
26 January 2021

New regulations came into effect on 4 April 2020 to allow Councils to hold meetings remotely via electronic means. As such, Council and Committee meetings will occur with appropriate Councillors participating via a remote video link, and public access via a live stream video through the [Mid Sussex District Council's YouTube channel](#).

Dear Councillor,

A meeting of **SCRUTINY COMMITTEE FOR COMMUNITY, CUSTOMER SERVICES AND SERVICE DELIVERY** will be held **VIA REMOTE VIDEO LINK** on **WEDNESDAY, 3RD FEBRUARY, 2021 at 5.00 pm** when your attendance is requested.

Yours sincerely,
KATHRYN HALL
Chief Executive

A G E N D A

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- | | | |
|----|--|----------------|
| 1. | Roll Call and Virtual Meeting Explanation. | |
| 2. | To note Substitutes in Accordance with Council Procedure Rule 4 - Substitutes at Meetings of Committees etc. | |
| 3. | To receive apologies for absence. | |
| 4. | To receive Declaration of Interests from Members in respect of any matter on the Agenda. | |
| 5. | To confirm the Minutes of the meeting of the Committee held on 13 October 2020. | 3 - 8 |
| 6. | To consider any items that the Chairman agrees to take as urgent business. | |
| 7. | Overview of Complaints 2019-20. | 9 - 18 |
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9. Scrutiny Committee for Community, Customer Services and Service Delivery Work Programme 2020/21. **33 - 34**
10. Questions pursuant to Council Procedure Rule 10.2 due notice of which has been given.

To: **Members of Scrutiny Committee for Community, Customer Services and Service Delivery:** Councillors A Boutrup (Chair), Anthea Lea (Vice-Chair), L Bennett, P Chapman, R Clarke, B Dempsey, S Ellis, I Gibson, J Henwood, T Hussain, J Mockford, M Pulfer, S Smith, A Sparasci and D Sweatman

**Minutes of a meeting of Scrutiny Committee for Community,
Customer Services and Service Delivery
held on Tuesday, 13th October, 2020
from 4.00 - 5.39 pm**

Present: A Boutrup (Chair)
Anthea Lea (Vice-Chair)

L Bennett	J Henwood	P Bradbury
P Chapman	M Pulfer	R Eggleston
R Clarke	D Sweatman	J Knight
S Ellis	R Bates	
I Gibson	A Bennett	

Absent: Councillors B Dempsey, T Hussain, J Mockford, S Smith and
A Sparasci

Also Present: Councillors P Brown, R Cartwright, E Coe-Gunnell White,
R de Mierre, L Gibbs, S Hatton, S Hillier, C Laband,
A MacNaughton, N Webster, R Whittaker

Also Present as Cabinet Members: Councillors J Belsey, J Llewellyn-Burke, J Ash-Edwards

1 ROLL-CALL AND VIRTUAL MEETING EXPLANATION

The Vice Chairman carried out a roll call to establish attendance at the meeting. The Solicitor to the Council provided information on the format of the virtual meeting.

**2 TO NOTE SUBSTITUTES IN ACCORDANCE WITH COUNCIL PROCEDURE
RULE 4 -SUBSTITUTES AT MEETINGS OF COMMITTEES ETC.**

The following substitutes attended the meeting:
Councillor Alison Bennett for Councillor Dempsey, Councillor Eggleston for Councillor Sparasci, Councillor Knight for Councillor Mockford, Councillor Bates for Councillor Hussain and Councillor Bradbury for Councillor Smith.

3 TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillors Dempsey, Sparasci, Mockford, Hussain and Smith.

**4 TO RECEIVE DECLARATION OF INTERESTS FROM MEMBERS IN RESPECT OF
ANY MATTER ON THE AGENDA.**

Councillor Boutrup declared a personal interest as a Trustee and treasurer of The Woodside in Bolnere Village. Councillor Eggleston declared a personal interest as a Trustees of the Beehive Trust in Burgess Hill and being a Member of the Burgess Hill Town Council Cultural Quarter Steering Group. Councillor Chapman and Councillor Henwood declared a personal interest as they are also on the Burgess Hill Town

Council Cultural Quarter Steering Group. Councillor Bates declared a personal interest as a registered member of Park Run as he had involvement in setting this up at Clair Hall.

5 TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 8 JULY 2020.

The minutes of the meeting held on 8 July 2020 were agreed as a correct record and electronically signed by the Chairman.

6 TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS URGENT BUSINESS.

None.

7 CALL-IN OF CABINET DECISION - CLAIR HALL

Judy Holmes, Assistant Chief Executive introduced the report.

The Chairman confirmed that the Committee's role was to consider three options in the report based on the specific operational areas requested by Councillor Alison Bennett in the call-in request. In doing so, the Committee should consider all parts of the decision made by Cabinet in terms of the continued closure of Clair Hall, the establishment of a temporary car park on site and for Officers to commission work to develop a business case for the inclusion of a modern community facility as part of the future regeneration of the site or other sites in the town centre. The Chairman confirmed that a Council petition had been received regarding the closure of Clair Hall but this was not for discussion at this meeting.

The Cabinet Member for Environment and Service Delivery said that the Council intends to commission an independent organisation to engage with community groups through a consultation to establish the needs regarding the provision of a new community facility.

A Member raised a point of order under statutory provision 14.1 that the Cabinet's decision rescinded a resolution passed on 19th August where the Council agreed to remove Clair Hall from the Places Leisure contract. He noted that paragraph 55 of the Council report states 'The Council can consider the future of the site at some future point'. The Chairman and Head of Regulatory Services clarified that this refers to the Council in its whole body, not a meeting of full Council, and therefore it became the responsibility of the Cabinet.

Debate was held on the Cabinet's decision on the continued and permanent closure of Clair Hall. A Member felt that the Cabinet report was deficient in detail as the main focus was on figures relating to footfall and not utilisation. Rob Anderton, Divisional Leader: Commercial Services & Contracts confirmed that the footfall data in the Cabinet report over a 4 year period does indicate a decline. The utilisation data only shows 2019-20 and further data was requested for the purpose of the call-in scrutiny meeting. A Member requested that all the information presented to Cabinet be made available for the independent organisation appointed to carry out the consultation.

A Member queried Key Performance Indicators (KPIs) set for Places Leisure. The Chairman noted that KPI information was fed into the original Cabinet report and the Assistant Chief Executive confirmed that since the contract commenced 5 years ago,

the KPI information had been provided annually to this scrutiny committee and is published online.

Two Members expressed concern that the Council had not provided alternative venue options for a number of events that used to take place in the Hall. The Chairman confirmed that discussion on alternative venues fell outside of the scope of the meeting and it was confirmed that work on sourcing alternative venues has had to cease whilst the call-in was under consideration.

The Cabinet Member for Environment and Service Delivery acknowledged that although utilisation may have increased, it is still low at around 50% and footfall had declined over time. With uncertainty around the future due to Covid19 restrictions a decision was needed regarding the future of the site. He reiterated that work on consultation has paused whilst the call-in is considered but pending the outcome of the scrutiny meeting, the Council can move forward with consultation.

A Member noted that the call-in procedure was a key part of the Constitution to ensure that decisions were taken properly and was not used as a way to halt proceedings. Clarity was sought over the reason why the Cabinet report did not feature in the Forward Plan. The Head of Regulatory Services confirmed that the future of Clair Hall could not be listed until the Council had met on 19 August to agree the Places Leisure contract amendment. It was not published in the September Forward Plan as this was published after the papers for the September Cabinet meeting were published. A process failure was acknowledged as the item was not treated as an urgent item at the Cabinet meeting and therefore could have been taken to the October meeting and published in the September Forward Plan. It was acknowledged that more consideration needs to be made to the content of the Forward Plan to ensure this does not happen again. The Leader noted that there was no evidence that any parties had been disadvantaged as a result of the omission on the Forward Plan. The Cabinet received representations after the Cabinet papers were published and considered them as part of the decision making.

Discussion was held over the longevity of the current building. The Energy Performance Certificate (EPC) rating of G for the building was raised, and it was noted that the Council required a rating of E in order to operate without incurring a fine in the future. It was noted that the state of the hall is declining and that it was in the Haywards Heath Masterplan in 2007 as a future opportunities site. With the hall closed due to Covid19 restrictions it provided a good opportunity to work on a better alternative and build for the future.

