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11 May 2021

Advisory Committees can meet virtually with appropriate Councillors attending via remote video link. Public access is available via a live stream video through the [Mid Sussex District Council's YouTube channel](#).

Dear Councillor,

A meeting of **SCRUTINY COMMITTEE FOR LEADER, FINANCE AND PERFORMANCE** will be held **VIA REMOTE VIDEO LINK** on **WEDNESDAY, 19TH MAY, 2021 at 5.00 pm** when your attendance is requested.

Yours sincerely,  
KATHRYN HALL  
Chief Executive

**A G E N D A**

**Pages**

- |    |  |                |
|----|--|----------------|
| 1. | Roll Call and Virtual Meetings 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 Declarations of Interests from Members in respect of any matter on the Agenda.                    |                |
| 5. | To confirm the minutes of the meeting held on 10 March and 28 April 2021.                                    | <b>3 - 8</b>   |
| 6. | To consider any items that the Chairman agrees to take as urgent business.                                   |                |
| 7. | Performance Outturn 2020/21.   | <b>9 - 28</b>  |
| 8. | Community Management and Asset Transfer Policy.  | <b>29 - 44</b> |

9. Committee Work Programme 2021/22.

**45 - 46**

10. Questions pursuant to Council Procedure Rule 10.2 due notice of which has been given.

To: **Members of Scrutiny Committee for Leader, Finance and Performance:** Councillors J Knight (Chair), M Pulfer (Vice-Chair), A Bennett, H Brunsdon, P Coote, R Cromie, A Eves, I Gibson, S Hicks, J Henwood, R Jackson, Andrew Lea, L Stockwell, C Trumble and R Whittaker

**Minutes of a meeting of Scrutiny Committee for Leader, Finance  
and Performance  
held on Wednesday, 10th March, 2021  
from 5.00 - 6.23 pm**

**Present:** J Knight (Chair)  
M Pulfer (Vice-Chair)

A Bennett	A Eves	C Phillips
R Cartwright	S Hicks	L Stockwell
P Coote	R Jackson	C Trumble
R Cromie	Andrew Lea	R Whittaker

**Absent:** Councillors H Brunson

**Also Present:** Councillors R Clarke, R de Mierre, I Gibson, S Hatton,  
J Henwood, A MacNaughton and R Salisbury

**Also Present (As Cabinet Members):** Councillors Ash-Edwards and Llewellyn-Burke

**1 ROLL CALL AND VIRTUAL MEETINGS 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.**

None.

**3 TO RECEIVE APOLOGIES FOR ABSENCE.**

Apologies were received from Councillor Brunson.

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

In relation to any discussion concerning West Sussex County Council, Councillor Andrew Lea declared that he is a West Sussex County Councillor.

**5 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 13 JANUARY 2021.**

The minutes of the meeting held on 13 January 2021 were agreed as a correct record and electronically signed by the Chairman.

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

None.

## 7 SUSTAINABILITY STRATEGY PROGRESS REPORT.

Judy Holmes, Assistant Chief Executive introduced the report, which covers progress made in 2020 on the implementation of the sustainability strategy as well as a forward look outlining the work that will be undertaken to combine economic development and sustainability workstreams into a single strategy.

Discussion was held on the remit and composition of the Member working group that will support the development of the new strategy. Some Members wished to involve Members who are not members of the Scrutiny Committee because they have expertise in the subject. It was confirmed that as it is a working group of this Scrutiny Committee, the Membership will be 8 Members drawn from the Scrutiny Committee for Leader, Finance and Performance and external consultants will be engaged to advise. Other Members can provide input through contact with the working group. It is anticipated that meetings will be every two months over a 6-8 month period. However, the group will need to be agile with the potential for additional meetings to be scheduled if required.

Members discussed the potential scope of the work. Examples include clarifying the definition of the strategy and scoping which aspects of the current sustainability strategy will be taken forward, along with new initiatives. A Member welcomed the carbon baselining and a Member requested that biodiversity baselining be considered, as well as ensuring the Council and District are responding to the climate emergency as knowledge evolves. Discussion was held on how the Council awards contracts in terms of compliance with its sustainability and climate change policies, and how the Council can influence its partners to do the same.

Discussion was held on the impact of the District Plan review on the new strategy. The Assistant Chief Executive acknowledged the cross-cutting nature of the strategy and confirmed that it will influence the review of the District Plan and vice versa. She noted that the Council needs to focus on what can be measured and what it can directly influence such as housing and planning policy, procurement, work with partners and how the Council runs its estate.

Emma Sheridan, Business Unit Leader for Community Services, Policies and Performance provided a summary of the update report. Members discussed the Local Cycling and Walking Infrastructure Plan (LCWIP) and it was noted that the first phase involves the three main towns, with work to be progressed over coming years to include villages as additional funding is secured. Councillor Andrew Lea requested that he be included as a stakeholder in any consultation on this work going forward.

Discussion was held on the type of electric charging points within the District, and those available on the Council's Campus for staff and the forthcoming parking fleet. It was confirmed that West Sussex County Council is leading on a new procurement process for a county-wide network of charging points, with input from project managers from across the Districts and Boroughs. Further information will be shared with Members in due course.

Members discussed a number of initiatives contained in the update and new items that they would like to see addressed. This included Terracycle, the water refill scheme, the Council's Bike-to-work scheme, car clubs, issues with air quality at the Burgess Hill recycling centre and potential food waste recycling. A Member noted that the 50% recycling target set in the Sustainability Strategy is not being met and queried how this is being addressed. It was confirmed that the Council reports

quarterly on waste as part of the performance report being presented to this committee, and the existing targets are proposed to be carried forward into next year.

Members discussed the need to focus on measurable outcomes. In response to two queries, it was agreed that a written answer would be provided on the rewilding schemes, particularly information on Coopers Close, information regarding consultation on whether people want rewilding, and how the Council will evaluate and measure its success.

The Chairman took Members to a vote on the recommendations contained in the report, which were agreed with 11 in favour, one against and two abstentions.

## **RESOLVED**

The Committee:

- (i) Noted the progress of delivery of the implementation of the Council's Sustainability Strategy as outlined in Appendix A.
- (ii) Noted the roadmap for the development of the new Sustainable Economy Strategy as outlined in paragraphs 9 to 14 including the establishment of a Member Working Group to oversee this work.

## **8 PERFORMANCE MONITORING FOR THE THIRD QUARTER OF 2020/21.**

Neal Barton, Policy and Performance Manager introduced the report noting that 77% of indicators were on or above target. He acknowledged the continuing implication of the pandemic on the delivery of Council services, noting the increased demand on Environmental Health, Revenues and Benefits and Land Charges teams. The Assistant Chief Executive confirmed that teams have managed well with existing capacity and the Council continues to monitor the impact to ensure it is agile and flexible in terms of supporting staff.

Members discussed the number of Freedom of Information requests received and the work carried out in order to pre-empt requests and provide information on the Council's website. Members also discussed the collection of rents, acknowledging the difficult time faced by businesses as a result of the pandemic. The Head of Corporate Resources confirmed that the Council is working with tenants to provide assistance where required and although there is a slight shortfall in collection, the focus is on supporting businesses so that they remain in place.

Discussion was held on waste collection, including issues around the collection of litter along country roads, and the impact of Christmas tree and electrical items collection on recycling performance. Further analysis is required on the effect that electrical items recycling may have on overall collection figures. Members noted the impact that the pandemic has had on the building control teams workload, and on wellbeing interventions. A Member highlighted the positive feedback received from those who have benefitted from wellbeing sessions.

