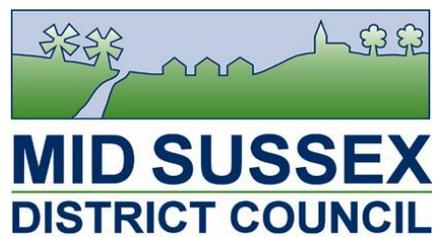




COUNCIL

3 NOVEMBER 2021



26 October 2021

Unless a majority of the Council resolve to extend the meeting before 10.00 pm it will automatically end at 10.00 pm in accordance with Council Procedure Rule 17.2.

NOTE: In response to the continuing public health restrictions, there will be limited public access to observe the meeting. Those wishing to do so must reserve a seat by completing a [Registration Form](#) by 4pm on the day prior to the meeting. Access is also available via a live stream through the [Mid Sussex District Council's YouTube channel](#).

To all Members of the Council,

You are hereby summoned to attend a meeting of the **MID SUSSEX DISTRICT COUNCIL** to be held at **HURSTPIERPOINT COLLEGE PREP SCHOOL, CHALKER'S LANE, HURSTPIERPOINT, WEST SUSSEX, BN6 9JS** on **WEDNESDAY, 3RD NOVEMBER, 2021** at **7.00 pm** to transact the following business:

Yours sincerely,

KATHRYN HALL
Chief Executive

Pages

1. Opening Prayer.
2. To receive questions from members of the public pursuant to Council Procedure Rule 9.
3. To confirm Minutes of the meeting of Council held on 29 September 2021. **5 - 18**
4. To receive declarations of Interest from Members in respect of any matter on the Agenda.
5. To consider any items that the Chairman of the Council agrees to take as urgent business.
6. Chairman's Announcements.
7. Community Management and Asset Transfer Policy. **19 - 30**

Working together for a better Mid Sussex

8. To receive the Leader's Report.
9. Report of Cabinet Members, including questions pursuant to Council Procedure Rule 10.1.
10. Questions from Members pursuant to Council Procedure Rule 10.2.

To: **Members of Council:** Councillors M Belsey (Chairman), P Coote (Vice-Chair), G Allen, J Ash-Edwards, R Bates, J Belsey, A Bennett, L Bennett, A Boutrup, P Bradbury, P Brown, H Brunsdon, R Cartwright, P Chapman, R Clarke, E Coe-Gunnell White, M Cornish, R Cromie, J Dabell, R de Mierre, B Dempsey, J Edwards, S Ellis, R Eggleston, A Eves, B Forbes, L Gibbs, I Gibson, S Hatton, J Henwood, S Hicks, S Hillier, T Hussain, R Jackson, J Knight, C Laband, Andrew Lea, Anthea Lea, J Llewellyn-Burke, G Marsh, J Mockford, A Peacock, C Phillips, M Pulfer, R Salisbury, S Smith, A Sparasci, L Stockwell, D Sweatman, C Trumble, N Walker, R Webb, N Webster and R Whittaker

**Minutes of a meeting of Council
held on Wednesday, 29th September, 2021
from 7.00 pm - 9.20 pm**

Present: M Belsey (Chairman)
P Coote (Vice-Chair)

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

Absent: Councillors G Allen, A Bennett, L Bennett, A Boutrup,
H Brunsdon, P Chapman, Andrew Lea, J Llewellyn-Burke,
G Marsh and M Pulfer

1. OPENING PRAYER.

The Chairman welcomed everyone to the meeting and thanked Sandra Prail for attending the meeting for item 11. The opening prayer was read by the Chairman.

2. APPOINTMENT OF VICE CHAIRMAN.

The Chairman proposed that Councillor P. Coote be elected as Vice-chairman of the Council for the 2021/22 Council year. This was seconded by Councillor Ash-Edwards and with no further nominations put forward, this was agreed.

RESOLVED

That Councillor P. Coote be elected as Vice-chairman of the Council for the 2021/22 Council year.

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

Question from Ms Helen Frost

In June the UK Climate Change Committee published an assessment of UK climate risks which set out the priority risks and opportunities for adaptation. In presentations accompanying the report Lord Deben and Baroness Brown emphasised the

importance of local decision making and praised the adaptation plans of some local councils. However, they noted that typically there was a lack of preparedness for changes in UK climate which are already inevitable. Have key members of MSDC familiarised themselves with the CCC report and looked for any opportunities to increase the resilience of local homes, businesses, and environment to climate change?

Response from the Cabinet Member for Environment and Service Delivery

Thank you for your question. The Council recognises its role and has taken opportunities to increase the resilience of local homes, businesses, and environment to climate change.

Our approach is embedded in the policies of all our strategies including the District Plan, the current Sustainability Strategy and the District Wide Design Guide - all of which emphasise the importance of sustainability.