A Member sought clarity on whether the Council has applied to the Government's cultural recovery fund. The Cabinet Member for Environment and Service Delivery agreed to provide a written response.

In response to a Member's question on whether Cabinet would object to a community group running the hall on a 'meanwhile lease' during the consultation phase, the Leader noted that no proposal had been promoted before the decision to close the hall was made. If it were to happen, it would not resolve the wider issues with the hall in terms of falling usage, increased cost to the taxpayer to maintain, reduced capacity due to Covid19 guidelines and the design of the building. In response to a Member's concern about a lack of public consultation, he noted that the decision to take Clair Hall out of the contract with Places Leisure was part of a wider issue where the Council has had to address the impact of Covid19 on the community, finances and that the decision was agreed by Full Council. He reiterated the Cabinet's commitment in their decision to work with local groups to establish the future requirements.

Discussion was held on the establishment of a temporary public car park on site and the effect that may have on Park Run and cricketers who use the existing carpark. In response it was confirmed that in establishing how the car park will operate, the Council will consider all users and the potential for a mix of provision on site in terms of permits and concessionary usage. Consideration would also be given should a group operate Clair Hall on a temporary basis.

Members discussed the request for officers to commission work to develop a business case for a modern community facility as part of the future regeneration of the site or other sites in the town centre. Members endorsed the need for Haywards Heath to have a modern multi-purpose community facility. A Member sought clarification about any covenant in place stipulating that Clair Hall had to be used for education or entertainment purposes. It was confirmed that there is a negative covenant stipulating that the site cannot be used as a garage. The site was bought in 1930 in a commercial transaction.

Councillor Knight proposed a motion that 'the Committee has considered the call-in and resolves that no reference to Council or Cabinet should be made. The committee supports the Cabinet decision, including the next steps to commission work to develop a business case for the inclusion of a modern community facility as part of the future regeneration of this site or other sites in the town centre.' The motion was seconded by Councillor Sweatman and a recorded vote was requested by 5 Members of the Committee.

The Chairman took Members to the recorded vote.

	For	Against	Abstain
Bates, R			✓
Bennett, A		✓	
Bennett, L	✓		
Boutrup, A	✓		
Bradbury, P	✓		
Chapman, P		✓	
Clarke, R	✓		
Eggleston, R			✓
Ellis, S	✓		
Gibson, I		✓	
Henwood, J			✓
Knight, J	✓		
Lea, Anthea	✓		
Pulfer, M	✓		
Sweatman, D	✓		

The 15 Members present voted 9 in favour, 3 against and 3 abstaining, therefore the motion was agreed.

RESOLVED

That the Committee:

Has considered the call-in and resolves that no reference to Council or Cabinet should be made. The committee supports the Cabinet decision, including the next steps to commission work to develop a business case for the inclusion of a modern community facility as part of the future regeneration of this site or other sites in the town centre.

8 QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.2 DUE NOTICE OF WHICH HAS BEEN GIVEN.

The following question was asked by Councillor Hatton:

Cabinet Member Belsey has stated that consideration of the closure of Clair Hall began in March 2020. Why, therefore, was there no consultation held with the public or stakeholders in the following 6 months before the Cabinet decision was made to close Clair Hall immediately and permanently?

Councillor Hatton acknowledged in the meeting that a response had already been provided and asked a supplementary question requesting that the Council have discussion with the community regarding the potential to take over the hall in the interim period before the independent consultation is completed. The Cabinet Member for Environment and Service Delivery acknowledged that a list of alternative venues has been published to assist groups in relocating and contact will be made with local groups to consider all options available prior to the wider consultation.

The following question was asked by Councillor Cartwright:

Has the Council had approaches from developers or interested parties about making alternative use of the site since the decision in August to take Clair Hall out of the Places Leisure contract?

The Leader was not aware of receiving any contact from developers on this subject. All representations received were considered at the Cabinet meeting and no further substantive proposals have been received.

The meeting finished at 5.39 pm

Chairman

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OVERVIEW OF COMPLAINTS – 2019/2020

REPORT OF: Rafal Hejne, Interim Head of Digital and Customer Services
Contact Officer: Karen Speirs, Customer Services Manager, Customer Services and Communications Email: karen.speirs@midsussex.gov.uk 01444 477510
Wards Affected: (All)
Key Decision: No
Report to: Scrutiny Committee for Customer Services and Service Delivery
3rd February 2021

Purpose of Report

1. To provide Members with annual information about formal complaints received by the Council from 1st April 2019 to 31st March 2020. It also summarises the complaints referred to the Local Government Ombudsman (LGO) during the same period.

Background

2. In 2019/20 the Council received 230 complaints, and 98% of these were investigated and responded to within the target times set out within the Council's complaints procedure. These response times were impacted by Covid-19, due to other priorities related to assisting with the pandemic and complainants were understanding of this when apologies were made. During the same period the Council also received 336 compliments. More complaints do not necessarily mean increased service issues. Increasing awareness of the complaints process is important as complaints and compliments provide an opportunity to review procedures and initiate improvements if needed. Each issue of the staff newsletter currently references the number of complaints and compliments received and highlights some examples of excellent customer service to share best practice.
3. Nationally the LGO registered 17,019 complaints and enquiries compared to 16,899 in 2018/2019 and 61% of their investigations were upheld, which increased from 58% the previous year. The LGO's latest report launched a new interactive map of council performance at <https://www.lgo.org.uk/your-councils-performance/mid-sussex-district-council/statistics>
4. Twelve complaints were referred to the LGO for investigation, six were closed after initial enquiries and the remaining six were investigated in further detail and of these, two complaints were upheld. This equates to 33% compared to an average of 45% in similar authorities. Details on these are contained in paragraph 14 and the accompanying table. The Council also had a 100% compliance rate with any recommendations the LGO made compared to an average of 99% in similar authorities.
5. Nationally, the LGO carried out 4217 detailed investigations compared with 4232 in 2017/18. Nearly 50% of these related to Education and Children's Services or Adult Social Care and this was also where the highest proportion of complaints were upheld (72% and 68% respectively). The lowest nationally being for Planning and Development where 40% of the 735 detailed investigations were upheld.
6. The LGO in their report state that:

Councils are putting things right more often. In 13% of upheld cases, councils had already offered a suitable remedy, up from 11% last year.

The LGO recommended 1,629 service improvements, up 12% on the previous year and compliance with their recommendations remains at 99.4%

7. The LGO welcome the constructive way most authorities work with them to remedy injustices and take steps to improve and closely monitor when their recommendations are implemented and if not will take action. For Mid Sussex, the LGO noted that in 50% of upheld cases the Council had provided a satisfactory remedy prior to the LGO decision, compared to 20% in similar authorities. Although the second complaint had been upheld, the fault did not cause significant injustice and it did not call into question the decision to approve the application.
8. The Council follows the LGO good practice guidance for complaints for Councils:
 - Ensuring reports are concise and written in plain English where possible to ensure they can be understood by a range of people.
 - Ensuring there is a record of how all key material planning considerations were considered.
 - Ensuring comments from local people and other bodies are summarised so people can see what was considered.
 - Clearly explaining what is being considered and the impact on any existing permissions and planning controls.
 - Using a system for recording reasons for decisions, even if the decision is that no action should be taken.