Members commented on the footfall information collected in 3 towns and 5 of the largest villages, and at the Orchards shopping centre. It was noted that footfall was noticeably cyclical in line with the pandemic lockdowns, and that in some instances the villages were seeing higher footfall as people shopped locally. A Member commented that a comparison to other shopping centres may be useful for the Committee to consider.

Discussion was held on the provision of Gypsy and Traveller sites within the District. The Assistant Chief Executive noted that the Council is working hard to bring forward sufficient provision to meet the need and will continue to do so through improving existing sites, and through the Northern Arc development and the District Plan review.

Discussion was also held on the full fibre project and connectivity issues faced by rural villages. It was agreed to provide a written answer to a query on the difference between the Local Full Fibre Network (LFFN) and Converged Fibre Connectivity Project. The Leader noted that work continues to lay over 2500m of cable each week to create a dark fibre network backbone which will allow service providers to offer full fibre to businesses and home users. The Council has secured LEP funding for branches out of this main spur and the aspiration is to extend out to towns and villages over time as it is the single biggest thing that can assist with the uplift of the local economy in the District. He noted that a wider communication on the project will be provided to all Members in due course.

The Chairman took Members to the recommendations contained in the report which were agreed unanimously.

## **RESOLVED**

The Committee:

- i) Noted the Council's performance and progress with Council Priority Projects in the third quarter of the year and identified any areas where further reporting or information is required; and
- (ii) Agreed to advise the Cabinet of any issues that the Committee considers should be given.

## **9 QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.2 DUE NOTICE OF WHICH HAS BEEN GIVEN.**

None.

The meeting finished at 6.23 pm

Chairman

**Minutes of a meeting of Scrutiny Committee for Leader, Finance  
and Performance  
held on Wednesday, 28th April, 2021  
from 6.50 - 6.53 pm**

**Present:**

A Bennett	I Gibson	Andrew Lea
H Brunsdon	J Henwood	M Pulfer
P Coote	S Hicks	L Stockwell
R Cromie	R Jackson	C Trumble
A Eves	J Knight	R Whittaker

**1 CONFIRMATION OF MEMBERS ON THE COMMITTEE.**

The Solicitor to the Council confirmed the names of the Members sitting on this committee for the 2021/22 Council year.

**2 ELECTION OF CHAIRMAN.**

Councillor Pulfer nominated Councillor Knight as Chairman of the Committee for the 2021/22 Council year. This was seconded by Councillor Cromie and with no further nominations put forward, this was agreed.

**RESOLVED**

That Councillor Knight be elected Chairman of the Committee for the 2021/22 Council year.

**3 APPOINTMENT OF VICE CHAIRMAN.**

Councillor Knight nominated Councillor Pulfer as Vice-Chairman of the Committee for the 2021/22 Council year. This was seconded by Councillor Cromie. Councillor Alison Bennett nominated Councillor Jackson and this was seconded by Councillor Hicks

The Solicitor of the Council carried out a named vote on the two nominations. Councillor Pulfer received 9 votes and Councillor Jackson received 6 votes.

	<b>Mike Pulfer</b>	<b>Rodney Jackson</b>
Alison Bennett		Y
Heidi Brunsdon	Y	
Phillip Coote	Y	
Rachel Cromie	Y	
Anne Eves		Y
Ian Gibson		Y
Simon Hicks		Y

Janice Henwood		Y
Rodney Jackson		Y
Jim Knight	Y	
Andrew Lea	Y	
Mike Pulfer	Y	
Lin Stockwell	Y	
Colin Trumble	Y	
Rex Whittaker	Y	

**RESOLVED**

That Councillor Pulfer be appointed Vice-Chairman of the Committee for the 2021/22 Council year.

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

None.

The meeting finished at 6.53 pm

Chairman



## PERFORMANCE OUTTURN 2020/21

REPORT OF: HEAD OF CORPORATE RESOURCES  
Contact Officer: Neal Barton, Policy, Performance and Partnerships Manager  
Email: [Neal.Barton@midsussex.gov.uk](mailto:Neal.Barton@midsussex.gov.uk) Tel: 01444 477588  
Wards Affected: All  
Key Decision: No  
Report to: Scrutiny Committee for Leader, Finance and Performance  
19<sup>th</sup> May 2021

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### Purpose of Report

1. This report sets out the Council's outturn performance for the year 2020/21. It provides the Scrutiny Committee for Leader, Finance and Performance with an analysis of performance over the past year using the suite of performance indicators previously agreed. The report also updates on progress on delivery of the Council Priority Projects identified in the Corporate Plan.

### Summary

2. Outturn performance for 2020/21 has been good overall, with most services performing at or close to target. This is in the context of the challenges to the delivery of Council services arising in the past year from the pandemic. In the small number of cases where service targets are not being fully met, the reasons for this are clearly understood and appropriate action is being taken. Good progress has also been made in the delivery of the Council Priority Projects.




### Recommendations

3. **The Committee is recommended to:**
  - (i) **Note the Council's outturn performance and progress with Council Priority Projects in 2020/21 and identify any areas where further reporting or information is required; and**
  - (ii) **Advise the Cabinet of any issues that the Committee considers should be given particular consideration at the Cabinet meeting on 7<sup>th</sup> June 2021.**

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### Introduction




4. One of the functions of the Committee is to regularly monitor the performance of the Council's services, with a view to determining whether any additional scrutiny is required of specific services, particularly if performance is not of a satisfactory level.
5. Outturn performance indicator information for 2020/21 is provided at Appendix A. This is set out in tabular form using a traffic light system as explained below:

-  red – more than 10 percent off target
-  amber – slightly off target (10 percent or less)
-  green – on or exceeding target







health check - indicator for information only

6. The Committee also has responsibility for monitoring progress with the Council Priority Projects. These were reviewed in the revised 2020/21 Corporate Plan and Budget Report. Progress to these projects is set out in tabular form in the appendix using a traffic light system as follows:

-  Green – project is on track
-  Amber – the project is off target and requires action to address this
-  Red – the project is off target and unlikely to deliver as planned, which will require a change in the project's scope.

### Performance Indicators

7. Performance continues to be good across the Council, with a small number of exceptions. The outturn position in comparison with the previous financial year is summarised below:

Outturn	 Green	 Amber	 Red	 Health check	Total
2020/21	32 (74%)	7 (16%)	4 (9%)	23	66
2019/20	38 (70%)	12 (22%)	4 (7%)	19	60

8. This level of performance is particularly noteworthy given the challenges arising in the last year from the pandemic in the delivery of Council services and contributing to the District's recovery. These include the changes to working arrangements required to allow Council staff and contractors to carry out their roles safely and in line with government guidance.
9. Some parts of the Council have also had to take on additional responsibilities arising from the pandemic, while continuing to deliver their day to day services. These include Revenues and Benefits in administering Test and Trace Support and Exceptional Hardship payments, as well as providing grants to local businesses. Also, Environmental Health are involved in Local Outbreak Plans and have taken on additional responsibilities for COVID-19 preventative interventions.

### Council Priority Projects

10. Plans for the delivery of the Council Priority Projects have had to be reassessed in the light of the pandemic. The outturn assessment of performance shows that 7 projects were rated at green, 1 at amber and none at red. For the activity shown as amber in the report, senior officers have reviewed and agreed actions to ensure that outcomes will be delivered as proposed.

