

**Minutes of a meeting of Council
held on Wednesday, 30th June, 2021
from 7.05 pm - 9.04 pm**

Present: M Belsey (Chairman)
R Salisbury (Vice-Chair)

G Allen	R de Mierre	Anthea Lea
J Ash-Edwards	B Dempsey	J Llewellyn-Burke
R Bates	R Eggleston	G Marsh
J Belsey	A Eves	J Mockford
A Bennett	B Forbes	A Peacock
L Bennett	L Gibbs	C Phillips
P Bradbury	I Gibson	M Pulfer
P Brown	S Hatton	A Sparasci
R Cartwright	J Henwood	L Stockwell
P Chapman	S Hicks	D Sweatman
R Clarke	S Hillier	C Trumble
E Coe-	T Hussain	N Walker
Gunnell White	R Jackson	N Webster
M Cornish	J Knight	R Whittaker
R Cromie	C Laband	
J Dabell		

Absent: Councillors A Boutrup, H Brunsdon, P Coote, S Ellis,
Andrew Lea, S Smith and R Webb

1. ROLL CALL AND VIRTUAL MEETING EXPLANATION.

The Chairman welcomed everyone to the meeting. A roll call of Members present was taken. The Head of Regulatory Services provided a virtual meeting explanation.

2. OPENING PRAYER.

The opening prayer was read by the Vice-Chairman.

The Chairman held a minute's silence in memory of Councillor Andrew MacNaughton who had served as a District Councillor since 1987 and passed away in May 2021. The silence was followed by a tribute made by the Leader which included a statement from Mrs MacNaughton. Tributes were also made on behalf of individuals and political groups by Councillors Marsh, Cartwright and Eves.

3. TO RECEIVE QUESTIONS FROM MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE 9.

The following question was received from Mr Desmond:

MSDC is a member of Greater Brighton Economic Board represented by Councillor Ash-Edwards. The Board has pledged to tackle climate change and environmental

issues through 10 Pledges. These pledges include water recycling, zero emission fleets, EV charging points, rewilding, home water efficiency, low carbon heating, public buildings and lobbying Central Government. On 10th October 2020, GBEB approved a recommendation that member organisations do all they can to support these pledges through their existing work. What action plans and reporting mechanisms has MSDC put into place to play its part in mitigating the adverse impacts of climate change through these pledges?

Response from the Leader

Thank you for your question, Mr Desmond.

Protecting our environment is an important area of work for this Council. I was very pleased to support the GB10 environment pledge on behalf of this Council as our representative on the Greater Brighton Economic Board. This Council has done much to support these pledges through our existing and planned work.

I'm grateful for the opportunity that this question gives to outline some of that progress:

- Water recycling. This Council is supporting a project on the Northern Arc development, Burgess Hill which will introduce recycled water to 3,500 homes. This will keep more than 60 million litres in the environment every year and mean cheaper bills for residents. We are hoping to work with OFWAT to see this rolled out to other new housing.
- Zero Emission Fleets We are in the process of replacing our parking fleet with new electric low carbon vehicles to improve air quality. This is ahead of Greater Brighton pledge to move 50 per cent of all Greater Brighton vehicles to low carbon by 2025.
- EV Charging Points. Working with Homes England the Northern Arc at Burgess Hill all new properties at the Northern Arc will have capability for home charging; 1 in 5 homes with off street parking will have fast home charging points and 30 public car parking spaces will have rapid charging points in the three neighbourhood centres.
- Rewilding. Over the past year we are piloting 25 rewilding projects across the District, following evaluation we are hoping to roll this out to many more locations.
- Water Home efficiency visits - We are supporting Southern Water's water home efficiency programme and have linked it to our Affordable Warmth programme.
- Low carbon buildings – We have commissioned expert consultants to provide us with advice on how we as a Council can meet the net zero target by 2030 and also how we can influence others in the district to do the same. We are also working with 17 Councils in the South East to deliver the Green Homes Grant Scheme. During July and August all eligible households in the district will receive information encouraging them to apply for the grant.
- Finally, we have started work on a Sustainable Economy Strategy supported by a cross party member working group.

With respect to monitoring our progress the Council has a robust reporting process through Scrutiny Committees and of course as a member of the Greater Brighton Economic Board, we will also report local progress to the Board.

Mr Desmond asked the following supplementary question: Considering these 10 pledges, what specific requirements has the Council made of the organisations involved in the construction of the Northern Arc to ensure that climate and ecological mitigation is set as a priority?