We work in partnership with a number of bodies to address this issue, such as the GBEB and Homes England where the principles of sustainable design and construction and place shaping will be delivered as an integral part of the Northern Arc Development. Not only have they designed local neighbourhoods (where all new residents will be able to access goods and services within a 10 minute walk), but they will be delivering a comprehensive network of walking and cycling infrastructure; tree lined streets; sustainable urban drainage systems; EV charging points; and 23% biodiversity net gain.

Finally, we are currently preparing a Sustainable Economy Strategy and the work on this is being overseen by a cross party Member Working Group. As part of this work key reports, including the CCC Report, are being considered alongside specifically commissioned experts to work on carbon baselining of the District's and Council's premises. The Sustainable Economy Strategy will take a broad approach and will look at a range of projects which can be implemented to reduce carbon emissions and ensure the environmental resilience of our communities.

4. TO CONFIRM MINUTES OF THE MEETING OF COUNCIL HELD ON 30 JUNE 2021.

Councillor Salisbury noted that when he was appointed as a Cabinet Member he had also resigned as Vice-chairman of the Charity Trustees. The minutes of the meeting of Council held on 30 June 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 Eggleston declared a personal interest in item 15 as he is a trustee of the Beehive CIO.

Councillor Pete Bradbury declared he is the Chairman of West Sussex County Council.

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 attendance at Lindfield and Haywards Heath Day, Shorinjiryu Renshinkan Karate DO Film Screening, East Grinstead Hockey Club Junior Open Day, Annual Church Service of Sussex Freemasons, The Yews 10 Year Anniversary Lunch, NHS Social Care and Frontline Workers Day and East Grinstead Rugby Club Statue Unveiling to commemorate Matt Ratana.

8. MAKING OF THE COPTHORNE NEIGHBOURHOOD PLAN.

Councillor Forbes moved the item, this was seconded by Councillor Phillips who reserved his right to speak.

The Cabinet Member for Housing and Planning welcomed the Copthorne Neighbourhood Plan and noted the importance of the documents. He thanked all those involved for the work they had done and he endorsed the plan.

Councillor Chris Phillips confirmed the document had taken 9 years to complete. He thanked Councillor Mike Livsey and the public who helped with the plan, he supported the recommendation.

The Chairman took Members to a vote on the recommendation which was taken by a show of hands. The recommendation was approved.

RESOLVED

Council noted the outcome of the Copthorne Referendum; and agreed to formally 'make' the Copthorne Neighbourhood Plan part of the Development Plan for the Copthorne and Worth ward.

9. REPORT OF THE RETURNING OFFICER AS TO THE PERSON ELECTED AS DISTRICT COUNCILLOR FOR THE WARD OF ARDINGLY & BALCOMBE ON 8 JULY 2021.

The Returning Officer introduced the report and Councillors were asked to note the election of Councillor Jenny Edwards and Council noted this.

RESOLVED

Council noted the election of Councillor Jenny Edwards as District Councillor for the Ward of Ardingly and Balcombe.

10. TO RECEIVE THE REPORT OF THE MONITORING OFFICER: POLITICAL BALANCE SECTION 15 LOCAL GOVERNMENT AND HOUSING ACT 1989; THE LOCAL GOVERNMENT (COMMITTEES AND POLITICAL GROUPS) REGULATIONS 1990.

The Monitoring Officer introduced the report which set out the political balance, Council was asked to approve the recommendations.

The Chairman took Members to a vote on the recommendation which was taken by a show of hands. The recommendation was agreed.

RESOLVED

Council agreed that for the year 2021/22:

- (i) The Scrutiny Committees each comprise of 15 members, consisting of 9 Conservative, 4 Liberal Democrat, 1 from the Green and Burgess Hill Independent Group and 1 from the Independent Councillors on the Scrutiny Committee of Leader Finance and Performance and on the Scrutiny Committee for Housing Planning and Economic Growth. The Scrutiny Committee for Community Customer Services and Service Delivery is comprised of 9 Conservative, 4 Liberal Democrat and 2 from the Green and Burgess Hill Independent Group.
- (ii) Two Planning Committees each comprise 12 members, consisting of 8 Conservative on each of the 2 committees, 3 Liberal Democrat on the District Planning Committee and 2 on the Planning Committee, 1 from the Independent Councillors for the Planning Committee and 1 from the Green and Burgess Hill Independent Group on the District Planning Committee and on the Planning Committee;
- (iii) The Licensing Committee comprises 15 members, consisting of 10 Conservative, 3 Liberal Democrat, 1 from the Green and Burgess Hill Independent Group and 1 from the Independent Councillors;
- (iv) The Standards Committee comprises 6 Council members consisting of 4 Conservative (other than the Leader), 1 Liberal Democrat and 1 from the Green and Burgess Hill Independent Group and 4 representatives of town/parish councils.

