to provide identification at the polling station in order to vote.

- (6) The questionnaire mentioned in paragraph (5) must not—

- (a) be delivered to a voter until the voter has placed their ballot paper into the ballot box; or
- (b) contain any question designed to elicit any information from the voter as to the candidate for whom the voter has voted.”

35

At the beginning of paragraph (1) insert “Subject to paragraphs (2A) to (2I),”

Voting Procedure

After paragraph (2) insert—

“(2A) A ballot paper must not be delivered to a voter unless that voter has produced a specified document to the presiding officer or a clerk.

(2B) Where a voter produces a specified document, the presiding officer or clerk to whom it is produced must deliver a ballot paper to the voter in accordance with paragraph (1) unless the officer or clerk decides that the document raises a reasonable doubt as to whether the voter is the elector or proxy he represents himself to be.

(2C) Where in such a case—

- (a) it is the presiding officer who so decides he must refuse to deliver a ballot paper to the voter;
- (b) it is the clerk who so decides, he must refer the matter and produce the document to the presiding officer, who shall proceed as if it had been to him that the voter had presented himself and produced the document in the first place.

(2D) The decision of the presiding officer under paragraph (2B) may not be questioned in any proceedings whatsoever other than proceedings on an election petition.

(2E) Where the presiding officer refuses to deliver a ballot paper in accordance with paragraph (2C), the voter’s electoral number must be recorded on the ballot paper refusal form together with the reason why a ballot paper was refused.

(2F) A specified document is—

- (a) the voter’s poll card; or
- (b) where the voter is unable to produce their poll card, a document specified in paragraph (2G).

(2G) The documents referred to in paragraph (2F)(b) are any of the following issued to the voter—

- (a) a passport issued by a Commonwealth country or a member State of the European Economic Area;
- (b) a photocard driving licence (including a provisional licence) issued in the United Kingdom or by a Crown Dependency or by a Member State of the European Union;
- (c) an electoral identity card issued under section 13C (Electoral identity card: Northern Ireland) of the Representation of the People Act 1983;
- (d) a biometric immigration document issued in the United Kingdom in accordance with regulations made under

section 5 of the UK Borders Act 2007;(a)

- (e) an identity card issued in the European Economic Area which bears a photograph of the voter;
- (f) a PASS scheme card (national proof of age standards scheme);
- (g) a Ministry of Defence Identity Card;
- (h) a concessionary travel pass funded by HM Government;
- (i) an Oyster 60+ pass;
- (j) a photo card parking permit issued as part of the Blue Badge scheme.

(2H) The presiding officer must—

- (a) inspect a voter's specified document in a private area where the voter makes a request to do so; and
- (b) exclude any person from that private area while such an inspection is taking place other than a person permitted by the voter to be present.

(2I) The presiding officer must record the following information on the data collection form—

- (a) the number of voters who produced a poll card where a ballot paper was delivered;
- (b) in respect of each type of document referred to in paragraph (2G), the number of documents produced where a ballot paper was delivered;
- (c) the number of voters who produced a document referred to in paragraph (2G) but were refused a ballot paper;
- (d) the number of voters who produced a document other than a specified document;
- (e) the number of voters who produced no document;
- (f) the number of voters referred to in sub-paragraphs (c) to (e) who later returned and produced a specified document and were delivered a ballot paper;
- (g) the number of voters who were refused a ballot paper due to a failure to correctly answer a statutory question.”

After paragraph (6) insert—

“(7) This rule applies to a proxy as it applies to an elector but a reference to a poll card is to be read as a reference to a proxy poll card.

(8) In this rule, a reference to—

- (a) a “document” is a reference to the document itself, but does not include a document in electronic form, and does not include a copy;
- (b) “producing a document”, is a reference to producing the document for inspection.”

After paragraph (1) insert—

“(1A) Paragraphs (2A) to (2I) of rule 35 apply in the case of a

(a) 2007 c. 30.

**Votes marked by
presiding officer**

voter who applies under paragraph (1) above as they apply in the case of a voter who applies under rule 35(1), but reading a reference to delivering a ballot paper to a voter as a reference to causing a voter's vote to be marked on a ballot paper.”

37

After paragraph (2) insert—

**Voting by persons
with disabilities**

“(2A) Paragraphs (2A) to (2I) of rule 35 apply in the case of a voter who applies under paragraph (1) above as they apply in the case of a voter who applies under rule 35(1), but reading a reference to delivering a ballot paper to a voter as a reference to granting a voter's application.”

38

After paragraph (6) insert—

**Tendered ballot
papers**

“(7) Paragraphs (2A) to (2I) of rule 35 apply in the case of a person who seeks to mark a tendered ballot paper under paragraph (1), (4) or (6) above as they apply in the case of a voter who applies for a ballot paper under rule 35(1).”

43

After sub-paragraph (2) insert—

**Procedure on close of
poll**

“(2A) As soon as practicable after the close of the poll, the presiding officer must also—

- (a) tally the number of each type of document recorded under rule 35(2I)(b);
- (b) tally the number of entries recorded under each of sub-paragraphs (a) and (c) to (g) of rule 35(2I); and
- (c) arrange for the data collection form and the ballot paper refusal form to be delivered to the returning officer in accordance with the returning officer's instructions.”

After paragraph (5) insert—

“(6) Where marked copies of the register of electors (including any copy notices issued under section 13B(3B) or (3D) of the 1983 Act), the list of proxies or completed corresponding number lists are held in electronic form, as soon as practicable after the close of the poll the presiding officer must—

- (a) ensure that those registers or lists are securely transmitted to the relevant registration officer; and
- (b) notify the returning officer that he has done so.

