
9 September 2022

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Dear Councillor,

A meeting of **SCRUTINY COMMITTEE FOR COMMUNITY, LEISURE AND PARKING** will be held in the **COUNCIL CHAMBER** at these offices on **WEDNESDAY, 28TH SEPTEMBER, 2022 at 7.00 pm** when your attendance is requested.

Yours sincerely,
KATHRYN HALL
Chief Executive

A G E N D A

	Pages
1. To note Substitutes in Accordance with Council Procedure Rule 4 - Substitutes at Meetings of Committees etc.	
2. To receive apologies for absence.	
3. To receive Declarations of Interests from Members in respect of any matter on the Agenda.	
4. To confirm the Minutes of the meeting of the Committee held on 22 June 2022.	3 - 8
5. To consider any items that the Chairman agrees to take as urgent business.	
6. Statement of Gambling Policy.	9 - 48
7. Community Governance Review - Final Recommendations for Burgess Hill Town Council (BHTC) and Ansty & Staplefield Parish Council.	49 - 56

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|-----|--|----------------|
| 8. | Community Governance Review - Final Recommendations for East Grinstead Town Council (EGTC). | 57 - 60 |
| 9. | Community Governance Review - Final Recommendations for Hurstpierpoint & Sayers Common Parish Council. | 61 - 66 |
| 10. | Community Governance Review - Final Recommendations for Worth Parish Council (WPC). | 67 - 86 |
| 11. | Scrutiny Committee for Community, Leisure and Parking Work Programme 2022/23. | 87 - 88 |
| 12. | Questions pursuant to Council Procedure Rule 10.2 due notice of which has been given. | |

To: **Members of Scrutiny Committee for Community, Leisure and Parking:** Councillors

**Minutes of a meeting of Scrutiny Committee for Community,
Customer Services and Service Delivery
held on Wednesday 22 June 2022
from 7.00 - 7.59 pm**

Present: Anthea Lea (Chair)

R Cartwright
P Chapman
R Clarke
J Dabell

J Edwards
S Ellis
I Gibson
T Hussain

M Pulfer
D Sweatman

Absent: Councillors Boutrup, Dempsey, Llewellyn-Burke, and Sparasci.

Also Present: Councillors J Ash-Edwards, R De Mierre & J Henwood.

The Chairman noted the apologies of the Vice-Chairman, Councillor Boutrup and so invited members to appoint Councillor Ellis to be the Vice-Chairman for the duration of the meeting which was agreed.

**1 TO NOTE SUBSTITUTES IN ACCORDANCE WITH COUNCIL PROCEDURE
RULE 4 -SUBSTITUTES AT MEETINGS OF COMMITTEES ETC.**

Councillor Eggleston substituted for Councillor Dempsey, Councillor Hicks substituted for Councillor Sparasci, Councillor Coote substituted for Councillor Llewellyn-Burke and Councillor Whittaker substituted for Councillor Boutrup.

2 TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillors Dempsey, Sparasci, Llewellyn-Burke and Councillor Boutrup. Apologies were also received from the Cabinet Member for Community, Cllr. Webster.

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

Councillor Eggleston declared a personal interest in Item 7: Community Governance Review - Draft Recommendations for Burgess Hill Town Council and Ansty & Staplefield Parish Council as he is the Leader of Burgess Hill Town Council.

Councillor Gibson declared a personal interest in Item 6: Community Governance Review - Draft Recommendations for East Grinstead Town Council as he is a County Councillor for a division that covers a part of East Grinstead.

Councillor Cartwright declared a personal interest in Item 7: Community Governance Review - Draft Recommendations for Burgess Hill Town Council and Ansty & Staplefield Parish Council as he is the Member of Burgess Hill Town Council.

Councillor Chapman declared a personal interest in Item 7: Community Governance Review - Draft Recommendations for Burgess Hill Town Council and Ansty & Staplefield Parish Council as he is the Member of Burgess Hill Town Council.

Councillor Sweatman declared a personal interest in Item 6: Community Governance Review - Draft Recommendations for East Grinstead Town Council as he is a Member of East Grinstead Town Council.

Councillor Hicks declared a personal interest in Item 7: Community Governance Review - Draft Recommendations for Burgess Hill Town Council and Ansty & Staplefield Parish Council as he is the Member of Burgess Hill Town Council.

4 TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 11 MAY AND 25 MAY 2022.

The Chairman noted a typographical error in the minutes of the meeting held on Wednesday 25 May 2022. She referenced the mention of the A27 on P.8 of the papers and stated that it should be A23 instead.

With that correction, the minutes of the meeting held on 23 March 2022 were agreed as a correct record and electronically signed by the Chairman.

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

The Chairman had no urgent business.

6 COMMUNITY GOVERNANCE REVIEW - DRAFT RECOMMENDATIONS FOR EAST GRINSTEAD TOWN COUNCIL.

Terry Stanley, Business Unit Leader for Democratic Services, introduced the report. Following evaluation of the first of two public consultations, he presented to the committee the findings of the first consultation. He highlighted that the public and stakeholder response was supportive of the Town Council's proposal, that the respondent Mrs Etheridge who is presented as an elected Councillor is in fact not an elected representative but is an elector. He added that we are unable to propose joining the Ashplats North parish ward with the Ashplats South parish ward as they are divided by a County Council divisional boundary.

A Member sought clarification that the Sackville Ward was being incorporated into Baldwins Ward.

The Business Unit Leader for Democratic Services confirmed that is the proposal.

The Member then enquired whether dotted line crossing the Herontye Ward is the smaller Ashplats Ward joining into Herontye.

The Business Unit Leader for Democratic Services confirmed that the dotted line is the boundary of the new Ashplats South parish ward which is proposed to be joined with East Grinstead Herontye parish ward given that there is a County Divisional boundary to the north.

The Member considered the name of that parish ward and suggested it be called Herontye and Ashplats South to better reflect the identity of the Ward.

The Business Unit Leader for Democratic Services noted the Member's advice about the name of the ward and it was confirmed that this could be reflected in the committee's recommendations.

A Member observed the response rate and 0.3% and compared it to other response rates from Community Governance Reviews elsewhere in the country. He also suggested that more than one Councillor covers East Grinstead South due to the activity that occurs in the Ward.

The Business Unit Leader for Democratic Services noted the observation about the response rate and confirmed that notification of the CGR (Community Governance Review) was sent to every registered elector in East Grinstead and that the Review was publicised. He also noted the issue of cover if one Member is unwell and advised that submissions on this could be made during the second public consultation.

The Chairman noted that no other Members wished to speak so took Members to vote on the recommendations which were approved unanimously.

RESOLVED

The Scrutiny Committee for Community, Customer Services and Service Delivery:

- (i) Noted the findings of the first public consultation.
- (ii) Provided advice upon, and further to that advice, agreed the principal electoral authority's draft recommendations for East Grinstead Town Council upon which a second public consultation would be conducted, which specifically includes advice that the name of the parish ward referred to should be East Grinstead Herontye and Ashplats South.
- (iii) Noted that following the second public consultation, further findings and the final recommendations of the principal electoral authority will be presented to this committee on 14 September 2022.
- (iv) Noted the final decision will be taken by Council in the light of the consultation responses received through the Community Governance Review.

7 COMMUNITY GOVERNANCE REVIEW - DRAFT RECOMMENDATIONS FOR BURGESS HILL TOWN COUNCIL AND ANSTY & STAPLEFIELD PARISH COUNCIL.

Terry Stanley, Business Unit Leader for Democratic Services, introduced the report. Following evaluation of the first of two public consultations, he presented to the committee the findings of the first consultation. He highlighted that the public and stakeholder response was supportive of the proposals within the public CGR petition which was for the Town Council to align as closely as possible the District Wards so that some of the smaller wards created recently by the LGBCE (Local Government Boundary Commission for England) could be reviewed, that the Northern Arc wards be incorporated into the BHTC (Burgess Hill Town Council) administrative area, and that a new Council size be determined.

A Member highlighted the difference between the Community Governance Review of East Grinstead Town Council to Burgess Hill Town Council and Ansty & Staplefield

Parish Council. He stated that it was important that the new Northern Arc developments are incorporated into the BHTC administrative area as this is where they had always been envisaged to be. He added that over 94% of respondents, and the Burgess Hill Town Council supported the recommendations.

A Member believed that the case to move the Northern Arc to Burgess Hill is overwhelming. He expressed support for the public and Town Council aspirations and highlighted that 94% of respondents supported the recommendations.

A Member thought that putting together the Northern Arc and Cuckfield, Bolnore and Ansty was irrational and felt it was logical that it should be part of Burgess Hill.

The Business Unit Leader for Democratic Services drew attention to the map which showed that Northern Arc West and Northern Arc East being put into Burgess Hill Dunstall and Burgess Hill Leylands, respectively.

A Member felt that the letter may have been slightly confusing for residents and asked if the wording could be made more understandable.

The Business Unit Leader for Democratic Services acknowledged that community governance matters are by their statutory nature technical, but he confirmed that he would take away the Member's feedback and would endeavour to make future such notifications more understandable.

The Chairman recognised that most respondents supported the recommendations. She also noted that it was still a very low response rate of only approximately 1.2% of the electorate compared to the number of signatories on the petition.

A Member affirmed the need to establish the right councillor to elector ratio and highlighted the difference in ratio between East Grinstead and Burgess Hill. He suggested that the status quo should be maintained and then increased to 22 for the Northern Arc.

Tom Clark, Head of Regulatory Services, explained that the number of councillors needed is really a matter for the local town council and noted that East Grinstead thought they had too many at the moment.

The Business Unit Leader for Democratic Services outlined the proposal to base the number of councillors on the electorate forecast for 2027 which brings the total councillors to 19. He added that Council Size (the number of town councillors) is expected to be the subject of further submissions at the second public consultation.

A Member thanked the Business Unit Leader for Democratic Services and his team for all their work on the Community Governance Reviews.

The Head of Regulatory Services confirmed the recommendations and the proposal for 19 councillors for Burgess Hill Town Council. He also highlighted the recommendations for Ansty & Staplefield Parish Council which had the support of parish electors and current Members of the parish council.

The Chairman noted that no other Member wished to speak so took Members to vote on the recommendations which were approved unanimously.

RESOLVED

The Scrutiny Committee for Community, Customer Services and Service Delivery:

- (v) Noted the findings of the first public consultation.
- (vi) Provided advice upon, and further to that advice, agreed the principal electoral authority's draft recommendations for Burgess Hill Town Council and Ansty & Staplefield Parish Council, upon which a second public consultation would be conducted.
- (vii) Noted that following the second public consultation, further findings and the final recommendations of the principal electoral authority will be presented to this committee on 14 September 2022.
- (viii) Noted the final decision will be taken by Council in the light of the consultation responses received through the Community Governance Review.

8 SCRUTINY COMMITTEE FOR COMMUNITY, CUSTOMER SERVICES AND SERVICE DELIVERY WORK PROGRAMME 2022/23.

Tom Clark, Head of Regulatory Services, introduced the report which set out the schedule of business for the coming year. He noted that a Council report seeks to review the responsibilities of the scrutiny committees therefore some business may be brought forward to a different committee.

The Chairman noted that no Member wished to speak so moved to the vote to note the report which was agreed unanimously.

RESOLVED

The Scrutiny Committee for Community, Customer Services and Service Delivery noted the Committee's Work Programme for 2022/23.

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

None.

The meeting finished at 7.59 pm

Chairman

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STATEMENT OF GAMBLING POLICY

REPORT OF: Tom Clark, Head of Regulatory Services.
Contact Officer: Jon Bryant, Senior Licensing Officer
Email: jon.bryant@midsussex.gov.uk Tel: 01444 477428
Wards Affected: ALL
Key Decision: No
Report to: Scrutiny Committee for Community, Leisure and Parking

Date of Meeting: 14th September 2022

Purpose of Report

1. To seek the Committee's views on the content of the Draft 'Gambling Act 2005 (Statement of Licensing Policy) 2023 (Appendix 1) before it goes out to public consultation in September 2022. It is proposed that following consultation, if there are significant amendments required, it will be reviewed by this Committee before it is formally adopted by Council.

Recommendations

- 2. The Committee is recommended to endorse the Draft Statement of Licensing Policy for Gambling at Appendix 1 before it is issued for public consultation.**
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Background

3. Section 349 of the Gambling Act 2005 requires a Licensing Authority (Mid Sussex District Council) to prepare and publish a statement of its Licensing Policy every three years or as appropriate. The existing Policy is due for re-publication.
4. The Statement is not intended to be used to limit gambling establishments but how we apply the Act in order to protect the public through the three objectives:
 - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way;
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
5. In accordance with the Gambling Act 2005, the draft Policy contained in Appendix 1 will be published for a 6-week consultation period starting on the 19th September 2022. The list of consultees include the following:
 - Elected Members,
 - Town and Parish Councils,
 - Sussex Police,
 - West Sussex Fire and Rescue Service,
 - West Sussex County Council,
 - The trade bodies representing premises licence holders and local businesses.

- Members of the public via the Council's web site, the local libraries and help points
 - HM Customs and Excise
 - Gamblers Anonymous
 - Citizens Advice Centres
6. The current Policy has been reviewed in accordance with of a number of regulatory and legislative changes and the statutory guidance. There are no substantial changes to the current policy statement.
7. To provide some context, we currently licence:
- 2 Adult Gaming Centres (Pease Pottage Services)
 - 7 Betting Shops
 - 69 premises with Gaming Machines that are licensed to sell alcohol and that have an automatic entitlement to have 2 gaming machines provided they have notified us
 - 9 premises with 3 or more Gaming machines
 - 8 Club Gaming Machine Permits (Registered Clubs) - larger prize money
 - 1 Club Gaming Permits allows certain gaming and larger prize money machines
 - 77 Small Society Lotteries are registered (these register annually to allow raffles, sale of tickets etc.)
8. The Committee will be aware that currently the Government is reviewing the Gambling Act and a white paper is due to be published in September at the earliest setting out the conclusions of the review and any potential reforms of the Act. Any legislative changes announced by the Government as a result of their consultation will be incorporated into our revised policy.

Policy Context

9. The Gambling Act 2005 (Statement of Licensing Policy) is produced in accordance with the provisions of The Gambling Act 2005 (Licensing Authority Policy Statement England and Wales) Regulations 2006, which places a duty on the Council to carry out its licensing functions in respect to the licensing, inspection and enforcement of such premises.

Financial Implications

10. None

Risk Management Implications

11. The Council is required to review its Statement every three years or sooner if appropriate. Failure of a Council to review their Policy could be open to a legal challenge.

Equality and Customer Service Implications

12. An equality impact assessment was carried out in the development of this Statement and did not identify any negative impacts for customers and those protected by equalities legislation. The Statement is intended to protect the public and through our consultation with a range of stakeholders, including the Police, we will ensure that any relevant issues are identified.

Sustainability Implications

13. None for the purposes of this report.

Background Papers

Appendix 1 - Gambling Policy Statement of Principles 2022



**MID SUSSEX
DISTRICT COUNCIL**

**STATEMENT OF
PRINCIPLES**

**GAMBLING ACT 2005
(Licensing Authority Policy
Statement)**

Approved Gambling Act 2005 Licensing Authority Policy Statement
to take effect from
1st January 2023 for 3 years.

All references to the Guidance refer to the Gambling Commissions
Guidance to Local Authorities 5th Edition published September 2015

Contents

1. Introduction.....	3
2. Mid Sussex District Council Geographical Area	3
3. Licensing Objectives Declaration	4
4. Responsible Authorities	4
5. Interested parties.....	5
6. Gambling Risk Assessments.....	6
7. Exchange of Information	6
8. Enforcement.....	6
9. Licensing Authority’s functions.....	7
10. Duplication with other regulatory regimes	8
11. Table Of Delegation Of Licensing Functions	9
12. Policies supporting each of the licensing objectives	10
13. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.	10
14. Ensuring that gambling is conducted in a fair and open way.....	11
15. Protecting children and other vulnerable persons from being harmed or exploited by gambling.....	12
16. Premises Licences	12
17. Primary Gambling Activity.....	15
18. Conditions	15
20. Buildings divided into more than one premises.....	16
19. Separation of premises within a single building	16
21. Access to premises	17
22. Casinos.....	17
23. Bingo.....	18
24. Betting (Other).....	18
25. Betting Tracks including other sporting venues	19

26. Adult Gaming Centres	20
27. Family Entertainment Centres (FEC):	21
28. Travelling Fairs	22
29. Door Supervisors.....	22
30. Provisional Statements	22
31. Reviews.....	23
32. Permits.....	24
33. Unlicensed Family Entertainment Centre (UFEC) Gaming Machine Permits.....	24
34. Alcohol-Licensed Premises Gaming Machine Permits	25
35. Prize Gaming Permits.....	27
36. Club Gaming and Club Machines Permits.....	27
37. Temporary Use Notices (TUN's).....	29
38. Occasional Use Notices	29
Appendix 1	30
Gaming machine (fruit machine, slot machine) categories.....	30
Appendix 2	32
Organisations & Groups Consulted	32
SUPPLEMENTARY GUIDANCE DOCUMENT 1	34
SUPPLEMENTARY GUIDANCE DOCUMENT 2	35

1. Introduction

- 1.1. Under section 349 of the Gambling Act 2005 (the Act) the council is required to publish a statement of Licensing Policy which it proposes to apply when exercising its functions under the Act. The form of the policy is set out in The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2007. The Gambling Commission's Guidance to licensing authorities published on 1st April 2021 (Commission's Guidance) contains further detail on the form of the council's statement of principles.
- 1.2. Gambling is a legitimate regulated activity that is enjoyed by a large number of the population. However, there are a number of people within our society who are at risk to gambling related harm. The Council, as the Licensing Authority under the Act has a duty to consider applications relating to allowing gambling facilities within the District to ensure that they meet the fundamental principles of the Act. In doing so the authority must balance the needs of business to profit and grow with the potential impact on those who are vulnerable to being exploited or susceptible to gambling related harm.
- 1.3. The Council's policy is intended to promote the three licensing objectives set out in the Act. These objectives are:
 - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way;
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Council has a duty to pursue the licensing objectives, and we expect gambling business to deliver them.

