

5 October 2020

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 special meeting of **SCRUTINY COMMITTEE FOR COMMUNITY, CUSTOMER SERVICES AND SERVICE DELIVERY** will be held **VIA REMOTE VIDEO LINK** on **TUESDAY, 13TH OCTOBER, 2020 at 4.00 pm** when your attendance is requested.

Yours sincerely,
KATHRYN HALL
Chief Executive

A G E N D A

Pages

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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 8 July 2020. | 3 - 10 |
| 6. | To consider any items that the Chairman agrees to take as urgent business. | |
| 7. | Call-In of Cabinet Decision - Clair Hall | 11 - 38 |
| 8. | 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 Wednesday, 8th July, 2020
from 4.00 - 5.35 pm**

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

L Bennett
P Chapman
R Clarke
I Gibson

J Henwood
T Hussain
M Pulfer
A Sparasci

D Sweatman

Absent: Councillors B Dempsey, S Ellis, J Mockford and S Smith

Also Present: Councillors P Brown, R Bates, A. Bennett, J Dabell, A Eves, J Knight and S Hatton.

Also Present as Cabinet Members: Councillors J Belsey, Councillor R De Mierre and Councillor N Webster

1 ROLL CALL AND VIRTUAL MEETING EXPLANATION.

The 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.**

Councillor Dabell substituted for Councillor Ellis. Councillor Knight substituted for Cllr Smith, Councillor A Bennett substituted for Councillor Dempsey.

3 TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillors Dempsey, Ellis, Knight and Mockford.

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

Cllr Gibson declared a personal interest in Item 9: Mid Sussex Partnership Annual Report as had sat on the Mid Sussex Partnership Board by virtue of being Chairman of Mid Sussex Association of Local Councils at the start of 2019 until he gave the Chairmanship.

Cllr Sweatman declared a personal interest in Item 9: Mid Sussex Partnership Annual Report as had sat on the Mid Sussex Partnership Board as a representative of the Mid Sussex Association of Town Councils.

Cllr Liz Bennett declared that she is a member of West Sussex County Council whom feature briefly in all items on the agenda as well as declaring a personal interest in Item 9: Mid Sussex Partnership Annual Report as she is a member of East Grinstead Town Council.

Cllr Pulfer declared a personal interest in Item 7: Playing Pitch Study as he is the Mid Sussex District Council representative to St Francis Sports and Social Club which is mentioned several times in the study.

Cllr Dabell declared a personal interest in Item 9: Mid Sussex Partnership Annual Report as he is a member of East Grinstead Town Council.

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

The minutes of the meeting held on 5 February 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.

The Chairman had no urgent business.

7 PLAYING PITCH STUDY.

Elaine Clarke, Community Facilities Project Officer, introduced the report which set out the Playing Pitch Study for the District and the associated indicative implementation plan. The study followed Sport England methodology in assessing current demand and supply of provision for football, tennis, hockey, bowls, rugby, cricket, athletics and identifying future development needs, priorities and options for each sport, to inform future development.

Councillor Webster, Cabinet Member for Community, welcomed the fact that many of these projects will be financed through Section 106 funding and noted that as new communities develop they need to be provided with outdoor recreation and sports facilities due to the positive impact on public health. He highlighted that the Government have included sports projects in their support schemes however with the focus turning to reviving the economy he expects that it may be down to local communities to support these organisations.

Councillor Belsey, Cabinet Member for Service Delivery, thanked the contributors to the report. He expressed that he was concerned most about the implementation and highlighted the work remaining to do on the study. He drew attention to Section 5.10 onwards which details information relating to funding of the projects. He valued the report but felt cautious about raising expectations of the deliverability of the projects.

A Member noted the change in behaviours that the public exhibit because of the impact of Covid-19 and questioned whether officers have anticipated the change in behaviour which would add pressure on the facilities as already seen with more people working from home and enjoying their local area.

The Community Facilities Project Officer confirmed that it was too early to say and noted the facilities have capacity for outdoor training during the week however there may not be capacity during the weekend.

A Member commented on the recreation ground at East Grinstead Recreation Ground on P.66 of the report. It notes that it is a potential hub site and is the only multi-pitch site however during the winter the pitch is unplayable due to the serious need of drainage and is consequently underused. He asked whether officers could consider prioritising that pitch for improvement in the short term, rather than the medium term as planned.

The Community Facilities Project Officer explained that the Council has asked the Football Association (FA) to review the football pitches which will help inform the Council as to which pitches to prioritise in terms of drainage. She noted that there are a number of sites within East Grinstead that require improvement and therefore all the pitches in East Grinstead will need to be looked at as a whole.

A Member enquired whether there is a specific policy keeping pricing as low as possible, particularly for students and less well-off residents. He also enquired why adult 7-a-side football wasn't mentioned in the report and enquired the implications of tennis being run by the Parish Council and the implications of that relating to the funding. He noted that a resident proposed organising crowdfunding, and this could be done to supplement the funding made available and sought the officer's guidance to advise the resident.

The Community Facilities Project Officer confirmed that the Council has a standard pricing on owned facilities and where grants are given to organisations it requires them to adhere to the Council's pricing standards. She highlighted that the Facility Grants Scheme is available to fund those types of community projects across the district however she welcomed any crowdfunding activities. She also confirmed that she is not familiar with 7-a-side football so will investigate its omission from the document and confirm with the Councillor outside of the meeting.

A Member drew attention to P.43 and the improvements in athletics. She asked why Burgess Hill Academy Sports facilities was not mentioned in the report and asked how Mid Sussex District Council will engage with these facilities.

The Community Facilities Project Officer noted that Burgess Hill Academy, as well as all the other secondary schools, were invited to comment on the Study however they did not respond. She stated that she has engaged and will continue to engage with the organisation.

A Member noted that Burgess Hill Town Football Club are looking to move or improve their current ground. He sought clarity and noticed in the report that a delivery group will be set up to deal with this and enquired who will be involved in the group and how will the funding be prioritised.

The Community Facilities Project Officer confirmed that the delivery group will be comprised of the Waste, Landscapes and Leisure Departments of the Council as well as the sports national bodies representatives and Sport England. Each project will be looked at by the group individually and be prioritised at the start but as projects come forward for delivery then it would come through the capital programme or the Cabinet Grants Panel.

A Member raised his concerns over housing developers wishing to contribute less to Section 106 funding due to the current pandemic and asked that the Council takes a hard line if asked to do so. He sought clarification on the total number of pitches referred to under P.22 and requested that the Haven Centre be prioritised as a place to develop a new 3G playing pitch.

The Community Facilities Project Officer highlighted that the implementation plan still needs to be considered and reviewed to see whether there is funding is available to deliver these projects. There will then be a pragmatic decision on what is feasible.

A Member thanked the officers for the vertical drainage system noted on P.19 that was constructed at Fairfield Recreation Ground, Hurstpierpoint however she drew the officer's attention to the damaged caused by the contractors to the centre of the pitch which she hoped would be remedied.

The Community Facilities Project Officer confirmed that she will refer the issue to officers at the Council.

The Vice-Chairman referred to Point 17, P.8 which mentioned that there is a minor risk that Section 106 funding doesn't come forward and enquired whether there was anything that could be done to mitigate the risk.

The Community Facilities Project Officer noted that Section 106 funding usually has a period of 10 years in which to deliver the projects however whilst there is a minor risk to this, the officers do monitor the timescales to ensure that the funding doesn't lapse.

A Member referenced P.53 and enquired when the start of the first year will be for delivering the priority projects.

The Community Facilities Project Officer stated that the first year will start once the Playing Pitch Strategy will be approved.

A Member expressed that he was an avid sports fan and noted the need to refurbishment of the facilities particularly in Haywards Heath and Burgess Hill. He believed shared facilities between the differing sports will save costs and suggested that this be recommended going forward.