(7) As soon as reasonably practicable after receiving such notice, the returning officer must ensure that such information held other than by the relevant registration officer is destroyed.”

44

After sub-paragraph (3)(e) insert—

**Attendance at
counting of votes**

“(f) representatives of the Cabinet Office.”

**Delivery of documents
to relevant
registration officer**

After paragraph (2) insert—

“(2A) Within 10 days after the day of the poll, the returning officer must forward—

- (a) the data collection form to the Electoral Commission, and send a copy of that form to the Cabinet Office and to Mid-Sussex District Council, and
- (b) the ballot paper refusal form to the relevant registration officer, and send a copy of that form to the Electoral Commission and the Cabinet Office.

(2B) The recipient of such a form may only use the information contained in it for the purposes of evaluating the pilot scheme.

(2C) The data collection form and ballot paper refusal form may not be disclosed to any person other than in proceedings relating to an election petition or in relation to an investigation into electoral fraud.”

In paragraph (3) for “rules 53, 54 and 55” substitute “rules 43, 53, 54 and 55”.

After paragraph (3) insert—

“(4) For the purposes of paragraph (2A), any day falling within rule 2(1) must be disregarded.”

SCHEDULE 4

Articles 3(5), (6), (7) and (8)

Forms to be used for the election

PART 1

Poll cards for local authority elections

Form of front of official poll card

Poll Card
Election of councillors to <i>[insert name of local authority]</i>
<i>[Insert name of electoral division/ward]</i>
Date of election <i>[day] [date] [month] [year]</i>

Voting information	
Polling day	
Polling hours	
Your polling station will be	

Please turn over

<p>Please keep this poll card safe.</p> <p>You <u>must</u> bring it with you as proof of ID when you go to vote.</p>
--

<p>Your details:</p> <p><i>* [Elector's name and qualifying address details here]</i></p> <p><i>* Returning Officer to omit where poll card sent to an anonymous elector. Poll card to an anonymous elector must be delivered in a sealed envelope</i></p> <p>Number on register:</p>

****** [You must have this card with you. You cannot vote without it.]

****** *If anonymous elector include the words in the brackets.*

[Insert helpline and other details including website].

Form of back of official poll card

You must bring this card with you to your polling station as proof of ID when you go to vote.

This space for map or other information such as helpline and website details

It is an offence to:

- vote more than once at this election, unless you are voting on your own behalf and as a proxy for another person;
- vote as a proxy at this election for more than two people, unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild;
- vote as a proxy for someone if you know that by law they are not allowed to vote.

 If you need any help or to find out if your polling station is accessible, please contact us.
[Returning Officer to add contact details including website if appropriate]

If undelivered return to:
[Insert return address]

If you are away or cannot go to the polling station on [day] [date of poll] you can do one of the following:

- Apply to vote by post. Completed applications must reach us **before 5pm on [day] [date of deadline]**. If you are given a postal vote, you will not be able to vote in person at this election.

OR

- Apply to vote by proxy (this means someone else can vote on your behalf). Completed applications must reach us by **5pm on [day] [date of deadline]**. If you appoint a proxy, you can vote if you wish, but only if your proxy has not already voted on your behalf and has not got a postal vote for you.

If after 5pm on [the eleventh day before the date of the poll] you are unable to vote in person because you:

- **Have a medical emergency after 5pm on [day] [date of deadline]**
- **Learn you cannot go to the polling station because of work reasons**

You can apply to vote by proxy. Completed applications must reach us **before 5pm on [day] [date of deadline]**. To find out how to apply, call the helpline immediately.

The Returning Officer issued this card.

Form of front of official proxy poll card

Proxy poll card
Election of councillors to [insert name of local authority]
[Insert name of electoral division/ward]
Date of election [day] [date] [month] [year]

Voting information	
Polling day	
Polling hours	
Your polling station will be	

Please turn over

Please keep this poll card safe. You must bring it with you as proof of ID when you go to vote.

Your details:
*[*Proxy's name and qualifying address details here]*
**Returning Officer to omit where poll card sent to the proxy of an anonymous elector. Poll card to proxy of an anonymous elector must be delivered in a sealed envelope.*

You will receive a proxy vote
****** [The person named on the back of this card] [Another person] has appointed you as a proxy to vote on their behalf at this election.
 [You must have this card with you when you go to vote. You cannot vote as a proxy without it.]
****** *If sent to the proxy of an anonymous elector omit the words in the first set of brackets, if not omit the words in each of the second and third sets of brackets.*
[Insert helpline and other details including website].

Form of back of official proxy poll card

You must bring this card with you to your polling station as proof of ID when you go to vote

For this election you are proxy for:

**[(Elector's name), (Elector's address), (Elector's number on register)]*

[the person with this elector number: *(Insert elector's number on register)*]

**If anonymous elector omit the words in the first set of square brackets, if not omit the words in the second set of square brackets*

The person you are proxy for can vote themselves if they wish – but only if you have not already voted on their behalf.

This space for map or other information such as helpline and website details



If you need any help or to find out if your polling station is accessible please contact us. Returning Officer to add contact details including website if appropriate

How to vote as a proxy

1. **[At the polling station, tell the staff that you are a proxy for the person named above. They will give you that person's ballot paper.] *[At the polling station, ask to speak to the presiding officer and show them this card. They will give you the ballot paper of the person you are proxy for.]*

** If anonymous elector omit the words in the first set of square brackets, if not omit the words in the second set of square brackets*

2. Go to one of the voting booths.

3. Follow the instructions on how to mark the ballot paper.

4. Fold the ballot paper and put in the ballot box

If you need any help, just ask the staff.