Recommendations

9. Members are recommended to note the report

Complaints Process

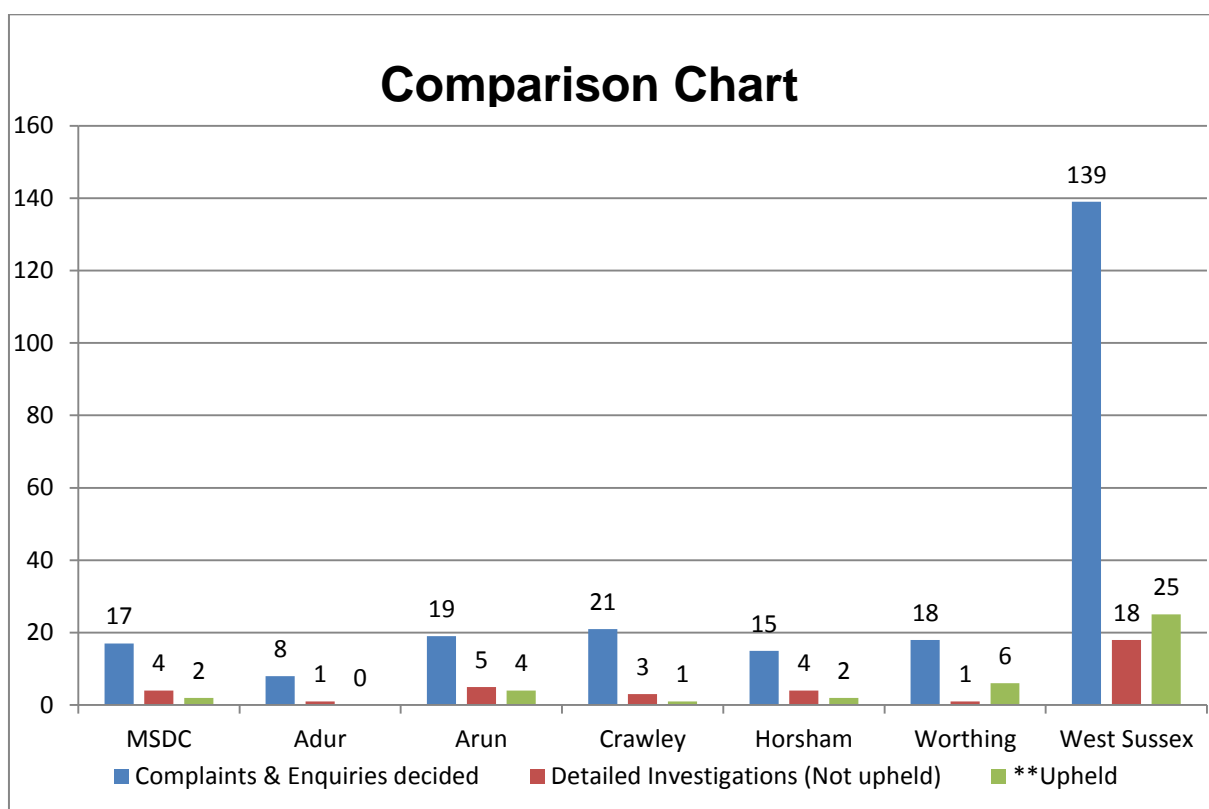
10. The Council has a formal complaints procedure, a link is available in the Background Papers section. A summary of all complaints and compliments received are reported to the Portfolio Holder for Customer Services on a monthly basis and reviewed by Business Unit Leaders at their bi-monthly meeting.

Complaints and Enquiries received from LGO

11. Complaints and enquiries received by The Local Government Ombudsman (LGO) for Mid Sussex District Council for the period 1st April 2019 to 31st March 2020 are detailed below. A copy of this annual review letter can be found in the appendices.
12. The numbers of complaints and enquiries received do not always equate as a number of complaints will have been received by the LGO during the year, but decisions are reached on them in different business years.
13. For comparison, during 1st April 2019 to 31st March 2020, the LGO received complaints and enquiries from neighbouring local authorities as follows:

Adur	Arun	Crawley	Horsham	Mid Sussex	Worthing	West Sussex County Council
8	19	21	11	14	14	128

14. Decisions made by the LGO for the period 1st April 2019 to 31st March 2020 in West Sussex were as follows:



** Upheld complaints are those where the LGO finds some fault in the way a council acted, even if it has agreed to put things right during the course of the investigation or has accepted it needs to remedy the situation before the complainant made the complaint.

There were six detailed investigations undertaken by the LGO in 2019/20 into complaints by Mid Sussex residents. These six investigations were for Licensing and Planning and Development, with two being upheld.

Service	Details of Complaint	LGO Summary
Planning and Development	Dissatisfied that representations of drawings were inaccurate as presented in the Committee report.	Complaint upheld. No fault with the decision of the Council to approve the application, however found fault as a Councillor visited the application site prior to the application being considered without a planning officer present. Member protocol revised to clearly state that Councillors should not enter an application site unless on an official Committee site visit.
Environmental Health	Caravan Site Licence incorrectly revoked.	Complaint upheld, No further remedy other than already taken by the Council of making an apology for this mistake.
Planning and Development	Dissatisfied with the planning application process.	The Ombudsman found no fault by the Council.
Planning and Development	Dissatisfied with the determination of a planning application.	The Ombudsman found no fault by the Council.
Planning and Development	Dissatisfied with the determination of a planning application.	No worthwhile outcome achievable by further investigation.
Planning and Development	Alleged failure to advise of Section 106 Agreement	No fault in how the Council handled a Section 106 Agreement.

The other complaints submitted to the LGO were as follows:

Service	LGO Summary
Benefits and Tax	Closed after initial enquiries
Benefits and Tax	Referred for local resolution.
Benefits and Tax	Closed after initial enquiries.
Benefits and Tax	Closed after initial enquiries.
Corporate and Other Services	Closed after initial enquiries
Environmental Services and Public Protection	Referred for local resolution
Highways and Transport	Closed after initial enquiries
Planning and Development	Closed after initial enquiries

Planning and Development	Referred for local resolution
Planning and Development	Closed after initial enquiries
Planning and Development	Incomplete/invalid

Financial Implications

15. There are no financial implications.

Risk Management Implications

16. There are no specific risk management implications arising from this report.

Equality and Customer Service Implications

17. Complaints are an opportunity to improve service and staff performance. Each complaint is reviewed to highlight any service failures that need to be addressed to prevent a recurrence.

Other Material Implications

18. There are no other material implications arising from this report.

Appendices:

LGO Annual Review letter of 2020

<https://www.lgo.org.uk/your-councils-performance/mid-sussex-district-council/annualletters>

Background Papers

Link to Local Ombudsman upholding more complaints about local government:

<https://www.lgo.org.uk/information-centre/reports/annual-review-reports/local-government-complaint-reviews>

Mid Sussex Complaints Procedure

<https://www.midsussex.gov.uk/media/4630/msdc-complaints-procedure-jan-2020.pdf>

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Local Government & Social Care OMBUDSMAN

22 July 2020

By email

Ms Hall
Chief Executive
Mid Sussex District Council

Dear Ms Hall

Annual Review letter 2020

I write to you with our annual summary of statistics on the decisions made by the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2020. Given the exceptional pressures under which local authorities have been working over recent months, I thought carefully about whether it was still appropriate to send you this annual update. However, now, more than ever, I believe that it is essential that the public experience of local services is at the heart of our thinking. So, I hope that this feedback, which provides unique insight into the lived experience of your Council's services, will be useful as you continue to deal with the current situation and plan for the future.

Complaint statistics

This year, we continue to place our focus on the outcomes of complaints and what can be learned from them. We want to provide you with the most insightful information we can and have made several changes over recent years to improve the data we capture and report. We focus our statistics on these three key areas:

Complaints upheld - We uphold complaints when we find some form of fault in an authority's actions, including where the authority accepted fault before we investigated. A focus on how often things go wrong, rather than simple volumes of complaints provides a clearer indicator of performance.

Compliance with recommendations - We recommend ways for authorities to put things right when faults have caused injustice. Our recommendations try to put people back in the position they were before the fault and we monitor authorities to ensure they comply with our recommendations. Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

Satisfactory remedies provided by the authority - We want to encourage the early resolution of complaints and to credit authorities that have a positive and open approach to

resolving complaints. We recognise cases where an authority has taken steps to put things right before the complaint came to us. The authority upheld the complaint and we agreed with how it offered to put things right.

Finally, we compare the three key annual statistics for your authority with similar types of authorities to work out an average level of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

This data will be uploaded to our interactive map, [Your council's performance](#), along with a copy of this letter on 29 July 2020, and our Review of Local Government Complaints. For further information on how to interpret our statistics, please visit our [website](#).