The Community Facilities Project Officer noted that there is a huge amount planned for Burgess Hill and she was sure that sharing of facilities will feature in the delivery of the Playing Pitch Study.

The Chairman then took Members to the recommendation to consider the Playing Pitch Study and the associated indicative implementation plan which was approved with 12 in favour and 2 abstentions.

RESOLVED

The Committee considered the Playing Pitch Study and the associated indicative implementation plan.

8 MID SUSSEX WELLBEING SERVICE.

Paul Turner, Community Services Manager, provided an update to Members on the activities and achievements of the Mid Sussex Wellbeing Service within the last financial year. The report reflects on the successes and challenges of the Wellbeing Service during 2019/20 and sets out the proposed approach for the delivery of services in Mid Sussex in 2020/21, including plans for service adaptations in response to the COVID-19 pandemic.

Councillor Webster, Cabinet Member for Community, highlighted the work that the Wellbeing department carries out with its customers and indeed other departments within the Council. He asked Councillors look at the report with a critical eye to ensure that the Council is meeting the public health objectives and delivering a service that has value.

A Member agreed that Wellbeing is a valued service and that General Practices (GPs) appreciate the offered service. She noted that it only offers a service to adults and questioned whether the service could be offered to the younger residents of Mid Sussex.

The Community Services Manager confirmed that the service is adults only currently as it is commissioned by Public Health England to meet certain objectives however it does not include services to those under the age of 18. Where possible, however, officers do try and focus on family and the bigger picture and add those values and sign-post to other organisations.

A Member felt impressed by the number of calls officers received relating to the fall prevention service. He also noted the weight management sessions taking place at Haywards Heath Town Football club and enquired whether it was under the remit of the team to utilise the Council's leisure centres.

The Community Services Manager confirmed that the falls prevention service is commissioned by Active House Solutions in partnership with Place Leisure with a session being delivered in a leisure centre. In terms of the weight management for men, Place Leisure was involved in the session which was found to be positive and confirmed that further pilot sessions were planned.

A Member highlighted that the Burgess Hill Town Council (BHTC) HelpPoint gave a positive response to the service. She referenced P.90 of the report and queried the percentage of uptake of the service given the transition to virtual delivery of the sessions.

The Community Services Manager explained that transition to the virtual delivery of the service was initially thought to be prone to issues however those who use the service, especially the older generation seemed to be up-to-speed with the delivery. He confirmed that the team has worked with Environmental Health to develop PPE to try and get back out to the public to carry out preferred face-to-face interactions.

A Member appreciated the work that the officers had carried out. She referenced P.90 of the report and questioned how the Council anticipates demand for the service in light of the changing Covid-19 Pandemic. She felt that it would be prudent to anticipate those who have suffered from Covid-19 and the prolonged effects it has on some of those who catch the virus which may require help from public health services.

The Community Services Manager noted that staff are highly trained and can use their skills to work on behaviour change such as addressing dietary issues or anxiousness. He added that Public Health England recognise the need to work with groups who will be affected and highlighted the need to work more with care homes and schools to support them.

The Chairman then took Members to the recommendation note the performance of the Wellbeing Service in 2019/20 and consider and endorse the proposed approach

for the continued delivery of the Wellbeing Service for 2020/21 which was approved unanimously.

RESOLVED

The Committee:

- i. Noted the performance of the Wellbeing Service in 2019/20.
- ii. Considered and endorsed the proposed approach for the continued delivery of the Wellbeing Service for 2020/21.

9 MID SUSSEX PARTNERSHIP ANNUAL REPORT.

Neal Barton, Policy, Performance and Partnerships Manager, presented the annual report on the work of the Mid Sussex Partnership (MSP), an overarching partnership of statutory and non-statutory organisations working to improve the quality of residents' lives across the District. The report informed Members of work undertaken under the umbrella of the MSP in 2019/20, including Community Safety and Health. He noted that there had been a 6.8% increase in crime in Mid Sussex however this was in-line with statistics across the country.

Councillor Webster, Cabinet Member for Community, mentioned that the meeting of the Partnership is chaired by the Leader of the Council. He found it interesting that 31% of antisocial behaviour is reported as neighbour disputes which suggests that there is a common misconception that young people are the main cause of antisocial behaviour.

A Member commended the work of the new Inspector Darren Taylor who has had a great presence on social media and asked whether officers have noticed a difference due to the communications. She noted that the CCTV cameras will soon be installed around the District and enquired if there was a delay due to the Covid-19 Pandemic. She also drew attention to P.109 and the Safe Spaces scheme that started in East Grinstead and hoped that other Town Councils would take up the scheme.

The Policy, Performance and Partnerships Manager referred Member's attention to Paragraph 14 that the Police have provided more police and community support officers. The Councils Antisocial Behaviour Officers also work closely with the Police. The Safe Spaces scheme piloted in East Grinstead and is now being taken up by Haywards Heath and Burgess Hill Town Councils.

Emma Sheriden, Business Unit Leader for Community Services, Partnerships and Performance, confirmed that the CCTV cameras will be operation by the end of the summer.

The Vice-Chairman drew attention to Paragraph 19, P.107 of the report which detailed the Juno Project. She asked whether it will be offered to any other secondary schools in the district.

The Business Unit Leader for Community Services, Partnerships and Performance explained that the project is currently on hold due to the Pandemic however the Council does intend to offer it next year when it is safe to do so.

A Member enquired which schools are offered the Juno project.

The Business Unit Leader for Community Services, Partnerships and Performance confirmed that it is partly self-selected depending on those who are referred by Positive Placements at YMCA.

A Member enquired about the task and finish groups referenced on P.106 and whether there is any Member representation on the groups or if it just comprises of public servants. She also enquired which schools receive the School Law Days and whether there are plans to roll this out more widely in the District.

The Business Unit Leader for Community Services, Partnerships and Performance outlined that there is Member representation on the board however the groups are largely comprised of partners delivering the scheme which is directed by the Board. There is also representation from Town, Parish and County Members as well District Members.

The Policy, Performance and Partnerships Manager confirmed the schools that have taken part in the School law days are Warden Park, the Alternative Provision College, Burgess Hill; Sackville and Imberhorne, East Grinstead; Oathall and St Pauls.

A Member stated that Strategic Intelligence Assessment is an essential read for all Councillors. He asked about the future programme and the Health Task and Finish Group anticipation of the impact of Covid-19 on delays to medical treatments.

Paul Turner, Community Services Manager, the Health Task and Finish Group is very much led by data from Public Health England and explained that CCG will be the lead in providing the primary care. He noted that as partners the Council can assist with sign-posting.

The Chairman then took Members to the recommendation to note the work of the Mid Sussex Partnership in 2019/20 and to endorse the proposed emphasis in the year ahead on response to and recovery from the COVID-19 pandemic which was approved unanimously.

RESOLVED

The Committee noted the work of the Mid Sussex Partnership in 2019/20 and endorsed the proposed emphasis in the year ahead on response to and recovery from the COVID-19 pandemic.

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

No questions were received.

The meeting finished at 5.35 pm

Chairman

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CALL-IN OF CABINET DECISION - CLAIR HALL

REPORT OF: Assistant Chief Executive
Contact Officer: Judy Holmes
judy.holmes@midsussex.gov.uk
Wards Affected: All
Key Decision: N/A
Report to: Scrutiny for Communities, Customer Service and Service Delivery
Tuesday 13th October 2020

Purpose of Report

1. The purpose of this report is to support the Committee in its consideration of the call-in by Cllr Alison Bennett and 9 other Liberal Democrat Councillors of the Cabinet's decision on Monday 14th September 2020 regarding Clair Hall.

