

**Minutes of a meeting of Council
held on Wednesday, 26th January, 2022
from 7.00 pm - 9.12 pm**

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

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

Absent: Councillors G Allen, A Boutrup, H Brunsdon, R Cartwright,
B Dempsey, Anthea Lea, C Trumble and N Walker

1. OPENING PRAYER.

The opening prayer was read by the Vice-Chairman.

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

None.

3. TO CONFIRM MINUTES OF THE MEETING OF COUNCIL HELD ON 8 DECEMBER 2021.

The minutes of the meeting of Council held on 8 December 2021 were agreed as a correct record of the meeting.

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

With regards to item 8, LGA Code of Conduct, Councillor Bradbury declared an interest as he is Chairman of the Standards Committee at West Sussex County

Council and Councillor Gibson declared an interest as he is a Member of the West Sussex County Council Standards Committee.

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

None.

6. CHAIRMAN'S ANNOUNCEMENTS.

The Chairman confirmed her preference on how she wishes to be addressed, preferring the term 'Chairman'. She spoke of her attendance at recent events, particularly the Chairman's Civic Service held on 12 December at Trinity Methodist Church and the Royal British Legion AGM attended by the Vice Chairman.

7. POLITICAL BALANCE: SECTION 15 LOCAL GOVERNMENT AND HOUSING ACT 1989; THE LOCAL GOVERNMENT (COMMITTEES AND POLITICAL GROUPS) REGULATIONS 1990.

The Monitoring Officer, Tom Clark introduced the report and clarified the number of Members on the Scrutiny Committee in response to a Member's question.

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

RESOLVED

The 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 8 Conservative, 4 Liberal Democrat and 2 from the Green and Burgess Hill Independent Group and 1 from the Independent Councillors.
- ii. Two Planning Committees each comprise 12 members, consisting of 8 Conservative on the District Planning Committee and 7 on the Planning Committee, 3 Liberal Democrat on each Planning Committee, 1 from the Independent Councillors for the Planning Committee and 1 from the Green and Burgess Hill Independent Group on each 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.

- v. The Audit Committee comprises 7 members consisting of 4 Conservative, 1 Liberal Democrat and 1 from the Green and Burgess Hill Independent Group and 1 from the Independent Group.

8. REPORT TO COUNCIL RECOMMENDING THE LGA CODE OF CONDUCT FOR MID SUSSEX DISTRICT COUNCIL FROM 1ST MARCH 2022.

Councillor Liz Bennett moved the item as Chairman of the Standards Committee, thanking the Committee and Independent Members for their deliberation and unanimous support for the proposal. This was seconded by Councillor Bradbury.

Discussion was held on the need to differentiate between social media accounts if Members comment as a Councillor or as a private individual. Members also acknowledged the lack of meaningful sanctions in place if the Code of Conduct is broken, noting that primary legislation is required to put more sanctions in place.

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

RESOLVED

That Council:

Adopts the LGA Code of Conduct at Appendix 1 to take effect from 1st March 2022 and the Town and Parish Councils in the Mid Sussex District area are advised to also adopt the LGA Model Code of Conduct at Appendix.

9. TO RECEIVE THE LEADER'S REPORT.

The Leader welcomed the unanimous agreement of Code of Conduct. He also confirmed that the Deputy Leader has stood down from the Cabinet this week, and thanked her for her work and commitment, noting that she continues to serve as a Councillor for Bolney Ward.

The Leader acknowledged that the Council is mandated to undertake a 5-year District Plan review and the results have been published. He thanked the Scrutiny Committee for agreeing to pause the review whilst he writes to the Secretary of State to ask that housing targets to be reset to a level more consistent with the District's environmental and infrastructure constraints. He noted that the timescales are hard to quantify. In response to a question around infrastructure concerns he noted that this will be addressed as part of consultations. In response to questions around the Planning System he confirmed that it is not a barrier to delivering new homes. The key is to ensure that the decisions are right for the District in terms of the need for new homes and the environmental and infrastructure challenges. In response to a Member's question he also acknowledged the ongoing Gatwick consultation which may have a bearing on future planning decisions.