If you are away or cannot go to the polling station on *[day] [date of poll]*

- You can apply to vote by post. The deadline for completed applications is **5pm on *[day] [date of deadline]***.
- If you are given a postal vote, you or the person you are proxy for will not be able to vote in person at this election.
- **To find out how to apply, please call us on *[insert helpline number or other contact details]***.

It is an offence to:

- vote more than once at this election, unless you are voting on your own behalf and as a proxy for another person;
- vote as a proxy at this election for more than two people, unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild;
- vote as a proxy for someone if you know that by law they are not allowed to vote.

The Returning Officer issued this card.
If undelivered return to
[Insert return address]

PART 2

Poll cards for parish council elections

Form of front of official poll card

Poll Card
Election of councillors to <i>[insert name of parish council]</i>
<i>[Insert name of ward]</i>
Date of election <i>[day] [date] [month] [year]</i>

Please keep this poll card safe.

You must bring it with you as proof of ID when you go to vote.

Voting information	
Polling day	
Polling hours	
Your polling station will be	

Your details:

** [Elector's name and qualifying address details here]*

** Returning Officer to omit where poll card sent to an anonymous elector. Poll card to an anonymous elector must be delivered in a sealed envelope*

Number on register:

****** [You must have this card with you. You cannot vote without it.]

****** *If anonymous elector include the words in the brackets.*

[Insert helpline and other details including website].

Please turn over

Form of back of official poll card

You must bring this card with you to your polling station as proof of ID when you go to vote.

This space for map or other information such as helpline and website details

It is an offence to:

- vote more than once at this election, unless you are voting on your own behalf and as a proxy for another person;
- vote as a proxy at this election for more than two people, unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild;
- vote as a proxy for someone if you know that by law they are not allowed to vote.

 **If you need any help or to find out if your polling station is accessible, please contact us.**
[Returning Officer to add contact details including website if appropriate]

If undelivered return to:
[Insert return address]

If you are away or cannot go to the polling station on *[day] [date of poll]* you can do one of the following:

- Apply to vote by post. Completed applications must reach us **before 5pm on *[day] [date of deadline]***. If you are given a postal vote, you will not be able to vote in person at this election.

OR

- Apply to vote by proxy (this means someone else can vote on your behalf). Completed applications must reach us by **5pm on *[day] [date of deadline]***. If you appoint a proxy, you can vote if you wish, but only if your proxy has not already voted on your behalf and has not got a postal vote for you.

If after 5pm on *[the eleventh day before the date of the poll]* you are unable to vote in person because you:

- **Have a medical emergency after 5pm on *[day] [date of deadline]***
- **Learn you cannot go to the polling station because of work reasons**

You can apply to vote by proxy. Completed applications must reach us **before 5pm on *[day] [date of deadline]***. To find out how to apply, call the helpline immediately.

The Returning Officer issued this card.

Form of front of official proxy poll card

Proxy poll card
Election of councillors to [insert name of parish council]
[Insert name of ward]
Date of election [day] [date] [month] [year]

Voting information	
Polling day	
Polling hours	
Your polling station will be	

Please turn over

Please keep this poll card safe. You must bring it with you as proof of ID when you go to vote.

Your details:

*[*Proxy's name and qualifying address details here]*

**Returning Officer to omit where poll card sent to the proxy of an anonymous elector. Poll card to proxy of an anonymous elector must be delivered in a sealed envelope.*

You will receive a proxy vote

****** [The person named on the back of this card]

[Another person] has appointed you as a proxy to vote on their behalf at this election.

[You must have this card with you when you go to vote. You cannot vote as a proxy without it.]

****** *If sent to the proxy of an anonymous elector omit the words in the first set of brackets, if not omit the words in each of the second and third sets of brackets.*

[Insert helpline and other details including website].

Form of back of official proxy poll card

You must bring this card with you to your polling station as proof of ID when you go to vote

For this election you are proxy for:

**[(Elector's name), (Elector's address), (Elector's number on register)]*

[the person with this elector number: *(Insert elector's number on register)*]

**If anonymous elector omit the words in the first set of square brackets, if not omit the words in the second set of square brackets*

The person you are proxy for can vote themselves if they wish – but only if you have not already voted on their behalf.

This space for map or other information such as helpline and website details

 If you need any help or to find out if your polling station is accessible please contact us. Returning Officer to add contact details including website if appropriate

How to vote as a proxy

1. **[At the polling station, tell the staff that you are a proxy for the person named above. They will give you that person's ballot paper.] * [At the polling station, ask to speak to the presiding officer and show them this card. They will give you the ballot paper of the person you are proxy for.]*
** If anonymous elector omit the words in the first set of square brackets, if not omit the words in the second set of square brackets*
 2. Go to one of the voting booths.
 3. Follow the instructions on how to mark the ballot paper.
 4. Fold the ballot paper and put in the ballot box
- If you need any help, just ask the staff.**

If you are away or cannot go to the polling station on [day] [date of poll]

- You can apply to vote by post. The deadline for completed applications is **5pm on [day] [date of deadline].**
- If you are given a postal vote, you or the person you are proxy for will not be able to vote in person at this election.
- **To find out how to apply, please call us on [insert helpline number or other contact details].**

It is an offence to:

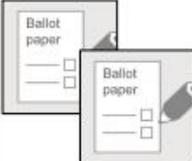
- vote more than once at this election, unless you are voting on your own behalf and as a proxy for another person;
- vote as a proxy at this election for more than two people, unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild;
- vote as a proxy for someone if you know that by law they are not allowed to vote.