Resources to help you get it right

There are a range of resources available that can support you to place the learning from complaints, about your authority and others, at the heart of your system of corporate governance. [Your council's performance](#) launched last year and puts our data and information about councils in one place. Again, the emphasis is on learning, not numbers. You can find the decisions we have made, public reports we have issued, and the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

I would encourage you to share the tool with colleagues and elected members; the information can provide valuable insights into service areas, early warning signs of problems and is a key source of information for governance, audit, risk and scrutiny functions.

Earlier this year, we held our link officer seminars in London, Bristol, Leeds and Birmingham. Attended by 178 delegates from 143 local authorities, we focused on maximising the impact of complaints, making sure the right person is involved with complaints at the right time, and how to overcome common challenges.

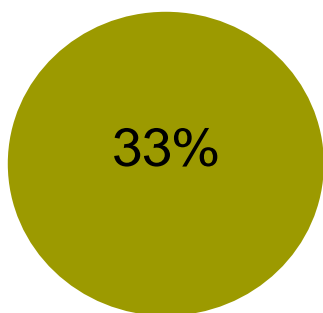
We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. During the year, we delivered 118 courses, training more than 1,400 people. This is 47 more courses than we delivered last year and included more training to adult social care providers than ever before. To find out more visit www.lgo.org.uk/training.

Yours sincerely,



Michael King
Local Government and Social Care Ombudsman
Chair, Commission for Local Administration in England

Complaints upheld



33% of complaints we investigated were upheld.

This compares to an average of **45%** in similar authorities.

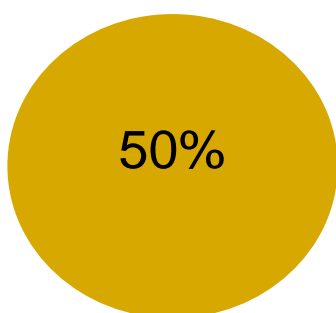
2
upheld decisions

Statistics are based on a total of 6 detailed investigations for the period between 1 April 2019 to 31 March 2020

Compliance with Ombudsman recommendations

No recommendations were due for compliance in this period

Satisfactory remedies provided by the authority



In **50%** of upheld cases we found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **20%** in similar authorities.

1
satisfactory remedy decision

Statistics are based on a total of 6 detailed investigations for the period between 1 April 2019 to 31 March 2020

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AIR QUALITY

REPORT OF: Tom Clark, Head of Regulatory Services.
Contact Officer: Adam Dracott Team Leader Environmental Protection
Email: adam.dracott@midsussex.gov.uk Tel: 01444 477382
Wards Affected: ALL
Key Decision: No
Report to: Scrutiny Committee for Community, Customer Services and Service Delivery
3rd February 2021

Purpose of Report

1. To inform Members about our Annual Status Report on air quality and highlight the air quality programme across the District.

Recommendations

The Committee is recommended to endorse the approach of the Council on Air Quality Management.

Background

2. The air quality around Mid Sussex continues to be generally good as demonstrated by the monitoring carried out within the District.
3. Statutory responsibility for monitoring and assessing air quality sits with the Council under Part IV of the Environment Act 1995. Areas where pollutants exceed, or are likely to exceed, Government health-based air quality objectives are declared as Air Quality Management Areas (AQMA) and we are required to produce an air quality action plan (AQAP) to demonstrate how we will improve air quality in the AQMA. Councils are also required to produce an Annual Status Report (ASR) for the Department of Environment, Food and Rural Affairs (Defra) for their approval.
4. Where air quality problems resulting in AQMA are related to traffic, which is the case for all AQMA in West Sussex, West Sussex County Council as the highway authority, has a statutory responsibility to work with the relevant District or Borough Councils to develop and deliver the action plans for these AQMA. Highways England has an equivalent responsibility to work with the relevant District and Borough Councils in relation to the Strategic Road Network (e.g. A27, M23, A23) where there are AQMA.
5. The Annual Status Report (ASR) report provides an overview of air quality in Mid Sussex. It contains details of monitored pollutants and incorporates information on changes or potential changes to the environment due to new processes or developments. This allows us to identify potential impacts on air quality which we need to consider and mitigate. The report also includes an update on the actions within the AQAP to address air pollution in the district.
6. Mid Sussex District Council's Annual Status Report for 2019 was approved by Defra in July 2020 and is available to view on the MSDC website in the Environment section at <https://www.midsussex.gov.uk/media/5416/2020-air-quality-annual-statement-status-report.pdf>

7. As air pollutants do not recognise boundaries we work in partnership with our colleagues in the other districts, boroughs and counties to deliver air quality. The group is Sussex wide and is known as the Sussex-Air, with representatives from Public Health, County Highways, the Environmental Research Group at Imperial College London and the air quality specialists from the district and boroughs.
8. Generally, in Mid Sussex District we have good air quality, but we do have one hotspot where exceedances of one pollutant has been identified. On account of this, in 2012 we declared an Air Quality Management Area at the Stonepound Crossroads, Hassocks due to levels of nitrogen dioxide (NO₂) exceeding the air quality objective level of 40ug/m³ expressed as an annual mean concentration. Once the declaration had been made, we produced an Action Plan listing a number of measures to improve air quality and reduce the pollutant levels. Early indication is that the air quality is improving. We also have a Members' Air Quality Steering Group supported by the relevant officers from the district and county which meets annually to audit and direct the action plan.
9. The exceedance of the air quality objective level for nitrogen dioxide at the Stonepound Crossroads is assessed at the building façade and relates to the average exposure at that position measured or modelled over the period of a year for those living there. Within the AQMA there has been one façade of a residential building that has pollutant (NO₂) concentrations above the objective level, and this was the reason for the AQMA declaration. For 2 of the last 3 years, pollutant concentrations have been below the objective level. For all the other monitoring locations, where they represent relevant exposure, for the last 9 years these have remained consistently below the objective level.
10. The overall trend shows a steady decline in pollutant levels and the monitoring data indicates that the objective is likely to be met in the next couple of years. The objective level does not relate to short term exposure for people walking around the area or through it. There is a much higher limit for short term exposure to concentrations of nitrogen dioxide and the levels at Stonepound Crossroads are well below this level.
11. The measurement and assessment of the monitoring data for the Annual Status Report 2020, which related to the data gathered throughout 2019, was undertaken before the Covid pandemic led to the national lockdown and subsequent restrictions on activities that significantly reduced traffic volumes on the road network and consequently resulted in reductions to NO₂ levels. DEFRA have advised that local authorities should not make any decisions on revocation of AQMAs based on 2020 data.

Brief background to Air Quality Pollutants

12. There are a variety of different pollutants that have impacts on health for which the government has set objective levels to protect health. The main ones of concern are nitrogen dioxide (NO₂) and particulate matter (PM). Particulate matter is often referred to by size, so you may see references to PM₁₀, PM_{2.5} or PM_{0.1} and are a health concern due to their tiny size which can penetrate deep into the lungs.
13. Pollutants:
 - Nitrogen dioxide (NO₂) -Road transport is responsible for some 80% of NO₂ concentrations at the roadside, with diesel vehicles of greatest concern at a local level. This is due in part to improvements in real world emissions testing showing that laboratory test-based emission standards have not delivered expected reductions under real world driving conditions.