Recommendation

2. **Following debate at the meeting, the Committee is recommended to consider, whether the decision of Cabinet on Clair Hall should be:**
 - (i) referred back to Cabinet for further consideration, or
 - (ii) referred to Council, in accordance with Scrutiny Procedure Rule 14(1)(i), or
 - (iii) the Committee would wish to take no further action.
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Background

3. A request for call-in under the provision of Scrutiny Procedure Rule 14 has been received from ten members of the Council. The Members requesting the call-in are Councillors Bennett, Eggleston, Bates, Cartwright, Henwood, Hatton, Dempsey, Hussain, Jackson and Gibbs.
4. The call-in request concerns the decision taken by Cabinet on Monday 14th September 2020, in respect of Clair Hall.
5. The Cabinet Member for Environment and Service Delivery, together with the Assistant Chief Executive have been requested to attend the meeting to respond to the Committee's questions.

The Call-in Procedure

6. The procedure for call-in is set out in Scrutiny Procedure Rule 14 starting at page 118 of the Council's Constitution.
7. The request has been made in accordance with the procedure and this meeting is taking place within the four-week period set out in paragraph (j) of the Procedure Rule. The Cabinet has been informed of the call-in in accordance with the procedure and no steps are being taken to implement the decision pending consideration of this matter by the Committee.

8. The call-in is stated in the Constitution to be a procedure to be used in exceptional circumstances. These circumstances are where Members have evidence that suggests that the Cabinet did not take the decision in accordance with the principles set out in Article 13 (Decision Making).
9. The Committee has three options on considering the call-in. These are:
 - a) to refer the matter back to the Cabinet, stating the Committee's concerns about the decision,
 - b) to refer the matter to full Council, similarly stating the Committee's concerns; or,
 - c) to decide not to make any such reference.
10. Unless it is shown that the decision taken was contrary to the Policy Framework or contrary to, or not wholly consistent with the budget, the power of the full Council in the matter is similar to that of the Scrutiny Committee. This is the power to refer the matter back to Cabinet, stating the objections of Council to the decision and requesting that the decision be reconsidered. In any case where the matter is referred back to the Cabinet, the Cabinet must address the concerns or objections before making a final decision.

The Cabinet Decision

11. On 14th September 2020 Cabinet considered a report on Clair Hall. A copy of the report is attached at Appendix A.
12. The full draft minute of Cabinet is attached at Appendix B. The resolution of Cabinet is as follows:

RESOLVED to:

- (i) agree to the continued and permanent closure of Clair Hall with immediate effect;
- (ii) agree to establish a temporary public car park at Clair Hall; and,
- (iii) request officers 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 Request for Call-in

13. The call-in has been requested by the Members listed above. The Members consider that the decision was not in accordance with the Principles of Decision making set out in Article 13 of the Council's Constitution (Decision Making).
14. The grounds for the call-in given by the Members are set out in the call-in request, which is attached at Appendix C.
15. The written response to the call-in is attached as Appendix D.

Impact of Covid-19

16. Since lockdown, Members will be aware that the Council has had to make changes to a whole range of services in response to the Covid-19 pandemic and the Government restrictions this has generated. For example, the Council has had to close its leisure centres, play areas, suspended the charging regime in the car parks and house all rough sleepers. None of these service changes were envisaged in the Council's Corporate Plan agreed on 4th March 2020.
17. On 19th August 2020, the Council agreed the basis upon which the Council's leisure centres could be reopened. This included significant public subsidy. The same meeting agreed to vary Clair Hall out of the Leisure Management Contract because it offered poor value for money to the tax payer and to assist with the overall affordability of reopening the leisure centres.
18. The Cabinet report of 14th September 2020 explains the specific impact of the pandemic on the operation of Clair Hall. This impact is exacerbated by a number of factors including the age, design and use of the Hall. Cabinet therefore decided to permanently close the Hall.
19. Officers have been following the same approach taken to the closure of Martlets Hall; working with Places Leisure to identify regular users of the Hall before it was closed and assessing their needs. Following which it is intended that all the groups using the Hall before it was closed as a result of the pandemic, will be offered assistance to relocate to alternative venues. As a result of this call-in, this work has been paused.
20. The Government's current guidance states it is now not possible for groups of more than six to meet unless covered by an exemption; and whilst community facilities following Covid-19 Secure guidance can host more than six people, no one should visit or socialise in a group of greater than six. In addition, for activities where there is a significant likelihood of groups of six interacting with each other, the guidance is clear that they should not take place.
21. The guidance also stipulates that community facilities must not allow singing in groups of more than six, dancing, or music over certain volumes, and are strongly advised to avoid activities such as amateur choirs / orchestras and formal / informal clubs, where it might be difficult to prevent mingling.
22. Finally, the guidance continues to recommend that where meetings can take place digitally without the need for face-to-face contact, they should continue to do so.
23. Notwithstanding the Covid-19 restrictions, referred to above, the Hall requires tax payer subsidy. The Council does not have the capacity or expertise in house to operate the Hall. A member of a local group who used the Hall prior to the pandemic has stated that he would be interested in working with other groups to operate the Hall. As a result of this call-in, no further work has been carried out to consider this proposal.

Future provision

24. The 2007 Haywards Heath Masterplan notes that Clair Hall is outdated and is not considered credible by the community. It also noted that it was near the end of its economic life and provides an opportunity for a comprehensive redevelopment. The Cabinet decision on 14th September requested officers to commission a business case for the 'inclusion of a modern community facility as part of the future regeneration for this site or other sites in the town centre'. A copy of the draft minutes of that meeting can be found at Appendix B.
25. An updated Haywards Heath Masterplan is being prepared. This will give the community and Members an opportunity to consider amongst other things, what community facilities are appropriate for the future of the town. As scheduled this work will come before Members later this month with public consultation following in the Autumn.

Specific Areas for Scrutiny to Examine

26. The call-in requests that the Committee is provided with the following information:
 - (a) The evidence to support the claim on page 110 paragraph 10 of the Cabinet report for 14th September meeting that 'Clair Hall's original main purpose was for the hosting of live performances';
 - (b) The data that underpins the footfall statistics on page 110, paragraph 11 including the two intervening years that were not included in the report;
 - (c) An examination of the utilisation records in recent years (suggest the last five years);
 - (d) Details of the current EPC rating and evidence to show why it will decline to a rating of less than E by 2023 as set out on page 113 paragraph 33 of the Cabinet report;
 - (e) Information in relation to conflict over availability of bookings.
27. The information to support Scrutiny in these areas of examination is below.
 - (a) **Live performances**
28. Whilst there are no records dating back to the construction of the hall, it is clear from the design and layout of the building (with the main hall, stage and dressing rooms, at approximately 500sqm in size, being larger than the function suite, bar and studio combined, at just under 300sqm) that the intended primary use is for hosting large live performances.
 - (b) **Footfall Data**
29. The table at Appendix E provides a breakdown of footfall, by month, for the financial years 2016/17 to 2019/20. Please note this shows the number of attendees to the hall not the number of bookings. The number of bookings by individual hirers in 2019/20 was 589.
 - (c) **Utilisation**
30. The four tables at Appendix F provide monthly utilisation data for the financial years 2015/16 to 2019/20 across the four main activity areas within Clair Hall

(d) EPC rating

31. On the national EPC register (link provided below) Clair Hall is registered with a rating of 'G':

<https://www.ndepcregister.com/reportSearchAddressListReports.html?id=2e970d90feeff50bf0591fb2f90d96fd>

Therefore, when it was last assessed in 2009, the energy efficiency of the building was significantly lower than the 'E' grade which will be required by the MEES regime.

It is important to note that although this certificate expired in 2019, it remains valid as there is no obligation to commission a replacement EPC simply because the existing certificate has expired.