The Returning Officer issued this card. If undelivered return to *[Insert return address]*

PART 3

Form of directions for guidance for the voters in voting

How to vote at this election

1	Go to the desk and give your poll card (or alternative ID) to the staff.	
2	Tell the staff your name and address, they confirm your registration and will issue you with your ballot papers.	
3	Take your ballot papers to a voting booth.	
4	Read the instructions in the booth and on each individual ballot paper and mark your ballot papers accordingly.	
5	When you have marked your ballot papers, fold each separately so that nobody can see how you have voted.	
6	Put your folded ballot papers into the ballot box.	
<p>(!) Voting is secret. Do not let anyone see how you have voted.</p> <p>🗣️ If you make a mistake or need some help, just ask the staff.</p>		

SCHEDULE 5

Article 3(9)

Modifications to other enactments

Table

<i>(1) Provision</i>	<i>(2) Modifications</i>
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2006 Principal Areas Rules

Rule 2

Interpretation

Insert in the appropriate place in Rule 2(1)—

““the Appendix”, means—

(a) in Schedule 2 to these Rules, the Appendix of Forms in Part 7 as modified by the Mid-Sussex District Council (Identification in polling Stations) Order 2019;

(b) in Schedule 3 to these Rules, the Appendix of Forms in Part 7 as modified by the Mid-Sussex District Council (Identification in polling Stations) Order 2019;”

““ballot paper refusal form” means the form for recording the refusal of a ballot paper referred to in paragraph (2E) of rule 35 of Schedule 2 and paragraph (2E) of rule 35 of Schedule 3;”

““data collection form” means the form for recording information relating to a specified document referred to in paragraph (2I) of rule 35 of Schedule 2 and paragraph (2I) of rule 35 of Schedule 3”

““day or date of the poll” means 2nd May 2019;”

““election” means any local government election that takes place arising from a vacancy in the membership of Mid-Sussex District Council or any election to a parish council which is combined with that election, arising on the ordinary day of elections in 2019;”

““specified document” has the meaning given by paragraph (2F) of rule 35 of Schedule 2 and paragraph (2F) of rule 35 of Schedule 3”

After rule 2(3) insert—

“(4) In these rules, a reference to copies of the register of electors (including any copy notices issued under section 13B(3B) or (3D) of the 1983 Act), list of proxies and corresponding number list, ballot paper refusal form, or data collection form is a reference to those documents being held in either paper or electronic form.”

Rule 4

Combination of polls

For rule 4 substitute—

“4. In any poll at the election of councillors to a council of a principal area which is combined with an election to which the Mid-Sussex District Council (Identification in Polling Stations) Pilot Order 2019 applies, the rules set out in Schedule 3 to these Rules as modified by that Order

shall apply.”

2006 Parish Rules

Rule 2
Interpretation

Insert in the appropriate place in Rule 2(1)—

““the Appendix”, means in Schedule 3 to these Rules, the Appendix of Forms in Part 7 as modified by the Mid-Sussex District Council (Identification in polling Stations) Order 2019;”

““ballot paper refusal form” means the form for recording the refusal of a ballot paper referred to in paragraph (2E) of rule 35 of Schedule 3;”

““data collection form” means the form for recording information relating to a specified document referred to in paragraph (2J) of rule 35 of Schedule 3;”

““day or date of the poll” means 2nd May 2019;”

““election” means any local government election that takes place arising from a vacancy in the membership of Mid-Sussex District Council or any election to a parish council which is combined with that election, arising on the ordinary day of elections in 2019;”

““electoral area” means the local government area in which the election is held;”

““qualifying address” in relation to a person registered in a register of electors, is the address in respect of which he is entitled to be so registered;

““registered address” means the address which is entered on the local government register for the electoral area;”

““specified document” has the meaning given by paragraph (2F) of rule 35 of Schedule 3;”

After rule 2(4) insert—

“(5) In these rules, a reference to copies of the register of electors (including any copy notices issued under section 13B(3B) or (3D) of the 1983 Act), list of proxies and corresponding number list, is a reference to those documents being held in either paper or electronic form.”

Rule 4
Combination of polls

For rule 4 substitute—

“4. In any poll at the election of councillors to a council of a parish which is combined with an election to which the Mid-Sussex District Council (Identification in Polling Stations) Pilot Order 2019 applies, the rules set out in Schedule 3 to these Rules as modified by that Order shall apply.”

POLLING PLACES & POLLING SCHEME FOR 2019

REPORT OF: SOLICITOR TO THE COUNCIL
Contact Officer: Terry Stanley, Business Unit Leader – Democratic Services
Email: Terry.Stanley@midsussex.gov.uk Tel: 01444 477415
Wards Affected: All
Key Decision: No
Report to: Council
30 January 2019

Purpose of Report

1. To ask the Council to agree the polling districts that lie outside the council wards for any electoral events that arise in 2019.

Summary

2. Designation of polling districts and polling places is the responsibility of Council. A polling scheme was agreed by the Council on 26 March 2014 following a compulsory polling places review.
3. The situation of polling stations is the sole responsibility of the Returning Officer within the polling districts but Council has to agree those polling districts outside the council ward.