Regarding unbuilt homes, he noted that the Council continues to work with developers to ensure they progress agreed applications and in terms of empty houses, the Council takes action to charge higher rates of Council tax to bring them back to use, and removed the Council Tax discount on second homes. A Member asked for confirmation on how many empty homes in the district have been charged double taxation on, how many Care Quality Commission empty bedrooms rooms are there in this District and how many second homes there are in the district. The Leader invited her to email the questions for a written response.

He thanked residents and groups who took part in the independent consultation on the future of Clair Hall where there was a clear majority of 95% who support change on the site. A £100k budget has been agreed for independent advisors to provide an evidenced based proposal for a fit-for-purpose modern community provision to secure the future of the site for years to come. Discussion was held on the provision of community and arts buildings and funding across the District and the Leader noted that the Council has a good track record of supporting community provision across the District, citing a number of buildings due to be provided in Burgess Hill. With regards to the provision at Clair Hall, it is a site that the Council is responsible for and the approach is to find the best solution to benefit the local community and District as a whole.

In terms of projects in the new calendar year, work will progress on the food waste trial, full fibre infrastructure, Clair Hall and improvements to flagship parks and open spaces as well as day-to-day services. Work also continues to monitor the Council's financial position and this will be discussed at the next Council meeting. As part of the Platinum Jubilee celebrations, he confirmed that the Council will be acting to support residents in their wish to pay tribute by offering grants to local communities. The Council is also participating in the Queens Green Canopy initiative.

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

The Leader had no business to report under the Deputy Leader Portfolio.

Cabinet Member for Economic Growth

The Cabinet Member confirmed he had signed a delegated decision regarding car park changes which should conclude at the end of March. The draft Investment Strategy Initial Proposals Report is due at the end of March which will be shared with Members and the Scrutiny Committee. With regards to car parks, the Council has supported the National Covid effort by making carparks in East Grinstead and Haywards Heath available for mobile testing and also providing vaccination volunteers ABC with permits at the Queens Road car park which has just been renewed. He noted that the Council continues to support traders in a number of ways, both through successful processing of Covid Grants and through the Independent Retailers Support Programme which has £73k of external funding and provides retailers with access to a range of business support. The Council also expects to relaunch the Microbusiness Grants later in April.

The Cabinet Member confirmed the West Sussex Retail Hub continues to run until March 2024, as well as the West Sussex Hothouse Programme which has 48 businesses signed up. He noted that the Council has also recently been supporting a Start-Ups workshop.

Cabinet Member for Customer Services

The Cabinet Member confirmed the Government support for businesses to combat Omicron, including the Omicron Hospitality and Leisure Grant (OHLG), the Covid Additional Relief Fund, Additional Restrictions grant and the Covid Additional Relief fund. She noted that the Council was the first Council to go live with the OHLG grant in December and encouraged Members to direct local businesses to apply for these grants. In response to a Member question, she also provided reassurance on the systems in place to combat grant fraud.

She provided an update on the work of the Customer Services, Comms and Economic Development team and noted that the next edition of Mid Sussex Matters will be delivered in March. Regarding the Full Fibre project, the Rural Connectivity Programme is halfway through and Physical Infrastructure Access (PIA) will be used. This will help to accelerate the number of internet providers who can provide connection to business and residents as where available existing poles and ducts can be used. In response to a Member's question on customer take-up she confirmed that there have been several high value companies expressing an interest and in commercial negotiations with digital service providers. A Member asked for a commitment for when full fibre broadband will become commercialised for small businesses and domestic residents. The Cabinet Member agreed to respond once the website linked to the project has gone live. A Member workshop is also scheduled for 14 March to provide further information.