(e) Bookings

32. Places Leisure kept a tracking sheet to record booking enquiries that cannot be accommodated. These occur where enquirers are looking for specific dates/times/facilities that are already booked and they are unable/unwilling to change their request to an alternative date/ time/ facility.
33. There were 47 such instances in 2019/20, encompassing a range of uses, including a number of one-off birthday party booking requests, fairs and meetings, as well as some longer-term recurring bookings for children's nurseries, pilates classes, etc.
34. In total these equated approximately to 200 sessions.
35. The Council, through monitoring the Leisure Contract, are satisfied that Places Leisure have always worked to maximise hall usage and have therefore consistently sought to accommodate booking requests wherever possible by offering alternative dates, times and locations if a specific slot is not available.

Financial Implications and Other Material Implications

36. The financial and other implications of this matter are set out in the report to Cabinet at Appendix A.

Appendices

- Appendix A – Report to Cabinet – 14th September 2020
- Appendix B – Draft Cabinet minutes of 14th September 2020
- Appendix C – Call in request
- Appendix D – Call in request - Written response
- Appendix E – Footfall data
- Appendix F – Utilisation

8. CLAIR HALL

REPORT OF: Assistant Chief Executive
 Contact Officer: Judy Holmes
judy.holmes@midsussex.gov.uk
 01444 477015
 Wards Affected: All
 Key Decision: Yes
 Report to: Cabinet
 Monday 14th September 2020

Purpose of Report

1. Following agreement by the Council, at its meeting on 19th August 2020, to remove Clair Hall from the Leisure Management contract with Places Leisure (PL), this report provides information on the operational and financial issues affecting Clair Hall as a result of the Covid-19 pandemic and seeks a decision to permanently close the facility and commence work on the future regeneration of the site.

Recommendations

2. **Cabinet are recommended to:**
 - (i) **agree to the continued and permanent closure of Clair Hall with immediate effect;**
 - (ii) **agree to establish a temporary public car park at Clair Hall; and**
 - (iii) **request officers to commission work to develop a business case for the potential inclusion of a modern community facility as part of the future regeneration of this site or other sites in the town centre.**
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Background

3. Clair Hall is a multi-purpose venue in Haywards Heath comprising a large main hall, a function suite, studio and bar area.
4. In line with Government direction relating to the Covid-19 pandemic, and specifically in response to the Governments' press conference on 16th March 2020 giving "very strong advice that public venues such as theatres should no longer be visited", Clair Hall was closed with immediate effect on Thursday 19th March 2020, in order to reduce the spread of coronavirus; and it has remained closed since that time.
5. Given the uncertainty over when the facility can fully reopen, due to the Government's social distancing guidelines and their corresponding impact on the financial viability of the hall, Council agreed, at its meeting on 19th August 2020, to remove Clair Hall from the Leisure Management contract with PL.
6. It was further agreed that the Council would fully consider the future of the site at a future point.

Overview of Clair Hall

7. Clair Hall was constructed over 50 years ago and comprises a large main hall (with seating for 360), a function suite, studio and bar area. It provides a total of 755 sq. metres of indoor community space. In headline terms, the capacity of the hall breaks down as follows:

	Capacity
Main Hall	360
Function Suite	100
Studio	100
Bar Area	50
Foyer	50
Total	660

8. Due to its age, layout and the changing needs of users, levels of usage have been decreasing over a number of years. As a consequence, Clair Hall has not been economically viable to operate for over 10 years. Its inclusion in the PL contract in 2014 came at a cost to the Council of approximately £35k per annum. In addition, the Council had to retain some liabilities and therefore holds the full repair and maintenance responsibilities for the Hall.
9. The cost of maintaining and repairing the building over the next 20 years is estimated to be £1m. In addition, a new legal standard for minimum energy efficiency (MEES) commencing in April 2023, will apply to Clair Hall and penalties for non-compliance are likely to be applied unless significant work is done to improve the building's energy efficiency.

Hall Usage

10. Clair Hall's original main purpose was for the hosting of live performances. However, over recent years, this has declined and the Hall is now mainly used for community events and meetings. Despite an increase in the population, Clair Hall was significantly under-utilised with declining usage even before the impacts of the Covid-19 pandemic are considered.
11. At the point of PL taking over the operation of the Hall usage levels were already below the Hall's capacity and this has steadily declined over the last four years. For example, usage has fallen from an average footfall of 5,403 per month in 2016/17 to an average footfall of 4,660 per month in 2019/20, this represents a 14% decrease over the four years.
12. Places Leisure have kept utilisation records for Clair Hall. This shows that in the financial year 2019/20, bookings as a proportion of capacity were 53% for the hall, 54% for the studio, 42% for the function suite and 17% for the dressing rooms.
13. A schedule of current hall users, and the nature of their activities, is outlined below. During 2019/20 there were 859 bookings and they approximately break down as follows:

- Ten groups booked weekly or fortnightly and mainly used the studio and function rooms (four of these groups are yoga groups);
 - Twelve groups booked either monthly or every other month and used a mix of the hall, studio/function rooms;
 - Thirty groups booked either 3 times a year, once a year or on a more ad hoc basis.
14. The types of use by hirers demonstrates that they do not require specialist facilities or large spaces. For example, of the bookings in 2019/20 only 5% were for shows, 30% for talks, training and meetings (including statutory bodies), 30% for yoga classes, 14% for educational purposes (such as private tutoring), 13% for rehearsals, 4% for arts and crafts, 2% for volunteer events, and 2% for trade fairs.
 15. In terms of event size, 8% involved over 200 attendees, 5% for 100-199 attendees, 13% for 50-99 attendees and the vast majority (74%) for fewer than 50 attendees. This demonstrates that most hirers are booking for small events with a smaller number of attendees. This also demonstrates that these users could be easily accommodated in smaller venues.

Impact of Covid-19

16. On 16th March 2020, the Government held a press conference in which it gave “very strong advice that public venues such as theatres should no longer be visited”, Subsequently, on 23rd March 2020, the Government required by law that certain businesses and venues were to close in order to reduce the spread of coronavirus (COVID-19).
17. Clair Hall was closed on 19th March 2020, and has remained closed since that time.
18. Recent Government guidance confirmed that, as of 15th August 2020, socially distanced indoor and outdoor performances can take place in line with relevant industry guidance, though organisations are encouraged to continue to work outdoors wherever possible.
19. In addition, training, rehearsals and recorded performances can resume where organisations wish and are able to accommodate them; and dance studios are able to open in line with published guidance for providers of grassroots sport and gym/leisure facilities.
20. Government guidance also confirms that where meetings can take place digitally, without the need for face-to-face contact, they should continue to do so; and where community facilities need to be used for physical meetings, these meetings should be managed within the social distancing guidance.
21. The social distancing requirements and other restrictions set out within these guidance documents will inevitably make the viability of Clair Hall even more challenging into the future while they continue to apply.
22. A number of trial live performances have taken place nationally over recent months; but social distancing requirements have meant that audience numbers have been limited to 25-30% of venue capacity, which renders them unviable, because operational costs significantly outweigh any revenue generated. The average West End performance needs 65% capacity to break even.

23. A small number of promoters have approached Places Leisure over recent months with a view to rescheduling cancelled dates for 2021 but it is not possible at this stage to identify appropriate commercial terms until such time as capacity restrictions are eased.
24. Others (including the panto) are currently just maintaining contact and keeping a “watching brief” on the national industry situation.
25. Whilst there remains some interest from groups who use the venue in the longer term for training, many local groups have taken the decision to cancel their bookings for 2020 in light of their own Covid-19 risk assessments.
26. In line with Government guidance, Clair Hall has continued to host blood donation sessions throughout the enforced lockdown. Following the decision to remove Clair Hall from the Leisure Contract, Officers are working with the NHS Blood and Transplant Team to identify suitable alternative venues for these sessions.
27. In addition, the Hall car park has been used on a number of occasions to host an ad hoc military ‘Covid-19 Mobile Testing Unit’. Again, Officers are working with the CCG to identify suitable alternative venues should there be a need for further mobile tests.