Response from the Leader

Thank you for your question. I think the Northern Arc will be an exemplar for positive environmental action as part of a new development. In my original answer I have referred to some of the work being done there. The work on using recycled water is a significant step being rolled out on a development of that scale. If you think about 60 million litres of water not being used every year because recycled water is being used instead, that is a considerable impact. I believe the Northern Arc will also achieve a 10% biodiversity net gain. The Council has worked hard with Homes England to ensure it is exemplary and I am pleased to announce it will shortly be featuring on the Country File programme as good example of environmental and sustainability practice in a new development.

The following question was received from Mr Kenward:

With the success of the vaccination program at Clair Hall should the NHS vacate the building towards the end of the year would MSDC consider a further meanwhile lease to community groups or organisations in order to offer events over the Christmas period and possibly beyond until such times as the results of the public consultation are known and the future of Clair Hall is decided upon. Could council also provide the date of when the public consultation is to commence (however after consulting Social Media today I understand it was today which is good news) and if it has any plans at this time for the hall when the NHS choose to move out?

Response from the Cabinet Member for Community, Councillor Norman Webster.

Thank you for your question.

The NHS has requested that the license to use Clair Hall is extended until February next year and of course the Council has agreed to this. I invite you to continue listening to the meeting on the Council's YouTube channel as I will be making announcements about the consultation being run by our independent consultants whose appointment I agreed on 19 May following a customary tendering process.

Mr Kenward did not wish to pose a supplementary question.

4. TO CONFIRM MINUTES OF THE MEETING OF COUNCIL HELD ON 31 MARCH AND 28 APRIL 2021.

The minutes of the meeting of Council held on 31 March and 28 April 2021 were agreed as a correct record of the meeting.

5. TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS IN RESPECT OF ANY MATTER ON THE AGENDA.

Councillor Ash-Edwards and Councillor Pulfer declared an interest relating to item 17 on the agenda noting that they took no part in the exempt session of the meeting held on 9 December 2020. They will therefore take no part in the exempt session of this meeting under item 17.

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

None.

7. CHAIRMAN'S ANNOUNCEMENTS.

The Chairman noted her attendance at a Civic Engagement during May and encouraged Members to put forward nominations to the Mid Sussex Applauds Awards, details of which are available on the Council's website. The Chairman also announced her chosen charity for her term of office which will be Kangaroos, a local charity delivering fun and social activities to children and young adults with learning disabilities.

8. MSDC PAY POLICY STATEMENT.

Councillor De Mierre moved the item, noting that it is a legal requirement for the Council to publish the statement annually. This was seconded by Councillor Marsh.

The Chairman took Members to a vote on the recommendation which was approved with 43 in favour and 3 abstentions.

RESOLVED

Council agreed the Pay Policy at Appendix A, to comply with the requirements of the Localism Act.

9. REPRESENTATIVES ON OUTSIDE BODIES.

Councillor Ash-Edwards moved the tabled item, thanking the other Group Leaders for their cooperation on agreeing the proposed nominations. This was seconded by Councillor Llewellyn-Burke.

The Chairman took Members to a vote on the recommendation which was approved with 41 in favour, 2 against and 3 abstentions.

RESOLVED

Council approves the nominations to outside bodies listed in paragraph 4 of the report.

10. TO RECEIVE THE REPORT OF THE LOCAL RETURNING OFFICER ON THE RESULT OF THE POLICE AND CRIME COMMISSIONER ELECTION - 6 MAY 2021.

The Local Returning Officer introduced the report noting that the term of office for the Police and Crime Commissioner detailed in the report should be 3 years, ending in 2024.

The Chairman took Members to a vote on the recommendation which was agreed with 41 in favour and 5 abstentions.

RESOLVED

Council notes the election of Katy Elizabeth Bourne as Police and Crime Commissioner for the Sussex Police Area.

11. TO RECEIVE THE REPORT OF THE RETURNING OFFICER AS TO THE PERSON ELECTED AS DISTRICT COUNCILLOR FOR THE WARD OF COPTHORNE AND WORTH ON 6 MAY 2021.

The Returning Officer introduced the report.

The Chairman took Members to a vote on the recommendation which was agreed with in 41 favour and 5 abstentions.

RESOLVED

Council notes the election of Councillor Bruce Forbes as District Councillor for Copthorne and Worth.