### Conclusions

11. The Council's services performed well in 2020/21, despite the challenges arising from the pandemic. Where performance was below target, corrective action aimed at

improvement has been planned and is being delivered. Good progress has also been made with the Council Priority Projects for 2020/21.

### **Risk Management Implications**

12. There are no risk management implications associated with this report.

### **Equalities Implications**

13. There are no direct equality implications contained within this report. Equality impact assessments are undertaken within individual services as required.

### **Sustainability Implications**

14. The suite of performance indicators monitored by the Scrutiny Committee contains sustainability-based indicators. The report also reviews progress with the Council Priority Projects, which include Delivery of the Sustainability Strategy Action Plan.

### **Financial Implications**

15. There are no direct financial implications contained within this report.

### **Background papers**

Revised Corporate Plan 2020/21 report to Council 30<sup>th</sup> September 2020.

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**Scrutiny Committee for Leader, Finance and Performance  
2020-2021 Outturn Performance Report**



PI Status	
	On target
	Slightly off target (up to 10%)
	Off target (10% or more)
	Data Only



Council Priority Project Status	
	On track
	Off target- requires action
	Off target – unlikely to deliver and requires change in project's scope

Community Portfolio – Cllr Norman Webster							
Building Control							
	2019/20			2020/21			Latest Note
	Value	Target	Status	Value	Target	Status	
The percentage of plans received by Building Control which are checked within 15 working days	92%	87%		93%	87%		2020/21 = 1,066 plans checked 2019/20 = 1,051 plans checked.
Building Control Site inspections carried out within 24 hours of date requested.	99%	99%		99%	99%		2020/21 = 6,961 site inspections 2019/20 = 7,791 site inspections.



<b>Community Services, Policy and Performance</b>							
	2019/20			2020/21			Latest Note
	Value	Target	Status	Value	Target	Status	
Anti-social behaviour cases resolved within 3 months as a percentage of those referred	60%			66%			2020/21 = 184 out of 279 ASB cases resolved 2019/20 = 127 out of 211 ASB cases resolved
Overall Crime Rate per 1000	48.72			N/A			Information awaited from the Home Office.
Number of health and wellbeing interventions delivered	2,312	2,050		1,078	1,700		The Wellbeing Team have been unable to provide face to face interventions due to social distancing requirements. All the Wellbeing support services (except Health Checks) are fully up and running either virtually or through telephone support and there has been an increase each quarter in referrals coming into the service. Public Health remain satisfied with progress on the service recovery thus far.
Proportion of health and wellbeing interventions resulting in health improvement	85%	80%		92%	80%		This indicator involves calling back three months after the intervention to monitor whether it has led to a sustained improvement.

**Environmental Health**





	2019/20			2020/21			Latest Note
	Value	Target	Status	Value	Target	Status	
Proportion of Environmental Health service requests which are actioned and resolved within 3 months of receipt	97%	96%		97%	94%		2020/21 = 4,254 service requests 2019/20 = 2,942 service requests.
Percentage of Environmental Health service requests that are	99%	97%		98%	95%		2020/21 = 5,857 service requests 2019/20 = 4,881 service requests.





	2019/20			2020/21			Latest Note
	Value	Target	Status	Value	Target	Status	
responded to within five working days							Requests for services can be across the range of Environmental health activities including licensing, housing standards, environmental protection and food hygiene. Also, COVID-19 related activity in 2020/21.
Disabled Facilities Grants completed	137			134			

**Land Charges**









	2019/20			2020/21			Latest Note
	Value	Target	Status	Value	Target	Status	
The percentage of Local Authority Searches replied to within 5 working days	100%	96%		56%	96%		2020/21 = 3,865 searches received 2019/20 = 2,804 searches received. An extremely busy property market led to a 38% increase in searches. Most searches were dealt with within 7 working days when the 5-day target was missed. Also, the Council’s Land Charges Team had to answer a large number of Personal Searches during the initial lockdowns as reception was not open for the companies to inspect the data themselves.



**Legal and Member Services**









	2019/20			2020/21			Latest Note
	Value	Target	Status	Value	Target	Status	
The percentage of agendas which are published on the website 5 days before a meeting	100%	100%		100%	100%		
Number of legal cases which are live as at the end of each month	434			567			







Customer Services Portfolio - Cllr Ruth de Mierre							
Customer Services and Communications							
	2019/20			2020/21			Latest Note
	Value	Target	Status	Value	Target	Status	
Number of Complaints received	230			181			<p>Complaints breakdown- main services in receipt of complaints and causes:</p> <ul style="list-style-type: none"> <li>• Waste &amp; Outdoor Services – 74 (garden waste service, alleged crew behaviour/driving, misplaced bins, small electrical collections)</li> <li>• Revenues – 50 (issuing of Final Notices and Summonses; calculation of liability and applications of discounts)</li> <li>• Development Management – 16 (handling of planning applications, tree procedures, Covid-19 street signs, planning enforcement)</li> <li>• Parking – 9 (reintroduction of parking charges and claims that Parking Penalty Charge Notices issued incorrectly)</li> <li>• Community Services, Policy &amp; Performance – 6 (handling of ASB cases and issuing of Community Protection Notice)</li> <li>• Housing Needs – 5 (allocations of temporary accommodation, responses to homelessness applications)</li> <li>• Leisure – 4 (delays in reopening of leisure facilities)</li> <li>• Benefits – 4 (management of benefit applications)</li> </ul>
Percentage of complaints responded to within published deadlines	98%	100%		94%	100%		<p>The deadline for responding to complaints is to acknowledge within 5 days and respond within 10 working days. Some complaints needed longer investigation times and apologies were provided for the delays.</p>



<p>Average waiting time (in seconds) to speak to a customer services officer for all services answered in the Customer Contact Centre, including switchboard.</p>	19	30		21*	30		<p>*This shows the average waiting time from April to December 2020, when a new phone system was implemented. Figures for January to March are currently not available.                  The Customer Services Centre received:                  2020/21 = 73,525 calls                  2019/20 = 84,457 calls.                  As well as switchboard, the Centre receives 9 Council services direct line calls, including Building Control, Electoral Services, Parking Services and Waste Management. In addition to phone calls, Centre staff also dealt with 6,839 personal callers to reception, against 34,535 in the previous year. Due to the pandemic, reception at Oaklands has been closed to visitors except for those needing emergency support such as Housing Needs.</p>
<p>Percentage of enquiries resolved at point of Contact</p>	89%	75%		92%	75%		
<p>Number of Compliments received</p>	366			575			<p>Breakdown of main services in receipt of compliments:</p> <ul style="list-style-type: none"> <li>• Customer Services - 246</li> <li>• Waste &amp; Outdoor Services - 138</li> <li>• Development Management - 75</li> <li>• Revenues - 41</li> <li>• Corporate Estates &amp; Facilities - 11</li> <li>• Landscapes - 11</li> <li>• Planning &amp; Building Control Support - 10</li> <li>• Parking - 8</li> <li>• Benefits - 8</li> <li>• Environmental Health - 8</li> <li>• Housing Needs - 7</li> </ul>
<p>Number of e-forms submitted directly by the public</p>	24,484			27,011			