- 1.4. The Act requires that the following people and bodies be consulted in the revision of the statement:
 - The Chief Officer of Police.
 - People and bodies representing the interests of persons in gambling businesses in the area.
 - People and bodies who represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.
- 1.5. A list of those consulted on the revision of the statement of principles is attached at Appendix 2. In producing the final policy statement, it has had regard to:
 - the licensing objectives in the Act
 - the guidance issued by the Commission
 - any responses from those consulted on its policy statement
- 1.6. It should be noted that this policy statement will not override the right of any person to make an application, or to make representations about an application, or to apply for a review of a licence, as each will be considered on its own merits and in accordance with the statutory requirements of the Act.

2. Mid Sussex District Council Geographical Area

- 2.1. Mid Sussex District Council is located within the County of West Sussex. It is a relatively prosperous area whose residents are generally well qualified. The age demographics point to an increasingly ageing population. More than half the area

is designated as an Area of Outstanding Natural Beauty. It lies on the eastern edge of the county and shares boundaries with East Sussex to the east, Surrey to the north and Brighton and Hove and the South Downs National Park to the south. Mid Sussex covers an area of 128 square miles and includes the three main towns of East Grinstead, Burgess Hill and Haywards Heath. There are some 25 villages and many small hamlets in a predominantly rural area outside of the main towns. The District has a population of approximately 146,000. Sixty percent of the population lives in the three main towns with the remaining 40% living in the smaller villages and rural areas.

- 2.2 Mid Sussex is a safe place to live and work and is kept so by the Mid Sussex community and agencies such as the Council and Police working together. Since 1998 there has been a legal duty on agencies to work together with the community to reduce crime and anti-social behaviour. The Mid Sussex Partnership acts as the formal co-ordinating group to ensure that Mid Sussex meets this legal duty.

3. Licensing Objectives Declaration

- 3.1. In reviewing this Policy, this Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

4. Responsible Authorities

- 4.1. The council is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm.

The principles are:

- the need for the body to be responsible for an area covering the whole of the council's area; and
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 4.2. In common with its practice under the Licensing Act 2003, the council designates the West Sussex Children Safeguarding Board to advise on the protection of children from harm. The Responsible Authorities are therefore:
- The Council's Licensing Service (as licensing authority)
 - The Gambling Commission
 - Sussex Police
 - West Sussex County Council Fire and Rescue Service
 - The Council's Planning and Economy Services (as planning authority)
 - The Council's Environmental Protection Team (as the authority minimising or preventing the risk of environmental pollution and/or harm to human health)
 - West Sussex Children Safeguarding Board
 - H.M. Revenue and Customs
- 4.3. The Secretary of State has not, as yet, prescribed any further Responsible Authorities. The contact details of all the Responsible Authorities under the Act are listed in the Supplementary Guidance to this document.

5. Interested parties

- 5.1. Interested parties can make representations about licence applications or apply for a review of an existing licence. These parties are defined in s158 of the Act as follows: "For the purposes of this Part a person is an interested party in relation to a premises licence or in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person-
- lives sufficiently close to the premises to be likely to be affected by the authorised activities,
 - has business interests that might be affected by the authorised activities, or
 - represents persons who satisfy paragraph (a) or (b)
- 5.2. When determining whether a person is an interested party for the purposes of the Act we will not apply rigid rules but will apply the principle that 'each case will be decided upon its merits.'
- 5.3. In considering whether a person lives sufficiently close to a premises to be considered to be an interested party the following matters will be taken into account
- The size of the premises.
 - The nature of the premises
 - The distance of the premises from the habitual residence or workplace of the person making the representation.
 - The potential impact of the premises (numbers of customers, routes likely to be taken by those visiting the premises).
 - The circumstances of the person and nature of their interests, which may be relevant to the distance from the premises.
- 5.4. In determining whether a person or organisation "has business interests" we will adopt the widest possible interpretation and include residents' and tenants' associations, trade associations, trades unions, partnerships, charities, faith groups and medical practices, as appropriate.
- 5.5. The council will regard bodies such as trade associations, trade unions, residents' and tenants' associations, and professional advisors such as solicitors, barristers and consultants, as capable of representing interested parties where they are satisfied that the interested party has asked for representation. We will only regard representative bodies as interested parties in their own right if they have a member who can be classed as an interested person under the terms of the Act.
- 5.6. In principle, the council will allow any person to represent an interested party, but it may seek to have it confirmed that the person genuinely represents the interested party. We will generally require evidence that a person/body (e.g. an advocate or relative) 'represents' someone. If persons representing interested parties are Councillors, Members of Parliament or Members of the European Parliament, then no specific evidence of being asked to represent an interested person will be required as long as they represent the area likely to be affected.
- 5.7. If individuals wish to approach Councillors to ask them to represent their views then those Councillors shall not sit on a Licensing Sub-Committee that meets to determine the licence application. If there are any doubts then either interested parties or Councillors should contact the Licensing Team for advice.

6. Gambling Risk Assessments

- 6.1 The Gambling Commission (the Commission) introduced new provisions in its social responsibility code within the Licence Conditions and Codes of Practice (LCCP), which require gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks. The risk assessment requirement is intended to provide a well evidenced and transparent approach to considering and implementing measures to address the risks associated with gambling.
- 6.2 The introduction of new provisions in the social responsibility code within the LCCP encourages local authorities, the Commission and the industry to work in partnership to address local issues and concerns. Gambling operators are required to undertake a risk assessment for all of their licensed premises. Operators must also undertake a review of those assessments when certain triggers are met.
- 6.3 This local risk assessment process is not the same as other forms of risk assessment undertaken by gambling operators, such as Health and Safety at Work, Fire Safety and Food Hygiene, etc. These local risk assessments are specific to the potential harm that gambling premises can have on one or more of the licensing objectives under the Act. They are specific to the premises, the local area and the local community.

7. Exchange of Information

- 7.1 The council will act in accordance with the provisions of Section 350 of the Act in its exchange of information with the Gambling Commission; this includes a provision that the Data Protection Act 1998 will not be contravened. We will also have regard to Guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.
- 7.2. Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other interested persons and bodies listed in Schedule 6 to the Act. The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005. Should any protocols be established as regards information exchange with other bodies then they will be made available

8. Enforcement

- 8.1 The principles to be applied by the council in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified, are stated below.

- 8.2. The council will operate within the principles of natural justice and take into account the Human Rights Act 1998. We will have regard to Commission Guidance and will endeavour to avoid unnecessary duplication with other regulatory regimes as far as possible and to be:
- Proportionate: only intervening when necessary: Remedies will be appropriate to the risk posed, and costs identified and minimised;
 - Accountable: able to justify its decisions, and be subject to public scrutiny;
 - Consistent: implementing rules and standards fairly in a joined-up way;
 - Transparent: open, and keep conditions placed on premises licences simple and user friendly; and
 - Targeted: focusing on the problems and aiming to minimise the side effects.
- 8.3. The main enforcement and compliance role for the council is to ensure compliance with the premises licences and other permissions which it grants itself. The Gambling Commission will be the enforcement body for operating licences and personal licences. Similarly, concerns about manufacture, supply or repair of gaming machines will not be dealt with by us, but we will be alert to the way premises are operated and will notify the Gambling Commission if it becomes aware of matters of concern in the operation of the premises.

This Licensing Authority has adopted and implemented a risk-based inspection programme, based on;

- The licensing objectives

- Relevant codes of practice

- Guidance issued by the Gambling Commission, in particular at Part 36

- The principles set out in this statement of licensing policy

The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission

- 8.4. Our enforcement policy is available upon request to the licensing team, or on the Mid Sussex District Council website at [http://www.midsussex.gov.uk/media/Env_Enf_Policy_2014\(1\).pdf](http://www.midsussex.gov.uk/media/Env_Enf_Policy_2014(1).pdf)

9. Licensing Authority's functions

- 9.1 Licensing authorities are required under the Act to:
- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
 - Issue Provisional Statements
 - Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
 - Issue Club Machine Permits to Commercial Clubs
 - Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres

- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register small society lotteries below the prescribed thresholds
- Issue Prize Gaming Permits
- Receive and endorse Temporary Use Notices
- Receive Occasional Use Notices for betting at tracks
- Provide information to the Gambling Commission regarding details of licences, permits and other permissions issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

9.2. The licensing of remote gambling is the sole responsibility of the Gambling Commission via operating licences.
It should be noted that local licensing authorities are not involved in licensing remote gambling. This will fall to the Gambling Commission via operating licences

10. Duplication with other regulatory regimes

10.1. The council will seek to avoid any duplication with other statutory and regulatory systems where possible, including planning. The licensing authority will not consider whether an application for a premises licence, permit or other permission is for a premise that has been or is likely to be awarded planning permission or building regulations approval, in its own consideration of it. Nor will it regard the granting of a licence, permit or permission as fettering the council's ability to consider planning applications independently on their planning merits.

11. Table Of Delegation of Licensing Functions

Matter to be Dealt with	Full Council	Full Licensing committee	Licensing sub-Committee	Officers
Three year licensing policy	X			
Policy not to permit casinos	X			
Application for premises licenses			Where representations have been received and not withdrawn	Where no representations received/representation have been withdrawn
Application for a variation to a licence			Where representations have been received and not withdrawn	Where no representations received/representation have been withdrawn
Application for a transfer of a licence			Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement			Where representations have been received and not withdrawn	Where no representations received/representation have been withdrawn
Review of a premises licence			X	
Application for club gaming/club machine permits			Where representations have been received and not withdrawn	Where no representations received/representation have been withdrawn
Cancellation of club gaming/club machine permits			X	
Applications for other permits				X
Cancellation of licensed premises gaming machine permits				X
Consideration of temporary use notice				X
Decision to give a counter notice to a temporary use notice			X	

12. Policies supporting each of the licensing objectives

- 12.1 As mentioned above the Act contains three licensing objectives (page1) which underpin the functions of the licensing authority. These objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime,
 - Ensuring that gambling is conducted in a fair and open way,
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 12.2 Section 153 of the Act states that in exercising its functions under the Act the licensing authority shall aim to permit gambling in so far as it thinks it is: in accordance with the Commission's codes and guidance to local authorities; reasonably consistent with the licensing objectives and in accordance with the licensing authority's statement of principles. The authority intends to assist applicants, responsible authorities and interested parties by detailing the criteria that it will consider as being reasonably consistent with each of the objectives when considering applications.
- 12.3 The council will continue to review this Statement and will revise it further as appropriate in response to changing circumstances.
13. **Policy Objective 1-Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.**

Policy Objective 1

To prevent gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews:

- a) Whether the premises make or will make a contribution to the levels of crime and disorder and whether the applicant has demonstrated that he has, or intends to, implement sufficient controls to prevent the premises being a source of, and/or associated with crime or disorder, or being used to support crime, if the application is granted.
- b) Where an area is known for high levels of crime the council will consider carefully whether gambling premises are suitable to be located there, and whether additional conditions may be necessary, such as the provision of CCTV, minimum levels of staffing and licensed door supervisors.
- c) Whether there is a history of crime or disorder associated with the premises or its use by those involved in crime to associate or dispose of the proceeds of crime.
- d) Whilst issues of nuisance are not included specifically in the gambling objectives, the council may consider, when making decisions on the applications for premising licenses, that extreme instances of public nuisance and persistent public nuisance may constitute disorder and criminal offences.
- e) Whether the layout, lighting and fitting out of the premises have been designed so as to minimise conflict and opportunities for crime and disorder.
- f) Whether sufficient management measures are proposed or are in place to prevent the premises being a source of, or associated with crime or disorder, or used to support crime either as a place of association or to avoid apprehension.

- 13.1 Applicants for premises licences will have to hold an operator's licence from the Commission (except occupiers of tracks who do not propose to offer gambling themselves). Generally, the licensing authority will not (unless evidence to the contrary comes to light) have to ascertain if the applicant is suitable to hold a premises licence. The licensing authority will have to be satisfied that the premises will not adversely affect the licensing objectives and is compliant with the Commission's Guidance, codes or practice and this statement of principles.
- 13.2 The council will expect the applicant to have a good understanding of the local area in which they either operate, or intend to operate, a gambling premises. The applicant will have to provide evidence that they meet the criteria set out in this policy and demonstrate that in operating the premises they will promote this objective. Operators need to be aware of how the operation of their premises may impact on this objective. We will expect the applicants to provide details as to their crime prevention measures and any risk assessments that they have carried out. The operator must meet the Commission's requirements to obtain and hold an operator's licence, whilst the Licensing Authority's concerns are focused on the premises and how the operation of the premises will affect the licensing objectives.

14. Policy Objective 2-Ensuring that gambling is conducted in a fair and open way.

Policy Objective 2

To ensure that gambling is conducted in a fair and open way, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews:

- a) Whether the premises will operate with such measures that will ensure that the gambling activity is conducted in a fair and open way.
- b) Whether the layout, lighting and fitting out of the premises have been designed so as to ensure gambling is conducted in a fair and open way.
- c) Whether sufficient management measures are proposed or are in place to ensure that gambling is conducted in a fair and open way.
- d) Whether the management and operation of the premises is open and transparent.
- e) Whether the operators of the premises have been or will be fully cooperative with enforcement agencies.
- f) Whether the Commissions Codes of Practice have been complied with

- 14.1 The Gambling Commission is the body primarily concerned with ensuring that each operator conducts gambling activities in a fair and open way. The Licensing Authority will consider each application on its own merits and will look closely at applications for types of premises that can be run by an operator where there is no requirement to hold an operator's licence. Track owners do not necessarily require an operator's licence and any application made by such an unlicensed operator will be scrutinised to ensure that this objective is met. In these circumstances, the applicant would be expected to address how they intend to ensure that gambling will be conducted fairly and openly. The Licensing Authority may wish to impose conditions to ensure that the environment in which betting takes place is suitable.

15. Policy Objective 3 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Policy Objective 3

To protect children and other vulnerable persons from being harmed or exploited by gambling, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews.

- a) Whether there are appropriate measures in place to protect children and other vulnerable persons from being harmed or exploited by gambling.
- b) Has the operator a specific training programme for staff to ensure that they are able to identify children and vulnerable people and take appropriate action to promote this objective to exclude them from the premises or parts of the premises.
- c) If the premise is an adult only environment has the operator taken effective measures to implement an appropriate proof of age scheme to ensure that no one under the age of 18 is admitted to the premises or restricted areas.
- d) Whether the layout, lighting and fitting out of the premises have been designed so as to not attract children and other vulnerable persons who might be harmed or exploited by gambling.
- e) Whether sufficient management measures are proposed or are in place to protect children and other vulnerable persons from being harmed or exploited by gambling.
- f) Whether any promotional material associated with the premises could encourage the use of the premises by children or young people.

15.1 The Licensing Authority will expect applicants to consider the measures necessary to promote the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. The location of the premises may be a significant factor if for example the premises are located near a school, hostel or other sensitive premises. Other policies specifically deal with location although the applicant will have to demonstrate that there are suitable control measures to promote this objective.

15.2 Persons under 18 cannot be admitted to many types of gambling premises. It is noted that the Act and Commission Guidance does not define the term vulnerable persons. The Commission states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs". This is the definition of vulnerable persons the council will use in its consideration of applications.

16. Premises Licences

16.1 Any person or business that wishes to offer gambling for which an operating licence from the Gambling Commission is required, and which is premises based, must apply to the Licensing Authority for a premises licence.

16.2 Premises licences can authorise the provision of facilities on:

- casino premises
- bingo premises
- betting premises including tracks and premises used by betting intermediaries
- adult gaming centre premises,
- family entertainment centre premises.

16.3 For each premises type the Act makes it clear that the primary activity should be that described in the premises licence type. It is the council's opinion that all gambling premises, whether subject to application or currently licensed, must operate primarily in the use of the licence type applied for or issued.

16.4 A premises licence issued by us will be subject to mandatory and/or default conditions and conditions imposed by the council. The council may consider that conditions, other than the mandatory or default conditions, are necessary to ensure that the premises are reasonably consistent with the licensing objectives, the Commission's codes of practice and/or local authority guidance, and this statement of principles.