Cabinet Member for Environment and Service Delivery

The Cabinet Member provided an update on the Leisure Centre financial details noting that there is an expected adverse financial effect for the last quarter due reduced income from less visits as a result of Omicron and increased costs. However there is early signs of a return to a net income position this quarter and work will continue with Places Leisure and consultants in respect of the financial position for this financial year and next.

He provided an update on the rewilding areas around the District which is part of the BLUE Campaign Rewilding Britain. He noted that Sunday 20 January is the deadline to submit areas for rewilding. Noting that there were 10 sites in the District in 2020 and 25 sites in 2021, all but one site (Barnside Avenue open space) will be retained and more will be put forward for 2022, with details made public in March. He noted that the Council is also taking part in the Queen's Green Canopy initiative as part of the Platinum Jubilee celebrations, with plans being finalised to plant 250 native British species in Ashenground Woods. The trees are being donated and the Council has secured funding for the aftercare. The Council is also considering requests from Town and Parishes for similar initiatives where trees are planted in a sustainable position and where the planting and aftercare can be suitably managed and funded. He also noted that work related to trees on Council land continues and site visits have shown an increase in birds and insect life and wildflowers following planting of over 800 trees in 2020/21

He confirmed that the Turners Hill play area upgrade and Bolney Pump track has been completed. Work at St Andrew's play area in Burgess Hill is underway as is tender process for the Forest Fields play area upgrade. Further playground improvements will be coming through the budget process.

Responding to a Member's question around housing and renewable energy he noted it was outside his portfolio but suggested that discussion be deferred until the Sustainable Economic Strategy's recommendations come forward.

Cabinet Member for Community

The Cabinet Member highlighted the new Environment Service fees for 2022/23 published the Member Information Service Bulletin noting that the environment health and licensing fees listed reflect the cost and time spent in providing those services. Fees have not increased since 2019 due to the impact of Covid and are now

reviewed and are adjusted to include an inflation increase of 5% increase apart from the following:

- Pest control fees which are contracted through a preferred contractor and offers 50% discount to resident receiving benefits.
- The collection and kennelling of stray dog's service which under a new contract from mid 2021.
- The Taxi charges will be addressed by the Licensing Committee in the new financial year
- The houses of multiple occupation and the dangerous wild animal contracts are for review on the anniversary of their implementation dates.

The procurement process for the Council's community and voluntary partnerships agreement has been concluded and successful bidders notified. West Sussex County Council (in partnership with Districts and Boroughs within Sussex) is dealing with the Citizens Advice contract which ends shortly.

With regards to the Queen's Platinum Jubilee, he confirmed that £25k has been set aside to match fund celebrations of this landmark in communities across Mid Sussex. The proposed funding is for non-profit making community organisations to help with cost of appropriate activities. Parish and Towns Councils can apply in partnership with other groups and submissions are due by 21 February. A decision on successful applications will be made at a Cabinet Grants Panel on 8 March.

He also confirmed the intention to attend the Police and Crime Scrutiny Panel on Friday 28 January where the budget and precept for 2022/23 will be put forward. He noted a Member's request to raise the subject of more connectivity for CCTV to assist in responding to acts of vandalism in Cuckfield and East Court. He confirmed that the issue has been raised during the WSCC budget working group.

In conclusion he reminded Members that 27 January is Holocaust Memorial Day and encouraged everyone to spare a thought for people who have lost their lives during the Holocaust.

Cabinet Member for Housing and Planning

The Cabinet Member noted that the consultation on Inspectors Major Modifications to the Sites DPD finished on 24 January with 260 responses received, centred mainly on 'Folders Lane' and 'Selsfield Road, Ardingly'. Officers are collating responses to classify them for the Inspector to review.

Contracts for ecology landscape and archaeology advice expire 31 March and a procurement process for new service providers has been completed. All three contracts have been placed with 'Place Services'.

With regards to electric vehicle charging points, the Government has taken the initiative to insist all new houses have it from June 2022. However there are building regulations (S1) with a transition provision on electric vehicle chargers that effectively states that if a developer applies before 15 June 2022 and starts construction within a year then the new regulations do not apply. He agreed to provide Members with more detail on Building Regulation S1.