12. RECOMMENDATIONS FROM CABINET HELD ON 7 JUNE 2021.

Councillor Llewellyn-Burke moved the item noting the year-end outturn position for the 2021 capital and revenue budgets. The net overspend has decreased due to increased levels of income, expenditure savings and a delay in works due to covid restrictions. An explanation was provided for each recommendation in the report. This was seconded by Councillor Ash-Edward who noted that the deficit of £1.4m is unprecedented. He acknowledged that as the roadmap out of lockdown progresses it should result in some financial pressures coming back into balance, however the Council needs to remain vigilant.

A Member queried whether leisure centres could return to full capacity once restrictions are lifted. It was confirmed that more information will be provided in the Cabinet Member's report.

The Chairman took Members to a vote on the recommendation which was agreed with in 42 favour and 3 abstentions.

RESOLVED

Council agreed:

- (i) that grant income as set out in paragraph 12 to 19 of the Cabinet report be transferred to Specific Reserves;
- (ii) that requests totalling £108,000 be transferred to Specific Reserves as set out in Table 1 of the Cabinet Report.
- (iii) that £100,000 be transferred to the Community Development Fund Specific Reserve from General Reserve as detailed in paragraph 21 of the Cabinet report;
- (iv) that balance of interest totalling £170,031 as set out in paragraph 22 of the Cabinet report is transferred to the General Reserve;
- (v) that Dividend income totalling £8,529 as set out in paragraph 27 of the Cabinet report is transferred to the General Reserve;
- (vi) that the 2021/22 capital programme be increased by £1,556,000 as a result of slippage of some 2020/21 capital projects as detailed in Table 2 of the Cabinet report;
- (vii) that the revenue overspend in 2020/21, totalling £1,400,000, be met from General Reserve.

13. TO RECEIVE THE LEADER'S REPORT.

The Leader began by welcoming Councillor Forbes, noting that he was a former District Councillor and Chairman.

The Leader drew Member's attention to a bid that the Council has submitted to the Government for the Levelling Up Fund. The bid is related to Burgess Hill Town Centre with £14m based on 3 investments to add to the vitality of the town. This includes the Martlets Shopping Centre to accelerate redevelopment in line with planning permission permitted, further sustainable transport improvements in the centre and a digital hub to leverage investments in the gigabit full fibre infrastructure. He noted that local Members of Parliament are fully supportive of the bid, and the Government's decision is due in September 2021.

The Leader announced the appointment of Councillor Salisbury as the Cabinet Member for Housing and Planning effective from 1 July 2021. He acknowledged that Councillor Salisbury would therefore resign as Chairman of the District Planning Committee and Vice-Chairman of the Council. These roles will be appointed at subsequent meetings.

The Leader provided an update on the Housing and Planning Portfolio which included the public examination of the Site Allocations DPD in June 2021. The Inspector concluded hearings following days of scrutiny and public consultation and is now considering all representations. A letter with his decision and the next steps for the Council to follow is due in late summer 2021.

Two Members thanked the Leader and Head of Digital and Customer Services for the information they have shared regarding the Levelling Up Fund (LUF) bid. Assurances were sought that if the bid is successful there will be wider Member and public consultation and engagement with the project and a defined demarcation between the deployment of public and private monies. Also, that the landlord New River Reit will be legally required to delivery its share of investment alongside deployment of public funds. The Leader confirmed that wider consultation will take place on the newer aspects of the bid and noted that when putting together a bid such as this, the Council seeks to draw on projects that already has policy and Member support, for example the Town Centre Regeneration and sustainable transport work. Regarding the deployment of funding and delivery, there will be significant due diligence to secure the bid outcomes and one criteria is that projects

should be in a position to start on site in current financial year. New River Reit are supporting the bid and therefore have entered into the commitments required by the criteria. If the bid is successful, the Council will work closely with the Government to ensure a robust delivery plan.

He also acknowledged a Members' concern about the relocation of smaller businesses within the town centre if the bid is successful. With regards to a query on the proposal for a tower block in the town, he noted that planning consent had been agreed and that the future of town centres inevitable includes more accommodation which will contribute positively to the vitality and sustainability of the location.

14. REPORT OF CABINET MEMBERS, INCLUDING QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.1.

Deputy Leader

The Deputy Leader noted that leases continue to be signed for the Orchards Shopping Centre and reminded Members that Burgess Hill Model Railway at Fairfield Recreation may be back operating soon as well. She noted that the Watermill Inn at Worlds End has been listed as an Asset of Community Value and the Council has worked with the Worlds End Residents Association on a number of projects including park improvements and improvements to Wivelsfield Station.