Recommendations

4. **The polling places for all polling districts be defined as the entire District Council ward in which the polling district is situated, with the following exceptions:**
 - (a) **Polling Place for Polling District BAC in Ashurst Wood Ward be designated East Court, College Lane, East Grinstead;**
 - (b) **Polling Place for Polling District BCF in Herontye Ward be designated East Court, College Lane, East Grinstead;**
 - (c) **Polling Place for Polling District FCB in High Weald Ward be designated King Edward Hall, High Street, Lindfield;**
 - (d) **Polling Place for Polling District IE in Cuckfield Ward be designated Ashenground Community Centre, Vale Road, Haywards Heath.**
 - (e) **Polling Place for Polling District KEE in Dunstall Ward be designated St Edward the Confessor Church Hall, Burgess Hill;**
 - (f) **Polling Place for Polling District KFB in Victoria Ward be designated St Wilfrid's Parish Hall, Station Road, Burgess Hill; and**
 - (g) **Polling Place for Polling District HBB in Haywards Heath Franklands Ward be designated the Baptist Church, Sussex Road, Haywards Heath.**

Background

5. A compulsory polling places review was carried out in 2014 and its recommendations were agreed by Council on 26 March 2014.
6. An interim, informal review of polling place facilities was carried out by Electoral Services in late 2017 which concluded that most stations remain suitable and available for use, with the following exceptions:
 - 6.1 In polling district KC the Sydney West Centre replaced Marle Place in 2018.
 - 6.2 In polling district KFA the Kings Centre replaced the Cherry Tree Centre in 2018.
7. Council is asked to agree the polling stations lying outside the polling districts. These polling stations are familiar to the electorate and close to the respective wards.

Definitions

8. A polling district is a geographical area created by the sub-division of a local authority into smaller parts. A UK Parliamentary constituency is made up of a number of polling districts, whilst an un-warded parish is normally comprised of a single polling district. Wards of Mid Sussex District Council are comprised of between one and six polling districts, depending on the parish arrangements below them. In total there are 63 polling districts within the district.
9. A polling place is a defined area in which polling station(s) for the polling district can be allocated by the Retuning Officer. It can be as small as a single building, or cover a wider area allowing for the relocation of a polling station should the usual facilities become unavailable. Some authorities define the entire polling district as a polling place to allow for maximum flexibility in this matter.
10. A polling station is the room or area of the polling place in which voting is conducted.

Roles and Responsibilities

11. The Local Authority.

Every relevant local authority in Great Britain is responsible for dividing its area into polling districts and designating polling places for each polling district. The authority must review these arrangements at least once every five years and determine whether amendments are required as a result.

12. The Electoral Registration Officer.

If any amendments to polling districts are made by the local authority the Electoral Registration Officer must ensure that the Register of Electors is amended accordingly and publish a notice to that effect.

Parliamentary Constituency Boundary Review

13. The Parliamentary Boundary Commission completed its review of parliamentary boundaries 5 September 2018 and has reported its final recommendations to Government. Their final recommendations are published at www.bce2018.org.uk

Policy Context.

14. Electoral Services completed a polling places review in 2014 in accordance with the statutory requirements. The next compulsory polling places review will be conducted after the 2019 local government elections in accordance with provisions of The Electoral Registration and Administration Act 2013. This will invite input from all political stakeholders, registered electors and others.

Other Options Considered

15. It has not been possible to identify suitable polling stations in all the polling districts.

Financial Implications

16. A reduction in the number of polling stations will result in a decrease in the costs of venue hire and Returning Officer staff. However this is likely to be partially offset by an increase in the number of postal voters in some polling districts, increasing postage and processing costs. The proposals in this report do not reduce the number of polling stations.

