

COUNCIL

29 MARCH 2023



21 March 2023

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

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

To all Members of the Council,

You are hereby summoned to attend a meeting of the **MID SUSSEX DISTRICT COUNCIL** to be held in the **COUNCIL CHAMBER** on **WEDNESDAY, 29TH MARCH, 2023 at 7.00 pm** to transact the following business:

Yours sincerely,

KATHRYN HALL
Chief Executive

Pages

- | | | |
|----|---|----------------|
| 1. | Opening Prayer. | |
| 2. | To receive questions from members of the public pursuant to Council Procedure Rule 9. | |
| 3. | To confirm Minutes of the meeting of Council held on 1 March 2023. | 5 - 10 |
| 4. | To receive Declarations of Interest from Members in respect of any matter on the Agenda. | |
| 5. | To consider any items that the Chairman of the Council agrees to take as urgent business. | |
| 6. | Chairman's Announcements. | |
| 7. | Extension of Our Public Spaces Protection Order on Car Cruising. | 11 - 44 |

Working together for a better Mid Sussex



8. Standards Committee - Annual Report. **45 - 46**
9. Constitution Review. **47 - 52**
10. Programme of Meetings 2023/2024. **53 - 58**
11. MSDC Pay Policy Statement 2023/24. **59 - 66**
12. To receive the Leader's Report.
13. Report of Cabinet Members, including questions pursuant to Council Procedure Rule 10.1
14. Questions from Members pursuant to Council Procedure Rule 10.2

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

Minutes of a meeting of Council held on 01 March 2023 from 7.00 pm

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

K Adams	S Ellis	J Mockford
J Ash-Edwards	R Eggleston	A Peacock
R Bates	B Forbes	C Phillips
J Belsey	L Gibbs	M Pulfer
A Bennett	I Gibson	R Salisbury
P Bradbury	J Henwood	A Sparasci
R Cartwright	S Hicks	L Stockwell
P Chapman	S Hillier	D Sweatman
R Clarke	T Hussain	C Trumble
M Cornish	R Jackson	N Walker
R Cromie	J Knight	R Webb
J Dabell	C Laband	N Webster
R de Mierre	Andrew Lea	R Whittaker
B Dempsey	Anthea Lea	
J Edwards	G Marsh	

Absent: Councillors G Allen, L Bennett, A Boutrup, P Brown,
H Brunsdon, E Coe-Gunnell White, A Eves, S Hatton and
S Smith

The Council held a one-minute silence in remembrance of Christopher Hersey. Several Members paid tribute, commending his significant public service.

1. OPENING PRAYER.

The opening prayer was read by the Vice-Chairman.

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

No questions received.

3. TO CONFIRM MINUTES OF THE MEETING OF COUNCIL HELD ON 25 JANUARY 2023.

The minutes of the Council meeting held on 25 January 2023 were agreed as a correct record and signed by the Chairman. 43 Members voted in favour, with 1 abstention.

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

Councillor Laband declared an interest in relation to item 8 as he is a shareholder and pensioner of Standard Chartered Bank.

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

None.

6. CHAIRMAN'S ANNOUNCEMENTS.

The Chairman noted that recent engagements were listed on the Council's website.

7. RECOMMENDATIONS FROM CABINET HELD ON 6 FEBRUARY 2023.

Councillor Ash-Edwards moved the item. It was seconded by Councillor J Belsey.

The Chairman took Members to a vote on the recommendations as set out in the report which were approved unanimously.

RESOLVED

The Council agreed:

- (i) that £12,400 received from Department Business Energy & Industrial Strategy in respect of BEIS New Burdens Admin Grant be transferred to Specific Reserve as detailed in paragraph 23 of the Cabinet report;
- (ii) that £5,338 received from Department for Work & Pensions to meet the costs of new burdens relating to Local Authority Data Sharing be transferred to Specific Reserve as detailed in paragraph 24 of the Cabinet report;
- (iii) that £34,800 grant received in respect of Northern Arc Phase 1 Planning Performance agreement funding be transferred to Specific Reserve as detailed in paragraph 25 of the Cabinet report;
- (iv) that £15,081 grant received in respect of Planning Performance Agreements be transferred to Specific Reserve as detailed in paragraph 26 of the Cabinet report;
- (v) the variations to the Capital Programme contained at paragraph 29 and 30 of the Cabinet report in accordance with the Council's Financial Procedure rule B3;
- (vi) That Swan Mead and Temporary Accommodation are reported as a combined Temporary Accommodation programme to align to the overall delivery of the Temporary Accommodation offer.

Council also agreed the outstanding recommendations from Cabinet agreed on 18 July 2022:

- (vii) that £7,293 grant income in respect of a payment for Rough Sleepers be transferred to Specific Reserve as detailed in paragraph 27 of the July report;
- (viii) that £20,761 grant income relating to Implementing Welfare Reform be transferred to Specific Reserve as detailed in paragraph 28 of the July report;
- (ix) that £23,237 grant income for new burdens relating to Verify Earnings & Pensions be transferred to Specific Reserve as detailed in paragraph 29 of the July report;

- (x) that £33,660 grant income relating to Domestic Abuse Safe Accommodation funding be transferred to Specific Reserves as detailed in paragraphs 30 of the July report;
- (xi) that £50,000 grant income relating to delivery of the Local Land Charges Programme timetable for the transition of LLC1 be transferred to General Reserve as detailed in paragraphs 31 of the July report;
- (xii) the variations to the Capital Programme contained in paragraph 43 of the July report in accordance with the Council’s Financial Procedure rule B3.

8. TREASURY MANAGEMENT STRATEGY STATEMENT AND ANNUAL INVESTMENT STRATEGY 2023/24 TO 2025/26.

Councillor Pulfer moved the item which was seconded by Councillor Stockwell.

Discussion was held on the limits set with counterparties, and the opportunity to examine the green credentials of counterparties going forward.

The Chairman took Members to a vote on the recommendations as set out in the report, which were approved unanimously.

RESOLVED

Council agreed:

- (i) the proposed Treasury Management Strategy Statement (TMSS) for 2023/24 and the following two years,
- (ii) the Annual Investment Strategy (AIS) and the Minimum Revenue Provision Statement (MRP) as contained in Sections 4 and 2.3 respectively of the report;
- (iii) the proposed amendments to the specified and non-specified investment appendices;
- (iv) the Prudential Indicators contained within this report.

9. CORPORATE PLAN AND BUDGET FOR 2023/24.

Councillor Ash-Edwards moved the item, acknowledging that it had unanimous support from the Scrutiny Committee and that this is the first budget post-pandemic which does not rely on the use of Reserves. The item was seconded by Councillor J Belsey.

The Council discussed the ways that the Budget and Plan provides support for residents, develops the capital programme, and provides investment in local services. Discussion was also held on potential areas to focus on for future years and how the Budget and Plan is affected by wider county and national issues such as the increase in inflation and the cost-of-living crisis.

The Chairman took Members to a recorded vote on the recommendations as set out in the report, which were approved unanimously.

	For	Against	Abstain		For	Against	Abstain
Ash-Edwards, J.	y			Henwood, J.	y		
K Adams	y			Hicks, S.	y		

Bates, R.	y			Hillier, S.	y		
Belsey, J.	y			Hussain, T	y		
Belsey, M.	y			Jackson, R.	y		
Bennett, A.	y			Knight, J.	y		
Bradbury, P	y			Laband, C	y		
Cartwright, R.	y			Lea, Andrew	y		
Chapman, P.	y			Lea, Anthea	y		
Clarke, R.	y			Marsh, G	y		
Coote, P.	y			Mockford, J	y		
Cornish, M.	y			Peacock, A	y		
Cromie, R	y			Phillips, C.	y		
Dabell, J.	y			Pulfer, M.	y		
Dempsey, B	y			Salisbury, R	y		
de Mierre, R.	y			Sparasci, A.	y		
Edwards, J.	y			Stockwell, L	y		
Eggleston, R.	y			Sweatman, D.	y		
Ellis, S	y			Trumble, C.	y		
Eggleston, R	y			Walker, N	y		
Edwards, J	y			Webb, R	y		
Forbes, B.	y			Webster, N.	y		
Gibbs, L.	y			Whittaker, R.	y		
Gibson, I.	y						

RESOLVED

Council approved:

- i) The Corporate Plan and Budget for 2023/24 as set out in this report;
- ii) The Revenue Budget of £19,819,586 as detailed in Section 1, 2, and 5;
- (iii) The Mid Sussex District Council element of the Council Tax be increased by 2.75% to £185.31, with no requirement to hold a local referendum in accordance with the Act.
- (iv) The Capital programme of £5,735,000 for 2023/24, as set out in section 3;
- (v) Having considered Cabinet's budget proposals from their meeting of 6 February, the Council Tax Resolutions as set out in section 7.

Council also noted:

- (vi) The estimates for reserves and balances (see Section 4 for details) and the priority, as part of the sustainability of the financial robustness of the council, to increase reserves where possible.
- (vii) The summary Medium Term Financial Plan to 2026/27 (see Section 5 for details).
- (viii) That the estimated surplus on the Collection Fund for Council Tax totalling £1,515,000 for the year ended 31 March 2023, of which the Mid Sussex District Council share is £191,480 (see Section 6 for details) is noted.

- (ix) That the estimated deficit on the Collection Fund for Business Rates totalling £1,287,400 for the year ended 31 March 2023, of which the Mid Sussex District Council share is £514,960 (see Section 6 for details) is noted.

The meeting finished at 7.37 pm

Chairman

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EXTENSION OF OUR PUBLIC SPACES PROTECTION ORDER ON CAR CRUISING

REPORT OF: LUCY CORRIE Assistant Director - Communities
Contact Officer: Mandy Cunningham, Community Safety and Safeguarding Manager
Email: mandy.cunningham@midsussex.gov.uk Tel: 01444 477094
Wards Affected: Burgess Hill wards of Dunstall, Franklands, Leylands, Meeds, St Andrews, Victoria, East Grinstead ward of Imberhorne, Hurstpierpoint and Downs, Twineham, Bolney
Key Decision: No
Report to: Council
29 March 2023

Purpose of Report

1. To request Council to agree to extend the existing Public Spaces Protection Order (PSPO) in the Burgess Hill area for car cruising for a further three years and to also include two new additional areas to the PSPO.