- Particulate matter-is a generic term for tiny soot, grit and dust particles caused by combustion processes such as power plants and motor vehicles. They are also produced when gases and particles interact with one another in the atmosphere. They are categorised by size and identified in microns (μm). Of the different sizes of particulate matter, $\text{PM}_{2.5}$ has the strongest epidemiological link to health outcomes as this size particle can be inhaled deep into the lungs. The very smallest particles, ultra-fine $\text{PM}_{0.1}$, once inhaled are able to pass directly into the bloodstream. Unlike NO_2 where concentrations are high immediately adjacent to the source, particulate matter has a much wider geographical extent and guidance suggests we can use monitoring from up to 50 miles away as a reference to assess levels locally. Due to the large distances that PM can travel, it is harder to control at a local level. (See Appendix 1 for $\text{PM}_{2.5}$ sources)
14. National and European objectives define levels based on the known effect these pollutants have on human health. Objectives are set in law and, where an AQMA has been designated, local authorities have a statutory obligation to work towards meeting them. Although the UK has exited the European Union, these objectives will remain in place and compliance will be overseen by the Office for Environmental Protection.
 15. For particulate matter (PM_{10} , $\text{PM}_{2.5}$) there is no evidence of a safe level of exposure or a threshold below which no adverse health effects occur. So the approach for this pollutant is generally accepted to be a reduction in background concentrations to ensure the best health outcomes for the widest geographic range of people. It is important to note that local authorities are not presently required to monitor $\text{PM}_{2.5}$ but in the government's Clean Air Strategy 2019 they are proposing to set a new, ambitious long-term target to reduce people's exposure to it.
 16. There is consistent evidence demonstrating clear adverse effects of exposure to air pollutants on health, particularly on the very young, very old and those with existing health conditions. Poor air quality is linked with an increased risk of developing chronic conditions (e.g. chronic obstructive pulmonary disease), poor birth outcomes, lung cancer, respiratory disease and others.
 17. The health problems resulting from exposure to air pollution have a high cost to society and business, causing demand on our health services and resulting in illness and even premature death. These vulnerabilities are heightened among those living in the most deprived communities.
 18. The Public Health Outcomes Framework (PHOF) includes an indicator which quantifies the contribution of exposure to particulate matter on mortality. In 2018 the fraction of mortality attributable to anthropogenic $\text{PM}_{2.5}$ was 5.3% for Mid Sussex. This compares to an estimated fraction of 5.2% for England, and a range between 5.8% (Crawley) and 5.0% (Chichester) for other districts in West Sussex. In summary, the air pollution in Mid Sussex is broadly in line with the regional average.
 19. The figures for mortality in the PHOF for particulate matter are estimates of mortality attributable to this risk factor. Outdoor air pollution is a major public health issue costing the UK economy £20bn a year and contributing to over 25,000 deaths a year. It is important to understand that long-term exposure to air pollution is not thought to be the sole cause of deaths. Rather it is considered to be a contributory factor.

20. The importance of local air quality management was highlighted at a coroner's inquest in December 2020, where it was ruled that exposure to nitrogen dioxide and PM_{2.5} pollution, in excess of World Health Organisation guidelines, contributed to the death of a child in London who suffered with asthma. This was the first time in the UK that air pollution has been listed as a cause of death.

Annual Status Report

21. The latest Annual Status Report for air quality monitoring and action in 2019 was submitted in June 2020 and approved by Defra in July 2020. The next report on air quality in the district covering the year 2020 will be submitted in June 2021. The report format is prescribed by Defra and the monitoring data must be presented in the prescribed way.
22. The 2020 report, covering the 2019 monitoring period, states that air quality monitoring and modelling carried out by the Council indicated that the air quality in Mid Sussex is generally good.
23. Monitoring results across the district in 2019 are broadly positive, with most sites showing a decrease in the nitrogen dioxide (NO₂) levels compared to those recorded in 2018. The long-term trend appears to be continuing downwards (see Appendix 2). In 2019 we undertook non-automatic (passive) monitoring of NO₂ at 32 sites (see Appendix 3). The monitoring locations are reviewed annually.
24. The Council has been monitoring air quality at sites across the district since 1996. Long term monitoring in specific locations provides continuity of data and enables us to identify air quality trends. Monitoring sites are chosen where there is relevant exposure, i.e. in locations where there are high traffic volumes and houses close to the road, as concentrations of pollutants drop off rapidly with increasing distance from the source.
25. The report details the work carried out on the AQMA at the Stonepound Crossroads in Hassocks and confirms that further monitoring and assessment is needed in East Grinstead to investigate the elevated levels of NO₂ at London Road.
26. Monitoring data at one of the new monitoring locations in London Road East Grinstead, showed an exceedance of the air quality objective for NO₂. To investigate this further, we have increased the monitoring sites in this area and we are progressing with a project to install an air quality station which will contain a continuous analyser giving us more accurate data on which to base any future decisions on whether an air quality management area declaration is needed. Data from the station will also benefit our diffusion tube monitoring as this will allow quality assurance of the measurements to be determined locally.
27. As the main source of air pollution in the district is road traffic emissions, Mid Sussex District Council must rely on the Highways Authority at West Sussex County Council to bring forward and implement traffic management and road layout initiatives for air quality improvement. West Sussex County Council members and officers are part of the air quality steering group which is responsible for the air quality action plan for the AQMA at Hassocks. Mid Sussex also contribute to the Inter Authority Air Quality Group, a Member Group, chaired by West Sussex County Council.

Air Quality Management Area

28. Within the AQMA at Stonepound Crossroads exceedances of NO₂ have been due to the topography, the volume of road traffic at the junction and the proximity of residential properties to the road. Since the AQMA was declared in 2012 there has been an overall reduction in measured NO₂.
29. The monitoring sites around the Stonepound Crossroads have been selected to measure NO₂ levels as close as possible to relevant receptors (in this case residential property facades). Where monitoring sites are not at relevant receptors, a distance correction can be applied to the measured level to give the pollutant concentration at the relevant receptor. In 2019, the monitoring indicated that there were no exceedances of the air quality objective around the Stonepound Crossroads. The overall trend for NO₂ has been a steady decline over the years 2011-2019. Appendix 4 displays the NO₂ trend at the monitoring locations at Stonepound Crossroads over the last 8 years.
30. Having declared an AQMA, we are required to draw up an Air Quality Action Plan (AQAP). The purpose of the AQAP is to identify measures designed to reduce the pollutant levels so they fall within the air quality objective level which for NO₂ is 40ug/m³ expressed as an annual mean concentration.
31. Table 1 provides an overview of the actions endorsed by the Steering group to date and the work yet to be completed:

Table 1 – Air quality action plan measures investigated

	CURRENT ACTIONS	STATUS
1	Minimise HGV movements at Stonepound– advisory lorry routes (A2300 upgrade, signage, lorry route map)	Underway
2	Review and replacement of “Cut Engine, Cut Pollution” signs	Underway
3	Improve and promote cycle routes	Underway
4	Encourage alternate transport modes (shared approach between HDC, CBC and MSDC)	Underway
	COMPLETED OR NON-VIABLE ACTIONS	
1	Better driving techniques	Completed
2	Vehicle emission testing	Not viable
3	Speed limits and/or traffic calming	Not viable
4	Satnav companies to include advisory lorry routes	Not viable
5	Install signage to cut pollution	Completed
6	MSDC travel plan (Green Travel Scheme)	Completed
7	School travel plans	Completed

8	Encourage alternative/public transport (South East Traveline; eV infrastructure; "Get Hassocks Cycling")	Completed
9	Car share promotion	Completed
10	Partnership work with bus and train operators	Completed
11	Increase air quality information	Completed
12	"Airalert" for vulnerable sections of society	Completed
13	Promote national energy efficiency (Green Deal)	Completed
14	Enforcement of emissions from industrial sources	Completed
15	MSDC Local Plan to include environmental considerations	Completed
16	Incorporate Sussex Air emissions mitigation into Local Plan	Completed
17	Air quality monitoring	Completed
18	Parking enforcement around Hassocks	Not viable
19	Re-assess traffic light sequencing	Completed
20	Development of school travel plans/bike-it events	Completed

Mid Sussex District Council's priorities to promote good air quality in the coming year

32. The adoption of the District Plan has enabled us to embed policies on transportation and pollution. This will enable us to effectively use the planning regime to ensure appropriate mitigation measures are incorporated into development schemes, especially close to the AQMA. The National Planning Policy Framework has, as its overriding aim, the presumption in favour of sustainable development. So, whilst air quality is a material planning consideration when determining applications, there needs to be clear evidence that a development will either create a new air quality management area, conflict with the air quality action plan of an existing AQMA or have a significant adverse impact on existing air quality for an application to be refused on air quality grounds. The Environmental Protection Team will continue to scrutinise applications where air quality is a material consideration.
33. Sussex Air Quality Partnership has had a successful bid for Defra funding for an anti-idling project to be run throughout Sussex, targeting schools and businesses close to pollution hotspots, including two schools in Hassocks.