Monthly customer satisfaction scores	100%	80%		96%	80%		Customer satisfaction is being measured by phoning back a sample of customers who had previously contacted the Customer Service Centre to gain their feedback on how the call was dealt with.
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Human Resources							
	2019/20			2020/21			Latest Note
	Value	Target	Status	Value	Target	Status	
Staff sickness absence rate (Cumulative)	7.61	8.00		4.85	8.00		
Staff turnover	10.16%	12%		8.1%	12%		
Ethnic Minority representation in the workforce - employees	3.8%			4.0%			
Percentage of Employees with a Disability	7.0%			7.0%			

ICT							
	2019/20			2020/21			Latest Note
	Value	Target	Status	Value	Target	Status	
The percentage of ICT help desk service requests completed within the target time agreed with the customer	95%	90%		95%	95%		2020/21 = 4,951 service requests 2019/20 = 6,844 service requests.
Percentage of ICT helpdesk calls outstanding	21%	20%		19%	20%		
Freedom of Information Requests responded to within 20 working days	99%	100%		99.4%	100%		2020/21 = 952 out of 966 FOI requests in target time 2019/20 = 778 out of 787 FOI requests in target time





<b>Revenues and Benefits</b>							
	2019/20			2020/21			Latest Note
	Value	Target	Status	Value	Target	Status	
Speed of processing new Housing Benefit claims (days)	19	20	✓	20.1	23	✓	2020/21 = 463 claims processed 2019/20 = 452 claims processed.
Speed of processing new Council Tax Support claims (days)	20.0	20.0	✓	16.6	20.0	✓	2020/21 = 2,620 claims processed 2019/20 = 1,319 claims processed.
Speed of processing Housing Benefit changes of circumstances claims (days)	7	8	✓	6.4	8	✓	2020/21 = 12,478 changes of circumstances 2019/20 = 14,233 changes of circumstances.
Speed of processing changes of circumstances for Council Tax Support claims (days)	8.0	8.0	✓	8.5	8.0	⚠	2020/21 = 18,397 changes of circumstances 2019/20 = 14,610 changes of circumstances. Covid-19 has led to a 26% increase in the number of adjustments to Council Tax Support required, despite the introduction of a banded income scheme. The Benefits Team have also had to administer Test and Trace Support and Exceptional Hardship payments.
Percentage of Council Tax collected	98.3%	98.9%	⚠	98.5%	98.6%	⚠	2020/21 = £115,314,106 collected 2019/20 = £111,958,420 collected Council Tax collection has stood up well during the pandemic. The Council's collection rate is the best in West Sussex and one of the few to improve its collection rate on the previous year.
Percentage of Non-Domestic Rates Collected	95.3%	98.1%	⚠	93.7%	92.0%	✓	2020/21 = £26,775,043 collected 2019/20 = £46,225,751 collected The amount to collect has reduced due to the impact of Covid-19 on businesses. The Revenues Team has also had to administer business grants.
LA Overpayment Error	£44,121	£178,812	✓	£34,715	£112,799	✓	
Accuracy in Assessment	93.6%	92.0%	✓	93.9%	92.0%	✓	

**Deputy Leader Portfolio - Cllr Judy Llewellyn-Burke**


**Finance**









	2019/20			2020/21			Latest Note
	Value	Target	Status	Value	Target	Status	
Percentage of undisputed invoices paid within 10 days of receipt	95.8%	95.0%		95.6%	95.0%		2020/21 = 3,822 invoices processed 2019/20 = 5,101 invoices processed.


**Property and Asset Maintenance**









	2019/20			2020/21			Latest Note
	Value	Target	Status	Value	Target	Status	
Return on tenanted non-residential property portfolio	6.4%			6.8%			
The percentage of rent due collected	95%			87%			Collection rates reflect difficulties experienced by the Council's commercial property tenants due to the pandemic, especially the retail sector.

**Council Priority Projects**















Project name	Lead Officer	Status	Commentary
<b>Orchards Shopping Centre Strategic Plan</b>	Peter Stuart		<ul style="list-style-type: none"> <li>Work in progress to develop a proposal and business case.</li> </ul>

<b>Economic Growth Portfolio – Cllr Stephen Hillier</b>							
<b>Economic Development</b>							
	2019/20			2020/21			Latest Note
	Value	Target	Status	Value	Target	Status	
Footfall in the Orchards Shopping Centre, Haywards Heath	+3.38%			-34.86%			This shows the % change in footfall compared to the previous year.
Micro business grants – funds awarded compared to total grant received	100%			100%			49 Micro business grants have been awarded through the Cabinet Grants Panel and all of the £71,428 budget allocated.
<b>Parking Services</b>							
	2019/20			2020/21			Latest Note
	Value	Target	Status	Value	Target	Status	
Cancellation rate of Penalty Charge Notices	8%	7%		7%	7%		2020/21 = 567 cancelled out of 8,088 notices issued. 2019/20 = 1,026 cancelled out of 13,483 notices issued.
The percentage of pay and display transactions made by cashless payments	38%	30%		51.5%	39%		The Covid pandemic has accelerated the use of cashless payments to a level not anticipated at the start of the year. Payments made by cashless platforms were split 45.5% via machine and 6% by pay by phone.

Council Priority Projects			
Project name	Lead Officer	Status	Commentary
<b>Enabling Full Fibre Infrastructure</b>	Simon Hughes		<ul style="list-style-type: none"> <li>• Good progress on both Local Full Fibre Network (LFFN) and Converged Fibre Connectivity Project (CFCP).</li> <li>• LFFN duct network completed on time and on budget; now being tested and commercialization agreed.</li> <li>• CFCP 91% complete and on target to complete project on schedule by July 2021.</li> <li>• Rural Fibre Project has been initiated for works in 2021/22.</li> </ul>

Environment & Service Delivery Portfolio - Cllr John Belsey							
Landscapes							
	2019/20			2020/21			Latest Note
	Value	Target	Status	Value	Target	Status	
% Satisfaction with the grounds maintenance service	96%	95%		N/A	93%	N/A	Contractor IDV has not been able to carry out any satisfaction surveys due to Covid-19 and social distancing restrictions.
Leisure Operations							
	2019/20			2020/21			Latest Note
	Value	Target	Status	Value	Target	Status	
The number of visits made to the Leisure Centres	1,747,464			151,617			Attendance figures reflect lockdown closures and operation of centres at reduced capacity. Leisure Centres reopened on 12 <sup>th</sup> April 2021.
Sustainability							
	2019/20			2020/21			Latest Note
	Value	Target	Status	Value	Target	Status	
Usage of Council-owned electric vehicle charging points in public car parks (in kWh)	13,513			32,722			Breakdown of usage of charging points in car parks (kWh): Cyprus Road, Burgess Hill – 15,735 Chequer Mead, East Grinstead – 6,300 Hazelgrove Road, Haywards Heath – 10,687
Number of Electric Vehicle Charging Points per 100,000 population	New PI			22.5	34		Plans for an additional 26 charging points in the Council’s car parks have been delayed by the need to establish a new partnership procurement agreement.
Greenhouse gas emissions from Council buildings (kg)	519,869	503,444		251,172	310,340		Temperature differences account only for a 1.1% change, the remainder of the reduction in emissions is likely to have arisen from changes to operational demand due to the pandemic. A