Summary

2. The existing PSPO which covers the six wards in Burgess Hill expires in April 2023. A map outlining the existing zone is at appendix 1. During November/December 2022 the Council carried out public consultation to extend the PSPO for a further 3 years. The consultation also proposed to include two additional areas where there have been recurring incidents of car cruising since the order was first made in 2020. The proposed new areas are shown at appendices 2 and 3. The public consultation closed on 22 December 2022 and the majority of respondents were supportive of the proposals. A summary of feedback can be found at appendix 4.
3. This report was considered by the Scrutiny Committee for Community, Leisure and Parking on 1 February 2023. The draft published minutes can be found here [Printed minutes 01st-Feb-2023 19.00 Scrutiny Committee for Community Leisure and Parking.pdf \(modern.gov.co.uk\)](#)
4. **The Scrutiny Committee for Community, Leisure and Parking recommend that Council:**
 - (i) **Notes the contents of this report;**
 - (ii) **Agrees to extend the existing PSPO for a further three years under the Anti-Social Behaviour, Crime and Policing Act 2014 for the prohibited activities outlined in the existing Order at appendix 5 within the area defined on the map at appendix 1;**
 - (iii) **Agrees to implement the PSPO under the Anti-Social Behaviour, Crime and Policing Act 2014 for the prohibited activities outlined in the existing Order at appendix 5 within the two additional areas defined on the maps at appendices 2 and 3.**

Background

5. The council adopted a PSPO to tackle car cruising in Burgess Hill in 2020 to address an ongoing problem in the town, particularly (but not exclusively) in the Council's public car parks. 'Car Cruising' is defined as two or more motor vehicles (including motor bikes) being on a highway or a public place, where any such vehicle or occupant of a vehicle performs any of the prohibited activities. The prohibited activities are:
 - causing danger or risk of injury to road users (including pedestrians) by speeding or racing;
 - causing damage or risk of damage to property;
 - speeding or racing;
 - performing stunts (including but not limited to performing a doughnuts maneuver drifting, skidding, handbrake turns, wheel spinning);
 - sounding horns or playing loud music so as to cause a nuisance;
 - revving of engines so as to cause a nuisance;
 - using foul or abusive language;
 - using threatening, intimidating, or anti-social behaviour; or
 - causing obstruction on a public highway or publicly accessible place (whether moving or stationary).
6. The existing PSPO is due to expire in April 2023. In the two years prior to the order being made, 140 complaints were received in the Burgess Hill area. This compares with 38 in the PSPO area since the order was made. This suggests that the presence of such an order has been a deterrent.
7. It has always been recognised that the activities may move to other areas that are not included in the designated PSPO area. Between May and July 2022 there have been 35 complaints and 4 'meets' in Job's Lane off the A2300 outside Burgess Hill. More recently there have been reports of large 'meets' on the Birches Industrial Estate off Imberhorne Lane in East Grinstead consisting of 100-150 vehicles. In both areas, this behaviour has had a detrimental impact on nearby residents and caused local tensions. It is proposed to include these two areas in the PSPO and this was included in the public consultation.

Power to make orders

8. Under the Anti-Social Behaviour, Crime and Policing Act 2014, a PSPO is an enforceable form of bylaw with Fixed Penalty Notice Powers attached. A Council may make a PSPO if it is satisfied on reasonable grounds that the following two conditions are met:
 - (a) The first condition is that:
 - i. Activities carried on in a public place within MSDC's area have had a detrimental effect on the quality of life of those in the locality, or
 - ii. It is likely that activities will be carried on in a public place within that area and that they will have such an effect.
 - (b) The second condition is that the effect or likely effect of the activities:
 - i. Is, or is likely to be of a persistent or continuing nature,

- ii. Is, or is likely to be, such as to make the activities unreasonable, and
- iii. Justifies the restrictions imposed by the notice

Consultation

- 9. The Council is required to consult with the community before putting in place any PSPO and a consultation was undertaken from 17 November to 22 December 2022. In total, 33 responses were received with most respondents supporting the proposals. A summary of the consultation is at appendix 4.
- 10. Two respondents were not supportive of the proposals. Feedback from those who were unsupportive included an objection to a blanket ban being imposed and a belief that car cruising is not a problem in Mid Sussex.
- 11. The Sussex Police and Crime Commissioner and the Chief Constable of Sussex Police are both fully supportive of the proposals as are relevant town and parish councils where the PSPO is proposed.

Partnership working

- 12. Officers have worked closely with Sussex Police and Crawley Borough Council (as known car cruising groups are travelling between Districts) including sharing relevant information and intelligence. Sussex Police have confirmed that they are willing to carry out enforcement measures in cases where they attend incidents where prohibited activities are occurring. The Mid-Sussex District Council (MSDC) anti-social behaviour team can also issue notices where they have evidence that offences have been committed.

Summary of the discussion at the Scrutiny Committee for Community, Leisure and Parking

- 13. The Scrutiny Committee considered the proposal at its meeting on the 1 February 2023. The Scrutiny Committee debated the proposals. A Member expressed disappointment at the lack of responses to the consultation, however, having spoken to residents in the affected areas, he was satisfied that car cruising was an issue. The recommendations in the report were agreed unanimously.

Policy Context

- 14. This proposal supports the Council's corporate priority of supporting strong and resilient communities through effective enforcement of anti-social behaviour.

Other Options Considered

- 15. Officers have considered the option of letting the existing order lapse. This was rejected on the grounds that it could lead to car cruisers returning to Burgess Hill and causing problems for local residents and businesses and create additional burdens on ASB officers and Police to tackle the issue in the absence of this enforcement tool.
- 16. Officers have considered extending the PSPO to the existing area in Burgess Hill only, however, the inclusion of two small additional areas will not impact significantly on officers' time or costs and will help to mitigate the problem in these areas. Officers believe that the activities are likely to continue in these locations if the order is not implemented as outlined.

Financial Implications

17. Costs for any additional signage and advertising costs can be accommodated within existing budgets. Other financial implications are any associated enforcement costs and legal costs for non-payment of fines, although these are likely to be minimal. We can seek to recoup legal costs on conviction and income generated from fixed penalty notices can be held in reserve and/or reinvested in the service to help counter this.

Risk Management Implications

18. As previously indicated, it is recognised that car cruisers may move to other areas of Mid Sussex once the PSPO has been extended. However, it would not be practical or cost effective to implement this across the district. The Council, in partnership with Sussex Police will continue to monitor any reports of car cruising and take appropriate action if it becomes a continual problem elsewhere.
19. Workloads may increase for the Community Safety and Legal team in the event of any prosecutions for non-payment of fines. However, the commitment to partnership working with Sussex Police and using shared systems and resources to gather evidence will help to mitigate impact on officers' time.

Equality and Customer Service Implications

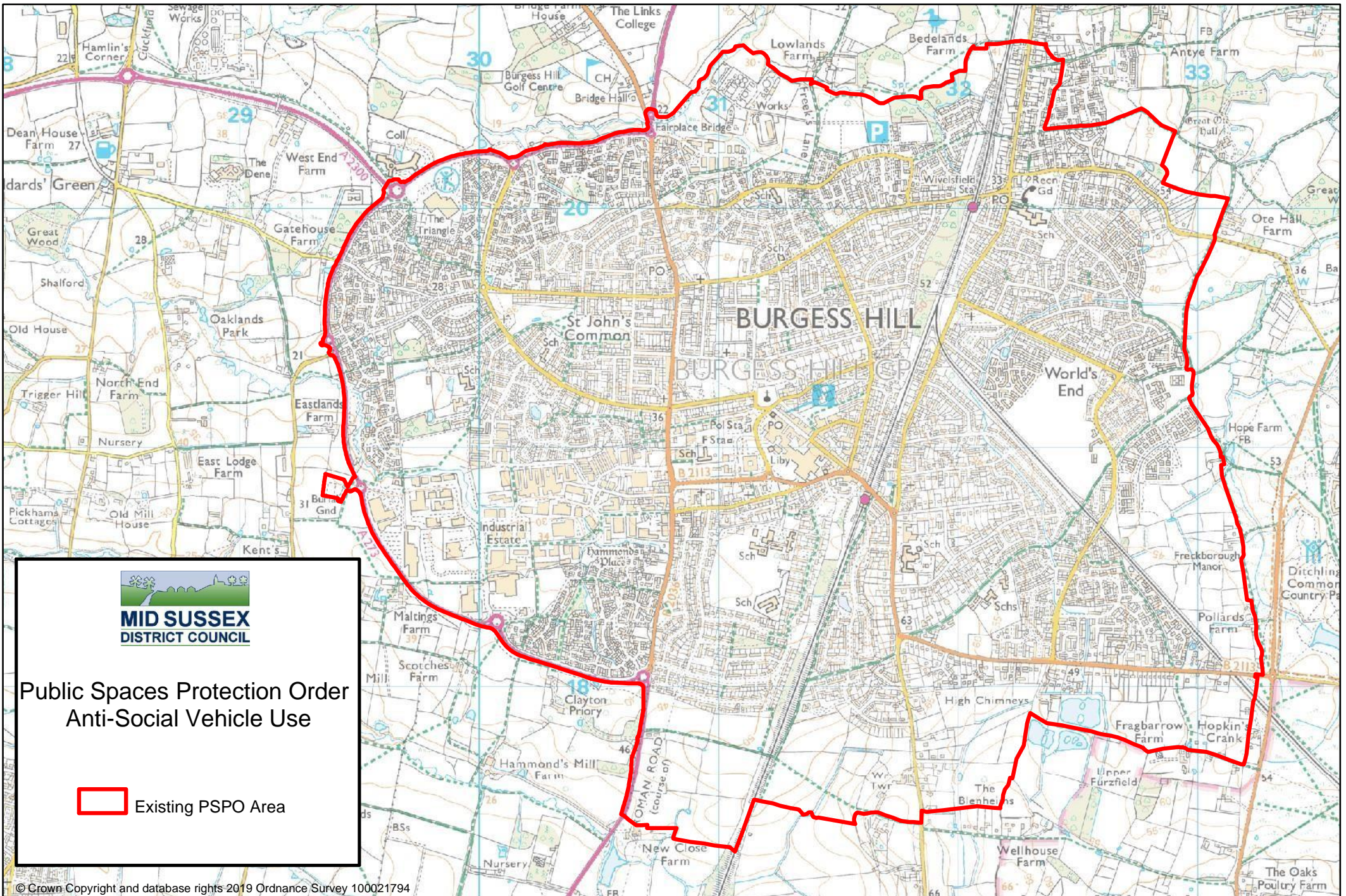
20. An equalities impact assessment is at Appendix 6.