Written Ministerial Statement- Coronavirus (COVID-19): Planning update on cultural venues and holiday parks

28. The Government published a Written Ministerial Statement (WMS) on 14th July 2020 to prevent the loss of theatres, concert halls and live music performance venues by removing permitted development rights related to demolition. For the purposes of the statement, a live music performance venue is defined as “a building wholly or mainly used for the performance of live music for the purpose of entertaining an audience”. These uses fall into the Sui Generis use class category. Clair Hall, as a public/community hall, falls into Class F, and therefore the WMS does not apply to Clair Hall.

Operating Costs

29. Since 2014, Clair Hall has been included in the PL contract at a cost of £35k pa to the Council (this sum has effectively been deducted from the annual management fee payable under the contract). In addition, under the contract, the Council retained full repair and maintenance responsibility for the Hall.
30. Since 2014 and pre Covid-19, PL estimate that Clair Hall has incurred a net loss of approximately £30k per annum.
31. The Covid 19 pandemic and the requirement to socially distance; and current restrictions on mass gatherings make the economic viability ever more challenging. Current estimates suggest that if the hall re-opened under current restrictions it would initially cost the Council approx. £14k per month. Costs for the six months from October 2020 to the end of the financial year are estimated to be £61k.

Backlog maintenance

32. Clair Hall was constructed in the 1970s and is beyond its economic lifespan. The cost of maintaining and repairing the building over the next 20 years is estimated to be £1m up to 2039.

33. In addition, a new legal standard for minimum energy efficiency (MEES) commencing in April 2023, places a penalty on landlords who continue to let any buildings which have an EPC rating of less than E. This will certainly apply to Clair Hall, and penalties for non-compliance are likely to be up to £150k. No actions have yet been taken to assess the full extent of works required to bring the building up to standard, but given its age and condition costs are likely to be very significant.

Future of the site

34. Planning policy has long recognised that the Clair Hall site offers potential for regeneration. The Haywards Heath Masterplan 2007 identifies Clair Hall site as ‘an opportunity site’. Since it was adopted, very significant regeneration has taken place in the Station Quarter in Haywards Heath, including retail development at the railway station, a new hotel adjacent to the Clair Hall site and residential development in Perrymount Road.
35. An updated Haywards Heath Town Centre Masterplan is currently being prepared. The proposed draft Masterplan, which will be consulted on in the Autumn, also identifies this site as ‘an area of opportunity’. Once adopted in early 2021 the Masterplan will clearly set out a framework for the town aimed at encouraging inward investment in the town which will assist the post Covid-19 economic recovery. The draft Masterplan could set out principles to guide regeneration on the site.
36. Cabinet is recommended to commission officers to develop proposals for the regeneration of the site and to commission expert advice to develop and assess a business case for the potential inclusion of a modern community facility that could meet the needs of residents in regeneration of this site or other potential sites in the town centre.

Current and Planned Provision

37. Max Associates were commissioned in June 2015 to undertake a needs analysis for arts and culture provision in the District. In respect of Clair Hall, their key conclusion was that the Hall would require some significant levels of investment to maintain its appeal and overall condition in the next 10 years.
38. Based on Arts Council of England benchmark guidelines for provision of 45 sqm of arts and culture space per 1,000 population, Max Associates identified a need for 1,282 sqm for Haywards Heath, up to 2031. Existing arts and culture provision (across 3 sites in Haywards Heath, not including Clair Hall) is 790 sqm.
39. However, given that Clair Hall’s primary use is for meetings, in addition to the arts and culture facilities above, there are many alternative suitable venues within close proximity. In fact there are over 20 community buildings (church halls, community centres, and sports pavilions) within a one mile radius of the hall. In addition to this there are also 9 educational facilities.
40. Haywards Heath College is also now open. These facilities include a modern, purpose built theatre which will be better able to meet the needs of users requiring performance arts space than Clair Hall. Haywards Heath College intends to make this space available to the community once Covid-19 restrictions allow.
41. When completed, the newly refurbished Council Chamber at the Mid Sussex Council offices, will also offer a modern, flexible space of over 100 sqm (including the public gallery) with a capacity of approximately 100 people.

The Redwood Centre

42. This is an attached building with its own entrance, formerly used as a day centre for Age UK. Since their relocation in 2018, it has been let to the Scout organisation at a rent of £15k per annum, who in turn have sublet the daytime use of the building to a children's nursery. Dedicated parking for the centre is provided adjacent to the Redwood Centre building, and is therefore entirely separate from the main hall car park to the south of the Hall.
43. The lease is contracted out of the Landlord and Tenant Act but the first break under the lease is at May 2021, giving security to the tenant until that time.
44. It is suggested therefore that discussions with the tenant commence were the building thought to be at end of life, with demolition an option.

Clair Hall Car Park

45. The car park at Clair Hall is included within the lease to Places Leisure, and its use has historically been managed by Places Leisure.
46. The car park has approximately 80 spaces, and waiting restrictions currently apply (Monday - Friday 7am - 4pm, maximum stay 4hrs, no return within 2 hours). To manage unauthorised use, the car park has been routinely patrolled and enforced by the Council's parking team, in liaison with Places Leisure.
47. Since the closure of the Hall in March the car park has seen an inevitable increase in unauthorised parking, mostly for long-stay parking. Should the decision be made to permanently close the hall, it will be necessary to develop a 'meantime' plan for the car park to better regulate its use, without incurring significant costs from the introduction of new supporting infrastructure.
48. One option would be to close and lock it, to prevent any further use; however, this could present difficulties for Clair Park users, including visitors to the playground and cricket pitch and participants in the popular Park Run (should it be reinstated) who would have no alternative off-road parking options in the vicinity.
49. An alternative, low-cost option would be to establish the site as a chargeable car park, requiring drivers to pay by phone using the MiPermit app. This would require a change to the Council's Off Street Parking Order (which is likely to take approximately 3 months), but would provide a straightforward, low cost means of managing the use of the site until such time as its longer term future is decided.
50. Officers recommend that Cabinet establish the site as a temporary chargeable car park for drivers, using the MiPermit app. Clearly, any revenue figures are highly dependent on the trajectory of Covid-19 over the coming months, and any sustained changes in the behaviour of local workers and commuters; however, based on a 60-70% occupancy rate, it is estimated that the car park could generate an income of between £50-70k over a six-month period.

Relocation of users

51. Officers are working closely with Places Leisure to map all regular users of the hall, and will be contacting them individually with a view to better understanding their needs and supporting them to find suitable alternative local venues where required. This should also address the use of the Redwood Centre by the scouts.

52. As above, Government guidance is clear that, during the pandemic, where meetings can take place digitally, without the need for face-to-face contact, they should continue to do so; and where community facilities need to be used for physical meetings, these meetings should be managed within the social distancing guidance. It is likely that events promoters will need to re-think their operating model in response to Covid-19 once the crisis is over, as it may well be that, for some period of time at least, there will be a reduction in the demand for events involving gatherings of significant numbers of people and that some smaller meetings/groups may take place online.

Financial Implications

53. The closure of the hall would not result in any immediate revenue budget savings.
54. This is because the Council is currently making a monthly payment to PL (which does not include a fee to reopen Clair Hall), to keep the leisure centres open and has forgone the management fees of £120k per month. There is therefore no merit at this time in the Council asking PL to make a payment in recognition of the fact that they are no longer operating the hall.
55. Officers will keep this under review as we continue to work with PL over the financial contribution the Council is making to keep the leisure centres open with a view to delivering an improved management fee as soon as possible.
56. The closure would result in the Council incurring one-off costs of approximately £50k. This includes both staffing and equipment redundancy costs and potential ticket refunds.