11. MID SUSSEX DISTRICT COUNCIL GOVERNANCE REVIEW SUMMARY.

The Monitoring Officer introduced the summary report and noted an earlier workshop attended by the Members. He asked Members to approve the recommendations and the implementation plan.

The Leader, Councillor Ash-Edwards moved the item and he thanked Sandra Prail for undertaking the governance review following the election of many new Members. He noted it was a constructive process and he thanked the Members for their engagement. The pandemic has impacted the way the Council works. The review concluded the Council's governance framework is not atypical for a district council and the Constitution meets the statutory requirements. A review of the scrutiny process was suggested to consider best practice and use resources more efficiently. He thanked all group leaders for their cross-party work and regular meetings, he highlighted the Parking Strategy and Sustainability Economy Strategy working groups. A Member welcomed the independent review and a key recommendation for Members to work collaboratively for the benefit of Mid Sussex. In response to a concern raised, the Leader confirmed the Standards Committee had reviewed the recent conduct of a Member, and whilst they had not found a Code of Conduct breach, he urged all Members to always take care to treat each other with courtesy and respect.

Councillor Webster seconded the item noting Members were all working well towards the recommendations.

The Chairman took Members to a vote on the recommendations which was taken by a show of hands. The recommendations and implementation plan were approved.

12. RECOMMENDATIONS FROM CABINET HELD ON 26 JULY AND 13 SEPTEMBER 2021.

Councillor Ash-Edwards moved the item in relation to budget management.

Councillor Webster seconded the item and welcomed the report.

The Chairman took Members to a vote on the recommendations which was taken by a show of hands. The recommendations were approved.

RESOLVED

Council agreed:

- (i) that £432,728 grant income relating to Homelessness Prevention be transferred to Specific Reserves as detailed in paragraphs 26 of the Cabinet report;
- (ii) that £6,400 grant income relating to the Cold Weather Fund be transferred to Specific Reserve as detailed in paragraph 27 of the Cabinet report;
- (iii) that £563,194 grant income relating to the Covid-19 Test and Trace Contain Management Outbreak Fund (COMF) be transferred to Specific Reserve as detailed in paragraph 28 of the Cabinet report;
- (iv) that £21,215 grant income relating to Implementing Welfare Reform be transferred to Specific Reserve as detailed in paragraph 29 of the Cabinet report;
- (v) that £27,618 grant income for new burdens relating to Verify Earnings & Pensions be transferred to Specific Reserve as detailed in paragraph 30 of the Cabinet report;
- (vi) that £5,000 grant income in respect of a payment for Rough Sleepers be transferred to Specific Reserve as detailed in paragraph 31 of the Cabinet report;
- (vii) that £2,973 grant income relating to Revenues and Benefits New Burdens be transferred to Specific Reserves as detailed in paragraph 32 of the Cabinet report;
- (viii) that £166,800 grant income in respect of New Burdens Local Authority Discretionary funding be transferred to Specific Reserve as detailed in paragraph 33 of the Cabinet report;
- (ix) that £33,632 grant income relating to Domestic Abuse Safe Accommodation funding be transferred to Specific Reserves as detailed in paragraphs 34 of the Cabinet report;
- (x) that £25,000 grant income relating to Additional Emergency Accommodation funding be transferred to Specific Reserves as detailed in paragraphs 35 of the Cabinet report;
- (xi) that £107,395 grant income relating to Admin Subsidy be transferred to Specific Reserves as detailed in paragraphs 36 of the Cabinet report;
- (xii) the variations to the Capital Programme contained in paragraph 50 of the Cabinet report in accordance with the Council's Financial Procedure rule B3.
- (xiii) that £50,000 grant income received to fund the Burgess Hill Station project be transferred to Specific Reserves as detailed in paragraph 29 of the Cabinet report;
- (xiv) that £445 grant income relating to New Burdens funding for Council Tax data submissions be transferred to Specific Reserve as detailed in paragraph 30 of the Cabinet report;
- (xv) that £14,000 be reallocated to the Planning Performance Agreement Specific as detailed in paragraph 31 of the Cabinet report;
- (xvi) that £100,000 be transferred to the Gatwick DCO Specific Reserve as detailed in paragraph 32 of the Cabinet report; Council - 29 September 2021 42;

(xvii) the variations to the Capital Programme contained in paragraph 39 of the Cabinet report in accordance with the Council's Financial Procedure rule B3.

13. TO RECEIVE THE LEADER'S REPORT

He welcomed Members to East Grinstead which is an important part of the District. He also extended a welcome to Councillor Jenny Edwards. The national Cabinet reshuffle was highlighted, and he thanked the outgoing Secretary of State Robert Jenrick MP for his excellent engagement with council leaders. He noted that the decision on levelling up fund bids had not yet been made. He confirmed there is an established arrangement in West Sussex to resettle refugees and several Afghan refugee families had already been successfully settled in the area. The scheme to resettle local personnel who worked with British Forces is operated by the Home Office and the Council is fully engaged in the process; more refugees are expected. This may cause some pressure on the Council's temporary housing stock in the District.