Sustainability Implications

21. The proposal contributes to the United Nations sustainable development goal of making human settlements inclusive, resilient, and sustainable. It specifically contributes towards target 11.7 to provide universal access to safe, inclusive, and accessible green and public spaces.

Background Papers

- Appendix 1 – Map of existing area
- Appendix 2 - Map of proposed additional area A2300 and Job's Lane
- Appendix 3 - Map of proposed additional area Birches Industrial Estate
- Appendix 4 – Summary of feedback
- Appendix 5 – Current Public Spaces Protection Order
- Appendix 6 – Equalities Impact Assessment



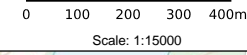
Public Spaces Protection Order
Anti-Social Vehicle Use

 Existing PSPO Area

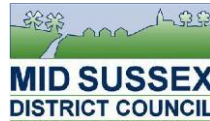
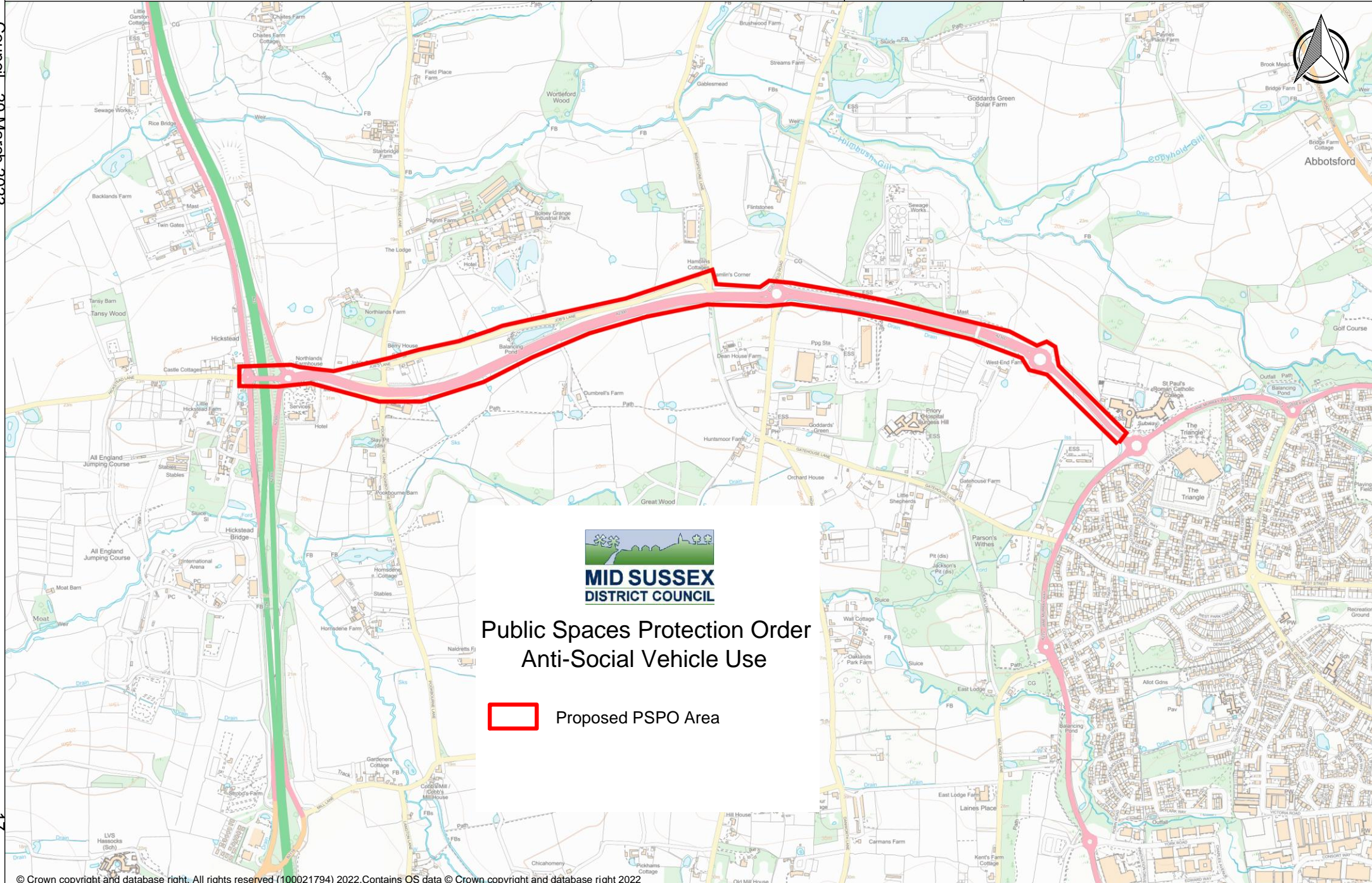
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Author:


Date: 02/11/2022



Council - 29 March 2023



Public Spaces Protection Order Anti-Social Vehicle Use

 Proposed PSPO Area

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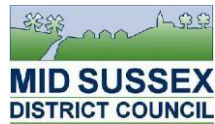
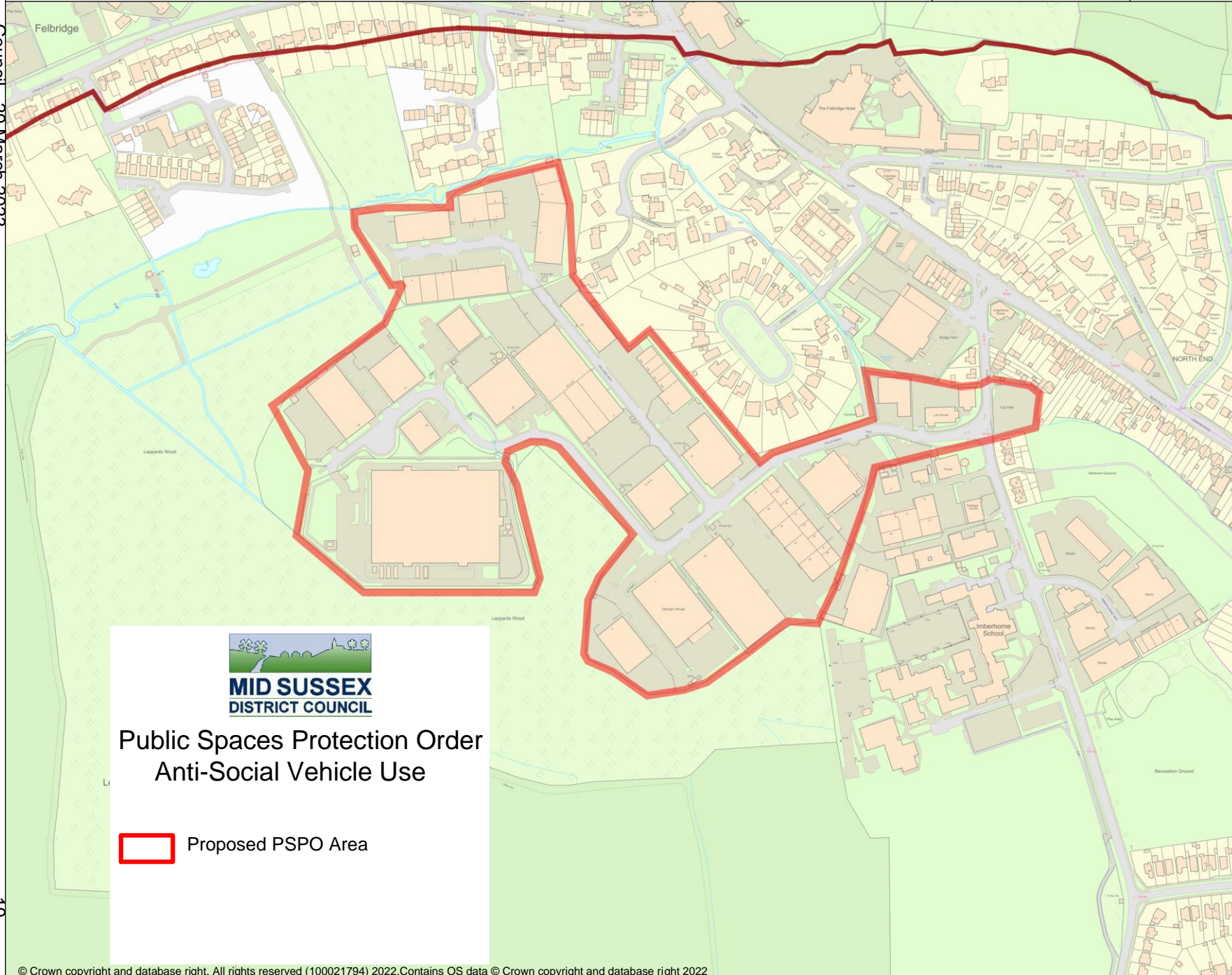
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Date: 14/11/2022