Policy Context

57. A decision was taken by the Council on the 19th of August to take the management of Clair Hall out of the Council's Leisure Management Contract with Places Leisure. The Hall is in practice unable to re-open at the current time due to the Government's Covid-19 restrictions limiting the types of gathering that may take place. If and when the Hall reopens it will require financial support as it is not economically viable due to the Covid-19 restrictions and the historical decline in use.
58. The Mid Sussex Economic Development Strategy 2018-31 includes an action to develop a masterplan to help shape the strategic long-term vision for Haywards Heath. This Plan identifies the Clair Hall site as 'an area of opportunity' for future development

Other Options Considered

59. Against the backdrop of a downward trend in usage (which has meant that the operation has required tax-payer subsidy over many years), the Covid-related restrictions that now apply to the hall mean that it is not a viable business at this time. In addition to this, the building will require significant investment over a number of years if it is to remain safe and compliant.
60. In light of these challenges, re-opening, either through direct management or a third party is not considered to be a viable option.

Risk Management Implications

61. The tenants of The Redwood Centre have security of tenure until May 2021 and it will be operationally challenging to make any material changes to the wider building until

they have moved out. This means that the Hall will need to remain vacant for a period of months, which brings the usual risks associated with managing an empty property for a short period of time.

Equality and customer service implications

62. Whilst the Council will be mindful of all who use Clair Hall and the Redwood Centre, and the impact of its closure on them, there are some specific statutory duties relating to the Council's consideration of some users before it takes a decision on the matters covered by this report.. Under the public sector equality duty, the Council is under a duty, in deciding what action to take in relation to Clair Hall, to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity between persons with a protected characteristic under the Equality Act 2010 and others, and foster good relations between people with protected characteristics and others. Also, since some users are children, the Children Act 2004 requires the Council to have regard to the need to safeguard and promote the welfare of children before taking a decision.
63. Clair Hall has ramped access to the front doors, level access throughout the public areas and accessible toilet facilities; however the stage and dressing rooms are only accessible by steps. Whilst there are good audio-visual systems in the hall and studio, there is no hearing loop in the box office. The Hall is in an excellent location for public transport.
64. The purpose of an equality impact assessment is to determine whether it is likely that there would be a negative impact on any protected groups as a result of any service changes and if so to consider whether these can be mitigated or whether the proposal should be changed or dropped. A detailed Equality Impact Assessment has been carried out, and is attached to this report at Appendix 1.
65. The impact assessment identifies a small number groups that will potentially be impacted, and we will work with those groups to identify alternative venues.

Other Material Implications

66. None

Conclusion

67. Given the ongoing financial challenges facing the hall prior to Covid-19 and the further uncertainty created by the Government's social distancing guidelines in relation to Covid-19 it was agreed to take the hall out of the contract.
68. Given the type and levels of usage, it is proposed to permanently close the hall and to assist the current users to move to alternative provision.

MID SUSSEX DISTRICT COUNCIL**Equality Impact Assessment****Title of Policy/Service/Contract: Clair Hall****Division: Commercial Services and Contracts****Lead Officer: Rob Anderton,****Date Assessment completed: September 2020****1. SCOPING****1.1 What are the aims of the policy, service/service change or contract?**

Clair Hall is a multi-purpose venue in Haywards Heath comprising a large main hall, a function suite, studio and bar area. Clair Hall has increasingly become a venue for hire, accommodating a number of local community events and meetings. The Hall is not economically viable to run and was forced to close on 23rd March due to the COVID-19 lockdown. These social distancing requirements and other restrictions make it difficult to re-open at this stage and it may well be uneconomical to run longer term.

1.2 Who does the service/policy/contract affect? Who are the main customers (internal or external)?

Clair Hall is a flexible venue with break out rooms and studios of varying sizes and a large main hall with bar. Based in the centre of Haywards Heath, the venue is accessible via public transport and has a large on-site car park. The Hall is mainly used for meetings of groups that meet on a regular basis and for one-off events such as exhibitions and entertainment. Users are residents, performers, community, and public and voluntary sector bodies.

1.3 What equality information is available, including any evidence from engagement and analysis of use of services?

Evidence is available from the list of users of Clair Hall. We will work with the users of the Hall to try to assist them with securing alternative venues. Many groups that use the hall are reassessing their needs for physical meeting places following the pandemic and the government guidance and may therefore no longer wish to or be able to physically meet.

1.4 What does this information tell us about the equality issues associated with the service and implications for the protected groups?

A preliminary assessment of the users of the Hall shows that some of the organisations that use it have particular links with the protected groups. Examples of these groups are identified in section 2 of this impact assessment.

1.5 Are contractors or partnerships used to deliver the service? No

The Hall was managed on behalf of the Council by Places Leisure, along with the Council's leisure centres. The Council's agreement with Places Leisure to reopen the centres from September has removed the requirement for them to also run Clair Hall.

If No go to section 2.

If yes, please refer to the guidance notes for completing impact assessments and complete the next three questions.

Identify the contractors/partnerships used to deliver the service.

The Council agreed, at its meeting on 19th August 2020, to remove Clair Hall from the Leisure Management contract with Places Leisure, there are therefore currently no contractors or partners involved in delivering the service.

What is their contribution to equality in service delivery and the promotion of equality?

N/A

How are equality issues addressed through contractual arrangements and service level agreements?

N/A

2. Assessment of Impact; Analysis and Action Planning

Any gaps in information or provision, opportunities to promote equalities and good relations identified above need to be translated into SMART actions and recorded here. These actions need to be delivered and monitored through the service planning process.

Opportunity to promote equality, good relations and/or address barriers to service/differential impact	Current action taken to address these	Further actions required and timescales	Lead Officer	How will impact be measured
The needs of different ethnic groups including white minorities, but also established white communities				
None identified.				
The needs of men and women. Including taking account of pregnancy and maternity.				
Providing for groups that cater for the needs of a particular sex.	No groups other than the Towns Women's Guild	The Council will work with the groups who use Clair Hall to investigate and identify alternative suitable venues.	Rob Anderton	Success in providing alternative venues.
The needs of disabled people				
Providing for groups that cater for the needs of disabled people. Provision of an accessible venue for community groups and those attending entertainment events.	The Hall is not used by any groups to deliver services specifically to disabled people.	The Council will work with the groups who use Clair Hall to investigate possible alternative suitable venues. Such venues could offer better accessibility e.g. changing places toilets.	Rob Anderton	Success in providing alternative venues.
The needs of people with a religion or belief				
Providing a venue for religious and church-based groups.	None identified.	N/A		N/A

Opportunity to promote equality and/or barriers to service/differential impact	Current action taken to address these	Further actions required and timescales	Lead Officer	How will impact be measured
The needs of gay men, lesbians, bisexuals and heterosexual people				
None identified.	N/A	N/A		N/A
Issues from marriage and civil partnership				
None identified.	N/A	N/A		N/A
The needs of different age groups, for example older and younger people				
Providing a venue for specific age groups.	<p>Clair Hall provides a meeting place for groups catering largely for older people such as U3A.</p> <p>Groups for young people include Wings Youth Theatre Group, Perform Drama Workshops for Children, Magikats after school tuition and Act Too Holiday Drama camps.</p>	The Council will work with the groups who use Clair Hall to investigate possible alternative suitable venues, which might include the new Age UK hall close to Beech Hurst.		Success in providing alternative venues.
The needs of transgender communities				
None identified.	N/A	N/A		N/A
The needs of those who are pregnant or have recently given birth				
None identified.	N/A	N/A		N/A
The needs of people who are disadvantaged by socio-economic factors such as low incomes, skill or living in a deprived area				
None identified.	N/A	N/A		N/A
The needs of people who live in a rural area				
None identified.	N/A	N/A		N/A

3. Mid Sussex District Council Equality Impact Assessment Summary


Key Findings	Future Actions
<ul style="list-style-type: none"> The main groups using Clair Hall as a meeting place with connections to the protected groups relate to age. The venue has some provision for disabled users, but alternative more modern facilities may provide better accessibility. 	<ul style="list-style-type: none"> Engagement with the users of Clair Hall to determine their requirements for entertainment and meeting facilities, and to advise on alternative arrangements.