He noted that Gatwick Airport has published their formal proposal to bring the standby runway into permanent use and the public consultation is underway. The Council has already appointed external advisors and a member workshop will be held to help formulate a response. He highlighted the wide-ranging effect of a dual runway airport, the benefit of job opportunities for Mid Sussex and the impact on the environment and infrastructure. The unmet housing need of Crawley was noted, however the Council had no control how any land reserved would be used if Gatwick gave it up. He noted the apologies of the Deputy Leader who was unable to attend and highlighted the decisions in the recent Member Information Service bulletin and the workshop on the Burgess Hill Growth Programme.

Members discussed the information released at recent party conferences in relation to additional housing provision in the District and the impact on the infrastructure, they sought reassurance on the progression of the redevelopment of Burgess Hill and queried the generation of sustainable energy, and requested more detail on the number of the refugees rehomed in West Sussex. A Member thanked the Leader for the workshop and requested more publicity of the beneficial joint public and private funding streams for the Burgess Hill Growth Programme.

The Leader noted the wider economic benefits of the growth programme for the District and the joint venture is one of the largest in the South East which has been achieved with substantial help from the Government. The Council's aspirations for the redevelopment of Burgess Hill are on record and highlighted the sustainable energy benefits and biodiversity of the Northern Arc development. He declined to give further information on the refugees for their privacy and security, he reassured Members that Mid Sussex would play its part in rehoming Afghan refugees.

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

Cabinet Member for Economic Growth

The Cabinet Member noted that the work of the Sustainable Economic Strategy was on schedule thanking the Chairman Councillor Pulfer and the group members. The work on the Inward Investment Marketing Plan was progressing and the brochure should be ready in November. He confirmed the ongoing strong links with the Business Associations and key businesses and the release of the second Newsletter. Service Level Agreements with the Business Associations will provide a

clear understanding of expectations when applying for grant funding support. He confirmed that officers have been working hard with the Towns & Parishes in relation to developing our bid to the Welcome Back Fund, officers are now supporting them through the procurement process.

Members requested an expansion of the fund to other villages, sought clarity on the use of the fund and discussed bringing empty business properties back into use. He confirmed that the grants to town and parish councils, from the fund to provide vinyl prints on empty shop fronts on private land is permitted as there is no direct benefit to the landowners. He advised he would check that the engagement of all towns and parishes on applications for the fund and would consider whether the fund could be opened to other applicants. It was noted that the Council had little control over empty buildings in private ownership.

Cabinet Member for Customer Services

The Cabinet Member highlighted the number of grants paid out by the Revenues and Benefits department, the free debt advice service and the end of the furlough scheme. She noted that help is now available for parents and guardians if children are notified by Test and Trace to self-isolate, a communication on this is being developed. She urged Members to ensure eligible businesses apply for discounts as NNDR collections are down on last year. Mid Sussex Matters will be published in November. Digital and Technology are working to improve the customer experience, digitally and those calling customer services to make interacting with the Council easier and clearer. Customer satisfaction figures will include electronic submissions, and she will check that all electronic submissions are acknowledged. She drew Members' attention to the safeguarding policy for voluntary and community groups which was recently published in MIS. Phases 1 and 2 of the Digital Infrastructure Project are complete and work is progressing on the network and service providers on the commercialisation phase, which will be supported by a website in late October. She noted that the project is providing local employment.

Cabinet Member for Environment and Service Delivery

The Cabinet Member provided an update on the fuel situation and driver shortage in relation to the provision of the council's services. Waste collections by Serco will continue as normal but ID Verde are not working to normal capacity and have been asked to prioritise grass and pitch cutting and bin emptying. The Council continues to monitor the performance at the Leisure Centres through an open-book reconciliation process, subject to both parties agreement it is indicated that performance has been higher than predicted, however running costs are higher than usual. There have been some changes to the way the facilities are used, and some operational improvements will be retained to improve the customer experience. He confirmed the pilot food waste collection would go ahead in the next financial year. The Council has to work with other authorities as we are not a disposal authority and the guidelines are continually changing. He advised he would provide an update on the collection of small electrical goods by Serco and that once officers had received training on enforcement action for fly tipping, evidence supplied by Members would be revisited with regard to potential prosecution. He highlighted that they had received positive feedback on the Playdays which would help shape the scheme for next year. He thanked the staff that supported the Playdays.