16.5 Under the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) there is a requirement for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises. Social Responsibility code (SR) 10.1.1:

1. Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises and have policies procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy.
2. Licensees must review and update as necessary their local risk assessments.
 - a) To take account of significant changes in local circumstances including those identified in a licensing authority's statement of licensing policy
 - b) When there are significant changes at a licensed premises that may affect their mitigation of local risks
 - c) When applying for a variation of a premises licence
 - d) In any case undertake a local risk assessment when applying for a new premises licence.

16.6 The Council will expect each local risk assessment to consider:

- Whether the premises are in an area subject to high levels of crime and or disorder;
- Nearby gambling, drug, alcohol or mental health support facility;
- Other gambling premises in the vicinity.
- The location and proximity of services for children such as schools, colleges, playgrounds, youth clubs, leisure/community centres, cafes, coffee shops, bus stops and other areas where children will gather.
- The location and proximity of services for vulnerable people such as health centres, drop-in centres, alcohol/drug dependency units, self-help groups, GP surgery.
- The demographics of the area in relation to the type and size vulnerable groups.

- Location and proximity of banks and cash dispensing machines.
- Location and proximity of alcohol licensed premises and information
- Information held by the gambling licensee regarding customer refusals linked to alcohol consumption.
- The demographics of the area in relation to vulnerable groups.
- Whether the premises is in an area subject to high levels of crime and/or disorder.
- Known problems in the area such as problems arising from street drinkers, youths participating, in anti-social behaviour, drug dealing
- How vulnerable people, including people with gambling dependencies are protected.
- Information held by the gambling licensee regarding self-exclusions and incidences of underage gambling.
- Proximity of gaming machines to the entrance door of the premises.
- Consideration of the line of sight from the counter to gaming machines within the premises.
- Gaming trends that may mirror days for financial payments such as pay days or benefit payments.

16.7 The assessment should include the following matters relating to the management and governance of the site:

- The training of staff to intervene when customers show signs of excessive gambling, the ability of staff to offer intervention and how the staffing of premises affects this.
- Details of the location and coverage of CCTV cameras and how the system will be monitored.
- The layout of the premises so that staff will have an unobstructed view of persons using the premises.
- The number of staff available on the premises at any one time. If at any time that number drops to one confirm the supervisory and monitoring arrangements.
- Arrangements for dealing with monitoring under age and vulnerable persons. These may include - dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays, and advertisements not to entice passers-by.
- Where the application is for a Betting Premises Licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

16.8 This information will be used during the process to determine the application.

16.9 We will expect operators to share risk assessments with us when applying for a new premises licence or a variation to an existing one. We will also expect operators to share information and data with us about self-exclusions and underage attempts to gamble.

16.10 This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how any concerns can be overcome.

17. Primary Gambling Activity

- 17.1 The primary activity of each premises licence type is specified on the premises licence when it is issued. Section 150 of the Gambling Act 2005 authorises the provision of gambling facilities for the following types of premises licences:
- casino premises
 - bingo premises
 - betting premises, including tracks and premises used by betting intermediaries
 - adult gaming centre premises (for category C and D machines)
 - family entertainment centre premises (for category C and D machines) (note that, separate to this category, the licensing authority may issue family entertainment centre gaming machine permits, which authorise the use of category D machines only).

(See Appendix 1 for definitions of categories of gaming machines)

- 17.2 In betting premises, the primary activity will be betting, with gaming machines as an ancillary offer on the premises. The Commission have provided information relating to the primary gambling activity in Local Authority Guidance, Licence Conditions and Codes of Practice and advice notes. It should be noted that the Act does not permit a premises to be licensed for more than one gambling activity.
- 17.3 The council will take decisions in accordance with the Commission's guidance and codes of practice on primary gambling activity and will have regard to the advice which it issues from time to time and will expect applicants to operate premises in line with the Commission's Guidance and conditions on their operator's licence. We will monitor the operation of premises and report any potential breach of operating licence conditions to the Commission. Applications for new premises licences, or to vary an existing licence, will be expected to be clear that the premises are intended to be used for the primary gambling activity proposed. The Licensing Authority will expect there to be sufficient facilities for over the counter betting. For example, a betting (other) premises licence application that only has 4 gaming machines, but no betting counter or associated betting facilities shown on the proposed plans, will not be considered as offering the primary gambling activity in accordance with that indicated on the application.

18. Conditions

- 18.1 The majority of premises licences will have mandatory and/or default conditions attached to the licence. These conditions are detailed in the Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007.
- 18.2 The Licensing Authority can attach conditions to any licence if it believes that the imposition of conditions will ensure that the premises promotes the licensing objectives. Any conditions attached to a licence will be:
- relevant to the need to make the proposed building suitable as a gambling facility;
 - directly related to the premises and the type of licence applied for;
 - related to the scale and type of premises; and
 - reasonable in all respects.
- 18.3 Certain matters are set out in the Act may not be the subject of conditions. These are:
- conditions which make it impossible to comply with an operating licence.

- conditions as to gaming machines that contradict the provisions in the Act.
- conditions making activities, premises or parts of them operate as a membership club
- conditions on fees, winnings, stakes or prizes.

18.4 Conditions will be attached to individual licences on the basis of their merits. However, there will be a number of measures the council will commonly consider utilising in order to pursue the licensing objectives. These may include measures such as: the supervision of entrances; separation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in premises not specifically for adult gambling; appropriate signage for adult only areas, etc. The council will expect the applicant to propose how the licensing objectives can be met effectively through the use of conditions.

19. Buildings divided into more than one premises

19.1 Part 7 of the Commissions Guidance states that a building can, in principle, be divided into more than one premises, and subject to more than one premises licence provided they are for different parts of the building, and the different parts of the building can be reasonably regarded as being different premises. An example is given of the units within a shopping mall, where each unit is a separate self-contained premises that is contained within one building. It is also possible for licensed premises to be located next to each other. The council will follow this guidance.

19.2 Whether different parts of a building can be reasonably regarded as different premises will depend on the circumstances of the individual building and how any division is proposed. To agree to accept applications to grant or vary a licence for a building which has been divided, the council will need to be satisfied that the different premises are genuinely separate premises, and not an artificially created part of what is readily identifiable as a single premises.

19.3 In considering whether different areas of a building are genuinely separate premises the council will take into account factors which will include: whether there are separate registrations for business rates in place for the premises, whether the premises are owned or operated by the same person, and whether the premises are operated independently of each other.

20. Separation of premises within a single building

20.1 When considering proposals to divide a building into genuinely separate premises the council will also need to be satisfied that the form of separation between the premises is appropriate.

20.2 The separation between one premises and another must be clearly defined. Any barrier used to separate one premises from another must be permanent and constructed so the public cannot go from one premises to another. We would not, for example, be likely to consider that separation of areas of a building by ropes, or by low level, or moveable partitions to be appropriate.

20.3 It may be acceptable for staff working in adjacent premises to have access through barriers between premises to enable them access one premises from the other. The applicant must demonstrate that in providing this staff access there are suitable control measures in place that will ensure the safety and security of staff and that will effectively prevent the public from using the same access point to

enter the other premises.

21. Access to premises

- 21.1 The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 restrict access to different types of licensed gambling premises. In considering proposals to divide a building into different premises the council will have to be satisfied that proposals to divide buildings are compatible with the mandatory conditions which relate to access between premises.
- 21.2 The relevant provisions of the regulations relating to access are set out in paragraph 7.23 of the Commission's Guidance. In a number of types of licensed premises provisions on access that prevent customers from being able to enter the premises directly from other licensed premises.
- 21.3 The Commission Guidance at paragraph 7.25 states "There is no definition of 'direct access' in the Act or regulations. However, it could be said that there should be an area separating the premises concerned (for example a street or café), which the public go to for purposes other than gambling, for there to be shown to be no direct access."
- 21.4 It is the council's opinion that any area which separates licensed premises, and from which those premises can be accessed, must be genuinely separate premises which are habitually and actually used by members of the public other than those using the licensed premises.
- 21.5 The council does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is unlicensed or provides non-gambling facilities, for example refreshments or ATMs,
- 21.6 Where the council is satisfied that a building can be divided into separate premises and properly satisfy the statutory provisions, the council will expect applicants to ensure that:
- premises are configured so that children are not invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited from taking part,
 - entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should be possible to access the premises without going through another licensed premises or premises with a permit.
 - Customers should be able to participate in the activity named on the premises licence.

This is not an exhaustive list and the council will consider other aspects based on the merits of the application.

22. Casinos

- 22.1 No Casinos resolution - The licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the licensing authority decide in the future to pass such a

resolution, it will update this policy statement with details of that resolution. It should be noted that we are not an authority that has been granted permission by the government to issue a casino licence. We are not a district that the Government has selected to have a casino.

23. Bingo

23.1 This policy applies to applications for a bingo premises licence. Bingo has its ordinary and natural meaning and includes any version of the game irrespective of by what name it is described. A holder of a bingo premises licence will be able to offer bingo in all its forms.

23.2 The holder of a bingo premises licence may make available for use, up to a maximum of 20% of the machine estate available for use on the premises of category B machines (restricted to sub-category B3 or B4 machines) and any number of category C or D machines

23.3 Children and young persons are permitted in bingo premises, but may not participate in the bingo. If any category B or C machines are made available for use, these must be separated from areas where children and young people are allowed.

(See Appendix 1 for definitions of categories of gaming machines)

23.4 In determining whether the application meets the criteria set in Policy Objective 1,2,3 consideration will be given to appropriate measures/licensing conditions to address the matters listed below:

- Proof of age schemes
- CCTV
- Entry control system
- Supervision of entrances/ machine areas
- Physical separation of areas
- Location of entry
- Notices/ signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not exhaustive and is merely indicative of examples of measures the council will expect applicants to offer their own measures to meet the licensing objectives.

24. Betting (Other)

24.1 This policy applies to applications for off-course betting premises. This is betting that takes place other than at a track, typically in a betting shop, and includes an entitlement to operate up to four gaming machines of category B2, B3, B4, C or D, and any number of betting machines.

24.2 In determining whether the application meets the criteria set in Policy Objective 1,2,3 consideration will be given to appropriate measures/licensing conditions to address the matters listed below:

- Proof of age schemes
- CCTV

- Entry control system
- Supervision of entrances/ machine areas
- Physical separation of areas
- Location of entry
- Notices/ signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not exhaustive and is merely indicative of examples of measures the council will expect applicants to offer their own measures to meet the licensing objectives.

25. Betting Tracks including other sporting venues

25.1 Under section 353 of the Act, “tracks” includes premises where a race or other sporting event takes place or is intended to take place. These may be subject to one or more than one premises licence, provided each licence relates to a specified area of the “track”. The Commission Guidance, identifies that operators of track betting premises will not necessarily hold an operator’s licence issued by the Commission. The council will have particular regard to proposals and measures to ensure that the environment in which betting takes place is suitable for betting and that betting is conducted in a fair and open way.

25.2 We will consider the impact upon the objective of protection of children and vulnerable persons, the need to ensure that entrances to each type of licensed premises within the sporting venue are distinct and that children are excluded from gambling areas where they are not permitted to enter. The possibility of multiple licences at tracks is noted in Part 20 of the Commission Guidance. The council will expect the applicant for a premises licence to demonstrate suitable measures to ensure that children do not have access to adult- only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog- racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided. (Children and young persons are not prohibited from playing category D machines on a track.)

25.3 In determining whether the application meets the criteria set in Policy Objective 1,2,3 consideration will be given to appropriate measures/licensing conditions to address the matters listed below:

- Proof of age schemes
- CCTV
- Entry control system
- Supervision of entrances/ machine areas
- Physical separation of areas
- Location of entry
- Notices/ signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/ helpline numbers for organisations such as GamCare

This list is not exhaustive and is merely indicative of examples of measures the council will expect applicants to offer their own measures to meet the licensing objectives.

- 25.4 Track betting operators must be able to demonstrate their adoption of socially responsible gambling policies and procedures. Such policies and procedures must ensure that the track betting activities promote the licensing objectives of ensuring that gambling is conducted in a fair and open way and children and other vulnerable people are not harmed or exploited by gambling.
- 25.5 The council will consider the location of gaming machines at tracks, and applicants for track premises licences will need to demonstrate that, where the applicant holds or seeks a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. The applicant will be required to provide information as to what measures it will put in place around the gaming machines to ensure that children are excluded.
- 25.6 The council will expect applicants to include detailed plans for the race track itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”), pool betting, as well as any other proposed gambling facilities. Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence. Any such plans must also contain the information prescribed by Regulations.
- 25.7 The council concurs with the Commission’s view that it would be preferable for all self-contained premises operated by off-course betting operators to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

26. Adult Gaming Centres

- 26.1 Adult gaming centres (AGCs) premises licences allow the holder of the licence to make gaming machines available for use on the premises. Persons operating an AGC must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the licensing authority. They will be able to make up to 4 category B3 or B4 gaming machines, and an unlimited number of category C or D gaming machines available to their customers. Gaming machines are a form of gambling which is attractive to children and AGC’s will contain machines of a similar format to the Category D machines on which children are allowed to play. However, no-one under the age of 18 is permitted to enter an AGC and applicants must be aware of the location of and entry to AGC’s to minimise the opportunities for children to gain access.
- 26.2 Because gaming machines provides opportunities for solitary play and immediate payouts, they are more likely to engender repetitive and excessive play. The council in considering premises licences and will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds are not attracted to, or gain access to, the premises.
- 26.3 In determining whether the application meets the criteria set in Policy Objective

1,2,3 consideration will be given to appropriate measures/licensing conditions to address the matters listed below:

- Proof of age schemes
- CCTV
- Entry control system
- Supervision of entrances/ machine areas
- Physical separation of areas
- Location of entry
- Notices/ signage
- Specific opening hours
- Self-barring schemes for individuals to bar themselves from premises
- Provision of information leaflets/ helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

27. Family Entertainment Centres (FEC):

27.1 Generally, FECs must be operated by a person or body having an operating licence from the Gambling Commission (the Act also provides that there is a class of unlicensed Family Entertainment Centres that may be run by individuals or bodies not holding an operator's licence). Unlicensed Family Entertainment Centres do not require the operator to have a Gambling Commission operator's licence or premises licence from the local licensing authority but do need to have a gaming machine permit as set out below. Gaming machines are a form of gambling which is attractive to children and FECs will contain both Category D machines on which they are allowed to play, and category C machines on which they are not. Because gaming machines provide opportunities for solitary play and for immediate payouts, they are more likely to engender repetitive and excessive play. The council, in considering applications for FEC premises licences will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

27.2 In determining whether the application meets the criteria set in Policy Objective 1,2,3 consideration will be given to appropriate measures/licensing conditions to address the matters listed below:

- CCTV
- Supervision of entrances/ machine areas
- Physical separation of areas for category C machines
- Location of entry
- Notices/ signage
- Specific opening hours
- Self-barring schemes for individuals to bar themselves from premises
- Provision of information leaflets/ helpline numbers for organisations such as GamCare
- Measures & training for dealing with children on the premises suspected of truanting.

This list is neither mandatory, nor exhaustive, and is merely indicative of example measures.

27.3 The council will have regard to the Gambling Commission's guidance on any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated but may require further measures on physical separation and controls on entry. The council must apply the mandatory conditions but will consider whether to exclude any of the default conditions that may be specified by regulation from the Secretary of State.

27.4 Family Entertainment Centres will provide amusement with prizes machines (gaming machines) or entertainment machines which are used to play games where there are no chance of winning prizes.

28. Travelling Fairs

28.1 The Act defines a travelling fair as 'wholly or principally' providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year. Travelling fairs do not require a permit to provide gaming machines but must comply with legal requirements about the way the machines are operated.

28.2 It will fall to the council to decide whether, where category D machines and/ or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

28.3 The council will also consider whether the applicant falls within the statutory definition of a travelling fair. We will apply the 27 day statutory maximum for the land being used as a fair each calendar year applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. We will keep a record of any travelling fairs taking place in the District that offer gambling as an ancillary use to the fair. The authority will ensure that the 27 day statutory maximum for the land being used is not breached. The Authority will advise travelling fair operators if requested of the statutory time period remaining for the land they intend to use.

29. Door Supervisors

29.1 The Guidance advises that licensing authorities may consider whether there is a need for door supervision in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, but there can also be a need for supervision to stop premises becoming a source of crime. It is noted that the door supervisors at casinos or bingo premises are not required to be registered by the Security Industry Authority (SIA) under the Private Security Industry Act 2001. Door supervisors not directly employed by a casino or bingo operator do have to be SIA registered.

29.2 For betting offices and other premises other than casinos and bingo premises, the operator and/or the council may decide that supervision of entrances or machines is appropriate in particular cases. The authority will make door supervision a requirement where there is evidence, from the history of trading at the premises or in the area, that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

30. Provisional Statements

30.1 An application may be made to the licensing authority for a provisional statement' in respect of premises that are yet to be constructed, altered or occupied. Following

the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional licence stage; or
- which in the authority's opinion reflect a change in the operator's circumstances.