4. Signing off this assessment and action plan

Signature 

Date3 September 2020

Person undertaking the assessment

Signature 

Date7 September 2020

Head of Service

8. CLAIR HALL

Judy Holmes, Assistant Chief Executive, introduced the report. She noted that any decision relating to the lease of the Redwood Centre is separate to any decision made about Clair Hall and that Cabinet received 51 representations and a petition against the closure of the Hall.

The Leader thanked the public for submitting the representations and for the petitions. He stated that Cabinet had considered them all carefully. He asked whether further clarity could be provided about the responsibilities of Place Leisure (PL) in the contract to administer Clair Hall.

The Assistant Chief Executive confirmed that there were no restrictions placed on PL and the contract required them to operate Clair Hall in the same way they operate the leisure centres. She turned to the Divisional Leader for Commercial Services and Contracts to provide the utilisation data for 2019.

Rob Anderton, Divisional Leader for Commercial Services and Contracts, outlined the headline figures of total usage compared to capacity in the study; 53% for the Main Hall, 54% for Studio, 42% of Function Suite, 17% for the Dressing Rooms.

The Leader noted that the government guidance advises people not to meet in person and instead meet electronically as well as reducing the number of members from different households meeting. He said that the vast majority of the users would not be able to hire the hall, even if the hall could accommodate them.

The Divisional Leader for Commercial Services and Contracts highlighted that live performances require social distancing which means they can only operate at 25% capacity which does not make it economically viable.

The Cabinet Member for Environment and Service Delivery thanked all the residents who expressed concern over the closure of the Hall. He noted the usage of the Hall, notwithstanding the restrictions imposed to control the pandemic, was declining and that in the Haywards Heath Masterplan 2007 Clair Hall was described as 'outdated'. He believed that this was an opportunity to look at the future of the site. He asked whether the word 'potential' could be removed from the recommendation to give residents more confidence.

The Cabinet Member for Economic Growth questioned the income projections for the proposed temporary car park.

The Assistant Chief Executive explained that the forecasts were based on 60/70% capacity. She added that there is a flexible monitoring mechanism with the Budget Management Reports.

The Cabinet Member for Economic Growth discussed relocation of users. He believed that the Council worked effectively to relocate users of the Martlets Hall and couldn't see why it can't be done here. He wanted to ensure that all voices were heard, not just the loudest and ensure that the taxpayer's money is not wasted paying for a venue that is underused and could be improved.

The Cabinet Member for Community stated that Clair Hall was currently in the situation where it required maintenance investments. He mentioned that venues require 65% capacity just to break even therefore it would not be viable to hold events given the current restrictions. He believed that the bookings could be accommodated elsewhere, perhaps at nearby schools which would further the income that the local schools receive.

The Cabinet Member for Housing and Planning understood residents' concerns and understood that it is hard taking away a building that so many people have cherished. He noted that it will cost a significant amount of money to bring the building up to the minimum requirement for efficiency, with the new legislation being implemented in March 2023. He added that building standards were very different when the building was built.

The Cabinet Member for Customer Services believed that closing the facility was right, especially in light of the continuing presence of the virus and the ongoing drop in usage. She stated that the Council has a duty to meet not just the needs of the residents currently but the future needs of the town as well.

The Deputy Leader mentioned that the building hasn't been fit for purpose since 2007. She highlighted that there are extra facilities in the district and this opportunity allows the Council to look and see what is best for Haywards Heath. She wanted to make something good out of a poorly appearing building and something to match the new development already in the area.

The Leader explained that whilst many residents have used the facility in the past, it is unfortunately past its heyday. The Hall needs to meet the needs of the residents of not only Haywards Heath but also the residents of surrounding areas. He stressed the importance of understanding the business case and understanding the needs of the residents which may be subject to change given the current pandemic. He hoped that users would engage with the Council in due course to grasp the opportunity that has been presented.

He took the Members to the recommendations with the exclusion of the word 'potential', contained in the report and amended recommendation which were agreed unanimously.

RESOLVED

- (i) agree to the continued and permanent closure of Clair Hall with immediate effect;
- (ii) agree to establish a temporary public car park at Clair Hall; and
- (iii) request officers 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.

Dear Mr Clark,

I am writing to call-in to the Scrutiny Committee for Communities, Customer Service and Service Delivery, the Cabinet decision taken on Monday 14th September 2020 regarding Clair Hall and noted in MIS no. 37 on 16th September. In line with the requirements for call-in, I am giving you notice of this on Wednesday 23rd September 2020.

The following ten members support this call in:

1. Cllr Alison Bennett
2. Cllr Robert Eggleston
3. Cllr Richard Bates
4. Cllr Roger Cartwright
5. Cllr Janice Henwood
6. Cllr Sue Hatton
7. Cllr Benedict Dempsey
8. Cllr Tofojjul Hussain
9. Cllr Rodney Jackson
10. Cllr Lee Gibbs

1) Grounds for a Call-In

Section 14.1 (d) (4) page 118. Notes that we need to 'specify grounds for a calling-in the decision having regard to the principles of decision making contained in Article 13 of the Constitution and to the criteria set out in Rule 14 (g) of these Rules'. Taking each of these in turn then:

Regarding Section 14.1 (g) on page 119 of the Constitution. The following criteria apply:

- (i) Is the decision likely to cause distress, harm or significant concern to a local community or to prejudice individuals within it?
- (ii) Is the matter one which has been subject to consultation with the relevant parties?
- (iv) Is the decision against a declared policy or budget provision of the Council?
- (vi) Have the views(s) of the Member(s) requesting the "call-in" been fairly taken into account in arriving at the decision?

Within Article 13.2, page 33, Principles of Decision Making, the following principles have not been followed:

- (c) Proper regard for internal and external consultation
- (e) There should be a presumption in favour of openness
- (g) The explanation of other options considered is inadequate

We have other areas of concern relating to the procedures that were followed prior to the decision to close Clair Hall being taken which we detail below:

2) Procedure before taking any key decisions pages 94-96 of the Constitution

We note that this decision is a 'key decision' but that it was not listed in the September forward plan. The September forward plan would have been published by 18th August at the latest. At this point in time papers for a meeting of Council on 19th August had been public for six days. Those papers have the removal of Clair Hall from the Places Leisure

contract as a recommendation. It is reasonable to assume that the future of Clair Hall was being actively discussed within MSDC.

- a) Why was this key decision not published in the September forward plan?
- b) Was the key decision treated as a 'General Exception'?
- c) If it was then why was it necessary for the decision to be treated as such?
- d) Why was it considered this urgent and not placed on the forward plan for October?
- e) If it was a general exception, then have all the criteria (a to d) for treating a key decision as a general exception as detailed on page 95 paragraph 15 of the Constitution been met?
- f) Was the decision taken as a matter of Special Urgency as detailed on page 96 paragraph 16 of the Constitution?
- g) If yes, then please provide evidence that the general exception procedure could not be followed.