He noted that Homes England continues to progress on the Hurst Farm site and the Council awaits the outcome of the Rampion 2 proposals at Twineham.

The Cabinet Member also provided an update on the current position of rough sleepers within the District noting that the vast majority of cases are linked to mental health, substance dependency and no family support network. There are now 3 rough sleepers within the District and Turning Tides will be launching a mobile community hub located in carparks across the District where rough sleepers can meet their key worker, shower and have hot food and have access to Wi-Fi to apply for benefits.

He provided an update on the 257 affordable homes delivered between April and December 2021 and noted that in the last quarter the Council has assisted 17 families into private rental accommodation. There are also 19 families living in Council owned temporary accommodation and the Council intends to continue with acquiring such properties with 5 units coming on stream and negotiation on a further 10 to assist in keeping families housed within the District. The Council also received a grant for Discretionary payments and by the end of December had made 21 awards totalling £160k to help prevent homelessness and support vulnerable people.

A Member asked in light of the strong Surrey County Council SA DPD consultation response, particularly regarding sites SA19 and 20 and the overcapacity of A22/264 junction, will this District Council commit to find an actual working solution? The Cabinet Member agreed to consult with officers and confirm what the exact position is. He noted that in terms of a total commitment it will need to be a pragmatic one that works and is within our bounds to deliver.

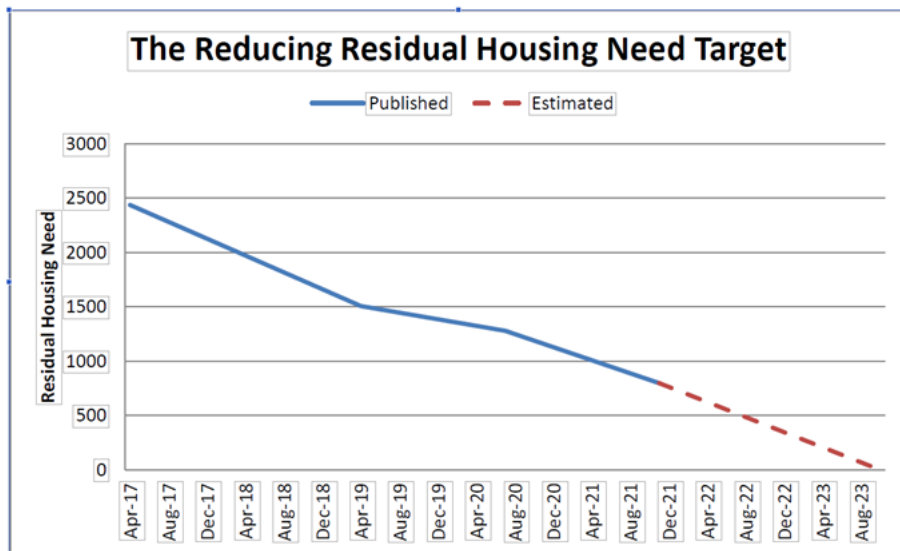
In response to a Member's question on whether the Council has delivered more homes than the Government's target he confirmed that if houses have been over delivered now, they provide a buffer should any developers go bankrupt, and they can be added into the new housing delivery numbers.

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

The following questions were received from Members:

1. Question from Councillor Gibson:

In the four years since the Council first published the draft Sites DPD the Residual Housing Need has consistently fallen from the figure of 2,439 in 2017 which prompted the District Plan Inspector to require the Council to prepare the DPD. The latest published figure is 797 (November 2021) and if this trend continues (see Figure), the Residual Housing Need can be projected to decline to zero by summer 2023, even if the DPD is not adopted.



Is the Leader aware of any reasons why the Residual Housing Need should not be expected to continue to decline as it has done for the past 4 years?
Does the Leader agree that this calls into question the need to adopt the draft Sites DPD?