Cabinet Member for Community

The Cabinet Member for Community noted the consultation on Clair Hall, managed by external consultants had ended. He thanked the residents and Members for their engagement in the consultation. He confirmed engagement with young people and the next stage would reflect on what was said and the actions that have been taken. He confirmed a Motion to discuss Clair Hall was on the agenda and the time scale of the consultation process had been previously reported in MIS. The final report to Cabinet would be carefully considered. The Council supports the Scout movement and their use of the hall would be considered in any future decisions. He confirmed a reduction in crime figures year on year in all categories and people should take steps to protect their own property to prevent crime. Members visits to the Police Control Room at Lewes have been temporarily suspended due to Covid. He provided an update on the installation of CCTV at recreational parks. Advising that Sussex Police would need the date and time of incidents in order to review footage. He noted his attendance at a few ribbon cutting events and confirmed this year a similar scheme delivering cream tea in a box would be undertaken as it is important to be supportive of older vulnerable and isolated people as well as other sectors.

A Member noted that there is no women's refuge in Mid Sussex and asked if there was any plan to provide one to comply with the Government's requirement that all Local Authorities provide a refuge. He confirmed it was discussed at the Police and Crime Panel and the Council is working with Sussex Police to ensure people of Sussex and neighbouring district and boroughs are kept safe.

In response to a Member's question he advised that nationally domestic violence increased at start of lockdown. Due to additional publicity, sufferers of violence now have more ways of asking for help, the Police advise it is working well. He highlighted that there are also incidents of violence against children and men.

Cabinet Member for Housing and Planning

The Cabinet Member noted a drop in planning applications last year, applications for small developments have now increased which is good news for the economy. The Inspector's report for the Sites DPD is expected in October and the process of refreshing the District Plan has commenced. Evidence based studies have been commissioned. He drew attention to the new Enforcement Charter that was published on MIS recently. The businesses that built temporary external structures to take advantage of the Government's extended development rights will now have to make applications to retain the structures. He highlighted the varying degrees of engineering of the structures, they will be encouraged where they fit in with the local area as they support the hospitality sector. He provided an update on Council owned temporary accommodation and more properties are being sought. There will be further pressure on this accommodation following the Royal Ascent given to the Domestic Abuse Act in July, the Act imposes new statutory duties on Local Authorities. He finished by thanking Emma Shuttleworth, Business Unit Leader for Housing who is retiring and has worked for the Council for many years. He also welcomed the temporary replacement Margaret Gates.

15. MOTIONS ON NOTICE.

MOTION A: Clair Hall

The motion was not proposed by Councillor Bates who advised that he was withdrawing the motion. The matter would be debated once the report following the consultation on Clair Hall was available. The motion would have been seconded by Cllr Eggleston and, he agreed with the withdrawal of the motion.

MOTION B: climate change

The motion on the order paper was proposed by Councillor Brown who cited the Inter-Government report on Climate Change which concluded that climate change is occurring everywhere and is affecting everyone. He noted there has been heavy rainfall causing flooding within the District. He confirmed the Council has commissioned a report from Ricardo on carbon dioxide emissions to identify how they can be reduced. The motion is to ensure the Council commits to play its part in reducing emissions and to seek more participation from residents, suppliers and stakeholders and achieve net zero by 2035.

The motion was seconded by Councillor Eves.

Councillor Henwood proposed an amendment by way of an addition to the motion “by asking officers to review the Friends of the Earth “ Climate Action Plan for Councils” and to report back to the Sustainable Economy Strategy Working Group noting which of the steps the Council could seek to adopt” This was seconded by Councillor Hicks who stated Members of all parties are concerned with climate change and it was important to act as soon as possible. The Chairman asked Councillors Brown and Eves to confirm their acceptance of the amendment to the original motion. They agreed to include this amendment in their motion.

Councillor Pete Bradbury proposed a further amendment as follows:

Seconded by: Cllr Jonathan Ash-Edwards

This Council:

- Recalling its own resolution of 26th June 2019 to “note and support the declaration by Parliament on 1st May 2019 of an environment and climate change emergency and... the responsibility it has to protect our own environment and tackle climate change”.
- Recognising the authoritative IPCC report of June 2021 stating that unless there are immediate, rapid and large-scale reductions in greenhouse gas emissions, limiting warming to close to 1.5c or even 2c will be beyond reach
- Aware of the impending COP26 world climate conference in Glasgow
- Taking into account advice it has commissioned on how this district can achieve net zero emissions
- Acknowledging the greater urgency of the need for action compared with the situation back in 2019
- Notes that the Council is already taking significant and tangible actions to protect the environment.
- Notes that the Council has already established a cross-party working group to produce a new Sustainable Economy Strategy for Mid Sussex.
- Notes that data presented to the Sustainable Economy Strategy Working Group shows that carbon emissions in Mid Sussex fell by more than a quarter over the last decade and that carbon emissions per capita are lower than the national average.
- Notes that the Council has already commissioned consultants to support the development a net zero carbon emissions feasibility and options report.