							Carbon Baseline and Net Zero Feasibility Study has been commissioned as part of the evidence base for the new Sustainable Economy Strategy.
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<b>Waste and Outdoor Services</b>							
	2019/20			2020/21			Latest Note
	Value	Target	Status	Value	Target	Status	
% satisfied with refuse collection, recycling collection and street cleansing	85%	87%		90%	87%		
Amount of waste per household which is disposed of in landfill sites (kilos)	421	410		454	460		
Percentage of household waste sent for reuse, recycling and composting	44%	45%		43%	46%		The outturn percentage was affected by the temporary suspension of the garden waste service in April due to the pandemic. Also, by some increases in the contamination rates for recyclables, which the Council is working with Serco to address.
Number of subscriptions to green waste composting	20,008			21,032			
Number of missed collections per 100,000	45	75		53	50		Covid-19 pressures have led to disruption to Serco collection crews and more missed collections than the target.
% of relevant land assessed as having below acceptable levels of litter	9%	4%		6%	6%		
% of relevant land assessed as having below acceptable levels of detritus	7%	6%		6%	8%		






Council Priority Projects			
Project name	Lead Officer	Status	Commentary
<b>Sustainability Action Plan</b>	Judy Holmes	✓	<ul style="list-style-type: none"> <li>• A progress report on the Sustainability Action Plan was considered at the Scrutiny Committee for Leader, Finance &amp; Performance on 10<sup>th</sup> March 2021.</li> <li>• Project to develop the Sustainable Economy Strategy in progress for approval in December.</li> </ul>
<b>Service Redesign: waste and cleansing</b>	Rob Anderton	✓	<ul style="list-style-type: none"> <li>• Service redesign work nearing completion; awaiting confirmation of funding expectations from WSCC and government New Burdens fund.</li> <li>• Proposals for future service operation will be shared with Members in the usual way.</li> </ul>
<b>Parks Investment</b>	Rob Anderton	✓	<ul style="list-style-type: none"> <li>• Work has begun on Bolney Pump Track (an addition to the existing, improved play facilities).</li> <li>• Consultation on a further three play areas completed.</li> <li>• Final designs received for master plans at Victoria Park, St Johns Park, Hemsleys and Mount Noddy. Analysis of designs underway.</li> <li>• Project timetable revised because of Covid-19 delays in construction from June to later Summer 2021.</li> </ul>

**Housing and Planning Portfolio - Cllr Andrew MacNaughton**

<b>Development Management</b>							
	2019/20			2020/21			Latest Note
	Value	Target	Status	Value	Target	Status	
Validation of planning applications within 7 working days	98%	98%		93%	96%		2020/21 = 2,541 applications processed 2019/20 = 2,322 applications processed
The average time taken to process planning applications (days)	64	65		65	65		
Costs awarded against the Council where the decision of the Council is overturned at Planning appeal	£1400			£00			
Processing of planning applications: Major applications within 13 weeks (or agreed extension of time)	100%	80%		98%	85%		2020/21 = 45 major applications processed 2019/20 = 59 major applications processed
Processing of planning applications: Minor applications within 8 weeks.	99%	85%		98%	85%		2020/21 = 320 minor applications processed 2019/20 = 351 minor applications processed
Processing of planning applications: Other applications within 8 weeks.	100%	94%		100%	94%		2020/21 = 1,065 other applications processed 2019/20 = 1,058 other applications processed
Planning appeals allowed	19%	33%		27%	33%		

Housing							
	2019/20			2020/21			Latest Note
	Value	Target	Status	Value	Target	Status	
Number of households accepted as homeless	77			100			Performance in dealing with homelessness and use of temporary accommodation has been impacted by the Covid-19 pandemic. The Government directed all Councils to house all rough sleepers and to extend the provision of temporary accommodation to all homeless households, including those to whom the council did not have a duty towards. These measures have increased the number of households in temporary accommodation.
The number of households approaching the Council with a housing enquiry (excludes telephone calls)	817			645			
Number of households living in temporary accommodation	83			90			
Number of households in nightly paid temporary accommodation	48			44			
The average amount of time a household has spent in temporary accommodation overall when they leave following the acceptance of a full homelessness duty (days)	249			196			
Number of affordable homes delivered (gross)	214			245			The 245 new affordable homes delivered comprised 174 for rent and 71 shared ownership.
The % of policy compliant section 106's signed in the year on sites that meet the affordable housing threshold	89%	85%		75%	90%		6 out of 8 schemes signed in the year have met the policy requirement. For the remaining 2 schemes, there was only a shortfall in provision of 8 affordable housing units and this was due to viability.

Council Priority Projects			
Project name	Lead Officer	Status	Commentary
<b>Temporary Accommodation</b>	Judy Holmes		<ul style="list-style-type: none"> <li>• A further five TA units for families have been acquired and let.</li> <li>• Private sector leased properties being sought.</li> </ul>
<b>Local Plan Review</b>	Sally Blomfield		<ul style="list-style-type: none"> <li>• High level review of existing policies completed; collating evidence base information required for update.</li> <li>• Call for Sites has been carried out, officers are assessing the submissions.</li> </ul>
<b>Provision of sites for Gypsies and Travellers</b>	Judy Holmes		<ul style="list-style-type: none"> <li>• Assessment of need to be considered in Local Plan review.</li> <li>• Improvement plans for Bedelands are being developed.</li> </ul>

## COMMUNITY MANAGEMENT AND ASSET TRANSFER POLICY

REPORT OF: HEAD OF CORPORATE RESOURCES  
Contact Officer: Elaine Clarke, Community Facilities Project Officer  
Email: [elainec@midsussex.gov.uk](mailto:elainec@midsussex.gov.uk) Tel: 01444 477275  
Wards Affected: All  
Key Decision: No  
Report to: Scrutiny Committee for Leader, Finance and Performance  
Date of meeting: 19 May 2021

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### Purpose of Report

1. This report outlines the proposed policy framework, principles and criteria for considering requests and/or inviting submissions for the transfer of Council owned assets to community management.

### Recommendations

2. **The Committee is asked to consider the policy principles and process and agree any comments or recommendations that it wishes to make prior to consideration by Cabinet and Council.**
- 

### Background

3. The proposed Community Management and Asset Transfer Policy would apply to new and existing community facilities and sets out an open and fair process for considering requests from community organisations. The policy aims to empower and benefit communities by supporting not-for-profit organisations to develop, manage and deliver neighbourhood facilities.
4. The policy is needed to help address the future management of new community buildings required as a result of housing development in Burgess Hill (Keymer Brick & Tile, East of Kingsway, Northern Arc x 2), Slaugham (East of Brighton Road) and Hassocks (Clayton Mills). We have also received requests from a number of community organisations to allow them to develop existing Council land and buildings in order to offer improved local services and facilities.
5. Under the Right to Regenerate proposals announced by the Housing Secretary in January 2021, the public will be given more opportunity to acquire underused Council assets and this policy will enable the Council to consider requests for community developments in a more consistent and equitable way.
6. The forthcoming District Plan review could also consider 'meanwhile uses' to allow pop-up community use of empty premises and permitted development rights that would enable more flexible use of community buildings.

### Community Management and Asset Transfer Policy

7. The policy sets out the general principles and criteria for considering requests in relation to the applicant, the premises and the proposed use. It is designed to ensure community managers are competent, use of the facility is suitable and the decision-making process is clear and transparent.