The Leader has recently supported the pausing of the draft District Plan 2021 – 2038 and undertaken to write to the Secretary of State to call for “our housing targets to be reset to a level more consistent with our environmental and infrastructure constraints”. Does he agree that, for consistency in approach, the same balance needs to be struck for the proposed 1,704 new housing sites in the DPD? and will he support the pausing of the DPD as he has supported the pausing of the draft District Plan 2021 – 2038?

The following response was provided by the Cabinet Member for Housing and Planning

The numbers you quote are correct but the difficulty is in the second sentence ‘if this trend continues’. We cannot just extend the downward drift on a graph. One of the issues on how these numbers are absorbed due to permitted development. There is a lot of permitted development going on which are drying up as well as brownfield sites which are drying up too so this is reason for the decline.

The residual housing need figure has reduced year on year as sites are allocated in new neighbourhood plans (such as at Handcross and Slaugham Neighbourhood Plan), on brownfield sites, conversions of office to residential and, a number of applications where the yield on the sites have increased which already had planning permission. This figure fluctuates and supply from these sources is finite, therefore it is wholly incorrect to assume that the residual figure will decline as you have illustrated.

The correct position regarding how Mid Sussex will continue to meet its housing requirement is set out in the Housing Trajectory included as Appendix C of the Sites DPD Main Modifications. This illustrates the importance of the allocations in the Sites DPD in maintaining supply over the plan period.

I disagree with your view that the work on the Sites DPD should be paused, for two clear reasons.

Firstly, as noted above, the allocations in the Sites DPD are important to ensure we maintain housing supply over the plan period. The District Plan Inspector instructed the Council to prepare a Site Allocations DPD to ensure the residual housing need can be met and that the Council can maintain its five-year housing land supply. As you know the five-year housing land supply is a crucial tool in protecting the District from unwanted, speculative, unplanned development. It is therefore essential the Sites DPD is adopted.

Secondly, the housing figure is unchallengeable as it has been through a robust public examination and agreed by the Planning Inspector. Those Members who were on the Council at that time will recall that the vast majority of time in the examination was in fact spent arguing and discussing what the need number should be.

It is for these reasons that I will not support the pausing of the DPD. It is important to remember that the plan periods of the current District Plan and updated District Plan overlap. Therefore, current commitments that is sites with planning permission or allocations count towards future housing need. If the Sites DPD is not adopted, not only will it risk the five-year housing land supply in the short-term, it will also increase the number of dwellings that will need to be found in the updated District Plan. There is therefore no benefit to pausing the work on the Sites DPD.

In pausing the District Plan Update work, we are seeking to challenge the assumptions and data used by the Government in setting the formula used to determine housing need.

Councillor Gibson asked a supplementary question asking clarification on whether the DPD will come back to the Council for approval after the Inspector has reviewed it. The Cabinet Member confirmed that it will come back to Council for adoption.

2. Question from Cllr Eves

The Green Homes Grant Local Authority Delivery scheme, Phase 2 (LAD2), is designed to enable local authorities to deliver energy efficiency improvements to low-income households in low-energy-performance homes, which will also reduce carbon emissions and lower bills. The fund closes at the end of March 2022. Of the £300m in the fund, the South-East was allocated £79.6m

How much of this fund was allocated to this local authority area?

How many households successfully applied for grant funding under the scheme?

How many household projects i) have been started; ii) have been completed; iii) are expected to successfully access funds?

If there is likely to be a significant underspend compared to the allocation, what factors do you consider account for this?

The following response was provided by the Cabinet Member for Environment and Service Delivery

Thank you for your questions about this important scheme.

This fund is allocated to upper tier Councils so in this area that is West Sussex County Council, who received £3,270,387.

The scheme is currently in the referrals phase so the information you are requesting is not yet available. This phase will be complete by 31st March with property surveys taking place from late February. The information you request will not be fully available until July, when it is available, I would of course be happy to share it with you and other members.