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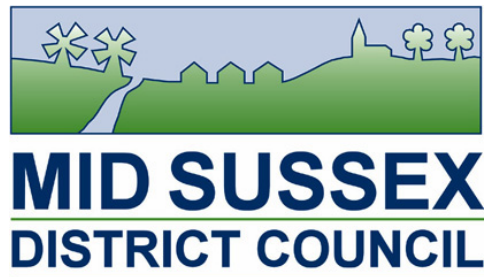
Public Spaces Protection Order
Anti-Social Vehicle Use

 Proposed PSPO Area

Council - 29 March 2023

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**PUBLIC SPACES PROTECTION ORDER EXTENSION FOR CAR
CRUISING/ANTI-SOCIAL USE OF VEHICLES IN BURGESS HILL
& PROPOSAL TO INTRODUCE A PUBLIC SPACES PROTECTION
ORDER COVERING THE A2300/JOB'S LANE & BIRCHES
INDUSTRIAL ESTATE EAST GRINSTEAD**

CONSULTATION REPORT

January 2023

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Background

In 2020 Mid Sussex District Council (MSDC) introduced a Public Spaces Protection Order (PSPO) under sections 59-75 of the Anti-Social Behaviour, Crime and Policing Act 2014 in Burgess Hill to tackle the ongoing issue of anti-social use of vehicle activity (also known as car cruising) in the town. Offenders would be issued with fixed penalty notices and for persistent offenders, the council would be able to prosecute for breach of the PSPO and any person found guilty would be liable on summary conviction of a fine of up to £1,000. Since the Order was put in place, activities within the designated area have significantly reduced which suggests that the presence of such an order has been a deterrent. The current PSPO is due to expire in April 2023.

MSDC has consulted on extending the existing PSPO for a further three years and also to extend the designated areas to cover the A2300/Jobs Lane which falls just to the northwest of Burgess Hill and also the Birches Industrial Estate in East Grinstead. These two additional areas have been subject to car cruising activities in recent months and have caused local tensions.

A consultation was undertaken with residents and businesses in Mid Sussex to enable them to share their views on the proposals. This would enable the council and Police to assess the extent and significance of the problem as well as ensuring that any new measures are supported by local people and addresses relevant issues.

This report sets out the key findings from the PSPO consultation which ran for 5 weeks from 17th November 2022 to 22nd December 2022.

Methodology

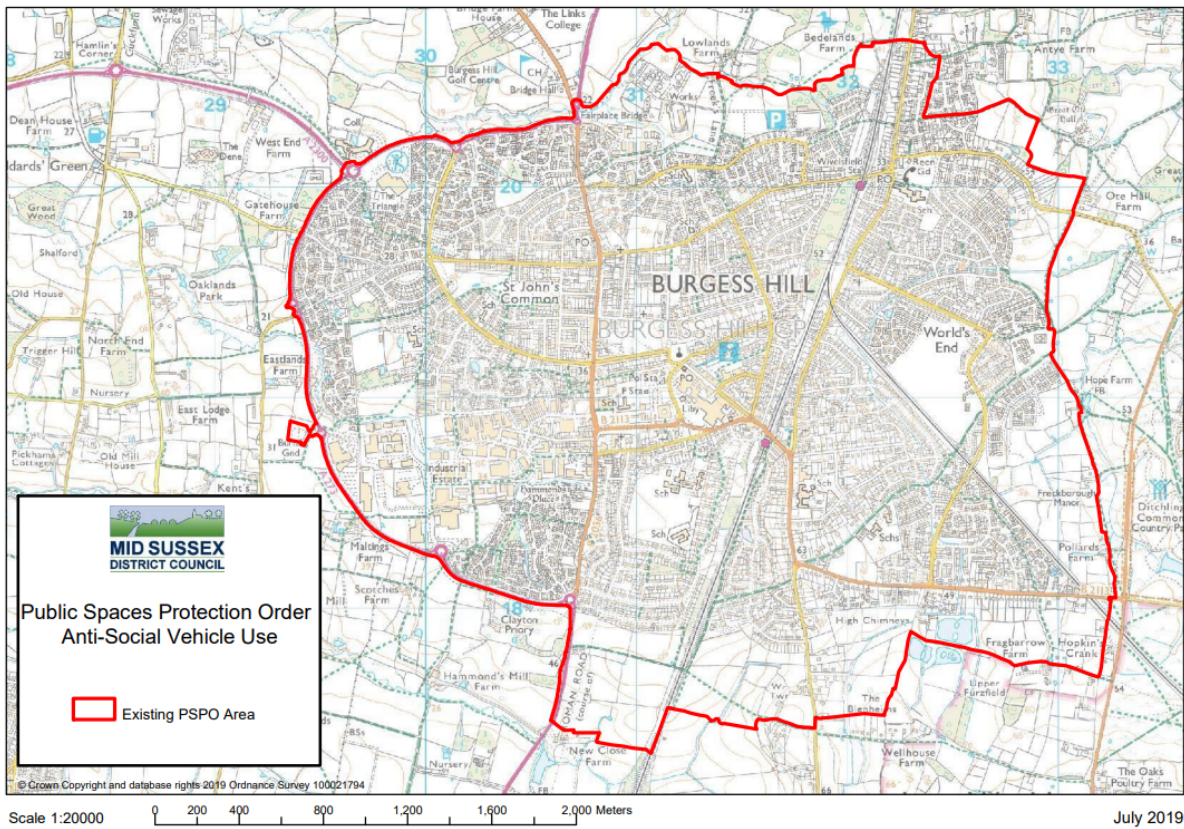
An online survey was created for residents & businesses. The Council used a number of promotional methods to ensure that as many people could respond as possible. The consultation was published on the MSDC website and promoted via social media. It was also promoted via the Police and relevant town and parish councils. A copy of the notice was in the Mid Sussex Times and displayed on local noticeboards close to where known activities had taken place.

Notices were also hand delivered in residential and industrial areas surrounding the areas where complaints had been received. Council staff spoke to local businesses in the areas under consultation.

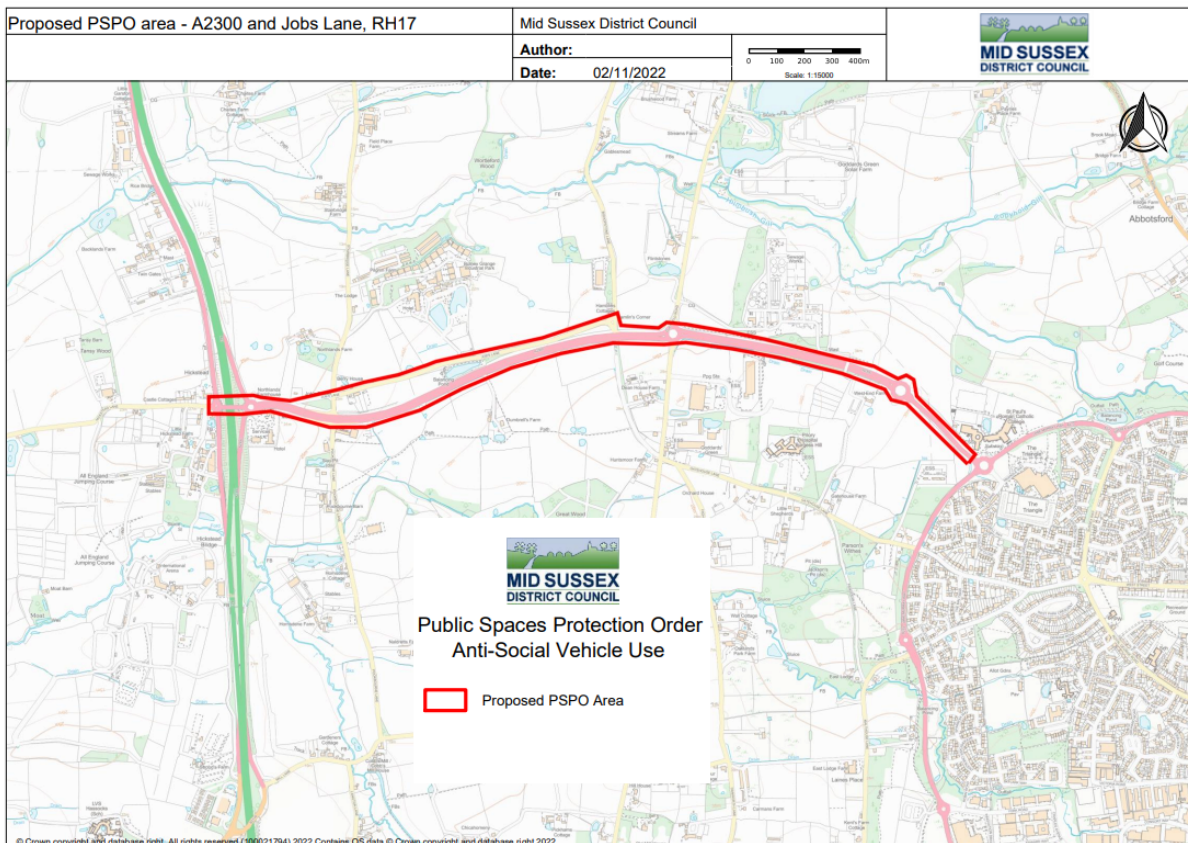
Sussex Police and the Sussex Police and Crime Commissioner were also consulted separately and both are fully supportive of the proposals.

A total of 33 responses were received from the consultation.