Resolves:

- To allow the Sustainable Economy Working Group to continue its work to develop a strategy for Mid Sussex that will include tangible and measurable actions, taking into account the consultants' report on options to achieve net zero.
- That the vision of the Sustainable Economy Strategy should be: *"A vibrant district that is attractive, resilient and innovative that balances social wellbeing, environmental protection and sustainable economic growth"*.

He thanked Councillors Brown and Eves for their motion and advised it was an important area all Members to be engaged in. The amendment sought to ensure the residents of Mid Sussex know and understand the important work the Council is currently undertaking, the commissioning of Ricardo on 23 March 2021 and the Sustainable Economy Strategy Working Group. The motion was seconded by Cllr Ash-Edwards.

Members recognised the work of the Council and officers to reduce emissions at Oaklands, discussed the urgent need to take more action, lack of modal shift to sustainable transport, continued installation of gas boilers on new developments and expressed concern that the working group had not yet finalised their vision statement.

The Cabinet Member for Environment and Service Delivery said that the Council has aspirations to do more across the District. More progress would be made in 2021/22, more EVCs will be installed in 2022 and highlighted the green waste and connectivity programmes. Positive progress was being made in significant areas and he supported the amendment.

A Member raised a point of order as the motion sought to bind an independent working party and queried if that complied with the procedures of the Council.

The Head of Regulatory Service confirmed the amendment would not bind the working party and their work could continue and go on to the scrutiny committee.

The Leader confirmed it is an important issue and advised the Council should continue with tangible and measurable actions as it moves to net zero. There should be focus on what we can deliver and what has real impact. He understood Members' concerns and agreed that more needs to be done to safeguard the environment and highlighted that Mid Sussex has a higher recycling rate than some other neighbouring authorities in the South East. He supported the work of the Sustainable Economy Strategy working group and asked Members to support the amendment.

In response to a query, the Head of Regulatory Services confirmed that the amendment by Councillor Henwood had already been added to the original motion and Members were now voting on Councillor Bradbury's subsequent amendment.

The Chairman took Members to a vote on the amended motion. A recorded vote was taken, and the amended motion was approved with 26 in favour, 11 against and 7 abstentions.

	For		Against	Abstain		For	Against	Abstain
Ash-Edwards, J.	✓				Hatton, S.		✓	
Bates, R.			✓		Henwood, J.			✓

Belsey, J.	✓				Hicks, S.		✓	
Belsey, M.	✓				Hillier, S.	✓		
Bradbury, P	✓				Hussain, T			✓
Brown, P.			✓		Jackson, R.		✓	
Cartwright, R.			✓		Knight, J.	✓		
Clarke, R.	✓				Laband, C.			✓
Coe-Gunnell White, E.	✓				Lea, Anthea	✓		
Coote, P.	✓				Mockford, J	✓		
Cornish, M.			✓		Peacock, A	✓		
Cromie, R	✓				Phillips, C.			✓
Dabell, J.	✓				Salisbury, R	✓		
de Mierre, R.	✓				Smith, S.	✓		
Dempsey, B			✓		Sparasci, A.			✓
Edwards, J			✓		Stockwell, L	✓		
Eggleston, R.				✓	Sweatman, D.	✓		
Ellis, S.	✓				Trumble, C.	✓		
Eves, A			✓		Walker, N	✓		
Forbes, B	✓				Webb, R	✓		
Gibbs, L.			✓		Webster, N.	✓		
Gibson, I.				-	Whittaker, R.	✓		

A Member expressed concern that this meeting had not shown Members to be working well together for the benefit of the residents of Mid Sussex and highlighted the need for better cross-party cooperation. Discussions in advance of Council with the relevant Cabinet Member might have resulted in a greater degree of consensus.

A Member raised a point order on the voting for the motion. The Head of Regulatory Services confirmed that the Conservative group's amendment had now been agreed as the motion and that Members were now voting on the motion as amended by that group.

The Chairman took Members to a vote on the amended motion. A recorded vote was taken, and the amended motion was approved with 28 in favour, 1 against and 15 abstentions.