Equality and Customer Service Implications

17. All polling stations are checked for disabled access.

Background Papers

Appendix 1 – Mid Sussex Polling Scheme 2019

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MID SUSSEX POLLING SCHEME - MAY 2019 LOCAL ELECTIONS

STN No.	POLLING DISTRCT	DISTRICT WARD	TOWN / PARISH ELECTORAL AREA	POLLING STATION ADDRESS
1	AA	EG Ashurst Wood	Ashurst Wood	Ashurst Wood Village Centre, Maypole Road, Ashurst Wood, RH19 3QN
2	BAC	EG Ashurst Wood	Worsted	Meridian Hall, East Court, College Lane, RH19 3LT
3	BBA	EG Ashplats	Ashplats	Meridian Hall, East Court, College Lane, RH19 3LT
4	BBB	EG Ashplats	Ashplats	Blackwell Primary School, Blackwell Farm Road, RH19 3JL
5	BBC	EG Ashplats	Ashplats	Meridian Hall, East Court, College Lane, RH19 3LT
6	BCE	EG Herontye	Herontye	St Barnabas Church, Dunnings Road, East Grinstead, RH19 4QW
7	BCE	EG Herontye	Herontye	St Barnabas Church, Dunnings Road, East Grinstead, RH19 4QW
8	BCF	EG Herontye	Herontye	Meridian Hall, East Court, College Lane, RH19 3LT
9	BD1	EG Baldwins	Baldwins	St.Marys Church Hall, Windmill Lane, East Grinstead, RH19 2DS
10	BD1	EG Baldwins	Baldwins	St.Marys Church Hall, Windmill Lane, East Grinstead, RH19 2DS
11	BD2	EG Baldwins	Baldwins	Halsford Park CP School, Manor Road, East Grinstead, RH19 1LR
12	BEC1	EG Town	Town	The Pavillion Room - Kings Leisure Centre, Moat Road, East Grinstead, RH19 3LN
13	BEC2	EG Town	Town	The Pavillion Room - Kings Leisure Centre, Moat Road, East Grinstead, RH19 3LN
14	BEC2	EG Town	Town	The Pavillion Room - Kings Leisure Centre, Moat Road, East Grinstead, RH19 3LN
15	BFA	EG Imberhorne	Imberhorne	Halsford Park CP School, Manor Road, East Grinstead, RH19 1LR
16	BFD	EG Imberhorne	Imberhorne	St Peters Catholic Primary Sch, Crossways Avenue, East Grinstead, RH19 1JB
17	CA	Copthorne & Worth	Copthorne & Worth	Copthorne Village Hall, Copthorne Bank, Copthorne, RH10 3RE
18	CA	Copthorne & Worth	Copthorne & Worth	Copthorne Village Hall, Copthorne Bank, Copthorne, RH10 3RE
19	DA	Crawley Down & Turners Hill	Crawley Down	The Haven Centre, Hophurst Lane, Crawley Down, RH10 4LJ
20	DA	Crawley Down & Turners Hill	Crawley Down	The Haven Centre, Hophurst Lane, Crawley Down, RH10 4LJ
21	DB	Crawley Down & Turners Hill	Turners Hill	Dove Suite, The Ark, Mount Lane, RH10 4RA
22	EA	Ardingly & Balcombe	Ardngly	Hapstead Hall, High Street, Ardingly, RH17 6TB
23	EB	Ardingly & Balcombe	Balcombe	Victory Hall, Balcombe, West Sussex, RH17 6HP
24	EC	Ardingly & Balcombe	Handcross	Handcross Parish Hall, High Street, RH17 6HB
25	ED	Ardingly & Balcombe	Pease Pottage	Black Swan Pub, Horsham Road, Pease Pottage, RH11 9AJ
26	FAA	High Weald	West Hoathly	West Hoathly Village Hall, North Lane, West Hoathly, RH19 4QG
27	FAB	High Weald	West Hoathly	Sharpthorne Hall, Station Road, Sharpthorne, RH19
28	FB	High Weald	Horsted Keynes	Horsted Keynes Village Hall, The Green, Horsted Keynes, RH17 7AP
29	FCA	High Weald	Lindfield Rural East	Millennium Village Centre, Lewes Road, Scaynes Hill, RH17 7PG
30	FCB	High Weald	Lindfield Rural East	The Library, King Edward Hall, High Street, Lindfield, RH16 2HH
31	GA	Lindfield	Lindfield Rural West	The Library, King Edward Hall, High Street, Lindfield, RH16 2HH
32	GB	Lindfield	Lindfield	Lindfield United Reformed Church, 50 High Street, Lindfield, RH16 2HL
33	GB	Lindfield	Lindfield	Lindfield United Reformed Church, 50 High Street, Lindfield, RH16 2HL
34	HAA	HH Franklands	HH Franklands	Franklands Village Hall, Franklands Village, Haywards Heath, RH16 3RS
35	HAB	HH Franklands	HH Franklands	Haywards Heath Baptist Church, 7 Sussex Road, RH16 4DZ
36	HBB	HH Bentswood	Bentswood	A.C.F. Hall, Cadet Centre, Eastern Road, Haywards Heath, RH16 3NG
37	HBD	HH Bentswood	Bentswood	Church of the Presentation, New England Road, Haywards Heath, RH16 3LE
38	HCA	HH Ashenground	Ashenground	United Reformed Church Hall, South Road, Haywards Heath, RH16 4LQ
39	HCA	HH Ashenground	Ashenground	United Reformed Church Hall, South Road, Haywards Heath, RH16 4LQ
40	HCB	HH Ashenground	Ashenground	Ashenground Community Centre, Southdown Close, Haywards Heath, RH16 4JR
41	HDD	HH Lucastes	Lucastes & Bolnore	Studio 1, Dolphin Leisure Centre, Pasture Hill Road, Haywards Heath, RH16 1LY
42	HDD	HH Lucastes	Lucastes & Bolnore	Studio 1, Dolphin Leisure Centre, Pasture Hill Road, Haywards Heath, RH16 1LY
43	HDE	HH Lucastes	Lucastes & Bolnore	The Woodside, 120 Middle Village, Haywards Heath, RH16 4GJ