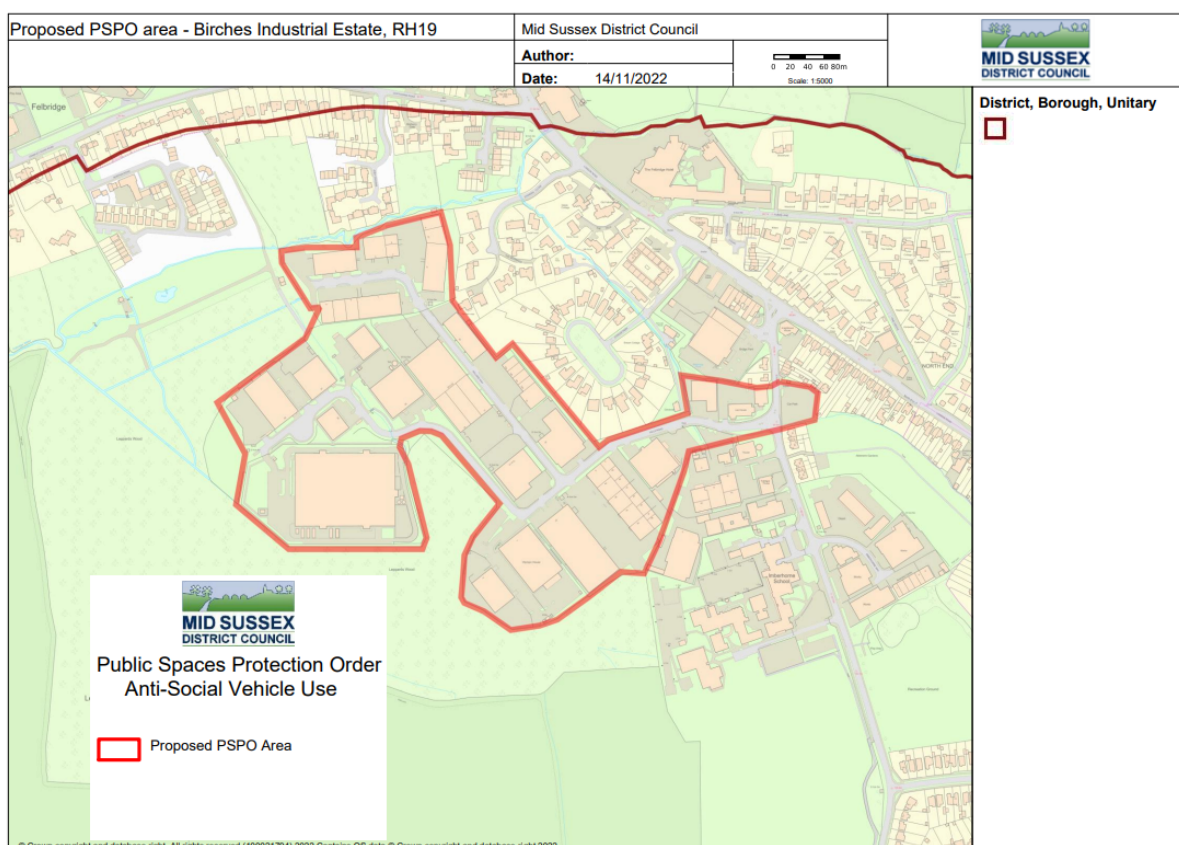
Defined Areas: Burgess Hill



A2300 and Jobs Lane



Birches Industrial Estate East Grinstead



Respondent Profile

The Sussex Police and Crime Commissioner and the Chief Constable of Sussex Police are both fully supportive of the proposals. This is in addition to the consultation responses. 29 responses to the consultation were from individuals and 4 were from parish or town councils. Burgess Hill and East Grinstead town councils are both supportive of the proposals. No responses from businesses were received.

Respondents were asked to provide their area of residence/business which allows for analysis of where responses are coming from and if there are any trends in particular areas. In total, 48% of respondents were from Burgess Hill, 27% from East Grinstead and 18% from one of the wards which fall within the A2300/Jobs Lane area (Hurstpierpoint and Sayers Common, Twineham or Bolney).

Table 1 Responses to the Consultation

Ward Area	Number	Ward Area	Number
Burgess Hill, Dunstall	5	East Grinstead, Imberhorne	7
Burgess Hill, St Andrews	4	East Grinstead (other)	2
Burgess Hill, Franklands	2	Bolney	2
Burgess Hill (not specified)	2	Jobs lane (ward not specified)	2
Burgess Hill, Leylands	1	Hurstpierpoint and Sayers Common	1
Burgess Hill, Meeds	1	Twineham	1
Burgess Hill, Victoria	1	Outside proposed area (Cuckfield/Haywards Heath)	2
Total	33		

Headline Results

- 67% of respondents said that they had experienced or been affected by anti-social use of vehicles in the designated areas since 2020.
- 81% of respondents were supportive of the proposals to extend the PSPO in Burgess Hill and a further 12% reported that this area was not applicable to them or they did not have a view.
- 72% of respondents were supportive of the proposals to introduce a PSPO on the A2300 and Jobs Lane with a further 21% reporting that this area was not applicable to them or they did not have a view.
- 60% of respondents were supportive of the proposals to introduce a PSPO on the Birches Industrial Estate with a further 33% reporting that this area was not applicable to them or they did not have a view.
- The biggest issues affecting residents are dangerous driving, noise and excessive speeding. Some residents also reported issues of intimidating or threatening behaviour.
- 6% of respondents did not support the proposal. Feedback from those who were unsupportive include an objection to a blanket ban being imposed on this activity and a belief that car cruising is not a problem in Mid Sussex.

Results of consultation

Table 2: Number of respondents who had been affected

	Yes	No	Not stated
In the past three years, have you experienced or been affected by anti-social use of vehicles in the areas indicated on the plans?	22	8	3

Table 3: Responses in respect of the proposal to extend the existing PSPO in Burgess Hill for a further three years

	Support Proposal	Do Not Support	Don't Know/Not Applicable
Do you support an extension of the existing PSPO to ban the anti-social use of vehicles in Burgess Hill?	27	2	4

Note that an option was offered to enter don't know/not applicable as respondents may not live or visit the other areas under consideration.

Table 4: Responses in respect of the introduction of a PSPO on the A2300/Jobs Lane

	Support Proposal	Do Not Support	Don't Know/Not Applicable
Do you support the implementation of a PSPO to ban the anti-social use of vehicles on the A2300 and Jobs Lane?	24	2	7

Table 5: Responses in respect of the introduction of a PSPO on the Birches Industrial Estate in East Grinstead

	Support Proposal	Do Not Support	Don't Know/Not Applicable
Do you support the implementation of a PSPO to ban the anti-social use of vehicles on the Birches Industrial Estate in East Grinstead	20	2	11

Conclusion

33 responses to the consultation were received. The feedback to the consultation shows that 81% of respondents support the extension of a PSPO in Burgess Hill, 72% support a PSPO on the A2300/Jobs Lane and 60% support a PSPO on the Birches Industrial estate. A smaller percentage did not give an opinion if it did not affect them and only two respondents did not support the proposals.

Most people reported issues around dangerous driving, noise and excessive speed although other issues were also reported including threatening behaviour, loud music, littering, damage to street furniture and anti-social parking.

Appendix 1**Consultation questions:**

Q1. Please indicate if you live in any of the following neighbourhood wards?

- -Bolney
- -Burgess Hill, Dunstall
- -Burgess Hill, Franklands
- -Burgess Hill, Leylands
- -Burgess Hill, Meeds
- -Burgess Hill, St Andrews
- -Burgess Hill, Victoria
- -East Grinstead, Imberhorne
- -Hurstpierpoint and Sayers Common
- -Twineham

Q2. If you live elsewhere, please indicate the town/village where you live?

Q3. In the past three years, have you experienced or been affected by anti-social use of vehicles in the areas indicated on the plans?

Q4. If “Yes”, please describe how you have been affected

Q5. Do you support an extension of the existing PSPO to ban the anti-social use of vehicles in Burgess Hill? *(Yes/No/Don't know or n/a)*

Q6. If “No” or “Don't know” please state your reasons why?

Q7. Do you support the implementation of a PSPO to ban the anti-social use of vehicles on the A2300 and Jobs Lane? *(Yes/No/Don't know or n/a)*

Q8. If “No” or “Don't know” please state your reasons why?

Q9. Do you support the implementation of a PSPO to ban the anti-social use of vehicles on the Birches Lane Industrial Estate in East Grinstead? *(Yes/No/Don't know or n/a)*

Q10. If “No” or “Don't know” please state your reasons why?

Q11. Please use the space below to add any further information that you feel may be relevant?

MID SUSSEX DISTRICT COUNCIL

Anti-Social Behaviour, Crime and Policing Act 2014, Section 59-75

Car Cruising Public Spaces Protection Order 1 of 2023 (“Order”)

Mid Sussex District Council (“the Council”) in exercise of its powers under the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) hereby makes the following Public Spaces Protection Order.

1 General

- 1.1 This order shall come into operation on (.....) and shall have an effect for 3 years thereafter, unless extended by further orders under the Council's statutory powers.
- 1.2 In making this order, the council is satisfied on reasonable grounds that:
- (a) the conditions set out in section 59(2) of the Act have been met, namely that the activities identified below have been carried on in a public place within the Council's area and have had a detrimental effect on the quality of life of those in the locality; and
 - (b) the conditions set out in section 59(3) of the Act have been met, namely that effect or likely effect of the activities is, or is likely to be of a persistent or continuing nature; is, or is likely to be, such as to make these activities unreasonable and justifies the restrictions imposed.
- 1.3 This applies to all land:
- (a) which is open to the air (including land which is covered but open to the air on at least one side);
 - (b) to which the public are entitled or permitted to have access (with or without payment); and
 - (c) which is outlined in red on the attached map (the Restriction Zone)
- 1.4 The Council is also satisfied that the prohibitions and requirements set out within this order are reasonable:
- (a) to prevent the detrimental effect on the quality of life of those in the locality continuing, occurring or recurring; or
 - (b) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
- 1.5 In making this Order, the Council has had particular regard to the rights and freedoms of expression and freedom of assembly set out in articles 10 and 11 of the European Convention on Human Rights.