8. The policy details the information required in order to consider a request and outlines the standard lease terms and responsibilities of the community operator through the use of a management agreement. This will help to ensure the facility remains well managed, in good repair and in community use as intended for the full term of the lease.
9. The Council will advertise new opportunities and encourage community groups to work collaboratively and develop proposals for community facilities providing services and activities that meet local needs. The local management of community buildings is preferable to a central management function provided by the Council as it allows better stewardship of local assets by the community owns and uses them.
10. Applicants must be appropriately constituted, operate for community, social or environmental benefit and be non-profit distributing. They must demonstrate that they have a strong and sustainable business-case and the ability to manage the asset effectively. Proposals must be cost neutral or generate an income for the Council.
11. Community asset transfers will generally be by means of a full repairing Lease for a maximum of 35 years or a License to Occupy for short term arrangements. Licenses, Lease Agreements or Agreements for Lease will be approved by the Cabinet Member responsible for Corporate Estates and Facilities.

### **Policy Context**

12. This policy supports the Council's Corporate priorities:
  - *Financial Independence* – community managers will be required to present detailed plans and financial forecasts to demonstrate that they have a sustainable business model
  - *Effective and Responsive Services* – community management of facilities will facilitate resident involvement and help providers to develop more effective local services.
  - *Strong and Resilient communities* – the policy will enable community led initiatives and support self-sufficient, vibrant and inclusive communities
13. The Community Service, Policy and Performance Service Delivery Plan for 2021-22 includes an action to facilitate Community Asset Transfers of community buildings at Keymer Brick & Tile, Barn Cottage Recreation Ground and East of Kingsway.
14. If approved, this policy will supersede the Cabinet resolution on 5 July 2010 regarding the criteria for considering requests from Town or Parish Councils for the transfer of assets, which required them to enter into a three-year Management Agreement.

### **Financial Implications**

15. None. Community asset transfers will be cost neutral or generate an income for the Council. Any investment in physical infrastructure will be funded through s106 receipts and external fundraising.

### **Risk Management Implications**

16. The policy has been devised to limit the risk to the Council. The assessment criteria and decision-making process is robust to properly examine the suitability of the applicant and proposed use. The lease terms and management agreement will help the Council to reclaim facilities if they are not used as intended, for community benefit, or poorly managed in the future.

### **Equality and Customer Service Implications**

17. The policy is intended to enable where appropriate communities to take local responsibility for local facilities which will benefit residents. Applicants are required to submit an Equal Opportunities Policy and demonstrate that facilities are affordable and accessible to users.

### **Other Material Implications**

18. None

### **Background Papers**

- Draft Community Management and Asset Transfer Policy
- Meanwhile Foundation legal templates

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## Community Management and Asset Transfer Policy

### General principles

1. This Community Management and Asset Transfer Policy applies to new and existing community facilities and sets out an open and fair process for considering requests and/or inviting proposals from community organisations. The policy aims to empower and benefit communities by supporting not-for-profit organisations to develop, manage and deliver neighbourhood facilities where the Council does not have plans or capacity to do so itself.
2. Fundamental to the success of any asset transfer is the applicant demonstrating to the Council that they have a clear rationale, backed by a robust business-case, and the ability to manage the asset effectively. This needs to include an assessment of the financial and organisational capacity of the organisation.
3. Applicants must be appropriately constituted, operate for community, social or environmental benefit and be non-profit distributing.
4. Community asset transfers will be by means of a full repairing Lease Agreement. Freehold transfer will only be considered in exceptional circumstances and must be the subject of a specific report to Council to gain approval. A Meanwhile Use Lease or License may be issued for short term temporary arrangements.
5. Community asset transfers must comply with legislation and general policies. They will be cost neutral or generate an income for the Council.

### Criteria for considering requests

6. Requests for the transfer of Council owned assets would be considered where all of the following criteria are met:
  - a) **The applicant must:**
    - be established for community / social / environmental benefit objectives
    - be non-profit distributing – it must reinvest any surpluses to further its social aims
    - be appropriately constituted, for example, a registered charity, a community interest company or a charitable incorporated organisation, parish council, a not for profit company; a co-operative. Such constitution allows the management / ownership of buildings and or provision of services
    - demonstrate good governance, management experience and a track record of delivering services or property management
    - have the skills and capacity within or available to its managing body to effectively deliver services and manage the asset;
    - be non-discriminatory, fully inclusive and embrace diversity
    - not promote political activities or religious beliefs
    - submit a detailed proposal explaining how the premises will be managed on a day to day basis and policies to ensure compliance with any legislation regarding premises management and / or running a service.
    - provide copies of the accounts of the organisation.
    - have a clear purpose and understanding of the activities it wishes to deliver
  - b) **The Asset**
    - is in the freehold/leasehold ownership of the Council.

- is not currently needed or identified for future investment value or disposal (in accordance with District Plan Policy DP25) or use for direct service delivery, which could best be provided directly by the authority rather than through the community.
- is fit for purpose and would not impose an unreasonable liability to the transferee or the Council
- transfer would not be contrary to any obligation or existing covenant placed on the Council
- before any asset transfer the Council will need to be satisfied that it is within its legal and financial powers

### c) Proposed use

- the proposed use will offer a service which contributes toward Mid Sussex District Council's corporate priorities and community development plans
- will maximise opportunities for income generation to ensure sustainability, for example, through the hiring of space and facilities
- there is both a need and demand for the activities being proposed and consideration is given to whether or not this is being satisfactorily addressed by another organisation.
- must make good use of the facilities, accommodate any existing users (if applicable) and be accessible

In the case of vacant premises or new build projects the Council will advertise the development to voluntary sector organisations, sports clubs, not-for-profit leisure providers, town and parish councils and statutory sector partners and invite Expressions of Interest from community groups who are interested in running the facility or want to hire space for activities. In some instances, the Council will invite targeted bids from voluntary sector organisations in order to address specific local needs.

7. This information will help inform the business plan and design of the new facility. New facilities should generally be designed as multi-purpose flexible spaces, suitable for a wide range of activities and services, so they can meet current and future needs. Sustainable and vibrant community hubs can potentially include retail, café, childcare provision, meeting and activity rooms, workshop space and co-working facilities.
8. If more than one organisation is interested in running a facility the Council will work with all stakeholders, including Ward Councillors, other tiers of local government, to discuss their needs and encourage them to work in partnership. If there is no clear lead body the Council could support the formation of a new organisation established to manage the facilities on behalf of the community.

### Submissions

9. Before the Council can agree to issue a Lease it will need to be satisfied that there is a sustainable business plan in place to ensure the facility will be effectively managed for the benefit of the local community in the long term.
10. At the most basic level this would mean ensuring there are keyholders to enable access to facilities, a phone and email booking system, and policies in place to deal with statutory responsibilities such as equal opportunities, health and safety, safeguarding and licensing.