Regarding transport infrastructure she noted that approximately £20m has been invested to encourage a modal shift to get people using cycling and walking across Burgess Hill. More information on the sustainable transport policy and linked topics can be found on Burgeshill.net.

In response to a Member's query, the Deputy Leader agreed to provide a written response on whether the pathways (as part of the connectivity programme) will be open in time for school holidays, and asked that Members contact her directly if there is a particular pathway of concern.

Cabinet Member for Economic Growth

The Cabinet Member noted the following headline facts in relation to the local economy and impact of Covid on the ongoing recovery:

- 2,855 Mid Sussex residents were claiming out of work benefits in May which was a monthly decrease of 10% to fall below 3,000 for the first time since April last year. It should be noted that pre-Covid it averaged below 1,000 for many years.
- At 3.2% of working age residents Mid Sussex has one of the lowest claimant count rates in the country, and the lowest in West Sussex.
- Despite recent falls, the number of furloughed workers in Mid Sussex remains high at 7,800 in April, accounting for 11% of eligible employments and this does match the national and regional rates. The number of furloughed workers can be expected to fall as the scheme winds down between 1st July and 30th September but with a feared associated rise in redundancies.

He noted that work has been continuing to help the local business community access appropriate Covid support funding and work continues on a new marketing and promotion strategy that will help promote the District to inward investors and bring more jobs into Mid Sussex

He concluded by noting that the Council is working in partnership with other West Sussex Districts and Boroughs on various business support and training schemes for those businesses that apply.

In response to a Member's query on the Welcome Back Fund regarding the criteria to ensure fair allocation, he asked that the Member send their query by email and he will respond in writing. He also noted a Member's request that the Council works with Town and Parish Councils to help them develop their own individual economic development and marketing strategies.

Cabinet Member for Customer Services

The Cabinet Member noted that the option to apply for Restart grants end at midnight tonight. She noted that the Council was one of only 13 Authorities to receive an extra £1.27m grant funding from the Government. The Council has also been chosen as part of the Governments Debt Advice pilot and has seen the second biggest uptake of this nationally after Bristol. Partnering with Department of Work and Pensions, the Council has also set up 2 community outreach job centre hubs in Bentswood and Burgess Hill which go live on 1 and 2 July.

She confirmed that Mid Sussex Matters magazine will land with residents from 5 July and the Comms team is promoting a number of initiatives including one in conjunction with Mid Sussex Voluntary Action and Balfour Beatty to seek out digital champions to help people become more capable in that area.

She also confirmed that the digital infrastructure work has been signed off in Burgess Hill and the route through Haywards Heath to Crawley is 88% complete, with testing to be carried out before it is aimed to be ready in September.

The Cabinet Member concluded by noting that the District had a 97% response rating to the Census according to the Office of National Statistics. She also encouraged all Members to refer to the Learning Pool for updated information on safeguarding and county lines awareness.

Cabinet Member for Environment and Service Delivery

The Cabinet Member noted that leisure centres have reopened in a staged way since 12 April and feedback has been positive, showing confidence in Places Leisure's management of the centres. Indications show strong membership sales and work is continuing for the centres to be fully open from 19 July if restrictions are lifted. It is also hoped that the Cuckfield paddling pool will reopen shortly after recent refurbishment work. He confirmed that the situation regarding playground equipment cleaning and positioning will be reviewed in light of the easing of restrictions.

A number of Members thanked Officers and the staff of the Leisure Centres for their work to ensure a successful reopening. The Cabinet Member acknowledged differing Member's perspectives on the need to pre-book sessions at the centres and agreed to pass the comments on to Places Leisure.

Cabinet Member for Community

The Cabinet Member confirmed that the Council has launched a public engagement and consultation process on future of the Clair Hall site. Over coming months through dialogue with a wide range of people, the Council will identify how the site can continue to contribute to the local community in a way that is sustainable and good for the community.

He noted that the Hall has been recently used for the vaccination programme and the Council is committed to support this service as it rolls into the next year. The long-term future of the site needs to be considered and all views are welcome. The public can participate through an online engagement hub as well as through several online and physical events which will be organised if restrictions allow. An independent group of representative organisations from a broad spectrum of the community will be formed to ensure all voices are heard. Feedback will be reported to Cabinet prior to any decisions being taken before the end of the year. In response to Member's queries on subsidies for performing arts and whether the site could remain open, he noted that nothing has been ruled out at this stage and any suggestion will be looked at provided it is submitted with Gunning principles in mind.