2 Definition of Car Cruising and Prohibited Activities

- 2.1 'Car Cruising' is defined as two or more motor vehicles (including motor bikes) being on a highway or a public place, where any such vehicle or occupant of a vehicle performs any of the prohibited activities.
- 2.2 The "Prohibited Activities" are:
- a. causing danger or risk of injury to road users (including pedestrians) by speeding or racing;
 - b. causing damage or risk of damage to property;
 - c. speeding or racing;
 - d. performing stunts (including but not limited to performing a doughnuts maneuver drifting, skidding, handbrake turns, wheel spinning);
 - e. sounding horns or playing loud music so as to cause a nuisance;
 - f. revving of engines so as to cause a nuisance;
 - g. using foul or abusive language;
 - h. using threatening, intimidating or anti-social behaviour; or
 - i. causing obstruction on a public highway or publicly accessible place (whether moving or stationary)

3 Offence

- 3.1 A person who without reasonable excuse:
- a. Participates in Car Cruising or any activity prohibited by this Order; or
 - b. promotes, organises or publicises Car Cruising (including but not limited to via email, the internet, social media, or via any publication or broadcast medium) to take place; or
 - c. attends any meeting either as a vehicle owner, driver, passenger or spectator where a reasonable person would consider that Car Cruising was or is taking place;

on Land to which this Order applies commits an offence.

4 Penalty

- 4.1 In accordance with section 67 of the Act, a person commits an offence if at any time and without reasonable excuse they engage in any activity prohibited by this Order.
- 4.2 A Police Officer or Council Officer may issue a fixed penalty notice to any person they have reason to believe has committed an offence under this Order.
- 4.3 A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of the fixed penalty to the Council.

- 4.4 Where a person is issued with a fixed penalty notice under this Order, the amount of the fixed penalty shall be £100 (reduced to £60 if paid within 10 days). If the fixed penalty is paid within 14 days the offender will not be prosecuted.
- 4.5 A person who is guilty of an offence under this Order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale (£1,000).

5 Appeals

- 5.1 Any challenge to this order must be made to the High Court by an interested person within six weeks from the date upon which the order is made. An interested person is someone who lives in, regularly works in, or visits the area.
- 5.2 In Accordance with section 66 of the Act, interested persons can challenge the validity of this order on two grounds: that the Council did not have power to make the order, or to include particular prohibitions or requirements, or that a requirement of the Act was not complied with.

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MID SUSSEX DISTRICT COUNCIL

Anti-Social Behaviour, Crime and Policing Act 2014, Section 59-75

Car Cruising Public Spaces Protection Order 1 of 2019 ("Order")

Mid Sussex District Council ("the Council") in exercise of its powers under the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") hereby makes the following Public Spaces Protection Order.

1. General

1.1 This order shall come into operation on 7 April 2020 and shall have an effect for 3 years thereafter, unless extended by further orders under the Council's statutory powers.

1.2 In making this order, the council is satisfied on reasonable grounds that:

- (a) the conditions set out in section 59(2) of the Act have been met, namely that the activities identified below have been carried on in a public place within the Council's area and have had a detrimental effect on the quality of life of those in the locality; and
- (b) the conditions set out in section 59(3) of the Act have been met, namely that effect or likely effect of the activities is, or is likely to be of a persistent or continuing nature; is, or is likely to be, such as to make these activities unreasonable and justifies the restrictions imposed.

1.3 This applies to all land:

- (a) which is open to the air (including land which is covered but open to the air on at least one side);
- (b) to which the public are entitled or permitted to have access (with or without payment); and
- (c) which is outlined in red on the attached map (the Restriction Zone)

1.4 The Council is also satisfied that the prohibitions and requirements set out within this order are reasonable

- (a) to prevent the detrimental effect on the quality of life of those in the locality continuing, occurring or recurring; or
- (b) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

1.5 In making this Order, the Council has had particular regard to the rights and freedoms of expression and freedom of assembly set out in articles 10 and 11 of the European Convention on Human Rights.

2. Definition of Car Cruising and Prohibited Activities

2.1 'Car Cruising' is defined as two or more motor vehicles (including motor bikes) being on a highway or a public place, where any such vehicle or occupant of a vehicle performs any of the prohibited activities.

2.2 The "Prohibited Activities" are:

- a. causing danger or risk of injury to road users (including pedestrians) by speeding or racing;
- b. causing damage or risk of damage to property;
- c. speeding or racing;
- d. performing stunts (including but not limited to performing a doughnuts maneuver drifting, skidding, handbrake turns, wheel spinning);
- e. sounding horns or playing loud music so as to cause a nuisance;
- f. revving of engines so as to cause a nuisance;
- g. using foul or abusive language;
- h. using threatening, intimidating or anti-social behaviour; or
- i. causing obstruction on a public highway or publicly accessible place (whether moving or stationary)

3. Offence

3.1 A person who without reasonable excuse:

- a. Participates in Car Cruising or any activity prohibited by this Order; or
- b. promotes, organises or publicises Car Cruising (including but not limited to via email, the internet, social media, or via any publication or broadcast medium) to take place; or
- c. attends any meeting either as a vehicle owner, driver, passenger or spectator where a reasonable person would consider that Car Cruising was or is taking place;

on Land to which this Order applies commits an offence.

4. Penalty

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5. Appeals

5.1 Any challenge to this order must be made to the High Court by an interested person within six weeks from the date upon which the order is made. An interested person is someone who lives in, regularly works in, or visits the area.

5.2 In Accordance with section 66 of the Act, interested persons can challenge the validity of this order on two grounds: that the Council did not have power to make the order, or to include particular prohibitions or requirements, or that a requirement of the Act was not complied with.

**EXECUTED AS A DEED by affixing the
THE COMMON SEAL of
MID SUSSEX DISTRICT COUNCIL**

This 7th day of April 2020

In the presence of

Authorised Officer:

J. Ash



MID SUSSEX DISTRICT COUNCIL

Equality Impact Assessment

Title of Policy/Service/Contract: Extension of existing Public Spaces Protection Order (PSPO) on car cruising in Burgess Hill and introduction of the order in two additional areas

Division: Communities Directorate

Lead Officer: Mandy Cunningham

Date Assessment completed: 22 December 2022

1. SCOPING

1.1 What are the aims of the policy, service/service change or contract?

In 2020 the Council adopted a PSPO to address car cruising activities and associated anti-social behaviour in Burgess Hill to address an ongoing problem within the town's public spaces. This is due to expire in April 2023.

The Council is proposing to extend the period of the Order for a further three years as the Order has resulted in a reduction in car cruising activity. The Council is also proposing to introduce an Order in two additional locations where there have been more recent car cruising activities. These are the A2300 between Burgess Hill town and the A23 and Jobs Lane and at the Birches Industrial Estate in East Grinstead. Breach of the PSPO in the first instance, will result in offenders being issued with a fixed penalty notice (FPN).

1.2 Who does the service/policy/contract affect? Who are the main customers (internal or external)?

The Order will continue to affect residents and visitors of Burgess Hill and also users of the A2300, residents of Jobs Lane and businesses, visitors and nearby residents on the Birches Industrial Estate in East Grinstead. Internal staff at the Council are already authorised and trained to issue fixed penalty notices. Sussex Police are supportive of the order and will work in partnership with the council in taking action against offenders.

To ensure that all residents and businesses in the locality are aware of the proposed extension of the order and proposed new areas. The Council carried out a public consultation in November/December 2022. This was advertised via social media and the local press and leaflet drops were also carried out in specific areas where activities have taken place in the past few months.

1.3 What equality information is available, including any evidence from engagement and analysis of use of services?

No FPNs have been issued to date since the existing PSPO was made, therefore data available is limited. However, there are no indications that this order will adversely affect any protected group.

<p>Information relating to individuals committing car cruising offences will be collected by the Council and Sussex Police, with whom the Council hold an information sharing protocol for this purpose.</p>
<p>1.4 What does this information tell us about the equality issues associated with the service and implications for the protected groups?</p> <p>The use of powers will be a reactive tool to deal with the detrimental effects of car cruising and associated anti-social behaviour in the designated public areas. Therefore, no particular group will be targeted.</p>
<p>1.5 Are contractors or partnerships used to deliver the service? Yes</p> <p>If No go to section 2. If yes, please refer to the guidance notes for completing impact assessments and complete the next three questions.</p>
<p>Identify the contractors/partnerships used to deliver the service.</p> <p>The order will be enforced in partnership by both Mid Sussex District Council and Sussex Police.</p>
<p>What is their contribution to equality in service delivery and the promotion of equality?</p> <p>Sussex Police abide by strict equality and diversity policies and procedures which can be viewed on the Sussex Police website: Diversity-Equality-Inclusion-Strategy-2020-2023-MASTER- APR 20.indd (sussex.police.uk)</p>
<p>How are equality issues addressed through contractual arrangements and service level agreements?</p> <p>Both the Council and Sussex Police are statutory organisations that are members of the wider Safer West Sussex Partnership which brings together statutory and other key partners to provide a co-ordinated and partnership approach to reduce crime and anti-social behaviour. Relevant policies and protocols are in place: Safer West Sussex Partnership (SWSP) - West Sussex County Council</p>

2. Assessment of Impact on People with a Protected Characteristic; Analysis and Action Planning

Any gaps in information or provision, opportunities to promote equalities and good relations identified above need to be translated into SMART actions and recorded here. These actions need to be delivered and monitored through the service planning process.