34. The transition to low carbon forms of transport, such as electric vehicles will support the delivery of improved air quality. Supporting this, the District Council, in partnership with West Sussex County Council and other West Sussex District and Boroughs, is committed to delivering a widely accessible electric vehicle charge point network for residents across the county. Installation of a further 26 rapid charge points are planned through the council delivery partnership during 2021-22. To date, 33 charge points are already in operation throughout the District, these being managed by several providers. In addition, improved cycle and walking routes and infrastructure will further encourage people out of their cars. Plans to develop a long-term strategic approach to promote the use of walking and cycling routes are already underway for the District's three towns. Completing in August 2021, the work will identify twenty priority areas listing recommended technical and policy measures.
35. Working with our colleagues across the County to deliver a joined-up approach to improving Air quality in County. In October 2018 West Sussex County Council and the District and Boroughs came together to form a Member led Inter-Authority Air Quality Group with an aim to develop and agree an annual action plan and monitor progress and impacts of air quality actions across the County. We will continue to work with our County colleagues to promote good air quality.
36. Parking strategies can also be a valuable tool in incentivising low emission vehicles The recently adopted MSDC Parking Strategy identifies the need to work in partnership with WSCC, local businesses and other key partners to identify how technology and different types of mobility could reduce congestion to improve air quality and local townscapes.
37. In order to investigate the elevated levels of NO₂ identified at London Road East Grinstead, we are moving ahead with the project to install a real-time air quality monitoring station there. The ground works are being organised (provision of electrical supply and plinth) and the analysers have been sourced. The intention is to have the monitoring station operational in the summer. A briefing with local members and East Grinstead Town Council was held on 24 November 2020 to inform them of the issue and explain the action we are taking.

Future considerations for air quality management

38. The Environment Bill 2019-2020 was announced in the Queen's speech on 14 October 2019 with implications for the legal framework of environmental stewardship for the UK. It will address the environmental governance gaps following withdrawal from the EU and sets a series of environmental principles. There will be a new Office for Environmental Protection (OEP) which will become an independent watchdog monitoring progress in improving the natural environment. The OEP will hold public authorities to account in the way the European Commission monitored member states.
39. The Bill makes a clear commitment to improve air quality by setting legally binding targets for fine particulate matter (PM_{2.5}), the most damaging pollutant to human health.
40. The Government produced a Clean Air Strategy in 2019 to tackle all sources of air pollution with the aim of making the air healthier to breathe, protecting nature and boosting the economy. Amongst other things it commits to reducing exposure to PM_{2.5}, providing a personal air quality messaging system to alert vulnerable people of forecasted pollution episodes (in a similar way to that currently provided locally by Sussex Air called "Air Alert"), tackling smoke emissions from wood burning in the home and reducing emissions from all types of transport.

41. The Clean Air Strategy acknowledges that 2 tier local government has been a barrier in bringing about prompt air quality improvement. The issue is that District and Boroughs have the responsibility to monitor, assess and report on air quality in their areas while the mechanisms to bring about significant air quality improvement rests with County authorities which, being the highways authority, have the power to implement highway improvements and improve highway infrastructure. The strategy suggests some options to address this regulatory misalignment.
42. The Department for Transport published a transport strategy in July 2018 called Road to Zero with the ambitious aim of all new cars and vans being zero emissions by 2040. This target date was subsequently tightened by the government in November 2020 when introducing a “green industrial revolution”. There will be increases to the supply of low carbon fuels, an extension to the accreditation scheme for retrofitting vans and cabs to cleaner options, offering grants for the transition to plug-in cars, as well as measures to tackle emissions from HGVs and investing in eV infrastructure.

Policy Context

43. Since 1995 local authorities are required to regularly review and assess air quality in their areas, and to determine whether or not the air quality objectives set by the Government are likely to be achieved. Where exceedances are considered likely the local authority must declare an Air Quality Management Area (AQMA) and prepare an Air Quality Action Plan (AQAP), setting out the measures it intends to put in place in pursuit of achieving the objectives.

Financial Implications

44. Costs related to monitoring of air quality from laboratory analysis of diffusion tubes and officer time in installing and collecting the tubes are covered in the environmental health budget. There are installation costs for the air quality station to be installed in East Grinstead and thereafter annual maintenance costs for the analysers.

Risk Implications

45. We are legally required to produce an Annual Status Report on the air quality in the district. Failure to do so would see a formal challenge from Defra and/or our residents.

Equality and Customer Service implications

46. Air quality affects all our residents and our monitoring reflects the entire district. In recent years, air quality has increased in profile amongst the public and in the media and this has led to the Environmental Protection Team dealing with more enquiries and service requests.

Background Papers

Annual Status Report June 2020 Found on MSDC website at

<https://www.midsussex.gov.uk/media/5416/2020-air-quality-annual-statement-status-report.pdf>

Clean Air Strategy 2019, Department for the Environment, Food and Rural Affairs, 2019 found at

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/770715/clean-air-strategy-2019.pdf

Road to Zero Strategy – Next steps towards cleaner road transport and delivering our Industrial Strategy, Department for Transport, July 2018 found at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/739460/road-to-zero.pdf

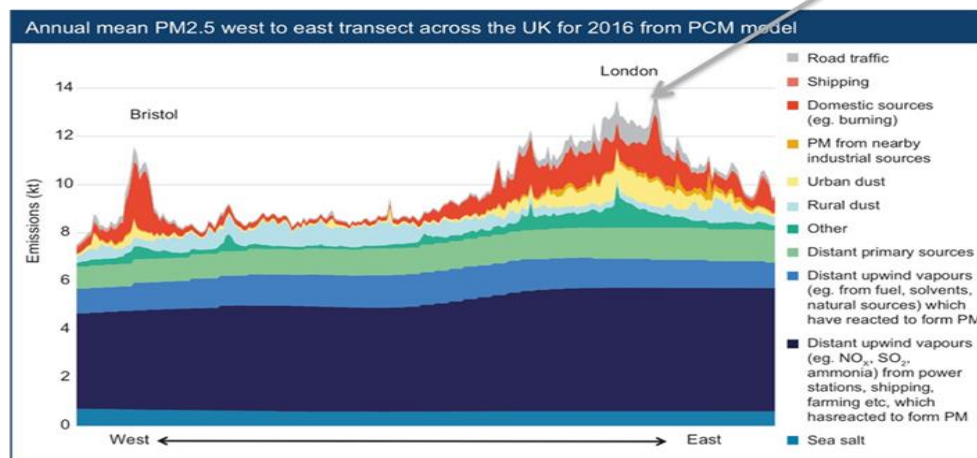
Appendix 1

Particulate Matter – PM_{2.5}

Strategies for reducing PM_{2.5}

Domestic sources

– Well publicized issues of domestic burning, fuel and stove regulation?



Appendix 4

Road traffic – some future reductions are likely, but PM is still emitted from Electric Vehicles. (Future AQG report)

Urban Dust – Very hard to control since it is agitated by even clean vehicles.

Distant primary – PM_{2.5} is long-lived and brought in to the UK from other countries, including North America

Sea salt – maritime aerosol when combined with other biogenic PM_{2.5} ~ 1-2 mg / m³. e.g ~20% of PM_{2.5} WHO limit is taken up by natural particles.