I can assure you that every effort is being made to ensure that the funding is fully utilised however the key factor which will impact this will be successful communication of the scheme to residents and their eligibility under the prescribed criteria:

I would like to take the opportunity to remind Council that the eligibility criteria is as follows:

- a. Maximum combined household income of £30k per year or less.
- b. Energy Performance Certificate Rating D, E, F and G.
- c. Have not used the full allocation of Local Authority Delivery Scheme 1.

Please do help us to raise awareness of this important scheme to all our residents.

3. Question from Councillor Paul Brown:

Councillor Brown revised his question regarding a resident in his Ward that has experienced issues in accessing email alerts informing him of all new planning applications in his Parish, Horsted Keynes. The system works well but periodically it stops working, making it difficult to determine if he has missed applications.

Also, instead of receiving the entire District listing of planning applications each week, can a Member, by giving the same notice, automatically receive just the planning applications applicable to their Ward?

The following response was provided by the Cabinet Member for Housing and Planning.

Yes the option to receive automatic notifications is already in place and Officers can help you if you need it. I am surprised that you bring this to a strategic Council meeting. If a resident has an issue and had sent an email to Officers or called Reception, a response could have been provided faster than it being brought to Council.

4. Question from Councillor Jenny Edwards

Has MSDC been approached by Center Parcs to get pre-application advice for their proposed 550-acre development in Worth?

What relevant policies are contained in the current District Plan, and the emerging District Plan to enable decision making for a large recreational site?

The following response was provided by the Cabinet Member for Housing and Planning.

The Council has not been approached by Center Parcs for pre-application advice. There has been no formal contact between Centre Parcs and the Council.

The District Plan contains a number of Policies which would have to be taken into account when determining applications for large recreational sites including Policy DP12: Protection and Enhancement of the Countryside; Policy DP14: Sustainable Rural Development and the Rural Economy; DP16 AONB; and DP37: Trees, Woodlands and Hedgerows.

Policies are worded very broadly so you won't find specifically what we will do with one type site but a number of policies will incorporate some of the aspects which come together to inform us on how we on how we approach such an application where it to come forward.

5. Second Question from Councillor Gibson:

Can the Deputy Leader confirm that the Council has received £30M in New Homes Bonus since the grant was introduced in 2011?

Has this money been used to support revenue expenditure or spent on capital or strategic projects? How much of the £30M remains unspent?

How has the Council met the Government requirement to "engage with the communities most affected by housing growth to decide how the money is spent, so residents can share in the benefits of growth" when deciding where and on what New Homes Bonus money is spent?

I estimate that the Council has received £2M in New Homes Bonus from new developments in Crawley Down. How much of this money has been spent in Crawley Down and how have residents benefitted?

The following response was provided by the Leader

Yes, including the 2022/23 provisional allocation, around £32m will have been received, a very significant level of financial support from the Conservative Government for Mid Sussex and it is elected Members who make decisions on how it is spent and we have continually done so as a Council through the budget setting process as an example.

The New Homes Bonus (NHB) is not ringfenced. The Council over many years has decided to use the NHB as part of the general reserve to support the Capital Programme and strategic projects. It is not therefore possible to separate out exact amounts of what has and hasn't been spent. As a result the Mid Sussex community as a whole has benefitted from this funding. To give some examples, the Capital Programme is used to support for investment in community facilities, significant investment in temporary accommodation buying homes to support people who are most in need. The Council has also prudently used the funds to purchase income generating assets to support the budget that funds the services that residents expect and receive and most lately using the reserve position to support the leisure centres to ensure communities across the District can use the centres as they expect to do and this is a multi-million pound commitment from the Council.

Councillor Gibson's supplementary question focused on the residents on Crawley Down who do not feel that the £2m has been spent in ways that they would have wished. He asked if the Council has used Crawley Down as a cash cow in terms of generating funds.

The Leader disagreed, noting it is wrong to suggest that residents do not value the Council spending money on things such as community facilities and temporary accommodation for people who are homeless and ensuring we are generating income to keep leisure centres open and to support residents with services they require.

The meeting finished at 9.12 pm

Chairman