11. The expectation is that sufficient income will be generated from the facility to cover site revenue and maintenance costs and an operational budget will be required. An outline programme of varied groups / activity providers will be needed to estimate bookings by casual one-off hirers and regular users. A strong marketing plan will also be needed to show how the facility will be promoted to community users.
12. In terms of proposing a business case for consideration by the Council any applicant will need to submit:
  - organisational contact details, constitution and 3 years financial accounts
  - track record of delivering services and or managing property
  - the planned programme, hiring arrangements, user groups and information about community consultation, partners and stakeholder engagement
  - details of governance structure with capability to sustain asset transfer and has identified necessary capacity building requirements within their organisation.
  - how the asset will be managed on a day to day basis and maintained in the longer term, including details of any policy requirements i.e. safeguarding, health and safety
  - where transfer is requested at less than market value the applicant has justified and quantified the outcomes and community benefits to result from the asset transfer
  - at least 5 years revenue or capital funding plans and projections of managing and operating the asset.
13. Submissions will be assessed against the criteria outlined above (see Appendix B). This information will be reviewed by Community Services, Performance and Partnerships and when satisfied that the submission meets the Council's criteria, Estates & Facilities will be directed to prepare Heads of Terms.
14. If more than one proposal were submitted for the same facility the Council would need to consider both and assess which option best meets the criteria. The decision as to which, if any, submission will be taken forward will be taken by the Cabinet Member for Community.
15. Proposals for developments on recreation land must be approved by the BUL for Waste, Landscapes and Leisure. The final decision to grant a lease will be taken by the Cabinet Member responsible for Corporate Estates and Facilities.

### **Lease Terms**

16. The Local Government Act 1972: General Disposal Consent 2003 gives the Council the power to grant a Lease subject to certain constraints.
17. If the Lease relates to an area of open space, the Council must advertise disposal for two consecutive weeks in a local newspaper and invite members of the public who may oppose or object to such a disposal to make their views known. The Council must consider any objections before deciding whether or not to grant the proposed lease.
18. Corporate Estates will produce a statement by a RICS qualified surveyor when adopting a rent for the community building which will have regard to the marketing that has been undertaken, open market rents, reference relevant comparable community buildings rents and justification of any discounts being applied.

19. If the business plan submitted indicates that the market rent is unachievable, the Council could agree to a rental subsidy if it can be demonstrated that the asset transfer will result in economic, social or environmental benefits. The difference between the unrestricted value of the asset and the consideration accepted must be £2m or less.
20. The amount of any rent subsidy will be considered on a case by case basis. Factors influencing such a decision will include; proposed uses, extent of revenue producing opportunities, financial accounts and forecasts, benefits to the community.
21. In order to ensure the Council can step-in if the Lessee fails to keep the building in good repair, does not comply with the agreed use or breaches any of the Lease covenants the standard Lease term should be limited to 35 years with a mutual break clause at 15 years. This period is generally sufficient to enable community organisations to apply to external funders for grants toward capital investment in the facilities. Any alterations to the building will require Landlords Consent.
22. To ensure the facility continues to be used by the Lessee for the agreed purpose the Lease should specify the Permitted Use, the number of hours of operation that the facility will be made available for community use and include an alienation clause to prohibit assignation and restrict sub-letting, except to designated organisations as agreed with the Council.
23. In all cases, leases will include a Management Agreement (Appendix A) and terms that ensure the asset is returned if these agreements are not met of the organisation is dissolved, becomes insolvent or due to any other circumstances.
24. The Management Agreement will set out the approved use of the asset and Lessees will periodically be required to demonstrate how they have complied with the conditions of the agreement. If they fail to comply with the Management Agreement, there will be a six-month review period which could result in a rent increase, based on the market value.
25. The Council will reserve the right to appoint a Councillor as a nominated non-executive representative on the Board of the Lessee.
26. Any proposal to enter into a Lease Agreement or Agreement for Lease must be formally approved by Cabinet.
27. When the Lease comes into effect the Council will provide the Lessee with a Tenant Handbook providing instructions for the operation and maintenance of the premises i.e. insurances, utility suppliers, servicing requirements, guarantees and warranties.

## Appendix A: Management Agreement Template

### MANAGEMENT AGREEMENT

#### BETWEEN

MID SUSSEX DISTRICT COUNCIL

AND

[INSERT ORGANISATION NAME]

**The Management Agreement is a legally binding document which forms an Appendix to the Lease and failure to comply will mean a breach of the Heads of Terms.**

### 1.0 INTRODUCTION

1.1 Mid Sussex District Council, "The Council" has agreed to subsidise the rent due on [insert name and address of community asset] "The Facility", leased to [insert organisation name], "The Service Provider", and this Agreement sets out the respective obligations of each organisation.

For the purpose of this Agreement the lead representative for each organisation will be the person occupying the position of:

- (a) For the Council: [The Community Facilities Project Officer]  
and
- (b) For the Service Provider: [insert main contact]

1.2 This Agreement is for the delivery of a service designed to achieve community, social and wellbeing benefits through the approved use of The Facility, in return for a rental subsidy. The Service Provider is more than a Caretaker for the building which is a community asset at the centre of the local community.

1.3 The parties to this agreement will endeavour to work within the shared principles and approach to joint working, as set out in the West Sussex Compact.

1.4 This Agreement will commence on [insert start date] and will run for a period of [insert lease term], subject to satisfactory performance and review and in accordance with the provisions set out in this Agreement.

1.5 In consideration of the subsidy specified in clause 4, the Council and Service Provider hereby agree the terms and conditions set out in this Agreement.

### 2.0 SERVICE TO BE PROVIDED

2.1 The Service to be provided in accordance with this Agreement is as follows:

The Service Provider shall make The Facility available between [9am and 11pm seven days per week] unless otherwise agreed with the Council. The Service Provider shall allow the general public, local residents, community groups and other organisations use of the Facility for a minimum of [insert % of community use] of the Available Time every year during the Term.

### 3.0 SERVICE PROVIDER RESPONSIBILITIES

The Service provider must:

- 3.1 maintain the building so it is kept in good repair, accessible and fit for purpose. Any proposal to vary the facilities provided or make changes to community use of The Facility must be agreed with the Council.
- 3.2 have adequate employers, public liability, buildings and contents insurance as necessary
- 3.3 demonstrate good governance and operate in accordance with the organisation's Constitution. Any proposal to vary the Constitution is to be agreed with the Council and it is not to be changed without prior consultation.
- 3.4 comply with all relevant current and future legislation and regulatory requirements, required in the provision of this Service and ensure up to date policies, procedures and training are in place to address key issues such as Equal Opportunities, General Data Protection Regulation, Safeguarding, Health and Safety, Employment and Volunteering.
- 3.5 ensure all staff, volunteers and Trustees have a Disclosure and Barring Service (DBS) check if deemed necessary for their task or role.
- 3.6 ensure business continuity is in place to cover emergencies, sickness and annual leave.
- 3.7 keep risk assessments, fire checks and evacuation procedures. There must also be an accident procedure and log.
- 3.8 maintain proper and accurate financial records
- 3.9 provide good customer service. Staff volunteers and Trustees should always be inclusive, welcoming and friendly. They should treat each other and users with respect and courtesy and respond to enquiries and questions promptly.
- 3.10 advertise the times at which the Facility may be used by members of the public and organisations; details of the booking officer who must be contacted; and charges made for hiring the Facility.
- 3.11 keep records of bookings, user details and activities. Bookings from charitable, local and not for profit community organisations will take priority.
- 3.12 ensure hire charges do not exceed the Council's standard charges for similar facilities owned by the Council for any period during the Term.
- 3.13 set up a complaints procedure and log; accurately record any complaints and follow agreed procedures. There should be a clear route for complaints, compliments and comments about The Facility.
- 3.14 ensure meaningful stakeholder engagement and participation; listen to feedback and adjust services accordingly. This should be delivered through regular and ongoing consultation and / or the establishment of an Advisory Group consisting of the following representatives (as a minimum):

- x 1 District Council
- x 1 Town / Parish Council
- x 2 user group
- x 1 local resident / neighbour
- x 1 Trustee

3.15 allow the Council to appoint a representative to attend and observe all Board / Management Committee meetings.