	For	Against	Abstain		For	Against	Abstain
Ash-Edwards, J.	✓			Hatton, S.			✓
Bates, R.			✓	Henwood, J.			✓
Belsey, J.	✓			Hicks, S.			✓
Belsey, M.	✓			Hillier, S.	✓		
Bradbury, P	✓			Hussain, T			✓
Brown, P.			✓	Jackson, R.			✓
Cartwright, R.			✓	Knight, J.	✓		
Clarke, R.	✓			Laband, C.			✓
Coe-Gunnell White, E.	✓			Lea, Anthea	✓		
Coote, P.	✓			Mockford, J	✓		

Cornish, M.			✓	Peacock, A	✓		
Cromie, R	✓			Phillips, C.	✓		
Dabell, J.	✓			Salisbury, R	✓		
de Mierre, R.	✓			Smith, S.	✓		
Dempsey, B			✓	Sparasci, A.			✓
Edwards, J			✓	Stockwell, L	✓		
Eggleston, R.			✓	Sweatman, D.	✓		
Ellis, S.	✓			Trumble, C.	✓		
Eves, A		✓		Walker, N	✓		
Forbes, B	✓			Webb, R	✓		
Gibbs, L.			✓	Webster, N.	✓		
Gibson, I.	✓			Whittaker, R.	✓		

16. QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE 10.2

Question from Cllr Robert Eggleston on behalf of Cllr Alison Bennett:

What is the nature of the commercial relationship between ichoosr, MSDC and WSCC?

What costs and/or revenue arise for the Council because of this partnership?

Where is the assessment that this has the highest impact on climate change per £ spent?

Given this is by its nature for the more well-off residents given they need to own their roof, what programme is being offered to ensure other residents are also able to benefit from policies to cut their electricity bills particularly those on universal credit?

Response from the Cabinet Member for Environment and Service Delivery

1. What is the nature of the commercial relationship between ichoosr, MSDC and WSCC?

Solar Together is a partnership. WSCC is the lead contractor and they have entered into an agreement with ichoosr which is a group independent of WSCC and MSDC to deliver Solar Together for Sussex. All the local district and borough authorities of West Sussex have supported participation of this contract.

2. What costs and/or revenue arise for the Council because of this partnership?

The scheme is cost neutral although there is the potential for a small amount of revenue to be generated after mailing costs are recovered and any income arising will be allocated to the fuel poverty fund which is held by WSCC.

3. Where is the assessment that this has the highest impact on climate change per £ spent?

Regarding the questions to impact on climate change per pound spent schemes cost neutral to the council if that was the question.

4. **Given this is by its nature for the more well-off residents given they need to own their roof, what programme is being offered to ensure other residents are also able to benefit from policies to cut their electricity bills particularly those on universal credit?**

Regarding the point about needing to own your own roof there are a wide range of schemes across the county which don't depend on house ownership. If you go through <https://www.westsussexenergy.co.uk> and then click on advice in your area, you will see for Mid Sussex there are sections on home energy support, a number of different energy efficient schemes, and housing repair and heating grants and they are available to a variety of different owners and tenants. So certainly, supporting those who are less well-off than others in the district.

Supplementary Question:

Councillor Eggleston noted that he had not received a letter about the scheme. He thought that some vulnerable residents might be concerned if they receive a letter like this, as people are inundated with email scams, phishing and unsolicited mail. He had completed some research on Google and asked whether there is some other way to communicate the robustness of the scheme to our residents to allay any concerns.

The Cabinet Member acknowledged the point raised and confirmed this would be looked into for future communications.

The meeting finished at 9.20 pm

Chairman

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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 Tel: 01444 477275
Wards Affected: All
Key Decision: No
Report to: Council
Date of meeting: 3 November 2021

Purpose of Report

1. To seek Council approval of the Mid Sussex District Council Community Management and Asset Transfer Policy (Appendix A).

Recommendations

2. **That Council adopts the Mid Sussex District Council Community Management and Asset Transfer Policy (Appendix A).**
-

Background

3. The draft Community Management and Asset Transfer Policy and the revisions suggested by the Scrutiny Committee for Leader, Finance and Performance were considered by Cabinet on 7 June 2021. It was resolved to present the final draft to Council for adoption.
4. This policy sets out the broad principles, criteria and process for considering requests and/or inviting submissions for the transfer of new and existing Council owned assets to community management. It is designed to ensure community managers are competent, use of the facility is suitable and the decision-making process is clear and transparent.
5. Applicants must be appropriately constituted, operate for community, social or environmental benefit and be non-profit distributing. 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.
6. Following presentation to Cabinet, the Lease Terms section of the policy was amended slightly on the advice of colleagues in the Legal team, primarily to allow the terms of the Management Agreement to be incorporated within the lease where appropriate. The Management Agreement template (Appendix B) is intended as a guide to support good practise and high operating standards and will be negotiated alongside the lease or license.

Council Powers

7. The Council is empowered under section 123 of the Local Government Act 1972 ("the 1972 Act") to dispose of land in any manner they wish, including the sale of their freehold interest, granting a lease or assigning any unexpired term on a lease, and the granting of easements. The only constraint is that a disposal must be for the best consideration reasonably obtainable (except in the case of short tenancies for a term of 7 years or less or the assignment of an existing lease with an unexpired term of 7 years or less to run), unless the Secretary of State consents to the disposal.