3) **Decisions outside the budget or policy framework**

We note that the Cabinet may only take a decision within the budget and policy framework. No information about Clair Hall, or its future is made within the current budget and policy framework. The Corporate Plan and Budget 2020/21 does not mention Clair Hall. The section on Leisure on page 29 says that a five-year plan for further investment in indoor leisure was planned, suggesting extra investment rather than the closure of the Hall was the intention when Council approved this budget.

When Cabinet took the decision on 14th September to close Clair Hall, the 2020/21 Corporate Plan and Budget remained the agreed plan of Council. The revised Corporate Plan and Budget drawn up in response to the COVID pandemic does not come to Council for agreement until 30th September and is not relevant here.

- a) Was the Cabinet advised that this decision was within the existing budget and policy framework?
- b) If yes, please provide evidence to demonstrate that this advice was provided, and the reasons why it is within the current budget and policy framework given the lack of reference to Clair Hall in any documents that form part the budget and policy framework
- c) If no - that the Cabinet were not given advice on this matter – then why is this the case given that in the Constitution on page 103, 15 (b) states that the Cabinet should take advice where this may apply
- d) If it is the case that the Cabinet took advice from an officer and were advised that the decision was outside the budget or policy framework, then why was the decision not referred to the Council for decision as stipulated on page 104, 15 (b)?

Urgent decisions outside the budget or policy framework. Page 106, section 16 of the Constitution advises that the Cabinet can take decisions outside the budget or policy framework if certain conditions are met. If the decision to close Clair Hall was made on this provision, we would like to know:

- e) Why was it not practical to convene a quorate meeting of the full Council as per (16.a.i)?
- f) Was the Chairman of the Scrutiny Committee for Communities, Customers Services and Service Delivery consulted and agreed to this, and

- g) Why the answers to 16.a.1 and 16.a.ii were not noted in the record of decision as set out in 16.a?
- h) Why has the decision not been made into a full report on the agenda for next available Council on 30th September

4) Other Areas for Scrutiny to Examine

When the Scrutiny Committee for Communities, Customer Service and Service Delivery meets to consider this call-in the following must be included as these questions pertain to the principles and criteria we believe were not followed as set in bullet 1 of this email:

- a. The evidence to support the claim on page 110 paragraph 10 of the Cabinet report for 14th September meeting that 'Clair Hall's original main purpose was for the hosting of live performances
- b. The data that underpins the footfall statistics on page 110, paragraph 11 including the two intervening years that were not included in the report
- c. An examination of the utilisation records in recent years (suggest the last five years)
- d. Details of the current EPC rating and evidence to show why it will decline to a rating of less than E by 2023 as set out on page 113 paragraph 33 of the Cabinet report
- e. Information in relation to conflict over availability of bookings

5) Date for Scrutiny Meeting

Finally, noting that last week the Scrutiny Committee for Communities, Customer Service and Service Delivery scheduled for 23rd September was cancelled, and the next regular meeting of this committee is set for Wednesday 18th November nearly two months away, and also noting in the Constitution paragraph 14.1 (j) on page 119, please can you advise whether a meeting of this scrutiny committee will be held within the four week of this call-in being issued?

Kind regards,

Cllr Alison Bennett

Liberal Democrat Group Leader, Mid Sussex District Council

APPENDIX D – Call In Request – Written Response



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Contact:

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Your Ref:

Our Ref: SW1/003123

Date:

29th September 2020

Councillor Alison Bennett
28 Hassocks Road
Hurstpierpoint
BN6 9QW

Dear Councillor Bennett,

Clair Hall decision- Call In

Thank you for your Call In request of Wednesday 23rd September 2020. I note that ten members support the Call In and, in accordance with the Constitution, it is a valid Call In.

The Clair Hall item was not on the Forward Plan given Council had not taken a decision on the Leisure Centre Report before it on the 19th August 2020 when the August Forward Plan was published.

The Council went with the recommendation in that Report and agreed to Clair Hall coming out the Contract with Places Leisure in order to assist the re-opening of the Leisure Centres.

Following the Council decision, a report was prepared for Cabinet on the 14th September 2020 to give clarity to the position of Clair Hall going forward. It was, however, not formally treated as a matter of urgency and therefore should have been on the Forward Plan in August.

That report itself confirms that it was a key decision and is within the budget and policy framework given the financial consequences of closure and not financially significant. This is therefore not a matter for Council given its budget and policy responsibilities.

I note the particular points you wish to raise at the Scrutiny Committee and I have arranged with Councillor Boutrup as the Chairman of the Communities Customer Service and Service Delivery Scrutiny Committee for a meeting to be held on Tuesday 13th October 2020 at 4 pm (or such other time as council may agree tomorrow) when these matters can be further discussed. The Scrutiny Committee can either decide to do nothing or refer the matter back to Cabinet for its further consideration in due course.

The Scrutiny Committee does not have power to substitute its own decision.

Yours sincerely,

Tom Clark
Head of Regulatory Services and Monitoring Officer

Working together for a better Mid Sussex

Solicitor & Head of Regulatory Services



Footfall

	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Annual	Monthly Average
16/17	5,888	6,481	7,925	4,699	2,108	4,719	5,660	7,036	4,270	4,329	5,244	6,479	64,838	5,403
17/18	5,592	5,778	6,922	3,324	1,689	3,527	5,583	6,902	5,978	5,553	5,858	6,782	63,488	5,291
18/19	4,332	4,857	5,141	4,628	1,218	3,957	3,957	5,884	4,662	5,958	5,133	7,334	57,061	4,755
19/20	3,585	3,585	3,569	3,378	1,640	5,698	6,478	7,047	4,966	6,738	5,384	2,250	54,318	4,527

Utilisation

Main Hall

	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Average
15/16	57%	58%	61%	38%	25%	39%	74%	77%	54%	62%	62%	53%	55%
16/17	56%	57%	56%	51%	28%	43%	51%	67%	40%	60%	50%	55%	51%
17/18	69%	43%	62%	40%	23%	40%	47%	52%	52%	53%	54%	63%	50%
18/19	47%	44%	52%	55%	20%	42%	56%	67%	48%	52%	46%	58%	49%
19/20	50%	46%	66%	45%	26%	60%	66%	72%	52%	47%	49%	61%	53%

Studio

	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Average
15/16	33%	40%	53%	37%	24%	52%	53%	63%	28%	48%	33%	45%	42%
16/17	34%	45%	48%	39%	18%	33%	46%	51%	29%	55%	39%	45%	40%
17/18	52%	52%	46%	25%	16%	47%	47%	50%	31%	43%	36%	46%	41%
18/19	42%	51%	58%	43%	27%	48%	66%	79%	44%	32%	45%	76%	51%
19/20	60%	48%	74%	52%	26%	66%	59%	66%	35%	47%	57%	61%	54%

Function Suite

	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Average
15/16	36%	40%	40%	32%	27%	28%	54%	43%	32%	26%	21%	40%	35%
16/17	48%	34%	39%	26%	16%	34%	31%	33%	19%	32%	36%	33%	32%
17/18	33%	45%	47%	24%	15%	27%	16%	32%	20%	38%	35%	42%	31%
18/19	33%	31%	47%	39%	8%	43%	46%	62%	27%	53%	38%	48%	40%
19/20	46%	48%	61%	35%	26%	42%	55%	50%	31%	37%	24%	49%	42%

Dressing Rooms

	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Average
15/16	13%	22%	20%	11%	15%	13%	40%	27%	22%	43%	18%	29%	23%
16/17	20%	24%	32%	25%	13%	13%	19%	26%	14%	34%	19%	15%	21%
17/18	40%	16%	22%	18%	10%	9%	25%	16%	18%	29%	15%	37%	21%
18/19	19%	4%	28%	27%	2%	22%	23%	29%	22%	28%	5%	13%	18%
19/20	29%	14%	28%	16%	2%	13%	17%	27%	10%	23%	7%	24%	17%

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