3.16 allow reasonable inspection of financial records, management committee and advisory group minutes, consultation findings, booking records, logs, risk assessments, policies and procedures which must be produced to the Council, if requested.

#### **4.0 RENT SUBSIDY**

4.1 The Council will subsidise the market rent to the value of [??] per annum, for the full term of the Lease.

4.2 If the Service Provider fails to deliver the service or comply with their responsibilities as outlined above, the Council reserves the right to reduce the rent subsidy or reinstate the market rent. In this instance, the Council would take steps to terminate the lease.

4.3 The Service Provider will be served written notice and there will be a six month review period prior to any action.

#### **5.0 MONITORING AND REVIEW**

5.1 The Service Provider shall co-operate and comply with the Council's reasonable processes for the monitoring and evaluation of the service and the Service Providers responsibilities as set out in Section 3 of this Agreement.

5.2 This Agreement will be subject to a review meeting and written report, to be produced by the Service Provider which will cover all aspects of the Agreement. Any variations in the Agreement will be considered as part of this review. Review meetings will be scheduled to run concurrently with the rent review dates, as set out in the Lease.

5.3 If either party requires a review of any aspect of this Agreement then such review shall take place at the earliest practicable opportunity upon written notice being given to the other party specifying the terms of the review. Determination of any matter under this clause shall be without prejudice to the operation of clauses 6 and 7 when applicable.

5.4 Membership of the Review meetings will include such representatives of the Service Provider, its Board and of the Council, as can take decisions required for the proper operation of this Agreement and to take decisions as required by the terms of the Agreement.

5.5 The review will include:

- (a) Details of the service provided and compliance with the specification.
- (b) Examination of the operational policies and evidence of implementation.
- (c) Information on finances, staffing and volunteers.

- (d) Premises inspection
- (e) Any breaches of this Agreement or the specification.

## 6.0 RESOLUTION OF DISPUTES

- 6.1 The parties shall use their best endeavours to resolve by agreement any dispute between them. In the first instance the dispute will be discussed by the lead representatives and may then be referred to more senior officers of both the Service Provider and the Council so as to seek amicable resolution.
- 6.2 In the event that the dispute cannot be resolved through the mechanism set out in 6.1 above the parties may refer the matter to an agreed independent arbitrator whose decision shall be binding.

## 7.0 TERMINATION

- 7.1 If the Service Provider is dissolved, becomes insolvent or ceases to operate for any reason, the Agreement will terminate immediately and The Facility will be returned to the Council.
- 7.2 This Agreement may be terminated by one party [giving x months written notice to the other party – same as lease agreement].
- 7.3 The Council may terminate this Agreement if the Service Provider, their employees or anyone acting on the Service Provider's behalf:
- (a) corruptly offers, gives or agrees to give to anyone any inducement or reward in respect of this or any other Council contract (even if the Service Provider does not know this has been done), or
  - (b) commits an offence under the Prevention of Corruption Acts 1889-1916 or Section 117(2) of the Local Government Act 1972.

**Signed by:**

**Name:**

**Position:**

**For and on behalf of  
Mid Sussex District Council**

**Date:**

**Signed by:**

**Name:**

**Position:**

**For and on behalf of  
Service Provider**

**Date**



## Appendix B: Assessment of Submissions

	The asset	Yes / No	Comments
1.	Is the asset in the freehold/leasehold ownership of the Council?		
2.	Is it suitable / available i.e. not required for Council business, fit for purpose and not subject to any covenants?		
	Eligibility	Yes / No	Comments
3.	Have the following information been submitted? - Constitution - 3 years financial accounts - Business plan and five year income and expenditure forecasts		
4.	Is the organisation non-profit distributing?		
5.	Is organisation established for community / social / environmental benefit objectives?		
6.	Does the constitution allow the management / ownership of buildings and or provision of services		
	The organisation Has the applicant demonstrated:	Yes / No	Comments
7.	A strong track record of delivering services or property management?		
8.	That they have the skills and capacity to effectively deliver services and manage the asset?		

	If no, have they identified any capacity building requirements within their organisation?		
	<b>Proposed use</b> <b>Has the applicant supplied information regarding:</b>	<b>Yes / No</b>	<b>Comments</b>
10.	Their overall vision for the future use of the facility?		
11.	Details of the proposed activity programme and user groups?		
12.	Hiring arrangements and community use of the facility - opening hours and accommodating any existing users (if applicable)?		
	<b>Need and benefits</b> <b>Does the proposal:</b>	<b>Yes / No</b>	<b>Comments</b>
13.	Provide evidence of need and demand for the activities being proposed i.e. details of community consultation, support from partners, stakeholder engagement		
14.	Provide information about the community, social or environmental benefits to result from the asset transfer		
15.	Provide information addressing diversity, community cohesion and social inequalities		
16.	Explain how the proposed use will benefit Mid Sussex residents and contribute toward the Council's corporate priorities (Financial Independence, Effective and Responsive Services, Sustainable Economic Growth, Strong and Resilient Communities)		
	<b>Management</b>	<b>Yes / No</b>	<b>Comments</b>

	Has the applicant provided:		
17.	Details of the day to day management arrangements		
18.	Information regarding ongoing maintenance		
19.	Policy documents i.e. safeguarding, health and safety, equal opportunities		
20.	A marketing plan		
21.	Details of booking system and pricing plan – is it affordable, accessible?		
22.	5 years financial projections which demonstrate long term income generation and sustainability		

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## SCRUTINY COMMITTEE FOR LEADER, FINANCE AND PERFORMANCE WORK PROGRAMME 2021/22

REPORT OF: Head of Regulatory Services  
 Contact Officer: Lucinda Joyce, Senior Democratic Services Officer  
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 Wards Affected: All  
 Key Decision: No  
 Report to: Scrutiny Committee for Leader, Finance and Performance  
 19 May 2021

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### Purpose of Report

1. For the Scrutiny Committee for Leader, Finance and Performance to agree its work programme for 2021/22, in so doing the Committee will note that this meeting is still being held with Covid restrictions in place.

### Summary

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

### Recommendations

3. **The Committee is recommended to agree the indicative Work Programme as set out at paragraph 5 of this report.**
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### Background

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

### The Work Programme

5. The Committee's indicative Work Programme for 2021/2022 is set out below:

Meeting Date	Item	Reason for Inclusion
15 Sept 2021	Performance Monitoring for the 1 <sup>st</sup> Quarter.	To report on the Council's performance in the first quarter.
10 Nov 2021	Draft Corporate Plan and Budget 2022-23 – Consultation Process.	Annual report
	Capital Programme Monitoring.	Annual report
	Performance Monitoring for the 2 <sup>nd</sup> Quarter.	To report on the Council's performance in the second quarter.
12 Jan 2022	Draft Corporate Plan and Budget 2022-23	Annual report

9 March 2022	Council Performance for the Third Quarter 2020/21.	To report on the Council's performance in the third quarter.
	Annual Sustainability and Economic Strategy Report.	Annual Report (tbc)

### **Policy Context**

6. The work programme should reflect the key priorities of the Council, as defined in the Corporate Plan and Budget.

### **Financial Implications**

7. None.

### **Risk Management Implications**

8. None.

### **Background Papers**

None.