MID SUSSEX POLLING SCHEME - ELECTORAL EVENTS IN 2019

STN No.	POLLING DISTRCT	DISTRICT WARD	TOWN / PARISH ELECTORAL AREA	POLLING STATION ADDRESS
44	HEC	HH Heath	Heath	Function Suite, Clair Hall, Perrymount Road, Haywards Heath, RH16 3DN
45	HEC	HH Heath	Heath	The Studio, Clair Hall, Perrymount Road, Haywards Heath, RH16 3DN
46	IA	Cuckfield	Cuckfield	Queens Hall, High Street, Cuckfield, RH17 5EL
47	IA	Cuckfield	Cuckfield	Queens Hall, High Street, Cuckfield, RH17 5EL
48	IB	Cuckfield	Ansty	Ansty Village Hall, Deaks Lane, Ansty, RH17 5AS
49	IC	Cuckfield	Brook Street & Borde Hill	Queens Hall, High Street, Cuckfield, RH17 5EL
50	ID	Cuckfield	Staplefield	Staplefield Village Hall, Staplefield, West Sussex, RH17 6ET
51	IE	Cuckfield	Rocky Lane	Ashenground Community Centre, Southdown Close, Haywards Heath, RH16 4JR
52	JA	Bolney	Albourne	Albourne Village Hall, The Street, Albourne, BN6 9DG
53	JB	Bolney	Bolney	Rawson Hall, The Street, Bolney, RH17 5PF
54	JC	Bolney	Warninglid	Seaforth Hall, Cuckfield Lane, Warninglid, RH17 5UB
55	JD	Bolney	Twineham	Albourne Village Hall, The Street, Albourne, BN6 9DG
56	KA	BH St.Andrews	St.Andrews	St Andrews Rider Hall, Cants Lane, Burgess Hill, RH15 0LG
57	KA	BH St.Andrews	St.Andrews	St Andrews Rider Hall, Cants Lane, Burgess Hill, RH15 0LG
58	KB	BH Franklands	BH Franklands	Burgess Hill United Reformed Church, Church Hall, Junction Road, RH15 0JS
59	KB	BH Franklands	BH Franklands	Burgess Hill United Reformed Church, Church Hall, Junction Road, RH15 0JS
60	KC	BH Leylands	Leylands	Sydney West Centre, Leylands Road, Burgess Hill, RH15 8HS
61	KC	BH Leylands	Leylands	Sydney West Centre, Leylands Road, Burgess Hill, RH15 8HS
62	KDA	BH Meeds	Meeds	St Wilfrid's Parish Hall, Station Road, Burgess Hill, RH15 9EN
63	KDB	BH Meeds	Norman	St Wilfrid's Parish Hall, Station Road, Burgess Hill, RH15 9EN
64	KDC	BH Meeds	St.Johns	Cyprus Hall, Cyprus Road, Burgess Hill, RH15 8DX
65	KEE	BH Dunstall	Dunstall	Church Hall, St Edward the Confessor Church, Royal George Road, RH15 8UQ
66	KEF	BH Dunstall	Gatehouse	The Triangle Leisure Centre, Studio 2, Triangle Way, Burgess Hill, RH15 8WA
67	KFA	BH Victoria	Victoria	The Kings Church, 33-35 Victoria Road, Burgess Hill, RH15 9LR
68	KFA	BH Victoria	Victoria	The Kings Church, 33-35 Victoria Road, Burgess Hill, RH15 9LR
69	KFB	BH Victoria	Hammonds	St Wilfrid's Parish Hall, Station Road, Burgess Hill, RH15 9EN
70	LAA	Hurstpierpoint & Downs	Hurstpierpoint	Main Hall, Hurstpierpoint Village Centre, Trinity Road, BN6 9UY
71	LAA	Hurstpierpoint & Downs	Hurstpierpoint	Main Hall, Hurstpierpoint Village Centre, Trinity Road, BN6 9UY
72	LAB	Hurstpierpoint & Downs	Sayers Common	Sayers Common Village Hall, Sayers Common, West Sussex, BN6 9HX
73	LB	Hurstpierpoint & Downs	Pyecombe	Pyecombe Parish Church, Church Hill, Pyecombe, BN45 7FE
74	LC	Hurstpierpoint & Downs	Newtimber	Poynings Pavilion, Playing Field, Poynings, BN45 7FE
75	LD	Hurstpierpoint & Downs	Poynings	Poynings Pavilion, Playing Field, Poynings, BN45 7FE
76	LE	Hurstpierpoint & Downs	Fulking	Fulking Village Hall, The Street, Fulking, BN5 9LX
77	MA/MB	Hassocks	Clayton/Hassocks	Adastra Hall, Keymer Road, Hassocks, BN6 8AH
78	MB	Hassocks	Hassocks	Adastra Hall, Keymer Road, Hassocks, BN6 8AH
79	MB	Hassocks	Hassocks	Adastra Hall, Keymer Road, Hassocks, BN6 8AH

APPOINTMENT OF REPRESENTATIVES TO THE INDEPENDENT REMUNERATION PANEL FROM 1ST JULY 2019

REPORT OF: TOM CLARK, SOLICITOR TO THE COUNCIL
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
Date of meeting: 30 January 2019

Purpose of Report

1. To consider the recommendation to appoint a panel of Council Members to select three independent persons to join the Remuneration Panel for a 4 year term from 1st July 2019.

Summary

2. Three vacancies exist for representatives on the Independent Remuneration Panel and are due to be advertised as the current term for those in post expires in July 2019. Applicants will be interviewed by a Panel of Members selected by the Leader. Council will then be asked to approve the appointments. This report is to seek Council's approval of the composition of the interview panel.

Recommendations

3. **Council is recommended to appoint a panel of three Members (being the Deputy Leader, the Cabinet Member for Finance and Performance, and the Cabinet Member for Community) for the interviewing purpose in order to recommend three persons to join the Independent Remuneration Panel for a 4 year term.**
-

Background

4. Council appoints three independent Members to the Independent Remuneration Panel to serve for a period of 4 years. Two panel members were appointed in June 2015 and their terms are due to expire in July 2019. The third member was appointed May 2016, but resigned from the post in August 2018 as he no longer lives within the District.
5. As the terms of office for the remaining two members are due to expire, it is proposed that a fair and transparent recruitment process take place in February/March 2019 to fill all three vacancies.

Recruitment Process

6. It is proposed that the Council will follow the previous process when recruiting for members for the Independent Remuneration Panel. This will involve advertising the vacancies in the local press and on the Mid Sussex District Council's website.
7. The applicants will then be interviewed by a Leader's Panel consisting of the Deputy Leader, the Cabinet Member for Finance and Performance and the Cabinet Member for Community.
8. Once the interview process is completed, the appointments will be presented to Council to approve and the new panel members will serve a four year term of office to 30 June 2023.

Policy Context

9. The Local Authorities (Members' Allowances) (England) Regulations 2001 No.1280 provide for local authorities to establish and maintain an independent remuneration panel. The 2001 Regulations do not specify how a local authority may go about finding members of its remuneration panel.

Financial Implications

10. There will be some costs associated with the recruitment process but these will be minimal and within budget.

Risk Management Implications

11. There are no risk management implications.

Equality and Customer Service Implications

12. The recruitment for new panel members in 2019 will be a fair and transparent process open to all eligible members of the public.

HACKNEY AND PRIVATE HIRE DRIVER CODE OF CONDUCT

REPORT OF: Tom Clark, Head of Regulatory Services.

Contact Officer: Yvonne Leddy, Business Unit Leader for Environmental Health and Building Control.
Email: yvonne.leddy@midsussex.gov.uk Tel: 01444 477300

Wards Affected: All
Key Decision No
Report to Council-30th January 2019

Purpose of Report

- 1 To seek the Council's agreement to include within the Taxi Licensing Policy a Code of Conduct for all licensed drivers.

Recommendations

Council is recommended to approve the Code of Conduct for all licensed drivers contained in Appendix 1.