Opportunity to promote equality, good relations and/or address barriers to service/differential impact	Current action taken to address these	Further actions required and timescales	Lead Officer	How will impact be measured
Age (older / younger people, children)				
<p>Under the ASB, Crime and Policing Act, Fixed Penalty Notices can be issued to those aged from 10 years old.</p>	<p>Powers will, where appropriate, be used with parents / carers before any further sanction is taken against the child / young person.</p> <p>A contextual safeguarding approach will be taken when there are concerns around under 18s and we will work with the Youth Justice Service and where appropriate, WSCC's Childrens Services when dealing with a case involving someone under the age of 18 years. We would not issue notices to anyone under 18 if we believe that they are victims of criminal exploitation.</p>	<p>To be monitored regularly and review as necessary</p>	<p>Mandy Cunningham</p>	<p>Number of notices issued to those under 18 years</p> <p>Number of notices issued to parents</p>
Disability (people with physical / sensory impairment or mental disability, including those with a non-visible disability)				
<p>There may be additional needs that make it difficult for an individual to respond to what is required.</p>	<p>A contextual safeguarding approach would be undertaken in cases where there are individuals who may be more vulnerable and we would ensure that exploitation of such individuals has been ruled out before issuing any notice.</p>	<p>This will be regularly monitored</p>	<p>Mandy Cunningham</p>	<p>Number of notices issued where disability identified.</p>

	<p>Notices may be issued to individuals with additional needs however these will be taken into consideration at the time of the offence.</p> <p>Engagement with specific support services could also be included as appropriate.</p>			
Gender reassignment (a transgender person is someone who proposes to, starts or has completed a process to change his or her gender)				
None identified				
Pregnancy & maternity (pregnancy is the condition of being pregnant & maternity refers to the period after the birth)				
None identified				

Opportunity to promote equality and/or barriers to service/differential impact	Current action taken to address these	Further actions required and timescales	Lead Officer	How will impact be measured
Race (ethnicity, colour, nationality or national origins & including gypsies, travellers, refugees & asylum seekers)				
There may be differing language needs among some BME groups	Where language is an issue, when serving a notice, officers will take any details that can be obtained from an individual and ask the individual to attend the Council premises or other suitable location to discuss with the use of an interpreter before issuing the notice.	Monitor the impact of this to see if it adversely affects certain communities	Mandy Cunningham	Number of notices issued with language identified as a barrier
Religion & belief (religious faith or other group with a recognised belief system or not having a religion)				
None identified				
Sex (male / female non-binary)				
None identified				
Sexual orientation (lesbian, gay, bisexual, queer, questioning, heterosexual)				
None identified				
Marriage & civil partnership				
None identified				
Military families /veterans				
None identified				
People who are disadvantaged by socio-economic factors such as low incomes, skill or living in a deprived area				
None identified				

People who live in a rural area				
None identified				

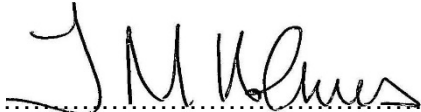
3. Mid Sussex District Council Equality Impact Assessment Summary

Key Findings	Future Actions
<ul style="list-style-type: none"> • The PSPO is a reactive tool to address the detrimental effect that car cruising can have on others. It will not target any specific protected group. • Consideration will be taken in respect of those under 18 . involved in car cruising activities to ensure that they are not being exploited by older individuals and we will work with the Youth Justice Service before issuing any notice to a minor. • Consideration will be taken in respect of those with disabilities, particularly if they have a learning disability or lack capacity to ensure that they are not victims of criminal exploitation. • We will work with an appropriate translation service where language is a barrier before issuing an individual with a notice. 	<ul style="list-style-type: none"> • Data in respect of those with disabilities, under 18 and those with language barriers who are issued with notices will be collected and recorded to assess the impact.

4. Signing off this assessment and action plan

Signature ...Mandy Cunningham.....
Person undertaking the assessment

Date 22 December 2022.....

Signature .....
Deputy Chief Executive

Date: 4th January 2023

Please send your completed impact assessment to Neal Barton for publication on the website.

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STANDARDS COMMITTEE – ANNUAL REPORT

REPORT OF: THE MONITORING OFFICER
Contact Officer: Kevin Toogood, Assistant Director, Legal and Democratic Services and Monitoring Officer
Email: kevin.toogood@midsussex.gov.uk Tel: 01444 477050
Wards Affected: All
Key Decision: No
Report to: Council
29 March 2023

Purpose of Report

1. To outline the work undertaken by the standards committee in the municipal year 2022/23.

Recommendations

2. **Council is recommended to note the contents of the report.**
-

Background

3. The Standards Committee is responsible for upholding the highest standards of member conduct for both the District Council and the Town and Parish Councils in the District. It does so by conducting investigations into member conduct in circumstances where the Monitoring Officer considers, in consultation with the relevant Independent Person, that a complaint has sufficient substance to justify consideration by the committee.
4. On 26 January 2022 the council adopted the revised LGA Model Code of Conduct bringing it into effect for Mid Sussex from 1 March 2022. The revised code was produced as a response to the 2019 report of the committee on Standards in Public Life on Local Authority Ethical Standards (the “Report”). It seeks to set out in plain language how the general principles of councillor conduct (the “Nolan Principles”) should be observed and contains specific obligations of conduct which all District Councillors are required to adhere to.
5. Town and Parish Councils are entitled, but not required, to adopt the model code and at present there is a mixed take-up in the Towns and Parishes of the district. Where a complaint is made against a Town or Parish Councillor, it is the code of conduct of that Town or Parish Council which must be considered.
6. At its meeting in June 2022 the committee considered the government response to the Report (which was released in March 2022, despite the Report having been produced in 2019) and there was a broad discussion on the matters raised in that response.
7. During the course of 2022/23 there were 5 complaints made. In summary, these were:
 - (a) A complaint concerning several Parish Councillors and a Community Governance Review. It was found by the Monitoring Officer (in consultation with the Independent Person) that the matters complained of could not amount to a potential breach of the Code of Conduct;

- (b) A complaint concerning a Parish Councillor's views on a planning application, which the applicant considered to be disrespectful. It was found by the Monitoring Officer (in consultation with the Independent Person) that the matters complained of could not amount to a potential breach of the Code of Conduct;
- (c) A complaint concerning a District and Parish Councillor in relation to social media posts. It was found by the Monitoring Officer (in consultation with the Independent Person) that the matters complained of could not amount to a potential breach of the Code of Conduct;
- (d) A complaint concerning an email exchange between a District and Town Councillor and a member of the public. It was found by the Monitoring Officer (in consultation with the Independent Person) that the matters complained of could not amount to a potential breach of the Code of Conduct;
- (e) A complaint concerning social media posts made by a Parish Councillor. It was found by the Monitoring Officer (in consultation with the Independent Person) that the Parish Councillor was acting in a personal capacity and therefore the Code of Conduct was not engaged.

8. Because each of these complaints was found at the initial assessment stage either not to engage the Code of Conduct or were not capable of potentially amounting to a breach, no complaints required consideration by the Assessment sub-committee.

Financial Implications

9. During 2022/23 there were few complaints, and none of the complaints received required further investigation. Consequently, there have been no unanticipated costs incurred as a result of Code of Conduct complaints.

Equality and Customer Service Implications

10. None.

Sustainability Implications

11. None

Risk Management Implications

12. None

Background Papers

- Adopted Model Code of Conduct
- Process for Dealing with Member Code of Conduct Complaints

CONSTITUTION REVIEW

REPORT OF: DIRECTOR OF RESOURCES AND ORGANISATIONAL DEVELOPMENT
Contact Officer: Louise Duffield, Director of Resources and Organisational Development, Email: louise.duffield@midsussex.gov.uk
Wards Affected: All
Key Decision: No
Report to: Council
29 March 2023

Purpose of Report

1. This report recommends to Council updates to the Constitution following a detailed, cross party working group review.

Summary

2. A cross party group carried out a thorough examination and review of the constitution, building on the work initiated by the governance review led by Sandra Prail in 2021. This phase one review, which also convened a cross party group, was approved in September 2021 by Council and proposed the work be continued with a second phase. This paper sets out for approval the conclusions of that second phase.
3. The working group was informed by receiving benchmarking data from similar councils on their approach to statutory meetings, whilst also seeking updated legal and financial advice, and consideration of best practice across a number of areas in the constitution.
4. Through a series of meetings and document reviews the working group now recommends changes as attached in the revised constitution included at Appendix A. For ease, the appended constitution presents the changes in full within the document, and this paper describes those changes under key headings. A document with tracked changes is available on request.

Recommendations

5. **Council is recommended to adopt the updated Constitution (Appendix A) noting the changes outlined in paragraphs 9 to 28 below.**
-

Background

6. In December 2022 a cross party working group was convened to carry out the annual review of the Constitution. Councillors sought advice from officers, including utilising an external perspective bought by an interim Monitoring Officer, to take a full review across the entire constitution and appendices.
7. This review also built on the work carried out by Sandra Prail which was presented to Council in September 2021, which gave significant thought to the structure and quantity of meetings and how the Council's approach might lead to more efficient and effective decision making.

8. This significant review also considered all relevant organisational and legislative changes and took the opportunity to update and format the document for ease of use. All changes are described below, grouped by into relevant areas.

Structure and Number of Meetings and Associated Articles

9. Members extensively debated the structure and quantity of the council's statutory meetings. This led to the recommendations as set out in the proposed constitution at Appendix A. These include moving to two scrutiny committees and rationalising the number of statutory meetings across Council, Cabinet and other committees. This recommendation took into account benchmarking of similar councils, and members noted that, despite recommending some substantive changes, MSDC will remain an outlier in the number of meetings held. It should be noted that a further paper to be considered at the same Council meeting sets out these meetings as a programme across the coming municipal year which enables members to see in this approach to statutory meetings in practice.
10. Significant debate was held in relation to the size of scrutiny committees and much discussion was given to membership numbers, with the working group settling on 11 members. Members noted that the vice chair should be an active participant and asked that officers ensured that new councillor induction included the role of the chair and vice chair. Members of the group reiterated an aim that by having a new approach to scrutiny the ambition was for more in depth and detailed scrutiny of issues, enabled by focusing time and resource into fewer meetings. To aid this, councillors also agreed that reports should always focus on debating issues and making recommendations, and thus reports for noting should be dealt with through different modes of communication.
11. The role and function of the Audit Committee has been updated to remove reference to the Audit Commission and update with the appropriate current external audit arrangements. In addition, the role of the committee has been explicitly clarified to include being responsible for ensuring effective scrutiny of the treasury management strategy and policies, including the capital strategy. This is a function which this committee already carries out, but this is now explicitly stated in the constitution.
12. A reference to any scrutiny budget has been removed. In the unlikely event that the scrutiny committee attracts an additional external cost (for example needing an expert witness), the costs for this would be funded by the council service bringing the matter to scrutiny.