31. Reviews

31.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities, including the licensing authority. However, it is for the licensing authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below:

- any relevant code of practice issued by the Gambling Commission;
- any relevant guidance issued by the Gambling Commission;
- the licensing objectives;
- the authority's statement of principles.

31.2 The licensing authority may reject an application for review if it thinks that the grounds on which the review is sought:

- are not relevant to the relevant code of practice or guidance issued by the Gambling Commission, the licensing objectives or the licensing authority's statement of principles;
- are frivolous;
- are vexatious;
- 'will certainly not' cause the licensing authority to revoke or suspend the licence or to remove, amend or attach conditions on the premises licence;
- are substantially the same as grounds cited in a previous application relating to the same premises (the licensing authority will consider the length of time that has passed since the earlier application in deciding whether this is a reasonable reason to reject the review application);
- are substantially the same as representations made at the time the application for the premises licence was considered. While the licensing authority will consider the length of time that has passed since the representations were made, it will not normally review a licence on the basis of the same arguments considered on the grant of the premises licence.

31.3 General objections to gambling as an activity are not likely to be considered relevant reasons for a review. Other examples of irrelevant considerations include demand for gambling premises, issues relating to planning, public safety and traffic congestion.

31.4 The licensing authority itself, as a responsible authority can initiate a review of a particular premises licence, or any particular class of premises licence, for any reason which it thinks is appropriate. This includes reviewing a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them, or to ensure that the principle of

primary use is applied.

- 31.5 The licensing authority may review any matter connected with the use made of a particular premises if it has reason to believe that the premises licence conditions are not being observed, or for any other reason which gives it cause to believe a review may be appropriate.
- 31.6 A responsible authority or interested party may apply to the council to review a premises licence. Such reviews can be made in relation to, amongst other things if there are repeated incidents of crime and disorder associated with the premises or the gambling activity which the premises operator has failed to adequately address, where incidents that have adversely effected one or more licensing objectives have occurred at a premises that could have been prevented if advice and guidance from a responsible authority had been heeded, if the premises due to the activities being undertaken is either attracting children or people likely to be involved in crime and disorder.
- 31.7 As a review of a premises licence can lead to its revocation the council will consider whether informal actions to ensure timely or immediate compliance have been exhausted prior to an application being made. The council accepts that an application for review may be appropriate without informal measures being taken, but will seek to establish that all options have been considered in determining review applications.

32. Permits

- 32.1 Permits regulate gambling and the use of gaming machines in a premises which does not hold a premises licence. They are required when a premises provides gambling facilities but either the stakes are very low or gambling is not the main function of the premises.

The council is responsible for issuing the following permits:

- unlicensed family entertainment centre gaming machine permits;
- alcohol-licensed premises gaming machine permits;
- prize gaming permits;
- club gaming permits and club machine permits.

- 32.2 The council can only grant or reject an application for a permit and cannot attach conditions. Therefore, the council will consider a number of factors before determining an application for a permit to ensure that the permit holder and the premises are suitable for the proposed gambling activities.

33. Unlicensed Family Entertainment Centre (UFEC) Gaming Machine Permits

- 33.1 This policy applies to those premises that are proposed to be used as Unlicensed Family Entertainment Centres (UFECs). UFECs are those that offer only category D machines and a permit allows any number of these machines to be made available at the premises (subject to other considerations such as health and safety and fire regulations). Given that category D machines have no age restrictions, these premises will particularly appeal to children and young persons. Therefore, the council will give particular weight to matters relating to child protection issues.

The council will grant an application for a permit only if it is satisfied that the premises will be used as an UFEC and following consultation with the Chief of Police.

33.2 The council will require applicants to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in UFECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
- that staff are trained to have a full understanding of the maximum stakes and prizes

33.3 The council will expect the applicant to show that there are policies and procedures in place to protect children and vulnerable people from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include:

- measures / training for staff as regards suspected truant school children on the premises;
- measures / training covering how staff would deal with unsupervised very young children being on the premises;
- measures / training covering how staff would deal with children causing perceived problems on or around the premises.
- measures / training covering how staff would identify the signs and symptoms of persons engaged in the illegal use of controlled drugs.

34. Alcohol-Licensed Premises Gaming Machine Permits

34.1 Automatic entitlement to 2 gaming machines: A premises licensed to sell alcohol under the Licensing Act 2003 is automatically entitled to 2 gaming machines of category C and/or D. The holder of the on- premises licence under the Licensing Act 2003 must notify the council of their intention to make the gaming machines available for use and must pay the prescribed fee.

34.2 An automatic authorisation does not negate pub and club operators from their responsibilities to comply with the 'Codes of Practice for gaming machines in Pubs and Clubs' issued by the Gambling Commission. Operators should be aware of the contents of this code and ensure that their staff comply accordingly.

34.3 Operators are expected to demonstrate responsibility in the supervision of their machines, in particular siting them in positions where they can easily be supervised by staff.

34.4 The council will remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a provision of section 282 of the Gambling Act (i.e. that written notice has been provided to the council, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

34.5 **Permit for 3 or more gaming machines.** This policy applies to those licensed premises that propose to have 3 or more gaming machines. A licensed premises

wishing to have 3 or more gaming machines of category C or D must apply to the council for a permit.

- 34.6 As gaming machines provide opportunities for solitary play and immediate payouts, they are more likely to engender repetitive and excessive play. The council, on considering an application, will consider whether granting a permit would be appropriate on a case by case basis, but will specifically have regard to the need to protect children and vulnerable people from harm or being exploited by gambling;
- measures taken by the applicant to satisfy the council that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.
- 34.7 The council will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures may cover issues such as:
- the adult machines being in sight of the bar;
 - the adult machines being in the sight of staff who will monitor that the machines are not being used by those under 18;
 - notices and signage;
 - the provision of information leaflets or helpline numbers for organisations such as GamCare.
 - The council will expect applicants to submit a plan showing the precise location of all machines applied for under this section. The plan should be the same version as that currently submitted with the Licensing Act 2003 Premises Licence.
- 34.8 If it is not satisfied that appropriate measures have been taken by the applicant to comply with this policy, the council will refuse to grant the permit, or it may vary the number or category of gaming machines authorised by the permit.
- 34.9 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the gaming machines.
- 34.10 The council may cancel a permit or may vary the number or category (or both) of gaming machines authorised by it if:
- it would not be reasonably consistent with pursuit of the licensing objectives for the permit to continue to have effect,
 - gaming has taken place on the premises in purported reliance on the permit but otherwise than in accordance with the permit or a condition of the permit,
 - the premises are mainly use or to be used for making gaming machines available, or,
 - an offence under the Gambling Act 2005 has been committed on the premises.
- 34.11 Before the council cancels or varies a permit it will give the permit holder 21 days notice of its intention and allow him the opportunity to make a representation. If the permit holder requests a hearing the council will arrange a Licensing Sub-Committee hearing to consider the permit holder's representation and any other evidence available before making its determination.
- 34.12 The Council when determining an application for an alcohol-licensed premises gaming machine permit will consider each application on their own merits.
- 34.13 Some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied

for and dealt with as an Adult Gaming Centre premises licence.

35. Prize Gaming Permits

- 35.1 This policy applies to applications for, or renewals of, prize gaming permits. Gaming is “prize gaming “if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. Normally the prizes are determined by the operator before play commences.
- 35.2 Prize gaming may take place without a permit in various premises. These are casinos, bingo halls, adult gaming centres, licensed and unlicensed family entertainment centres and travelling fairs.

Given that the prize gaming will particularly appeal to children and young persons, the licensing authority will give weight to child protection issues.

- 35.3 The applicant will be expected to set out the types of gaming that they are intending to offer and will also be expected to demonstrate:
- an understanding of the limits to stakes and prizes set out in regulations;
 - That the gaming offered is within the law;
 - Clear policies that outline the steps to be taken to protect children from harm.
- 35.4 We will only grant a permit after consultation with the chief officer of police. This will enable the licensing authority to determine the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming, the suitability of the premises in relation to their location, and issues about disorder.
- 35.5 It should be noted that there are conditions in the Act with which the permit holder must comply, but that the council cannot attach conditions. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - participation in the gaming must not entitle the player to take part in any other gambling.

36. Club Gaming and Club Machines Permits

- 36.1 Members clubs and Miners’ welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club machine permit. Commercial clubs may apply for a club machine permit. The club gaming permit will enable the premises to provide gaming machines (three machines of categories B, C or D), equal chance gaming, and games of chance as set out in regulations. A club machine permit will enable the premises to provide gaming machines (three machines of categories B4, C or D).

- 36.2 A club must meet the following criteria to be considered a members' club:
- It must have at least 25 members;
 - It must be established and conducted wholly or mainly for purposes other than gaming (unless the gaming is permitted by separate regulations);
 - It must be permanent in nature;
 - It must not be established to make a commercial profit;
 - It must be controlled by its members equally.

Examples of these include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

- 36.3 The council may only refuse an application on the grounds that:

- a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- b) the applicant's premises are used wholly or mainly by children and/ or young persons;
- c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- d) a permit held by the applicant has been cancelled in the previous ten years; or
- e) an objection has been lodged by the Commission or the police.

- 36.4 We will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures may cover issues such as:

- the adult machines being in sight of the bar;
- the adult machines being in the sight of staff who will monitor that the machines are not being used by those under 18;
- notices and signage;
- the provision of information leaflets or helpline numbers for organisations such as GamCare.
- The council will expect applicants to submit a plan showing the precise location of all machines applied for under this section. The plan should be the same version as that currently submitted with the Licensing Act 2003 Club Premises Certificate.

- 36.5 There is also a "fast-track" procedure available under the Act for premises which hold a club premises certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which a council can refuse a permit are reduced. The grounds on which an application under this process may be refused are:

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled".

- 36.6 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

37. Temporary Use Notices (TUN's)

- 37.1 Temporary Use Notices (TUN's) allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for gambling would include hotels, conference centres and sporting venues.
- 37.2 The licensing authority can only grant a Temporary Use Notice to a person or a company holding a relevant operating licence.
- 37.3 Currently, Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner.
- 37.4 The licensing authority, in considering applications for Temporary Use Notices, will consider whether gambling should take place, or should only take place with modifications to the TUN. In doing so, the licensing authority will consider:
- the suitability of the premises;
 - to the location of the premises, paying particular attention to its proximity to any schools, hostels or other sensitive premises;
 - The CCTV coverage within the premises;
 - The ability of the premises to provide sufficient staff and/or licensed door supervisors for the notice period;
 - whether the premises or the holder of the operating licence have given the council any cause for concern at previous events in relation to the licensing objectives, the guidance issued by the Commission, the relevant code of practice or this statement of principles.

38. Occasional Use Notices:

- 38.1 The council has very little discretion as regards Occasional Use Notices to accept bets at "tracks", aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The council will, however, consider the definition of a "track" and whether the applicant will need to demonstrate that they are in fact responsible for the administration of the "track" or is an occupier, and therefore permitted to avail themselves of the notice. It should be noted that the definition of track in the Act is wider than dog tracks or horse racecourses and includes places where races or other sporting events take place. If notices are given for a single track which would permit betting to occur for more than 8 days per year the council has an obligation to issue a counter notice preventing such a breach occurring.

Appendix 1

Gaming machine (fruit machine, slot machine) categories

Gaming machines (fruit machines, slot machines) fall into categories depending on the maximum stake and prize available:

Machine category	Maximum stake (from April 2019)	Maximum prize (from January 2014)	Allowed premises
A	Unlimited	Unlimited	Regional Casino
B1	£5	£10,000 (with the option of a maximum £20,000 linked progressive jackpot on a premises basis only)	Large Casino, Small Casino, Pre-2005 Act casino and Regional Casinos
B2	£2	£500	Betting premises and tracks occupied by pool betting and all of the above
B3	£2	£500	Bingo premises, Adult gaming centre and all of the above
	£2	£500	Members' club or Miners' welfare institute only
B4	£2	£400	Members' club or Miners' welfare club, commercial club and all of the above.
C	£1	£100	Family entertainment centre (with Commission operating licence), Qualifying alcohol licensed premises (without additional gaming machine permit), Qualifying alcohol licensed premises (with additional LA gaming machine permit) and all of the above.
D money prize	10p	£5	Travelling fairs, unlicensed (permit) Family entertainment centre and all of the above

Machine category	Maximum stake (from April 2019)	Maximum prize (from January 2014)	Allowed premises
D non-money prize (other than crane grab machine)	30p	£8	All of the above.
D non-money prize (crane grab machine)	£1	£50	All of the above.
D combined money and non-money prize (other than coin pusher or penny falls machines)	10p	£8 (of which no more than £5 may be a money prize)	All of the above.
D combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)	All of the above.

Organisations & Groups Consulted

Mid Sussex District Councillors

Mid Sussex District Town and Parish Councils

The Gambling Commission, 4th Floor Victoria Square House, Victoria Square, Birmingham, B2 4BP

The Chief Officer of Police, Sussex Police, Church Lane, Lewes, East Sussex BN7 2DZ

West Sussex Fire & Rescue Service, Northgate, Church Road, Chichester, PO19 1BD

The Planning Authority, Planning and Sustainable Economy, Mid Sussex District Council, Oaklands, Oaklands Road, Haywards Heath, RH16 1SS

West Sussex Children Services, County Hall, West Street, Chichester, PO19 1RQ

Environmental Health Section Mid Sussex District Council, Oaklands Road, Haywards Heath, West Sussex, RH16 1SS

HM Revenue & Customs, 100 Parliament Street, London SW1A 2BQ

British Casino Organisation, 38 Grosvenor Gardens, London, SW1W 0EB

BACTA, Alders House, 133 Aldersgate Street, London, EC1A 4JA

British Bingo Association, Lexham House, 75 High Street North, Dunstable, Beds, LU6 1JF

Association of British Bookmakers Ltd, Regency House, 1-4 Warwick Street, London, W1B 5LT

Remote Gambling Association, Regency House, 1-4 Warwick Street, London, W1B 5LT

The Manager, Citizens Advice Bureau, Oaklands, Oaklands Road, Haywards Heath, West Sussex, RH16 3DN

The Manager, Citizens Advice Bureau, East Grinstead Library, 32-40 West Street, East Grinstead, RH19 4SR

The Manager, Citizens Advice Bureau, Burgess Hill Library, The Martlets, Burgess Hill, West Sussex, RH15 9NN

Sussex Chamber of Commerce, Unit 4 Victoria Business Centre, 43 Victoria Road, Burgess Hill, RH15 9LR

Burgess Hill Library, The Martlets, Burgess Hill, West Sussex, RH15 9NN

Hassocks Library, Keymer Road, Hassocks, West Sussex, BN6 8QJ

Haywards Heath Library, Boltro Road, Haywards Heath, West Sussex, RH16 1BN

Hurstpierpoint Library, Trinity Road, Hurstpierpoint, West Sussex, BN6 9UY

Chief Executive, West Sussex County Council, County Hall, Chichester, West Sussex, PO19 1RG

Transport and General Workers Union, Eastbourne District Office, T&G Centre, Grand Parade, Eastbourne, BN21 4DN

Mims Davies MP, House of Commons, London, SW1A 0AA

Andrew Griffith MP, House of Commons, London, SW1A 0AA

Jeremy Quinn MP, House of Commons, London, SW1A 0AA

Gatwick Diamond Business 14 Basepoint Business and Innovation Centre Metcalf Way, Crawley, RH11 7XX

Director of Public Health, 1 The Causeway, Goring-By-Sea, Worthing, BN12 6BT

South East Coastal Sussex Strategic Health Authority, Director of Public Health, York House, 18-20 Massetts Road, Horley, Surrey, RH6 7DE

GamCare, 2&3 Baden Place, Crosby Row, London, SE1 1YW

Gamblers Anonymous, PO Box 5382, London, W1A 6SA

Independent Betting Arbitration Service, PO Box 44781, London, SW1W 0WR

William Hill, Greenside House, 50 Station Road, Wood Green, London N22 7TP

Coral Racing Ltd, 5th Floor, 70 Victoria Street, London SW1E 6SQ

Ladbrokes Betting & Gaming Ltd, Imperial House, Imperial Drive, Rayners Lane, Harrow, HA27JW

Betfred, The Spectrum, 56-58 Benson Road, Birchwood, Warrington, WA3 7PQ

SUPPLEMENTARY GUIDANCE DOCUMENT 1

Internet sources of information on the Gambling Act 2005

The Gambling Act 2005 may be viewed on the web at

www.legislation.gov.uk/ukpga/2005/19/contents,

The Gambling Commission www.gamblingcommission.gov.uk

SUPPLEMENTARY GUIDANCE DOCUMENT 2

Gambling Act 2005

Responsible Authorities

The Licensing Authority, Mid Sussex District Council, Oaklands, Oaklands Road, Haywards Heath, West Sussex, RH16 1SS

The Gambling Commission, 4th Floor Victoria Square House, Victoria Square, Birmingham, B2 4BP

Sussex Police, The Chief Constable, Police HQ, Malling House, Lewes, East Sussex BN7 2DZ

West Sussex Fire and Rescue Service, Northgate, Chichester, PO19 1BD

The Planning Authority, Planning and Economy, Mid Sussex District Council, Oaklands Road, Haywards Heath, West Sussex, RH16 1SS

West Sussex Safeguarding Children's Board, Room 12, County Hall, West Street, Chichester, PO19 1RQ

Environmental Health Section, Mid Sussex District Council, Oaklands Road, Haywards Heath, West Sussex, RH16 1SS

EITHER

Food & Safety Mid Sussex District Council, Oaklands Road, Haywards Heath, West Sussex, RH16 1SS

OR

Health & Safety Executive, Redgrave Court, Merton Road, Bootle, Merseyside, L20 7HS

HM Revenue & Customs, 100 Parliament Street, London SW1A 2BQ

Any other person prescribed by regulations made by the Secretary of State

Community Governance Review – Final Recommendations for Burgess Hill Town Council (BHTC) and Ansty & Staplefield Parish Council.