Upwind Vapours (inorganic)

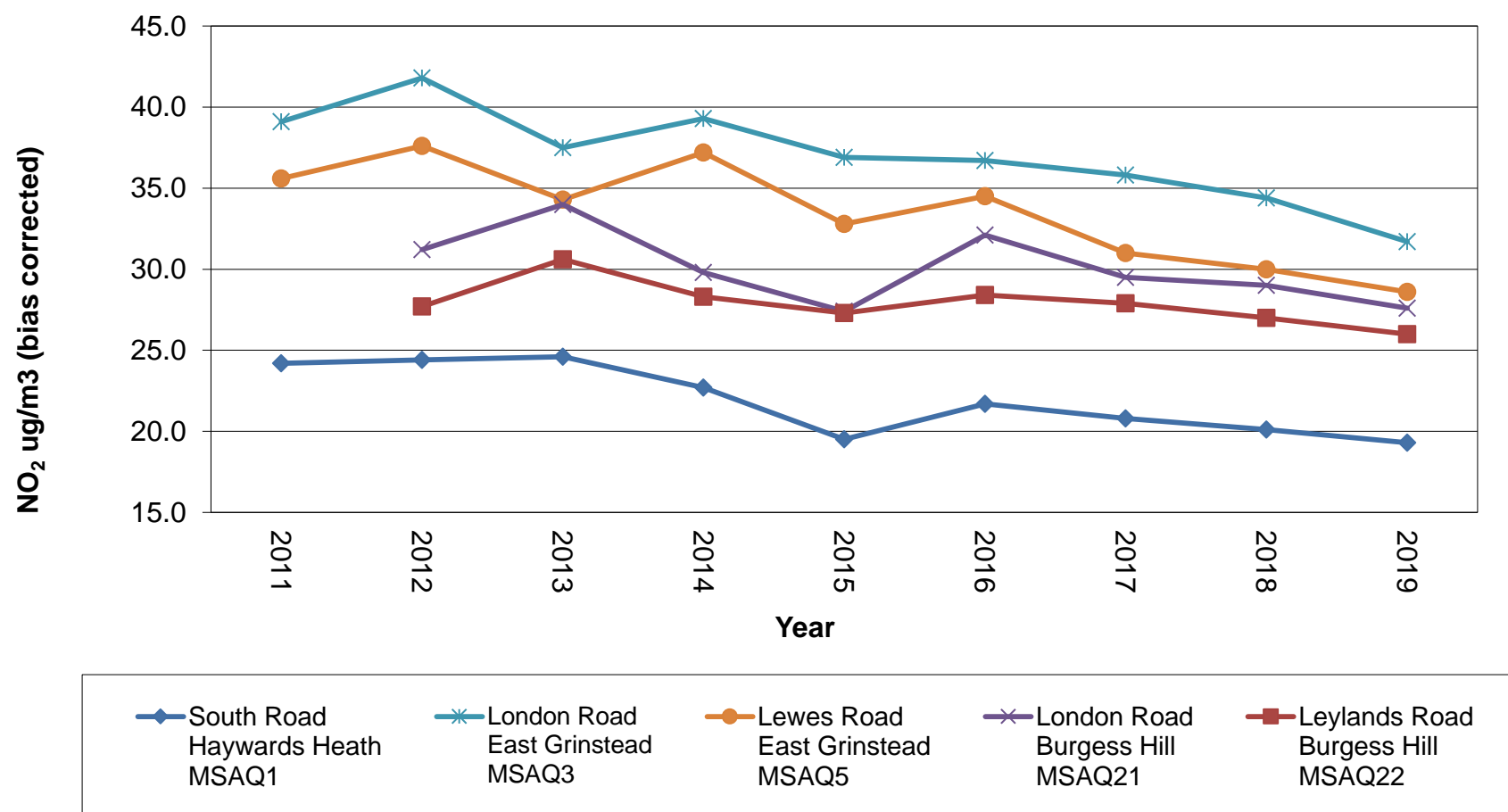
Planned reductions in NO_x and SO₂ will help. Controls are proposed on farming ammonia, but PM_{2.5} formation is highly non-linear. Small NH₃ reductions have little effect on PM_{2.5}

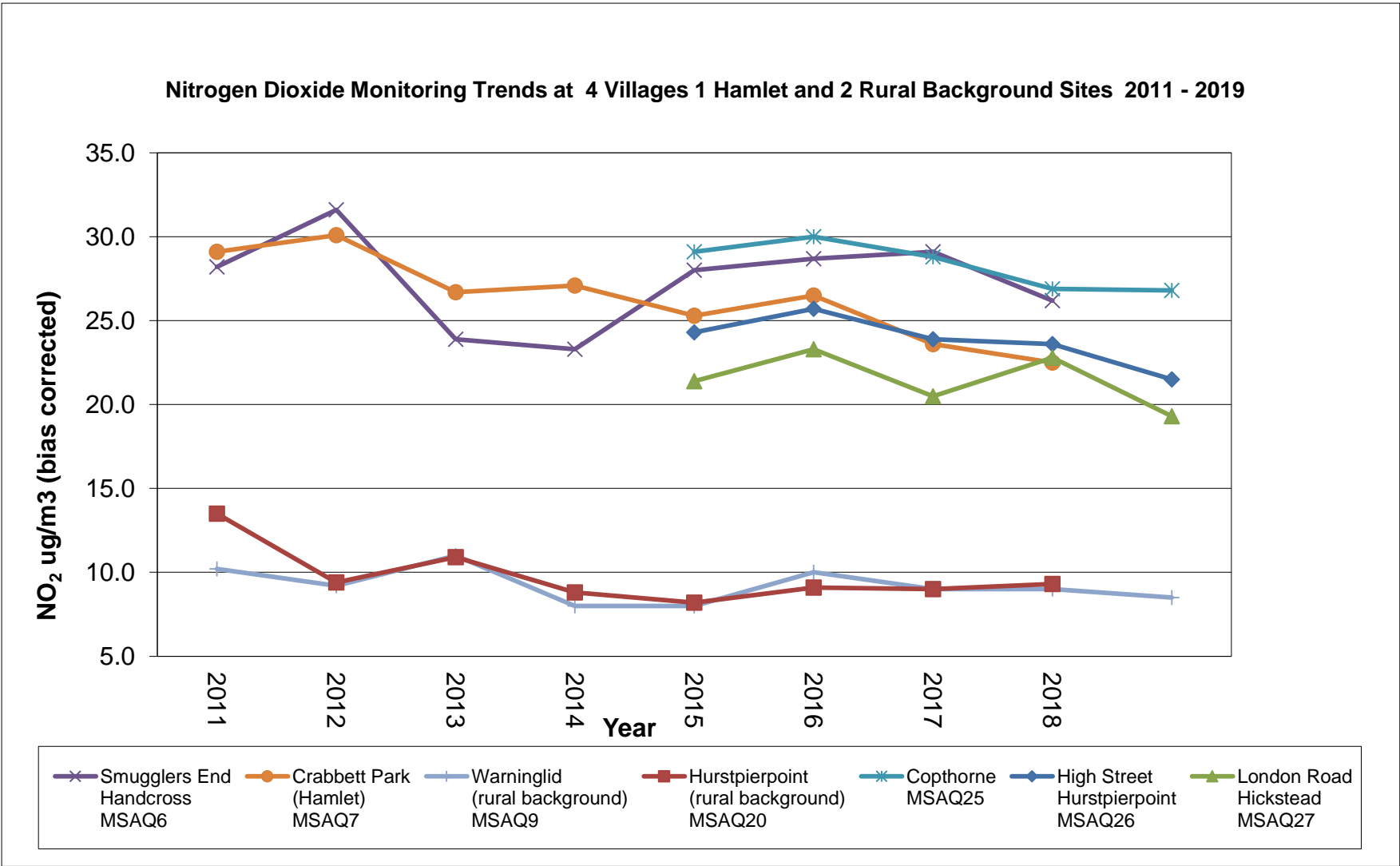
Upwind Vapours (organic)

Volatile Organic Compounds are precursors to both ozone and PM_{2.5}. UK needs to halve emissions by 2030. CAS focuses on domestic sources.