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

The following question was received from Councillor Brown:

In April 2019 MSDC committed to provide 26 charging points in 10 off-street car parks. Now we discover, at scrutiny committee for Leader, Finance and Performance, that the West Sussex County Council Electric Vehicle Strategy 2019-2030, (the platform for providing these chargers), has run aground. A bidder was selected but a contract was not signed and the process was abandoned on legal advice.

The Scrutiny Committee were advised that ownership of the underground cables was the stumbling block with the successful bidder. It was emphasised that EV chargers are a highway infrastructure matter. Since MSDC car parks are not public highways the responsibility for them and what happens in them and in the ground under them must be a Mid Sussex responsibility.

UK Power Networks now offer a simple Electric Vehicle Notification process to design and provide suitable connections to the electricity grid. The selected bidder, would design and install the grid connections, metering and cabling for the EVCPs, but it is simply not reasonable to expect them to assume ownership of these cables and connections.

Thinking about the reliability of the existing electric vehicle chargers and lack of penalties for failure of the contractor to maintain them, it's all very well saying that following a failure, they will be put back within a certain time frame. This mistake was made in 2017. We need a 'carrot and stick' arrangements which will award for good performance and penalise for non-performance.

Will the revised enquiry be amended to achieve agreement with a selected bidder on the infrastructure ownership and reliability issues?

Please advise if MSSC have revisited the original 2019 decision concerning the number of chargers and their locations in the light of the Electric Vehicle Strategy; the failure of the bidding process; the huge increases in electric cars anticipated; climate emergency; and funding streams from the Government?

When is it now expected that a contractor will be appointed and that new and replacement EV chargers will be in service in MSDC public car parks?

Response from the Cabinet Member for Environment and Service Delivery

Thank you for your questions. This matter has been explained at length and on numerous occasions, but I will confirm again:

Taking each of your points

- Yes, you are correct Cllr Brown, what happens in MSDC car parks is a matter for this Council.

- Yes you are correct that it would not be reasonable for this Council to hand ownership rights of underground infrastructure within our car parks to the supplier or to have to pay to retain them at the end of a contract. This is why we did not proceed with awarding the contract when this was demanded in the final stages of procurement process.

- Yes, the new tender, which is currently live, is very clear on the requirement that this and the other Councils involved, will retain ownership of any underground EV cabling infrastructure installed as part of the contract at the end of the contract.

- The original decision about the initial locations and numbers of the first phase of EV installation in MSDC car parks remains valid. We are committed to working in partnership with the new supplier, WSCC and the other West Sussex D&Bs, to develop a comprehensive charging network across the District, including but not limited to our own car park estate, and we expect the number of chargers available to our residents to increase year on year in line with the development of that network over the lifetime of the contract.

- It is expected that the supplier contract will be in place in September with first installations, subject to final site assessments and UKPN, by the end of this financial year with replacements for the current chargers which have had operational issues as a priority.

Councillor Brown asked a subsequent question on why MSDC is pursuing this with West Sussex County Council if ownership is with the Council. The Cabinet Member agreed to provide a written response.

16. TO CONSIDER WHETHER TO EXCLUDE THE PRESS AND PUBLIC FROM THE MEETING DURING CONSIDERATION OF THE FOLLOWING ITEMS IN ACCORDANCE WITH SECTION 100A OF THE LOCAL GOVERNMENT ACT 1972 ON THE GROUNDS THAT IT INVOLVES THE LIKELY DISCLOSURE OF EXEMPT INFORMATION AS DEFINED IN PARAGRAPH 3 OF PART 1 OF SCHEDULE 12A OF THE SAID ACT.

The Chairman took Members to a vote on the above paragraph which was agreed with 37 in favour.

RESOLVED

That the press and public be excluded from the meeting during consideration of the following items in accordance with Section 100A of the Local Government Act 1972

on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of part 1 of schedule 12a of the said act.

17. EXEMPT MINUTES OF THE MEETING OF COUNCIL HELD ON 9 DECEMBER 2020.

Councillor Ash-Edwards and Councillor Puffer left the meeting for the duration of this item.

The meeting moved into exempt session at 9.00pm and returned to open session at 9.02pm.

The meeting finished at 9.04 pm

Chairman