REPORT OF: Head of Regulatory Services
Contact Officer: Terry Stanley, Head of Democratic Services & Elections
Email: terry.stanley@midsussex.gov.uk Tel: 01444 477415
Wards Affected: All Burgess Hill Wards & Cuckfield
Key Decision: No
Report to: Scrutiny Committee for Community, Leisure & Parking
14 September 2022

Purpose of Report

1. Following completion of the second of two public consultations, to summarise for the committee the findings of the second consultation.
2. To consult the Committee regarding our final recommendations.

Recommendations

3. **The Committee is recommended to:**
 - (i) **Note the findings of the second public consultation.**
 - (ii) **To provide advice upon, and further to that advice, to accept the principal electoral authority's final recommendations for Burgess Hill Town Council and Ansty & Staplefield Parish Council.**
 - (iii) **To note that in the light of the consultation responses received through each stage of the Community Governance Review, the final recommendations shall proceed to Council for final decision on 28 September 2022.**
-

Background

4. The committee will recall that this Community Governance Review (CGR) was initiated following a valid petition submitted by the requisite number of local registered electors, pursuant to the provisions of Section 80 of the Local Government and Public Involvement in Health Act 2007.
5. The petition called upon this Council to review the extent of the electoral wards of the Burgess Hill Town Council considering LGBCE's creation of two new parish wards, Northern Arc East, and Northern Arc West. The petition organiser is publicly promoted and is: Burgess Hill Town Council (BHTC).
6. Owing to potential consequential impacts for a neighbouring parish council and because that parish council also disagrees with the LGBCEs revisions to their Councillor numbers, it was also resolved that we would review those matters for Ansty & Staplefield Parish Council (ASPC).
7. At its meeting of 25 May 2022, the Committee advised upon and accepted the Terms of Reference and Guidance for Respondents relating to the CGR. The first public consultation opened on 25 April 2022 and closed on 3 June 2022.

8. Members will recall from our Guidance for Respondents, that the first stage of this CGR required consultees to make qualitative submissions that should address the themes explained within the Terms of Reference and/or other matters that we are able consider. We could not consider submissions that merely expressed support or opposition for a particular proposition, or that provided nothing for us to consider.
9. The committee considered the public responses to the first consultation and the resulting draft recommendations at its meeting of 22 June 2022. The second public consultation opened on 1 July 2022 and closed on 12 August 2022.
10. The second public consultation was specifically regarding our draft recommendations that resulted from the first public consultation, so we anticipated that submissions would mostly be confined to those, unless suggesting an entirely different proposition.

Public Engagement

11. Each eligible elector was sent a letter or an email explaining the draft recommendations arising from the first stage of the CGR, signposting to the consultation material published at the Council's website. This explained how to contribute to the Review. The letter also provided electors with their unique Elector Number, to be quoted with their submission to enable our electoral services team to verify that all individual responses came from registered local government electors of the BHTC and the ASPC areas.
12. Although a qualitative Review, for the Committee's contextual information, at this second stage we received 82 acceptable submissions. A further 7 responses were rejected because they referred to matters that are unrelated to the CGR.
13. Of the 82 accepted submissions, 73 were from residents of Burgess Hill, and 1 was from a resident of Ansty & Staplefield. There were 5 Councillor responses and the remaining 3 were from BHTC, ASPC and WSCC.
14. Of the accepted submissions, all support the extent of the Review considerations for Burgess Hill, specifically that the Northern Arc is and should be part of Burgess Hill. An appreciable number wished to amend our draft recommendation relating to BHTC Councillor numbers and this is explained at paragraphs 18 and 19 of this report.

Draft Recommendations

15. The draft recommendations of the principal electoral authority were as follows:
 - (a) The northern exterior boundary of the Burgess Hill Town Council area should be extended to include the LGBCE's newly created parish wards of Northern Arc East and Northern Arc West.
 - (b) The Burgess Hill Town Council should be comprised of 10 Wards represented by 19 Councillors.
 - (c) The Town Council Ward names and Councillor numbers should be as follows:

Town Ward	Electorate June 2022 *	Forecast Electorate 2027	Town Councillor No.
Leylands	4142	5105	3
St. Andrews	4934	5682	3
Franklands	4206	4606	3
Meeds & Hammonds	2786	3212	2
Victoria	3624	3942	2
Dunstall	2079	3223	2
Gatehouse	1823	1881	1
St. Johns	1110	1532	1
	Forecast Electorate May		
Northern Arc East	340	1360	1
Northern Arc West	510	1700	1
* Updated to June 2022 electorate			19

- (d) The LGBCE had to create the new parish wards of Northern Arc East and Northern Arc West. They could not simply add them to the Leylands and Dunstall parish wards because they are not able to alter the exterior Town boundary. The principal electoral authority can alter the exterior Town boundary and based upon the first public consultation we should do so.
- (e) The principal electoral authority cannot alter the County Division boundary which runs along the current exterior northern boundary, though we can and most likely will request that the LGBCE considers this related alteration. This would enable a future possibility to consider bringing Northern Arc East into Leylands ward and Northern Arc West into Dunstall ward.
- (f) The newly created Parish wards of Victoria East and Hammonds North are small. We consider that they should be part of Victoria parish ward. Similarly, the parish ward of Norman has 485 electors currently, forecast to be 521 by 2027. We consider that this too should be part of Victoria Ward parish ward. We can do this because these smaller wards lay wholly within the County division of Burgess North.
- (g) In the case of Norman parish ward, we cannot achieve coincidence with the new district ward of Burgess Hill Meeds and Hammonds because the current County division boundary runs along the parish ward boundary of Norman and St. Johns parish wards

Draft Recommendations for Ansty & Staplefield Parish Council

- (a) To reflect the range of responsibilities in this large rural area, the Ansty & Staplefield Parish Council should be comprised of 5 wards represented by 12 Councillors.

(b) The Parish Council Ward names and Councillor numbers should be as follows:

Parish Ward	Electorate April 2022	2023 Parish Councillor No.
Ansty	773	5
Rocky Lane North	789	2
Rocky Lane South	108	1
Staplefield	375	3
Brook Street & Borde Hill	189	1
		12

Second Public Consultation Findings

16. Your Officers evaluated all eligible submissions that were received during the second public consultation, and we present the findings below:
17. **Relating to Burgess Hill Town Council** – All 74 resident submissions, including 1 from a resident of Ansty & Staplefield, supported the draft recommendations either wholly or partly.
18. An appreciable number of residents wished to amend our draft recommendation relating to BHTC Councillor numbers. These submissions agreed with our proposal to incorporate the newly created Parish wards of Victoria East and Hammonds North into Victoria Ward together with the existing small parish ward of Norman. Many of these submissions suggested that sites allocated in the Site Allocations DPD for Victoria Ward would, if delivered, make this area comparable with Burgess Hill Franklands Ward and they therefore wished to see an increase from 2 to 3 regarding the number of Councillors that should represent the enlarged Victoria Ward.
19. District Ward Members, Cllrs. Eggleston, Hicks and Henwood wrote in support of the draft recommendations, and they also made the case for increasing from 2 to 3 the number of Councillors to represent the enlarged Victoria Ward. These submissions also referred to a recent Homes England decision (for its purposes), to rename the Northern Arc as Brookleigh. Cllr. Eggleston suggested that relating to electoral wards that name does not have resonance and identity. He offered instead for Northern Arc East the name Bedelands and for Northern Arc West the name St. Pauls. Your officers note these suggestions were also offered within several resident's submissions.
20. The County Councillor for Burgess Hill North electoral division, Cllr. Condie wrote strongly in support of the draft recommendations report that was considered by the committee on 22nd June and he is pleased to support the resolution to incorporate the two new Northern Arc parish wards into the administrative area of BHTC.
21. The County Councillor for Burgess Hill East electoral division, Cllr. Cherry wrote in support of the draft recommendations to incorporate the new neighbourhoods being created in the Northern Arc and the proposed merger of the small wards of Norman, Hammonds North, and Victoria West within a larger Victoria Ward. Cllr. Cherry acknowledged that MSDC cannot alter County division boundaries but said he would support any request by MSDC to LGBCE to consider County divisional changes. His belief is that the absorption of the Northern Arc wards within the existing division of

Burgess Hill North would be within WSCC's tolerance for the number of electors in that division as would the resulting reduction in size to Cuckfield and Lucastes.

22. WSCC however, provided an engaging analysis, which is recommended reading, only related to our suggestion of requesting that LGBCE consider elated alteration of the County division boundary. The County Council is concerned that Burgess Hill North division with the Northern Arc incorporated would create a potential +26% electorate variation to the desired average which is close to LGBCE's 30% threshold that could trigger an Electoral Review of West Sussex County Council.
23. The second stage BHTC submission advised that the full council had considered our draft recommendations and it had resolved, as follows:

In response to the Community Governance Review consultation the Town Council resolved that 20 Councillors should represent Burgess Hill in the future increasing the number of Town Councillors representing Victoria ward from 2 to 3, and leaving the rest as proposed by MSDC.

24. BHTC's Chief Executive Officer also confirmed a view among Town Councillors that the suggested names for the two new Northern Arc wards should be considered and they suggested Bedelands and St. Pauls would be more suitable than Brookleigh.
25. **Relating to Ansty & Staplefield Parish Council** – The Parish Council's second stage submission welcomes our draft recommendations which from May 2023 would provide 12 Councillors across 5 wards in their geographically extensive parish.
26. The full set of accepted submissions is published and represents a background paper, for committee members to peruse. [A link is provided at the end of this report.](#)

Conclusions

27. Taking the first and second public consultations into account there is clear support among residents, elected representatives, and other stakeholders for the incorporation of the newly created parish wards of Northern Arc East and Northern Arc West into the administrative area of Burgess Hill.
28. The case for better and more localised naming of the two new parish electoral wards is persuasive and our final recommendations reflect this.
29. There is much support for the merger of the newly created small wards into a larger Victoria Ward. The case for an additional Councillor in the enlarged Victoria Ward is sound and our final recommendations reflect this.
30. In the case of Norman parish ward, we cannot achieve coincidence with the new district ward of Burgess Hill Meeds and Hammonds because the current county division boundary runs along the parish ward boundary of Norman and St. Johns parish wards. This electoral administration anomaly is acceptable and can be managed until such time as County Council electoral divisions are reviewed again.
31. The objection of the County Council to a proposed request of LGBCE to consider elated alteration of the Burgess Hill North and Cuckfield & Lucastes electoral divisions is fully understood, and your officers consider that it is not essential to make such request at present. This electoral administration anomaly is acceptable and can be managed until such time as County Council electoral divisions are reviewed again.
32. ASPC's support for the draft recommendations relating to that parish council is noted and we confirm these as the final recommendations.

33. This Review has evaluated and carefully considered all valid submissions received. Having regard to these it is considered that the final recommendations of the principal electoral authority should be as follows:

Final Recommendations for Burgess Hill Town Council

34. The northern exterior boundary of the Burgess Hill Town Council area should be extended to include the LGBCE's newly created parish wards of Northern Arc East and Northern Arc West.
35. These newly created parish wards should be renamed as follows: Northern Arc East Ward shall be named Bedelands Ward, and Northern Arc West Ward shall be named St. Pauls Ward.
36. The Burgess Hill Town Council should be comprised of 10 Wards represented by 20 Councillors.
37. The Town Council Ward names and Councillor numbers should be as follows:

Town Ward	Electorate June 2022 *	Forecast Electorate 2027	Town Councillor No.
Leylands	4142	5105	3
St. Andrews	4934	5682	3
Franklands	4206	4606	3
Meeds & Hammonds	2786	3212	2
Victoria	3624	3942	3
Dunstall	2079	3223	2
Gatehouse	1823	1881	1
St. Johns	1110	1532	1
	Forecast Electorate May		
Bedelands	340	1360	1
St. Pauls	510	1700	1
* Updated to June 2022 electorate			20

38. The newly created Parish wards of Victoria East and Hammonds North should be part of the Victoria parish ward. Similarly, the parish ward of Norman should also be part of Victoria Ward parish ward. MSDC can do this because these smaller wards lay wholly within the County division of Burgess Hill North.
39. The principal electoral authority cannot alter the County Division boundary which runs along the current exterior northern boundary. Noting the view of WSCC, your officers will not request that the LGBCE considers this related alteration. The resulting electoral anomaly at County Council elections is manageable and shall be accepted.

Final Recommendations for Ansty & Staplefield Parish Council

40. The Ansty & Staplefield Parish Council should be comprised of 5 wards represented by 12 Councillors.

41. The Parish Council Ward names and Councillor numbers should be as follows:

Parish Ward	Electorate April 2022	2023 Parish Councillor No.
Ansty	773	5
Rocky Lane North	789	2
Rocky Lane South	108	1
Staplefield	375	3
Brook Street & Borde Hill	189	1
		12

Policy Context

42. The petition process allows for local views to be considered when considering community representation at Parish level.

Other Options Considered

43. At the first public consultation a few contributions discussed the small number of electors that might be in the new Northern Arc parish wards at time of the 2023 elections, but we note that this would be true wherever those new parish wards are situated at that time. According to the forecast build rates that situation would not persist for very long.

44. It is also not usual or advisable to defer governance matters to a late stage of build out as that can result in electors having to vote in areas that they don't identify with and where democratic accountability does not appear relevant.

45. In your Officer's view it is right that prospective owners and occupiers of properties in the Northern Arc should have clarity as to local administrative and governance arrangements, so that they may know this when choosing it as a place to live.

46. The democratic engagement argument that was presented about new residents determining their sense of community, possibly desiring their own separate parish council, and deciding on electoral arrangements is not persuasive owing to paragraphs 43 - 45. Once residents have settled in the Northern Arc, if they were to feel strongly that they identify with a different area, it would be open to them to petition the principal electoral authority for a CGR at any time, and to contribute to future LGBCE Electoral Reviews.

Financial Implications

47. There is a slight loss of precept for Ansty & Staplefield Parish Council and a slight gain of precept for Burgess Hill Town Council as of today.

Risk Management Implications

48. Legal precedent establishes that where a principal electoral authority declines or fails to implement the findings of CGR public consultations, the risk of an adverse outcome at any Judicial Review is considerably increased. Your Officers advise that the findings of the public consultations should be the basis for our final recommendations.

Equality and Customer Service Implications

49. All stakeholders and registered electors were consulted in two public consultations.

Other Material Implications

50. At the conclusion of any CGR and subject to adoption by Council, the Council's Legal Services Division would be required to make Community Governance Orders, if there is to be a change. Therefore, a Community Governance Order will likely be required.

Sustainability Implications

51. A key aim of any Community Governance Review is to align upon suitable Governance and Electoral arrangements that are capable of enduring. There is little or no environmental impact.

Background Papers

[Government & Local Government Boundary Commission Guidance on Community Governance Reviews.](#)

[Link to second public consultation responses](#)

Enc.

Community Governance Review - Final Recommendations for East Grinstead Town Council (EGTC)

REPORT OF: Head of Regulatory Services
Contact Officer: Terry Stanley, Head of Democratic Services & Elections
Email: terry.stanley@midsussex.gov.uk Tel: 01444 477415
Wards Affected: All East Grinstead Wards
Key Decision: No
Report to: Scrutiny Committee for Community, Leisure & Parking
14 September 2022

Purpose of Report

1. Following completion of the second of two public consultations, to summarise for the committee the findings of the second consultation.
2. To consult the Committee regarding our final recommendations.

Recommendations

3. **The Committee is recommended to:**
 - (i) **Note the findings of the second public consultation.**
 - (ii) **To provide advice upon, and further to that advice, to accept the principal electoral authority's final recommendations for East Grinstead Town Council.**
 - (iii) **To note that in the light of the consultation responses received through each stage of the Community Governance Review, the final recommendations shall proceed to Council for final decision on 28 September 2022.**
-

Background

4. The committee will recall that this Community Governance Review (CGR) was initiated following a request from EGTC, pursuant to the provisions of the Local Government and Public Involvement in Health Act 2007.
5. The request was that this Council consider the extent of the electoral wards of the EGTC following LGBCE's creation of new parish wards, and to align as far as possible the town council wards with the district council wards and to achieve a reduction in Councillor numbers from 19 to 16 Councillors.
6. At its meeting of 23 March 2022, the Committee advised upon and accepted the Terms of Reference and Guidance for Respondents relating to the CGR. The first public consultation opened on 25 April 2022 and closed on 3 June 2022.
7. Members will recall from our Guidance for Respondents, that CGRs require consultees to make qualitative submissions that should address the themes explained within the Terms of Reference and/or other matters that we are able consider. We cannot consider submissions that merely express support or opposition for a particular proposition, or that provide nothing for us to consider.
8. The committee considered the public responses to the first consultation and the resulting draft recommendations at its meeting of 22 June 2022. It requested that the proposed combined ward of Herontye and Ashplats South be named Herontye and Ashplats South rather than Herontye as was shown.