Appendix 2

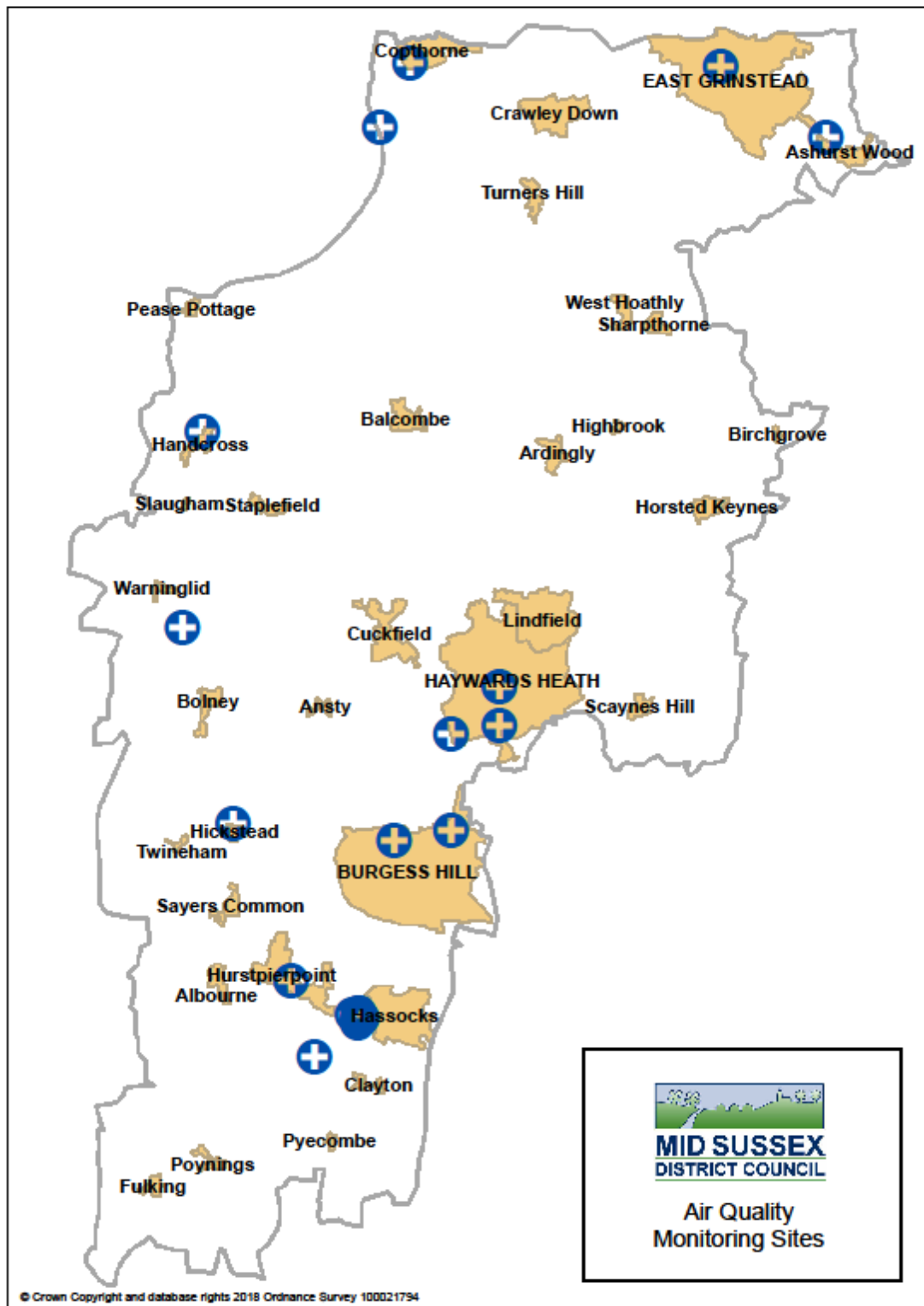
Nitrogen Dioxide Monitoring Trends at 5 Urban Centres 2011 - 2019



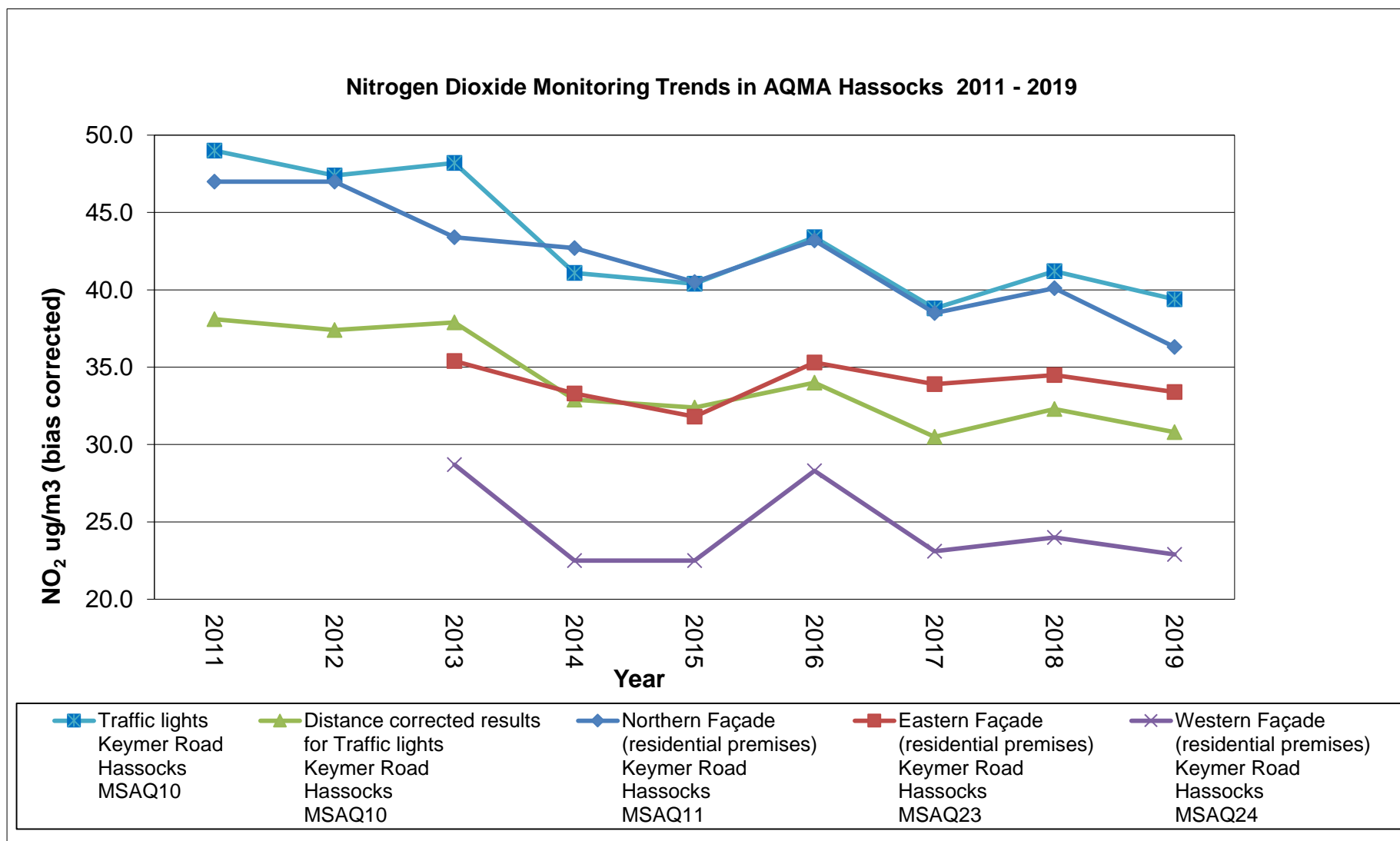


Appendix 3

Map of Monitoring Locations across Mid Sussex District



Appendix 4



SCRUTINY COMMITTEE FOR COMMUNITY, CUSTOMER SERVICES AND SERVICE DELIVERY WORK PROGRAMME 2020/21

REPORT OF: Tom Clark, Head of Regulatory Services
Contact Officer: Serge Reid, Democratic Services Administration Officer
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Tel: 01444 477411
Wards Affected: All
Key Decision: No

Purpose of Report

1. For the Scrutiny Committee for Community, Customer Services and Service Delivery to note its Work Programme for 2020/21.

Summary

2. Members are asked to note the attached Work Programme. The Work Programme will be reviewed as the final piece of business at each meeting, enabling additional business to be agreed as required.

Recommendations

3. **The Committee are recommended to note the Committee's Work Programme as set out at paragraph 5 of this report.**
-

Background

4. It is usual for Committees to agree their Work Programme at the first meeting of a new Council year and review it at each subsequent meeting to allow for the scrutiny of emerging issues during the year.

The Work Programme

5. The Committee's Work Programme for 2020/21 is set out below:

Meeting Date	Item	Reason for Inclusion
24 March 2021	To be advised.	

Policy Context

6. The Work Programme should ideally reflect the key priorities of the Council, as defined in the Corporate Plan and Budget.

Financial Implications

7. None.

Risk Management Implications

8. None.

Background Papers

None.