8. It is Government policy that local authorities and other public bodies should dispose of surplus land wherever possible. Generally, it is expected that land should be sold for the best consideration reasonably obtainable. However, it is recognised that there may be circumstances where the Council considers it appropriate to dispose of land at an undervalue.
9. Section 128(1) of the 1972 Act confers on the Secretary of State power to give a general consent for the purposes of land disposals by local authorities carried out under their powers in Section 123 of the 1972 Act. The Secretary of State's sole statutory function in respect of the exercise by Council of these disposal powers is to give or withhold consent to a proposed disposal in cases where his consent is required.
10. The Secretary of State for Housing, Communities and Local Government has issued the Local Government Act 1972: General Disposal Consent (England) 2003, which gives the Council the power to make disposals of certain classes of Council owned land at a consideration that is less than the best consideration that can be reasonably obtained. It only applies to land that can properly be disposed under the Council's section 123 powers and does not apply to land held for specific statutory purposes such as land held for housing purposes or land held for planning purposes which have their own completely separate powers of disposal of those classes of land, which must be disposed of strictly in accordance with those Acts.
11. The Consent has been issued to give the Council autonomy to carry out their statutory duties and functions, and to fulfil such other objectives as they consider to be necessary or desirable. However, when disposing of land at an undervalue, the Council must remain aware of the need to fulfil their fiduciary duty in a way which is accountable to local people.
12. The terms of the Consent mean that specific consent is not required for the disposal of any interest in land which the Council considers will help it to secure the promotion or improvement of the economic, social or environmental well-being of its area. In all cases, disposal at less than best consideration is subject to the condition that the undervalue does not exceed £2,000,000 (two million pounds).
13. If the asset is located within a public park or recreation ground or otherwise comprises a site or part of a site that is classed as open space within the meaning of Section 336(1) of the Town and Country Planning Act 1990, which defines open space as "any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground" the Council is required by Section 123(2A) of the 1972 Act to advertise the Council's intention to dispose of the land for two consecutive weeks in a local newspaper circulating in the area in which the asset is situated and the Council must consider before deciding to make any particular disposal any objections received from members of the public who may object to the disposal.

Policy Context

14. 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

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 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

- Scrutiny Committee for Leader, Finance and Performance minutes 19 May 2021 (item 8)
<https://midsussex.moderngov.co.uk/documents/g2918/Printed%20minutes%2019th-May-2021%2017.00%20Scrutiny%20Committee%20for%20Leader%20Finance%20and%20Performance.pdf?T=1>
- Cabinet minutes 7 June 2021 (item 6)
<https://midsussex.moderngov.co.uk/documents/g2919/Printed%20minutes%2007th-Jun-2021%2016.00%20Cabinet.pdf?T=1>

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Mid Sussex District Council Community Management and Asset Transfer Policy

General principles

1. 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.
2. Applicants must be appropriately constituted, operate for community, social or environmental benefit and be non-profit distributing.
3. 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.
4. 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

5. 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, embrace diversity and comply with all relevant employment and equality legislation
 - 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.

6. 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.
7. If more than one organisation is interested in running a facility the Council will work with all stakeholders, including Ward Councillors, Town and Parish Councils, 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

8. 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.
9. 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.
10. 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.

11. 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.
12. 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.
13. 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. Any disputes will be referred to the Cabinet Member for Community Services who will have the final decision.
14. Proposals for developments on recreation land must be approved by the Business Unit Leader 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

15. The Local Government Act 1972: General Disposal Consent 2003 gives the Council the power to make disposals of Council owned land subject to certain constraints.
16. If the Lease relates to an area of open space, the Council must advertise the disposal and invite members of the public, who may oppose or object, to make their views known. The Council must consider any objections before deciding whether or not to grant the proposed lease.
17. Corporate Estates will produce a statement by a RICS qualified surveyor¹ 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.

¹ prepared in accordance with the Technical Appendix to the Consent.

18. 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 and the difference between the unrestricted value of the asset and the consideration accepted is £2m or less.
19. 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.
20. 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 generally require Landlords Consent.
21. 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.
22. In all cases, leases will include a Management Agreement and / or terms that ensure the arrangement is reviewed if these agreements are not met and the asset is returned if the organisation is dissolved, becomes insolvent or ceases operation due to any other circumstances.
23. The Management Agreement and / or lease terms will set out the approved use of the asset and Lessees will periodically be required to demonstrate how they have complied with the conditions. If they fail to comply with the Management Agreement, there will be a review period which could result in a rent increase, based on the market value.
24. The Council will seek to appoint a Councillor as an observer or nominated non-executive representative on the Board of the Lessee.
25. Any proposal to enter into a Lease Agreement or Agreement for Lease must be formally approved by Cabinet.
26. 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.

Example Management Agreement

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 and social 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:

Signed by:

Name:

Name:

Position:

Position:

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

**For and on behalf of
Service Provider**

Date:

Date