9. The second public consultation opened on 1st July 2022 and closed on 12th August 2022. The second public consultation was specifically regarding our draft recommendations that resulted from the first public consultation, so we anticipated that submissions would mostly be confined to those, unless suggesting an entirely different proposition.

Public Engagement

10. Each eligible elector was sent a letter or an email explaining the draft recommendations arising from the first stage of the CGR, signposting to the consultation material published at the Council's website. This explained how to contribute to the Review. The communication also provided electors with their unique Elector Number, to be quoted with their submission to enable our electoral services team to verify that all individual responses came from registered local government electors of the of the EGTC area.
11. Although a qualitative Review, for the Committee's contextual information, we received a total of 22 submissions. 20 of these were acceptable. 2 responses were rejected, 1 because the response did not relate to the CGR and 1 that was completely blank.
12. Of the 20 accepted submissions, 19 were from electors of East Grinstead and 1 was from the Town Council.
13. Of the 20 accepted submissions, 14 support the extent of the Review considerations for East Grinstead and support the proposed alignment of parish wards with district wards as far as possible, and the proposed Council size reduction.
14. 3 respondents were opposed to the proposals and made alternative suggestions.
15. A further 3 respondents expressed views about the consultation, the quality of materials, civic engagement, our democratic construct, and the United Kingdom's constitutional arrangements, but after careful examination your officers are uncertain as to whether they are in support of the draft recommendations or not.

Draft Recommendations for East Grinstead Town Council

16. The draft recommendations of the principal electoral authority were as follows:
17. The new parish ward created by the LGBCE of Ashplats North should be retained as it is divided from Ashplats South by a County electoral division boundary.
18. The new parish ward of Sackville should be incorporated into Baldwins ward. We can do this because these two areas lay wholly within a County division. The merger also compensates for the loss of the parts of Baldwins ward south of the London Road (the current BD2 polling district), which following the LGBCE's Electoral Review of Mid Sussex District Council are now in Imberhorne ward.
19. The Town North and Town South parish wards should be retained as these too are divided by a County electoral division boundary.
20. The Herontye Ward shall be combined with the Ashplats South Ward and renamed Herontye and Ashplats South.
21. The East Grinstead Town Council should be comprised of 7 Wards represented by 16 Councillors.
22. The Town Council Ward names and Councillor numbers should be as follows:

Town Ward	Electorate June 2022	Forecast Electorate 2027	2023 Town Councillor No.
Ashplats North	4086	4305	3
Baldwins	3276	3479	2
Herontye & Ashplats South	5054	5764	3
Imberhorne	4304	5157	3
East Grinstead South	1152	1238	1
Town North	1013	1048	1
Town South	3541	3748	3
			16

Second Public Consultation Findings

23. The EGTC submitted a letter in support of the draft recommendations.
24. The response rate is far lower than at the first public consultation, but most of the responses support the draft recommendations for EGTC.
25. The three alternative proposals were interesting but in one case did not consider the constraints of the county division boundaries, another sought a better electorate to Councillor ratio but recognised this could not be achieved given the request from the EGTC to reduce from 19 to 16 and other constraints, and the third proposed cutting the number of Town Councillors in each Ward to provide a council size of 9.
26. The full set of accepted submissions is published and represents a background paper, for committee members to peruse. [A link is provided at the end of this report.](#)
27. The draft recommendations of the principal electoral authority are therefore unchanged and are now your officer's final recommendations, as follows:

Final Recommendations for East Grinstead Town Council

28. The new parish ward created by the LGBCE of Ashplats North should be retained as it is divided from Ashplats South by a County electoral division boundary.
29. The new parish ward of Sackville should be incorporated into Baldwins ward. We can do this because these two areas lay wholly within a County division. The merger also compensates for the loss of the parts of Baldwins ward south of the London Road (the current BD2 polling district), which following the LGBCE's Electoral Review of Mid Sussex District Council are now in Imberhorne ward.
30. The Town North and Town South parish wards should be retained as these too are divided by a County electoral division boundary.
31. The East Grinstead Town Council should be comprised of 7 Wards represented by 16 Councillors.
32. The Town Council Ward names and Councillor numbers should be as follows:

Town Ward	Electorate June 2022	Forecast Electorate 2027	2023 Town Councillor No.
Ashplats North	4086	4305	3
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Herontye & Ashplats South	5054	5764	3
Imberhorne	4304	5157	3
East Grinstead South	1152	1238	1
Town North	1013	1048	1
Town South	3541	3748	3
			16

Policy Context

33. The CGR process allows for local views to be considered when considering community representation at Parish level.

Other Options Considered

34. None

Financial Implications

35. The reduction in Council Size will derive cost savings.

Risk Management Implications

36. Legal precedent establishes that where a principal electoral authority declines or fails to implement the findings of CGR public consultations, the risk of an adverse outcome at any Judicial Review is considerably increased. Your Officers advise that the findings of the public consultation should be the basis for our draft recommendations.

Equality and Customer Service Implications

37. All stakeholders and registered electors were consulted in two public consultations.

Other Material Implications

38. At the conclusion of any CGR and following adoption by Council, the Council's Legal Services Division would be required to make Community Governance Orders, if there is to be a change. Therefore, a Community Governance Order will likely be required.

Sustainability Implications

39. A key aim of any CGR is to alight upon suitable Governance and Electoral arrangements that are capable of enduring. There is little or no environmental impact.

Background Papers

[Government & Local Government Boundary Commission Guidance on Community Governance Reviews.](#)

[Link to second public consultation responses](#)

Community Governance Review – Final Recommendations for Hurstpierpoint & Sayers Common Parish Council.

REPORT OF: Head of Regulatory Services
Contact Officer: Terry Stanley, Head of Democratic Services & Elections
Email: terry.stanley@midsussex.gov.uk Tel: 01444 477415
Wards Affected: Hurstpierpoint & Downs
Key Decision: No
Report to: Scrutiny Committee for Community, Leisure & Parking
14 September 2022

Purpose of Report

1. Following completion of the second of two public consultations, to summarise for the committee the findings of this second public consultation.
2. To consult the Committee regarding our final recommendations.

Recommendations

3. **The Committee is recommended to:**
 - (i) **Note the findings of the second public consultation.**
 - (ii) **To provide advice upon, and further to that advice, to accept the principal electoral authority's final recommendations for Hurstpierpoint & Sayers Common Parish Council.**
 - (iii) **To note that in the light of the consultation responses received through each stage of the Community Governance Review, the final recommendations shall proceed to Council for final decision on 28 September 2022.**
-

Background

4. The committee will recall that this Community Governance Review (CGR) was initiated following a valid petition submitted by the requisite number of local registered electors, pursuant to the provisions of Section 80 of the Local Government and Public Involvement in Health Act 2007.
5. The petition called upon this Council to constitute a new Parish Council for the existing Sayers Common parish ward, to be styled as Sayers Common Parish Council. The names of the petition organisers are publicly promoted, and they are: Sayers Common Village Society (SCVS) and Mr. Seth Jee.
6. At its meeting of 2 February 2022, the Committee advised upon and accepted the Terms of Reference and Guidance for Respondents relating to the CGR. The first public consultation opened on 14 February 2022 and closed on 15 April 2022.
7. Members will recall from our Guidance for Respondents, that the first stage of this CGR required consultees to make qualitative submissions to address the themes explained within the Terms of Reference and/or other matters that we are able consider. We could not consider submissions that merely expressed support or opposition for a particular proposition, or that provided nothing for us to consider.

8. The committee considered the public responses to the first consultation and the resulting draft recommendations at its meeting of 25 May 2022. The second public consultation opened on 6 June 2022 and closed on 1 August 2022.
9. The second public consultation was specifically regarding our draft recommendations that resulted from the first public consultation, so we anticipated that submissions would mostly be confined to those, unless suggesting an entirely different proposition.
10. Your Officers have evaluated the qualitative submissions that were received, and we present the findings below:

Public Engagement relating to the second public consultation

11. Each eligible elector was sent a letter or an email explaining the draft recommendations arising from the first stage of the CGR, signposting to the consultation material published at the Council's website. This letter explained how to contribute to the Review. The letter also provided electors with their unique Elector Number, to be quoted with their submission to enable our electoral services team to verify that all individual responses came from registered local government electors of the Hurstpierpoint and Sayers Common Parish Council area.
12. Although a qualitative Review, for the Committee's contextual information, we received 13 submissions. These submissions met the expectations of the Review relating to the second consultation and provided matters for us to consider.
13. This represents a response rate of nearly 0.23% of the current electorate. Of these, 9 responses were from registered electors, 3 from parish councillors and 1 was from the Hurstpierpoint and Sayers Common Parish Council.

Draft Recommendations

14. The draft recommendations of the principal electoral authority were as follows:
 - a) Noting early proposals for potential developments to the north and between Sayers Common and Albourne, a change to governance arrangements for Sayers Common now, appears premature.
 - b) A case for a financially sustainable parish council for the number of electors is not sufficiently evidenced at the present time. Any supporting budget proposals could now be considered.
 - c) In recent years it has proved challenging to attract sufficient elected representatives for Sayers Common from within the parish ward, as it has at times also in Hurstpierpoint parish ward.
 - d) An evolving sense of distinct community identity in Sayers Common was evident, and it is believed that this may continue to grow over time.
 - e) Reasons for dissatisfaction among some residents in Sayers Common with the priorities and governance procedures of the Hurstpierpoint & Sayers Common Parish Council should be examined by the existing parish council with consideration of measures to ameliorate them.

- f) The current governance arrangements for the parish of Hurstpierpoint & Sayers Common should continue, and this Authority (MSDC) should consider a further Review in 2025 or 2029 dependent on delivery of any permitted developments affecting Sayers Common and surrounding areas. On evidence supplied, this future Review should consider a wider area within the two newly designated adjacent district wards: 'Downlands Villages' and 'Cuckfield, Bolney and Ansty'.
- g) The existing Parish Council size is 15, comprised of 13 Councillors for the Hurstpierpoint Ward and 2 Councillors for the Sayers Common Ward. The current electorate of Hurstpierpoint Parish Ward is 4879 and of Sayers Common Parish Ward is 866. We are therefore not recommending change to Councillor numbers for either ward at this stage of the Review.

Second Public Consultation Findings

- 15. The full set of second stage submissions is published as a background paper and is recommended reading. [A link is provided at the end of this report.](#)
- 16. The Sayers Common Village Society (SCVS) did make a submission to the second public consultation. **Please see the "Update Sheet" published 26 September 2022.**
- 17. Overall, x2 respondents were opposed to the draft recommendations and maintained that Sayers Common should have its own parish council. 11 were supportive of much in the draft recommendations but did not agree with recommendation (e) (see paragraph 21) and some gave qualified support for other aspects of the draft recommendations.
- 18. Draft Recommendation a). One resident was opposed to deferring the creation of a new parish council based on developments that he felt may never happen and a few respondents wondered if such development would materialise in this decade. Others however believed that change to governance arrangements would be premature given the proposals to build over 3800 homes in the area.
- 19. Draft Recommendation b). Two respondents, Cllr. M Llewellyn, and the H&SCPC noted that the petitioners had not supplied a revenue and expenditure budget to the CGR. They argued that economies of scale would be lost if a new parish council for Sayers Common were created. 1 resident argued that nearby parish councils with smaller populations are financially viable.
- 20. There was consensus regarding draft recommendations c) and d).
- 21. Draft Recommendation e). We note the deliberations of the parish council's Strategic Policy & Resources Panel on 27 June and the full parish council consideration of it on 30 June and 28 July. The parish council, the parish council chairman Cllr. M Lewellyn and a ward member for Sayers Common Cllr. B Sampson have provided additional information to this Review which was not available at the 1st stage. These contributions make clear that H&SCPC governance processes, community engagement levels and financial investment in Sayers Common are well regarded by residents of the village with very few complaints ever having been made. Those few complaints have tended to be regarding matters that are not the responsibility of H&SCPC, rather they are the responsibility of MSDC (ponds at Berylands) or WSCC (state of pavements). We are grateful to respondents for the additional information and confirm that the few comments made by residents during the first consultation have been fully satisfied. It is not always clear to people which tier of local government is responsible for what, so our final recommendations do not refer to this.

22. Draft Recommendation f). We note the views of respondents about future housing development in the area and it is accepted that the timelines for the MSDC 'District Plan Review 2038' are key to shaping the area and therefore future governance arrangements. It is acknowledged that developments may not have been materially delivered by 2025 and we believe that 2029 is a more realistic target delivery date.
23. Further, on Draft Recommendation f). We note that the new adjacent district wards of 'Downlands Villages' and 'Cuckfield, Bolney and Ansty' created by the LGBCE Electoral Review of MSDC have now the benefit of parliamentary approval and shall take effect in May 2023.
24. Also, on Draft Recommendation f). We understand fully the need for future governance arrangements to consider the man-made constructs of the A23 and A2300 carriageways, and we note the views of the parish council and district ward members as to with where residents in the Goddards Green area identify and where they look to for services and amenity.
25. Draft recommendation g) Noting the prospect of developments to the north and between Sayers Common and Albourne a change to governance arrangements for Sayers Common currently, would appear premature and most respondents agree with this finding.
26. The case for a financially sustainable and separate parish council for Sayers Common is not evidenced at the present time and most respondents agree with this finding, especially considering the current cost-of-living crisis.

Final Recommendations for Hurstpierpoint & Sayers Common Parish Council

27. The current governance arrangements for the parish of Hurstpierpoint & Sayers Common are highly suitable and should continue.
28. This Authority (MSDC) should consider afresh a CGR in 2029 dependent on build out of any permitted developments affecting Sayers Common and surrounding areas, or later if envisaged developments do not materialise and a consequential rising electorate is not realised.
29. Any future CGR should consider a wider area within the two newly designated adjacent district wards: 'Downlands Villages' and 'Cuckfield, Bolney and Ansty' given that housing development, and electorate rises in these areas may require a wider area to be reviewed.
30. The existing Parish Council size is 15 comprised of 13 Councillors for the Hurstpierpoint Ward and 2 Councillors for the Sayers Common Ward. The current electorate of Hurstpierpoint Parish Ward is 4879 and of Sayers Common Parish Ward is 866. Your officers do not recommend any change to the parish wards or Councillor numbers at the present time.

Policy Context

31. The petition process allows for local views to be considered when considering community representation at Parish Level.

Other Options Considered

32. Your officers considered creating a new parish ward for Goddards Green to meet the identity and amenity considerations have been mentioned by one elector, the parish Council, and some elected representatives. Whilst a new parish ward would reflect the physical construct of the A23 there would be fewer than 300 electors. The A2300 is a strong physical boundary and would need to be considered in the context of future CGR of an expanded area than was not subject of this Review.

Financial Implications

33. None.

Risk Management Implications

34. The present parish arrangement has led to sound community governance and there is every reason to expect this should continue, with the existing parish council continuing high quality engagement with all residents of the parish.

Equality and Customer Service Implications

35. All stakeholders and registered electors were consulted at two significant periods of public consultation.

Other Material Implications

36. At the conclusion of any CGR and following adoption in Council, the Council's Legal Services Division would be required to make Community Governance Orders, if there is to be a change. Considering the final recommendations this will not prove necessary.

Sustainability Implications

37. A key aim of any Community Governance Review is to alight upon suitable Governance and Electoral arrangements that are capable of enduring. There is little or no environmental impact.

Background Papers

[Government & Local Government Boundary Commission Guidance on Community Governance Reviews.](#)

[Link to second public consultation responses](#)

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Community Governance Review – Final Recommendations for Worth Parish Council (WPC).

REPORT OF: Head of Regulatory Services
Contact Officer: Terry Stanley, Head of Democratic Services & Elections
Email: terry.stanley@midsussex.gov.uk Tel: 01444 477415
Wards Affected: Copthorne & Worth
Key Decision: No
Report to: Scrutiny Committee for Community, Leisure & Parking
14 September 2022

Purpose of Report

1. Following completion of the second of two public consultations, to summarise for the committee the findings of the second public consultation.
2. To consult the Committee regarding our final recommendations.