Background

- 2 Hackney Carriage and Private Hire Operators, Drivers and Vehicles are principally governed by the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847, Council's Byelaws and the Rules, Regulations and Conditions set by the Licensing Committee.
- 3 The purpose of the Code of Conduct for Licensed Drivers is to promote the Taxi and Private Hire licensing objectives which are:
 - The protection of public health and safety;
 - The establishment of a professional hackney carriage and private hire trade;
 - Help to promote access to an efficient and effective public transport service; and;
 - The protection of the environment.
- 4 The Licensing Team have received complaints from hackney carriage drivers regarding the conduct of other drivers whilst on the taxi ranks in recent months. It is therefore felt appropriate to consider introducing a code of conduct.
- 5 The Licensing Department have had a meeting with the Mid Sussex Taxi Association (MSTA) to seek their initial views on introducing a code of conduct and they were supportive of the principle.
- 6 The proposed Code of Conduct was fully supported and endorsed by the Licensing Committee on the 18th September 2018.
- 7 There have been reports of conduct and driver behaviour which is not specifically covered within the byelaws or the Hackney Carriage and Private

Hire Driver and Vehicle licence conditions. This can prove to be an obstacle when attempting to deal with complaints relating to these incidents either from the trade or from members of public.

- 8 Codes of Conduct have been successfully introduced by other local authorities including Ashford Borough Council, Portsmouth City Council, Crawley Borough Council and Wealden District Council.
- 9 It is proposed that the Code of Conduct would be included in the Council's Taxi Licensing Policy with any breaches been dealt with under the penalty point scheme. Breaches of the code would attract 4 penalty points. The penalty point scheme would be amended accordingly.

Policy Context

- 10 The Licensing Policy is produced pursuant to powers conferred by the Local Government (Miscellaneous Provisions) Act 1976 as amended, which places a duty on the Council to carry out its licensing functions in respect of hackney carriage and private hire vehicles.

Financial Implications

- 11 None Identified

Equality and Customer Service implications

- 12 The Taxi Licensing Policy is intended to protect the public, including those who are vulnerable owing to their age or disability. The proposed Code of Conduct reminds all drivers of their responsibilities whilst operating as a licensed driver and to ensure a professional level of service is provided to the travelling public.

Background papers

Appendix 1- Proposed Code of Conduct

CODE OF GOOD CONDUCT

This Code should be read in conjunction with the other statutory and policy requirements set out in this document. Ordinarily, but without prejudice to any other disciplinary procedures detailed in this Policy, breaches of the Code of Good Conduct can be dealt with by use of the Penalty Points System contained with the Licensing Enforcement Policy of the Council.

1. Responsibility of the hackney carriage and private hire trade

Licence holders shall endeavour to promote the image of the Hackney Carriage and Private Hire trade by;

- (a) Complying with this Code of Good Conduct;
- (b) Complying with all the conditions of their licence, byelaws and the Authority's Hackney Carriage and Private Hire Licensing Policy;
- (c) Behaving in a civil, orderly, non-discriminatory and responsible manner at all times.

By accepting their licence, the holder is deemed to have accepted the above terms and conditions.

2. Responsibility to Passengers

Licence holders shall:

- (a) maintain their/your vehicle(s) in a safe and satisfactory condition at all times;
- (b) Keep their/your vehicles clean and suitable for hire to the public at all times;
- (c) Attend punctually when undertaking pre-booked hires;
- (d) Assist, where necessary, passengers into and out of the vehicle;
- (e) Provide reasonable assistance to passengers with their luggage.
- (f) Take all reasonable steps to assist disabled passengers

3. Responsibility to Residents

- (a) not sound the vehicle's horn illegally between 11:30pm and 7:00am or from a stationary vehicle (except when another road user poses a danger);
- (b) keep the volume of music being played within the vehicle to a minimum;
- (c) switch off the engine if required to wait; and
- (d) take whatever additional action is necessary to avoid disturbance to residents, which might arise from the conduct of your business.

4. Responsibility at Ranks

Hackney Carriage Licence holders shall;

- (a) rank in an orderly manner and proceed along the rank in order and promptly;
- (b) remain in attendance of their vehicle;
- (c) not allow the music being played within the vehicle to cause a disturbance to residents and businesses;
- (d) take whatever action is necessary to avoid disturbance to residents and businesses in the area that may arise from the conduct of your business;

- (e) not to sound the vehicle's horn from a stationary vehicle whilst sitting waiting at the taxi rank. This includes using the horn to request other drivers to move up the rank.
- (f) Where a rank feeder system is in place at Railway Stations proceed at all times to the rear of the feeder route and to join the main rank only via the feeder system.

5 General

Drivers shall:-

- (a) pay attention to personal hygiene and dress so as to present a professional image to the public; non-tailored shorts and flip-flops or loose sandals are not to be worn; Footwear should fit around the heel of the foot
- (b) be polite, helpful and fair to passengers;
- (c) drive with care and due consideration for other road users and pedestrians;
- (d) obey all Traffic Regulation Orders and directions at all times;
- (e) undertake a visual check on the vehicle before starting their shift and in particular ensure the lights of the vehicle are working and to check the condition of the tyres;
- (f) not consume alcohol immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle;
- (g) not drive whilst having misused legal or taken illegal drugs;
- (h) fulfil their responsibility to ensure that adequate rest periods are taken during and after the working day;
- (i) not eat in the vehicle in the presence of passengers; and
- (j) respect Officers and Council members of staff at the Authority offices and elsewhere during the normal course of their duties.

PLEASE NOTE:

The Council shall take a very serious view of any driver being found to have had any alcohol or having misused any drugs whilst in charge of a licensed vehicle.