Recommendations

3. **The Committee is recommended to:**
 - (i) **Note the findings of the second public consultation.**
 - (ii) **To provide advice upon, and further to that advice, to accept the principal electoral authority's final recommendations for Worth Parish Council.**
 - (iii) **To note that in the light of the consultation responses received through each stage of the Community Governance Review, the final recommendations shall proceed to Council for final decision on 28 September 2022.**
-

Background

4. The committee will recall that this Community Governance Review (CGR) was initiated following a valid petition submitted by the requisite number of local registered electors, pursuant to the provisions of Section 80 of the Local Government and Public Involvement in Health Act 2007.
5. The petition called upon this Council to constitute a new Parish Council for the existing Crawley Down parish ward, to be styled as Crawley Down Village Council. The names of the petition organisers are publicly promoted, and they are: Alex Cruickshank, Ian Gibson, Sally Gibson, John Hitchcock and John Plank.
6. At its meeting of 2 February 2022, the Committee advised upon the Terms of Reference and Guidance for Respondents relating to the CGR. The first public consultation opened on 14 February 2022 and closed on 15 April 2022.
7. Members will recall from our Guidance for Respondents, that the first stage of this CGR required consultees to make qualitative submissions that should address the themes explained within the Terms of Reference and/or other matters that we are able consider. We could not consider submissions that merely expressed support or opposition for a particular proposition, or that provided nothing for us to consider.

8. The committee considered the public responses to the first consultation and the resulting draft recommendations at its meeting of 25 May 2022. The second public consultation opened on 13 June 2022 and closed on 15 August 2022.
9. The original close date for the second public consultation was 1 August. When it became clear that the appointed auditor's financial assessment report would not be published by WPC until 22 July, your officers extended the public consultation to close 15 August to allow a reasonable period for residents to consider it and respond.
10. The second public consultation was specifically regarding our draft recommendations that resulted from the first public consultation, so we anticipated that submissions would mostly be confined to those, unless suggesting an entirely different proposition.

Public Engagement relating to the second public consultation

11. Each eligible elector was sent a letter or an email explaining the draft recommendations arising from the first stage of the CGR, signposting to the consultation material published at the Council's website. This explained how to contribute to the Review. The communication also provided electors with their unique Elector Number, to be quoted with their submission to enable our electoral services team to verify that all individual responses came from registered local government electors of the Worth Parish Council area.
12. When your officers extended the second public consultation to 15 August as explained at paragraph 9 of this report, each eligible elector was sent a further letter or an email to give notice of the extension, the reason for it and signposting to the auditor's financial assessment report, published at MSDC's and WPC's websites.
13. Although a qualitative Review, for the Committee's contextual information, at this second stage we received 296 submissions that were acceptable. Of these 195 were garnered by the petitioners and delivered in bulk by way of two drops by-hand to the Council on 10 and 15 August. Of the 195 harvested responses 15 were rejected: 13 because they were not registered electors, and 2 because they were residents of a different parish that is not the subject of this CGR.
14. These submissions were designed to have personal details written into a space provided and to be signed and dated by an elector. Each template type contained identical wording opposing the draft recommendations, each was enveloped, and affixed upon each envelope was an identical printed address label. We received 17 template varieties and the number of each type was follows:

Template Type	No. Received	Template Type	No. Received	Template Type	No. Received	Template Type	No. Received
A	2	F	30	K	1	P	3
B	3	G	20	L	1	Q	7
C	29	H	55	M	1		
D	10	I	5	N	5	TOTAL	180
E	5	J	1	O	2		

15. We received from Crawley Down electors, complaints of letters being harvested in the village High Street, and via leaflet drops to resident's homes. A few complaints were received by telephone and x1 was via email attaching the petitioner's leaflet – This leaflet is attached at appendix 1 to this report for the committee's information.

16. The written complaint received via email read as follows:

"I have previously been asked to submit my views for the setting up of a new Parish Council for Crawley Down Village. My two previous responses strongly objected to this proposal on a cost and benefits basis. Again, I have been asked to submit my thoughts and views by having a flyer put through my letterbox, copy herewith titled 'Crawley Down is being held Prisoner' which I consider to be totally unprofessional. I personally agree with the views of both Mid Sussex District Council and Worth Parish Council and welcome a swift decision to bring this governance review to a conclusion stopping persistent campaigners wasting resident's time by asking them to resubmit views and opinions on this matter."

17. The number of responses appearing to be submitted by electors themselves was therefore 116. Of these, 56 supported the draft recommendations and 60 did not. Therefore, the overall numerical analysis of 56 for and 240 against is skewed by the number of template letters that were gathered and delivered to MSDC. It is unclear what the purpose of this activity was, given that a CGR is not a poll, it is a qualitative Review, and this authority has been repeatedly clear about that, from the beginning.

Draft Recommendations

18. The draft recommendations of the principal electoral authority were as follows:

- (a) The case for division of assets and liabilities at reasonable cost is not sufficiently made. At this time of cost-of-living crisis, many electors are not agreeable to this.
- (b) At an early stage of the second public consultation, WPC and the petitioners should supply to this Review their assessment of these division costs with evidential annotations for each cost, so that MSDC may see how they have been arrived at.
- (c) The indicative annual budget proposed by 'The Local Councillors and Residents Supporting the Creation of a Crawley Down Village Council', is disputed by WPC. MSDC wishes to see an adjusted and agreed version as soon as possible.
- (d) The WPC governance review working party and subsequent changes are noted. WPC should carefully consider ongoing elector concerns relating to the accessibility of Council meetings and perhaps consider alternating these between The Parish Hub and the Haven Centre, given that virtual/hybrid meetings legislation is not yet in view.
- (e) The WPC could seek to encourage more local people to stand for election both in Cophorne and in Crawley Down. It may help to produce a 'Becoming a Councillor' brochure that explains the duties and rewarding nature of the role, and to publish this at the Parish Council's website. Councillors and other activists too should encourage greater levels of candidate nomination in 2023 such that elections are contested in both areas.
- (f) The current governance arrangements for the Worth Parish Council should continue, and this Authority (MSDC) should consider afresh a CGR in 2025 or 2029 dependent on build out of any permitted developments affecting Cophorne West and surrounding areas.

- (g) The existing Parish Council size is 17, comprised of 9 Councillors for the Crawley Down Ward and 8 Councillors for the Copthorne Ward. The current electorate of Crawley Down Parish Ward is 4547 and of Copthorne Parish Ward is 4066. We are therefore not recommending change to Councillor numbers for either ward at this stage of the Review.
- (h) The name of the Parish Council should be changed to Crawley Down and Copthorne Parish Council, to better reflect the joint and shared community identity.

Second Public Consultation Findings

- 19. Your Officers have evaluated all eligible submissions that were received during the second public consultation, and we present the findings below:
- 20. Having had the benefit of reading the revised financial analysis of both entities via social media, websites, and the published report of Mulberry & Co - Of the 56 submissions in support of our draft recommendations most remained concerned about the cost of dividing the WPC, the increased ongoing cost to taxpayers of two parish councils instead of one, and they were not persuaded of the benefits of the division given the village specific committees and working parties that already exist.
- 21. Several residents of both villages strongly felt that during a cost-of-living crisis with mortgages, fuel, utility, and food prices rising, potentially for a prolonged period, that now is not the time to create additional governance cost burdens for taxpayers.
- 22. A Crawley Down elector summarised the issues as follows:

“A Parish Council runs services such as allotments and awards local grants. It advises on planning and highways. It is the smallest tier of local government nearest to residents. To reorganise Worth Parish Council into two parishes will cost, according to those who support it (who seem to focus purely on the costs for Crawley Down and not the whole Council) tens of thousands of pounds or more than £100,000 according to the Parish Council. These are unjustifiable sums, particularly in the current economic climate. The suggestion is financial madness.

All the current Copthorne Ward members of WPC oppose reorganising the Parish. About 2/3rds of the Crawley Down members oppose it. This is because it is a bad idea.

The way forward should be to create a structure which allows committees for both villages which come under a central umbrella of WPC. That way you enjoy the benefit of closeness on issues such as cutting grass but have the weight of the residents of both villages when it comes to views on consultations. If need be, some meetings should be held in Crawley Down so villagers there feel included (although don't think this happened the other way when WPC was based in Crawley Down).

I think renaming it is an unnecessary cost but if it makes those promoting a split between both villages feel better, I would be happy to go along with it!

Please can we now get rid of this division, agree WPC stays together and allow it (whether a WPC or CD&CPC) to get on with serving residents in a challenging time.”

23. In view of the very high level of campaigning that has occurred in Crawley Down and with the benefit of the revised financial analysis – Of the 240 submissions opposing our draft recommendations most advanced a separate community identity (which is evidently felt by many in the village), self-governance and better local democracy as well as having the proposed CDVC located within the village. Some felt that these benefits must be realised now, whatever the cost.
24. Several residents did not feel that the existing arrangements worked well for Crawley Down and argued that they favour Copthorne. Many of these also highlighted what they see as very distinct characteristics and identities of the two villages.
25. A Crawley Down elector, resident in the village for 48 years, wrote as follows:
- “I was very surprised to learn that the village's request to have its own council was rejected. The village has grown significantly over the decades and must rival Copthorne in size. They are two completely separate villages, with differing needs, so it makes complete sense to me that Crawley Down's interests are looked after by Crawley Down people. As I understand the numbers, this is the overwhelming will of the residents.*
- Of course, there are costs involved in a separation, but these should not be an obstacle. To my mind, such costs should be amortised over say 10 years. There seems to be a lack of evidence for such costs being estimated at £150K by Mid Sussex, whereas the local view is far lower at £32K.”*
26. A factual correction on division costs ‘being estimated at £150k by Mid Sussex’. That was as Members will know, the estimate of WPC not of Mid Sussex District Council.
27. The submissions of WPC Cllrs. Mayor and Casella are recommended reading and refer to work that WPC is doing relating to youth facilities and services, CCTV provision, dealing with speeding vehicles and anti-social behaviour. They point out that these are the priorities of residents of both villages and are being delivered largely because of the economies of scale that WPC is able to achieve and they are concerned that such important projects may be compromised by the proposed division. They also refer to the campaign activities that have been undertaken by the petitioners and what they see as the misquoting of facts and damaging community cohesion. (This is addressed at paragraphs 33 to 38 of this report).
28. Cllr. Scott represents Crawley Down and is vice Chair of the Council. He notes that the petitioners are very critical of MSDC’s draft recommendations and having listened to local representations, particularly those supporting the division, he concludes that the “extra costs, disruption and likely poorer Council services that would result from a split cannot be justified” and he says “the original reasons for proposing a separate CDVC have been discredited, namely solving the Royal Oak issue, having a Parish Office and meetings in the village when the parish hub in Copthorne is easily accessible and electronic communication is becoming the norm.”
29. Cllr. Hodsdon who is chair of WPC’s HR committee has submitted an interesting perspective. He believes residents to be disengaged from this process which he says they consider has gone on too long, has wasted too much money already and that resident’s views are the same as were offered during the first consultation. He finds the campaign activities of the petitioners to be disturbing, disingenuous and now lacking credibility. He asserts that their desires are not representative of Crawley Down as a whole and that resident’s financial concerns are now worse than before.

30. Cllr. Gibson, not as a petitioner but as an individual, has submitted that the first public consultation “had three significant flaws and the Council must reconsider its main recommendation that the status quo be maintained”. He considers those flaws to be: “the insistence on qualitative submissions”, “inconsistent and unsubstantiated claims on costs”, and “giving equal weight to the views of Cophorne residents”.

(a) **‘Insistence on qualitative submissions’** – Cllr. Gibson repeats a debate which he held with officers before the CGR. He very much wanted a quantitative element to the process and has always advanced the Hextable CGR as a model of good practice, as conducted by Sevenoaks District Council.

Your officer’s view: Section 93 of the 2007 Act allows principal councils to decide how to undertake a CGR if they comply with the duties of the Act applying to councils undertaking reviews – and your officers consider that we have done so.

(b) **‘Inconsistent and unsubstantiated claims on costs’** – Cllr. Gibson asserts that WPC abandoned any pretence of maintaining a neutral / facts only position as advised by WSALC. He claims that the WPC’s unverified £150k figure has had a catastrophic effect on the debate and undermined the first consultation. He further states that MSDC is equally culpable for not recognising this and not insisting that WPC provide evidence or publicly withdraw the figure.

Your officer’s view: We note that neither entity has maintained a neutral / facts only position on some aspects of this process. Though we are aware of all the claims made by both entities throughout the Review period, it is not for the principal electoral authority to seek to regulate ‘campaigns’ or to intervene on claims and counterclaims whilst the Review is in progress - so we have not done so. If we had, entities would have been contacted by your officers on a very regular basis.

(c) **‘Giving equal weight to the views of Cophorne residents’** – In this section Cllr. Gibson (1) presents the petition as calling for a CGR in the way that Crawley Down is represented in local government, and (2) states that MSDC is acting differently to other CGRs and he quotes the Hextable example, referring to it as a ‘vote’ and praising the Sevenoaks District Council for not giving equal weight to views of the majority, but instead weighting the response of those seeking a division.

Your officer’s view: (1) As a matter of fact the petition called specifically and unambiguously for the creation of a parish council for Crawley Down, and in the event of a positive outcome to constitute a new parish council ahead of the May 2023 local government elections. According to the 2007 Act it will remain open to this principal electoral authority to make a recommendation which is different to that which the petitioners wished the Review to make.

Your officer’s view: (2) We are conducting CGRs in Mid Sussex differently to those in Sevenoaks as Section 93 of the 2007 Act allows us to do. Each Review being undertaken in Mid Sussex benefits from a consistent approach. When the proposal, as in this case, is for one area to effectively leave another and to create two separate parish councils where there is currently one - your officers consider that consulting and giving equal weight to all in the parish, is the right approach. If this were not a CGR, but instead a parish poll, each elector’s vote would have equal value, irrespective of where in the parish they live.

31. Sally Gibson submitted an interesting letter to the second consultation which makes a range of detailed observations, claiming that our communications to electors and our draft recommendations report to this committee, give rise to a loss of confidence in the CGR process. She likens our guidance to respondents to a requirement for “electors to write a higher education essay” and alleges that it was “framed to exclude the effective participation of Crawley Down residents”. She questions the independence of the Auditor’s report commissioned by WPC and further alleges that this principal electoral authority failed to maintain a neutral and impartial position because of our communications and because we published the Mulberry & Co report at MSDC’s CGR webpage. She also refers to the enclosure of a WPC flyer circulated within MSDC’s first CGR communication to electors.

Your officer’s view: The communications to electors of this principal electoral authority and our reports to this committee have been punctiliously prepared to instil confidence in the process, and notwithstanding Mrs. Gibson’s view of the quality our draft recommendations report, we see no evidence to support a claim of such outputs being anything other than factual and impartial. The claim that residents were “not up to the task” of preparing for themselves qualitative CGR submissions is also not evidenced owing to the number of such that were received and published following both stages of public consultation. WPC’s commissioning of Mulberry & Co to conduct independent examination of, and to report upon division costs and the ongoing cost of two separate parish councils is a matter for WPC Councillors. We have made no comment on that decision publicly or otherwise. Once the report was available and had been presented to the parish council, we asked WPC to publish it without delay. Conscious that this was much later than our draft recommendations envisaged and required, we published it also, so that it would sit alongside other reference material at our CGR webpage for the benefit of electors. We entitled it ‘WPC Auditor’s Report (Mulberry & Co)’ to be clear as to what it is and to make clear that it was not an MSDC document. We know that the petitioner’s information on division costs and the ongoing cost of two separate parish councils has benefitted from much promotion on social media and elsewhere. In referring to the parish council’s flyer enclosed with our first communication, Mrs. Gibson omits to mention that in the interest of balance we also enclosed the petitioner’s flyer, and that we enclosed both flyers without charge to the petitioners or the parish council.

32. The full set of accepted submissions is published and represents a background paper, for committee members to peruse. A link is provided at the end of this report.

Campaigns and presentation of certain facts

33. As stated earlier in this report, it is not for the principal electoral authority to seek to regulate ‘campaigns’ or to intervene on claims and counterclaims whilst the Review is in progress and several respondents have expressed disappointment that MSDC did not do so. Now that the Review period has ended, we can as a matter of public record refer to some of the claims made by each campaign entity, as follows:
34. It is evident from many elector submissions, and from the garnered template submissions that certain messages variously conveyed by the petitioners, including at their Facebook page ‘Crawley Down Parish Council Petition’, have proved unhelpful.
35. Firstly, that Crawley Down ‘voted’ 4 to 1 in favour at the first public consultation. That is incorrect because: a) there hasn’t been a vote of any kind, and b) of 250 submissions 61% were from Crawley Down, that equates to 152. Of those, 77% supported the creation of CDVC, that is 117. Of the CD electorate of 4547 that’s about 2.6%. The 4 to 1 depiction therefore appears to have misled some people.

36. Secondly, that at the first public consultation the Review disregarded 10% of the responses because it considered that the views of the residents concerned gave nothing to consider. This is also incorrect for the following reasons: a) our guidance for respondents made clear that very brief statements of support or opposition for any proposition would be rejected as would any submission that was so brief as to provide nothing for us to consider b) the 34 rejected submissions fell into that pre-advised category, but all were carefully considered, they had to be if they were to be rejected. Simply, we did not and could not disregard or ignore any submissions. The 34 rejected submissions are shown at Appendix 2 of this report for Members of the committee and for public information. This demonstrates that these submissions were considered and correctly rejected in accordance with the guidance that we published.
37. The WPC did initially estimate the cost of division to be c.£150k and they publicised this via their initial flyer to all residents. At that time an evidential breakdown of how this cost was arrived at was not available. This Review considers it was unwise to make that claim without the benefit of such information, however we note that it has since been provided via the WPC website entitled 'WPC Definitive Figures for the Anticipated Cost of a Division'. This document revises the assessment to c.£91k, though we note that because of potential HR outcomes, which cannot yet be known, the WPC considers that the cost of division could yet approach their original estimate.
38. The WPC estimated cost of division has been revised to c.£91k. Within the breakdown of this cost is the sum of £13,330 described as '2 x public mail shots', which oddly is the postage cost for MSDCs x3 mailings. We do query therefore what this cost is. If it is in contemplation of future WPC mailings regarding division, that is perhaps an unfortunate coincidence. If it refers to any element of MSDCs administrative CGR costs, then it should not have been included as we previously advised both campaign entities that we do not intend to pass on administrative costs associated with conducting the Review.

Cost of division and annual ongoing costs

39. Following the first public consultation where the cost of division and the ongoing cost of two separate parish councils were of considerable public concern, our draft recommendations on these matters were as follows:
- (a) At an early stage of the second public consultation WPC and the petitioners should supply to this Review their assessment of these division costs with evidential annotations for each cost, so that MSDC may see how they have been arrived at.
 - (b) The indicative annual budget proposed by 'The Local Councillors and Residents Supporting the Creation of a Crawley Down Village Council' it seems, is disputed by WPC. MSDC wishes to see an adjusted and agreed version as soon as possible.
40. The Petitioners have supplied detailed financial analysis on both matters to this Review and by direct emails to this committee on 6 June, 19 July, and 22 July 2022.
41. The WPC commissioned and supplied to this Review the financial assessment report of Mulberry & Co, and further information has been published at its website. The Chairman of WPC, Cllr. Dorey wrote directly to this committee on 25 July 2022.
42. There is much detail in both submissions and several revisions have occurred so for the committee's convenience your officers endeavour to summarise the latest indications as follows:

	Petitioners	Auditor's Report	WPC
Estimated Cost of Division.	c.£32k	c.£50 – 60k	c.£91k
Combined annual cost of x2 parish councils instead of x1 (Estimates).	c.£40k	c.£51.5	c.£60k
Source:	Petitioner's Submission	Auditors Report	WPC website

43. The Petitioners extended their analysis to include the difference if WPC were to make the same improvements in services that the Petitioners propose (i.e. open an office in Crawley Down and hold meetings there). Based on equivalent level of service, their estimated increased in annual operating costs of two councils over one is £3,252.
44. The above are not absolute figures but are the best estimates that the parties can provide given that there are too many variable outcomes depending on for example whether a division would result in any staff redundancies which at this stage, without the benefit of staff consultation, cannot be known. Most participants and stakeholders agree that this is a key unknown factor, though the petitioners do not consider that redundancies are inevitable. There are also cost details within the proposed budgets that remain disputed but the gap between them has narrowed to the extent that they can be seen as acceptable.

Conclusions

45. Wherever on this spectrum of estimates the actual costs would turn out to be, having regard to both public consultations and considering all submissions, your officers consider at this time of cost-of-living crisis, mostly, electors would not currently support a division of WPC and the creation of a new parish council for Crawley Down.
46. Your officers must have regard to the interests, and priorities of both Copthorne and Crawley Down, and we do not consider that the proposition together with the high costs to the public purse, would serve the interests of both communities at this time.
47. This Review, however, does fully acknowledge and respect the strong sense of community identity felt in Crawley Down, together with the aspirations of many for tailored governance arrangements that might provide for a more localised sense of scrutiny, accountability, and potentially enhanced local democracy.
48. The local debate remains polarised, and although those in favour make an understandable community identity case, the methods employed have resembled an election campaign rather than a CGR and this has not had a positive impact on community cohesion.
49. Your officers acknowledge that this view will disappoint the petitioners and supporters of a separate parish council for Crawley Down now, but we observe that local government elections in May 2023 might provide an opportunity for those in Crawley Down who strongly support this aim, to seek election to the WPC on such a platform.
50. This Review has evaluated and carefully considered all valid submissions received. Having regard to these it is considered that the final recommendations of the principal electoral authority should be as follows:

Final Recommendations for Worth Parish Council

51. The case made for division of assets and liabilities at reasonable cost is not acceptable. At this time of constant price inflation and whilst there is predicted to be a prolonged cost-of-living crisis, many electors are not agreeable to this.
52. **Improved Community Engagement** - The WPC governance review working party, area focussed committees and subsequent changes are noted. WPC should carefully consider ongoing elector concerns relating to the accessibility of Council meetings and perhaps consider alternating these between The Parish Hub and the Haven Centre, given that virtual/hybrid meetings legislation is not yet in view.
53. **Better Local Democracy** - The WPC could seek to encourage more local people to stand for election both in Copthorne and in Crawley Down. It may help to produce a 'Becoming a Councillor' brochure that explains the duties and rewarding nature of the role, and to publish this at the Parish Council's website. Councillors, other activists, and stakeholders should also encourage greater levels of candidate nomination in 2023 such that elections are contested in both areas.
54. **Effective and Convenient Delivery of Local Services and Local Government** - The current governance arrangements for the Worth Parish Council should continue, and this authority (MSDC) should consider afresh a CGR in 2025 or 2029 dependent on build out of any permitted developments affecting Copthorne West and surrounding areas.
55. The existing Parish Council size is 17 comprised of 9 Councillors for the Crawley Down Ward and 8 Councillors for the Copthorne Ward. The current electorate of Crawley Down Parish Ward is 4547 and of Copthorne Parish Ward is 4066. We are therefore not recommending any change to Councillor numbers for either ward.
56. The name of the Parish Council should remain, Worth Parish Council, a) because it is an understandable and established descriptor of the two areas together 2) given public concern about costs, renaming and rebranding the parish council at this time may seem indulgent, particularly whilst there is the prospect of a future CGR.
57. **Reflecting the Identities and Interests of the Community** – Residents of Crawley Down and their elected representatives could consider setting up a Community Forum as a step toward a longer-term aim. A Community Forum can be set up by the principal council or created by residents to act as a mechanism to give the community a say on principal council matters or local issues. They increase participation and consultation, aiming to influence decision making, rather than having powers to implement services. They vary in size, purpose, and impact, but membership usually consists of people working or living in a specific area. Some forums also include ward councillors, and representatives from the council and relevant stakeholders can attend meetings. If this is of interest to local people, MSDC's Community Engagement team could be approached to assist with this project.

Policy Context

58. The petition process allows for local views to be considered when considering community representation at Parish level.

Other Options Considered

59. Renaming the existing parish council to Crawley Down & Copthorne Parish Council was considered. Some public respondents indicated that this would not be acceptable unless the villages appeared in the name alphabetically i.e: the other way around, whilst others have strongly opposed potential loss of the Worth Parish name.

Financial Implications

60. None.

Risk Management Implications

61. The present parish arrangement has in the main led to sound community governance and there is every reason to expect this should continue, with the existing parish council making further governance improvements wherever these are possible.

Equality and Customer Service Implications

62. All stakeholders and registered electors were consulted in two public consultations.

Other Material Implications

63. At the conclusion of any CGR and following adoption in Council, the Council's Legal Services Division would be required to make Community Governance Orders, if there is to be a change. Considering the final recommendations this will not prove necessary.

Sustainability Implications

64. A key aim of any Community Governance Review is to alight upon suitable Governance and Electoral arrangements that are capable of enduring. There is little or no environmental impact.

Background Papers

[Government & Local Government Boundary Commission Guidance on Community Governance Reviews.](#)

[Link to second public consultation responses](#)

[Link to second public consultation response of the Petitioners](#)

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Appendix 1 – The Petitioner's leaflet – Ref. paragraph 15

Appendix 2 – Submissions rejected at the first public consultation – Ref. paragraph 36

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Crawley Down is being held Prisoner !



CRAWLEY DOWN residents voted 4 to 1 in favour of leaving Worth Parish Council, but Mid Sussex and Copthorne are blocking the creation of a separate **Crawley Down Village Council**.

They say that Worth Parish is our community, not Crawley Down.

They say that a separate Village Council won't improve community cohesion.

They say that a separate Village Council won't mean better local democracy.

They say that the outcome was evenly balanced but they ignored more than one in ten of the responses.

They say the costs aren't justified but they have been unable to provide any evidence for their claims that it will cost £150,000. We say one off costs of £32,000 met from reserves and no increase in precept.

They say that too few Crawley Down Councillors are in favour, but we are the team that wrote the Neighbourhood Plan; all of us live in the village and have been members of Worth Parish for 10 years.

WE KNOW HOW A PARISH COUNCIL WORKS AND WE KNOW THE SERVICES AND INFRASTRUCTURE THAT THE VILLAGE NEEDS.

Ask us for a copy of our costed plan and annual budget.

Its not too late :

**IF YOU WANT CRAWLEY DOWN
TO HAVE ITS OWN VILLAGE
COUNCIL YOU NEED TO REPLY
TO THE SECOND CONSULTATION
BEFORE MONDAY 1st AUGUST.**



If you believe that Crawley Down should be trusted to decide its own future; please write to Mid Sussex and tell them:

- Crawley Down is a separate community with a separate identity.
- That the improvements in local democracy and services justify the one-off costs of creating the new Village Council.
- That a Crawley Down Village Council will be better able to address the challenges that the village faces.
- To respect the 4 to 1 vote in favour of a separate Crawley Down Village Council in the first consultation.

And ask them to write and tell you if they intend to ignore your submission and to explain why you will be ignored.

Email your submission to:

communitygovernancereviews@midsussex.gov.uk

Or post it to:

Democratic Services

Mid Sussex District Council

Oaklands, Haywards Heath, West Sussex RH16 1SS

Please send individual submissions and remember to include your name and address so that it can be checked against the Electoral Register.

We would like to keep track of your submissions. If you are happy for us to see them, please copy them to CDVC@kilnwood.com . We will not keep email addresses.

REDACTED

REDACTED

Res Notice of Community Governance Review
Worth Parish Council now has a very large area
to cover, Crawley Down is big enough to have
its own council who will better deal with its
needs and more effectively.

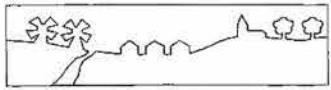
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Oaklands Road, Haywards Heath, West Sussex, RH16 1SS

Switchboard: 01444 458166
DX 300320 Haywards Heath 1

Fax: 01444 477236
www.midsussex.gov.uk



MID SUSSEX
DISTRICT COUNCIL

Contact: Democratic Services
E-mail: communitygovernancereviews@midsussex.gov.uk
Direct Line: 01444 477222

Your ref: REDACTED

Date:
14 February 2022

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Notice of Comm

Dear Timothy S Cl

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[www.midsussex.gov.uk
communitygovern](http://www.midsussex.gov.uk/communitygovern)
Reference and Guic

The official public nc

Also enclosed is sor

We very much hope to receive your contributions to this Community Governance Review.

Yours sincerely,

Terry Stanley,

Business Unit Leader for Democratic Services

*Please READ
the "THE CASE FOR A
CRAWLEY DOWN VILLAGE
COUNCIL"
and I fully
approve*

REDACTED

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Council

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... and from Worth Parish Council.

Head of Regulatory Services
Tom Clark



Worth Parish Council – Community Governance Review – First Consultation Rejected Responses

I agree with the split as I feel the local council needs up dating
I think Crawley Down and Copthorne should have separate village councils. They each have their own identities and needs that would be best served by individual councils.
I fully support the proposition that Crawley-Down has its own Parish Council. I have read the documents and understand the additional costs to villagers, but see the benefit the Parish Council will bring to the village community.
I would prefer the Worth Parish Council to remain as it is rather than a split.
I am in agreement with the proposition to create a new Parish Council for Crawley Down with the agreement that Copthorne will later apply for for the same option.
I agree to the proposal for Crawley Down to create its own Parish Council.
Multiple small councils are never as effective as larger councils. In our opinion anyway.
Leave Worth Parish as is, no splitting up please.
I have no objection
I agree for new parish
I wish Crawley Down to be in control of its own destiny.
During my 27 years residence in Crawley Down, I have never been comfortable being part of Worth Parish Council. I spent about 20 years as part of the Crawley Down Residence Association, so have had a reasonable overview of the village and happenings. I am strongly of the opinion that our village would better off with their own Council, as would be Copthorne.
Disagree with the parish council dividing and want Worth to remain.
We personally do wish this as we have more contacts with Copthorne. We therefore would not vote this.
Please do not separate the councils , strength in numbers , why divide communities
Provided there is no extra cost I support the instantiation of a Crawley Down Parish Council separate from Copthorne.
I have no view either way on this proposal .I am entirely ambivalent about the outcome
Crawley Down and Copthorne are both large villages with separate identities and should've separate Councils.
I object to the splitting of Worth Parish Council as I don't think it is necessary. It works well as it is and I see no reason to change given Copthorne and Crawley Down are practically joined as it is. It is a ridiculous proposal . It sounds like something a few drunk men dreamed up for a joke . In these times we should be more integrated not trying to be separate. If two small villages can't be united there no hope for the UK as a whole. What a waste of money .
I am not in favor of creating a new parish in Crawley Down. I do not want to split worth council.
I am against the division Worth Parish Council and believe that it should not be split into two. It is stronger as one council, WORTH
I am opposed to creating a new parish council for Crawley down.
Dear Sirs After deliberation and looking at the performance level of last few years, I am in favour of having a separate Crawley Down Parish Council. My wife, REDACTED also is in favour of a separate Crawley Down Parish Council.

Worth Parish Council – Community Governance Review – First Consultation Rejected Responses

I have studied the proposals and cannot see any real benefit in splitting the councils, therefore I oppose the argument to have a separate Crawley Down council.
I support the need for a new Parish Council to be created for Crawley Down.
I support the creation of a new parish and new parish council for Crawley Down.
I am not in agreement nor favour the split of the Worth Parish Council to give Crawley Down their own Village Council.
I think parish councils are a waste of time. They have limited powers which could be easily transferred to the district. They also give rise to anomalies; why do we have to pay for substandard street lighting from parish rates when East Grinstead get theirs paid by the county? Splitting the parish up will make little difference. We need unitary authorities, instead of having decisions taken 50 miles away. PS Don't the roads around Chichester seem better maintained than around Crawley Down?
Unable to use online form as address field is not working correctly. Unable to use. I agree with a new parish and parish council being created for Crawley Down. This is long overdue. Copthorne and Crawley Down are separate villages and have different needs and should have Councillors solely representing residents for each Village. I have read the enclosed information from local Councillors and petitioners which I agree and support. I do not have the time to contribute or 'concisely explain how it might derive benefits' . I am not making any proposals, just agreeing with what is being proposed. REDACTED REDACTED REDACTED
I am writing because I believe that a parish and a new parish council should be created in Crawley Down. This will: 1. Improve Community engagement 2. Enhance Community Cohesion 3. Better Local Democracy 4. More effective and convenient delivery of local services and local government My proposition: - Reflects the identities and interests of the community. Yours sincerely REDACTED

Worth Parish Council – Community Governance Review – First Consultation Rejected Responses

I am writing because I believe that a parish and a new parish council should be created in Crawley Down.

This will:

1. Improve Community engagement
2. Enhance Community Cohesion
3. Better Local Democracy
4. More effective and convenient delivery of local services and local government

My proposition:

- Reflects the identities and interests of the community.

Yours sincerely

REDACTED

We the undersigned resident of Crawley Down, request Mid Sussex District Council to undertake a Community Governance Review to consider the creation of a Crawley Down Parish Council based on the Crawley Down Neighbourhood plan Area and, in the event of a positive outcome to the Review, complete the establishment of such a Council by May 2023.

Total Rejected: 34

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SCRUTINY COMMITTEE FOR COMMUNITY, LEISURE AND PARKING WORK PROGRAMME 2022/23.

REPORT OF: Tom Clark, Head of Regulatory Services
 Contact Officer: Ellen Fisher, Democratic Services Officer
 Email: ellen.fisher@midsussex.gov.uk
 Tel: 01444 477208
 Wards Affected: All
 Key Decision: No

Purpose of Report

1. For the Scrutiny Committee for Community, Leisure and Parking to note its Work Programme for 2022/23.

Summary

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

Recommendations

3. **The Committee are recommended to note the Committee's Work Programme as set out at paragraph 5 of this report.**

Background

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

The Work Programme

5. The Committee's Work Programme for 2022/23 is set out below:

Meeting Date	Item	Reason for Inclusion
16 November 2022	Parking Strategy and Action Plan	TBC
	Leisure Centre Update	Post Covid Report
	Wellbeing Report	Annual Report
1 February 2023	Review of Air Quality	Annual Report
22 March 2023	Equality and Diversity Scheme Progress Report	Annual Update
	Modern Slavery Transparency Statement	Report for information and discussion, update required every year.

Policy Context

6. The Work Programme should ideally reflect the key priorities of the Council, as defined in the Corporate Plan and Budget.

Financial Implications

7. None.

Risk Management Implications

8. None.

Sustainability Implications

9. None.

Background Papers

None.