Leader, Cabinet and Key Decisions

13. To add clarity, the process for appointing Cabinet and the Deputy Leader has been updated and made consistent throughout. In addition, the phrase Executive Leader has been added throughout.
14. The description of what constitutes a key decision has been moved to a more prominent position in the document and is set out alongside the first mention of decision making in the constitution. Currently, this information is set out in the access to information section and this move gives greater prominence and clarity to what constitutes such a decision.

Council Tax

15. Two clauses have been added as specified in legislation. These formalise the practice of a recorded vote in relation to changes to Council Tax and confirm the ineligibility of Councillors to participate in such a vote if their own Council Tax is in areas.
16. The Council Tax base (as opposed to Council Tax levels) is delegated as an officer function and removed from the Constitution. This is because setting the base is a proscribed process which cannot be amended or disregarded by council. The tax base will be promptly shared with Councillors, Towns and Parishes in December each year.

Constitution Update – General Matters

17. Throughout the document all job titles and roles have been updated to reflect the recent senior management restructure. The Constitution also contains, at appendix 7, an updated organisational chart and Councillors are encouraged to contact Directors and Assistant Directors as their main point of reference.
18. All references to legislation have been checked and updated. One consequence of this is the introduction of a section called 'local choice' in part 3, which is a table the council is required to include. The information in the table reflects our current practice and this addition is simply to document it in our constitution in line with our obligations. In addition, across the constitution dates and names of specific acts and legislation have been updated and defunct acts have been removed.
19. Some small changes have also been included to reflect modern practices, for example removing references to faxes and confirming that 'in writing' includes email. Notices previously made on paper may also now be made online and language has been updated to reflect this. In addition, the wording has been clarified to specify that all contracts the Council enters into will be in writing. Again, this is a matter where our current practice is being documented as opposed to a change in council approach.
20. Throughout the document has been updated to tidy grammar, numbering, referencing and to take a consistent style to capitalisation, titles etc.

Scheme of Delegation and Procedure Rules

21. Across the financial procedure rules, the scheme of delegation and other areas such as write-offs thresholds have been raised in line with advice from the S151 Officer. These thresholds have not been updated in many years and the revisions take into account value changes and the intent of the individual procedure rules to enable the implementation of decisions and provide for the delivery of the Budget and Policy Framework. In general, the principles enable Chief Officers to make financial arrangements up to £200k and Assistant Directors up to 50k with some lower levels for entering into rental agreements (£50k), write-offs (£25k) and acquisitions and disposals (£100k). It should be reiterated that these delegations apply within the appropriate budget and procedural frameworks or where permitted by specific decisions.

22. In addition, the current constitution contains a Procurement Code which mostly relates to procedural instructions for officers. This is replaced by Contract Procedure Rules in line with the approach usually taken constitutionally. Therefore, these procedure rules now relate specifically to the role of Councillors in the procurement process. Taking this approach also enables officers to implement the expected changes in procurement legislation later in 2023.
23. The section on Proper Officers has been updated to present this more clearly in a table form and to present the roles and responsibilities as they are held by the new Assistant Director roles. In practice and intent, this represents the same overall approach and levels of delegation that is currently in place.
24. In addition, the employment procedure rules have been expanded to explicitly match the national terms and conditions which must be in place to match employment and contractual terms. This reflects that which was already enabled in our Constitution but is clear and specific about the procedural approach to be taken.
25. The role of questions at Council is vital and to ensure that a fully detailed response can be prepared the deadline for presenting questions has been moved back 24 hours. This relates to questions from councillors and members of the public. The new deadline will be 1 pm Monday for a Wednesday Council meeting.

Appendices and Other Protocols

26. The section on virtual meeting rules has been removed as these are no longer permitted following the expiry of the specific pandemic-related legislation.
27. A dispensations protocol has been added. The council is responsible for determining requests for a dispensation by a Member under s.33 of the Localism Act 2011 and this is included in section 5. In certain circumstances, Members may be granted a dispensation that enables them to take part in council business where this would otherwise be prohibited because they have a Disclosable Pecuniary Interest. Provided Members act within the terms of their dispensation there is deemed to be no breach of the Code of Conduct or the law. This new protocol sets out where this might be appropriate and how it would be enacted.
28. The Sustainability and Climate Change Advisory Panel terms of reference has been removed following the successful work to develop and agree the Sustainable Economic Strategy and Action Plan.

Concluding Comments

29. Officers would like to reiterate their thanks to all those Councillors from across the parties who participated in a comprehensive and lively debate, which has led to a detailed review and update of the Constitution.

Other Options Considered

30. None

Financial Implications

31. None

Risk Management Implications

32. None, as this document presents refreshed and updated legal and financial advice to ensure the Constitution is comprehensively reviewed and refreshed.

Equality and Customer Service Implications

33. None, as the Constitution takes account of all relevant legislation pertaining to access to information and participation in decision-making.

Sustainability Implications

34. None

Appendices

- Appendix A - Constitution

Background Papers

- [Existing Constitution](#)

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PROGRAMME OF MEETINGS 2023/2024

REPORT OF: Louise Duffield, Director of Resources and Organisational Development
Contact Officer: Kevin Toogood – Assistant Legal & Democratic Services (Monitoring Officer)
Email: kevin.toogood:midsussex.gov.uk Tel: 01444 477050
Wards Affected: All
Key Decision: No
Report to: Council – 29 March 2023

Purpose of Report

1. This report follows on from the paper recommending the approval of the work carried out by the Constitution Review Working Group, and set out the consequent proposed Programme of Meetings for 2023/2024 for approval by Council.

Recommendations

2. **To approve the Programme of Meetings at Appendix 1.**
-

Background

3. Each year the Council sets a Programme of Meetings, as attached at Appendix 1. The programme has been prepared taking into consideration the outcomes of the Constitution Review Working Group.
4. As this sets out changes to the number of meetings, Appendix 2 also sets out how the meetings are distributed across the year for ease of reference.
5. As this programme follows an election this programme also includes member induction, briefing and training sessions.
6. All public meetings will be live-streamed for the public to view.

Risk Management Implications

7. Should additional meetings be required as the year progresses, there is scope for them to be included in the programme subject to the agreement of the Chairman.

Equality and Customer Service Implications

8. The streaming of Council meetings live (and the ability to watch at a later stage) provides accessibility to those who wish to observe the meeting and may not be in a position to travel to the Council Offices.

Other Material Implications

9. This report has no other material implications.

Sustainability Implications

10. Livestreamed meetings minimises the need for those observing to travel.

Financial and Other Material Implications

11. This report has no financial implications.

Background Papers

12. None.

Appendices:

Appendix 1 – Programme of meetings 2023/24

Appendix 2 – Table of Meetings 2023/24

Programme of Meetings 2023- 2024

Date	Meeting	Time
Wed 10 May	New Member meetings with Chief Executive	Various
Thurs 11 May	Member Induction Day 1	9.30am
Fri 19 May	Member Induction Day 2	9.30am
Wed 24 May	Annual Council	7.00pm
	Half Term 29 May to 2 June (Bank Holiday 29 May)	
Wed 31 May	Member Induction Training	10.00am
Wed 31 May	Planning Committee	4.00pm
Thurs 1 Jun	District Planning Committee	2.00pm
Tues 6 Jun	Member Induction Training	6.30pm
Thurs 8 Jun	Member Induction Training	6.30pm
Tues 13 Jun	Member Induction Training	6.30pm
Thurs 15 Jun	Planning Committee	4.00pm
Mon 19 Jun	Cabinet Grants Panel	4.00pm
Tues 20 Jun	Member Induction Training	6.30pm
Thurs 22 Jun	District Planning Committee	2.00pm
Mon 26 Jun	Cabinet	4.00pm
Tues 27 Jun	Member Induction Training	6.30pm
Wed 28 Jun	Scrutiny Committee Leader, Deputy Leader, Planning, Economic Growth and Net Zero	7.00pm
Tues 4 Jul	Member Induction Training	6.30pm
Thurs 6 Jul	Planning Committee	4.00pm
Tues 11 Jul	Member Induction Training	6.30pm
Wed 12 Jul	Scrutiny Committee Housing and Customer Services, Community, Leisure and Parking	7.00pm
Thurs 13 Jul	District Planning Committee	2.00pm
Mon 17 Jul	Licensing Committee	7.00pm
Tues 18 Jul	Member Induction Training	6.30pm
Wed 19 Jul	Audit Committee	7.00pm
	School Holiday 21 Jul – 1 Sept	
Mon 24 Jul	Cabinet Grants Panel	4.00pm
Wed 26 Jul	Charity Trustees	6.45pm
Wed 26 Jul	Council	7.00pm
Thurs 3 Aug	Planning Committee	4.00pm
Thurs 10 Aug	District Planning Committee	2.00pm
Mon 4 Sept	Cabinet	4.00pm
Thurs 7 Sept	Planning Committee	4.00pm
Mon 11 Sept	Standards Committee	7.00pm
Tues 12 Sept	Member Induction Training	6.30pm
Thurs 14 Sept	District Planning Committee	2.00pm
Tues 19 Sept	Member Induction Training	6.30pm
Wed 20 Sept	Charity Trustees (Annual Report)	6.45pm
Wed 20 Sept	Council	7.00pm
Tues 26 Sept	Licensing Committee	7.00pm
Wed 27 Sept	Scrutiny Committee Leader, Deputy Leader, Planning, Economic Growth and Net Zero	7.00pm
Thurs 5 Oct	Planning Committee	4.00pm
Thurs 12 Oct	District Planning Committee	2.00pm
Mon 16 Oct	Cabinet Grants Panel	4.00pm
Tues 17 Oct	Member Induction Training	6.30pm
Wed 18 Oct	Scrutiny Committee Housing and Customer Services, Community, Leisure and Parking	7.00pm

	Half Term 23-27 Oct	
Thurs 2 Nov	Planning Committee	4.00pm
Tues 7 Nov	Member Induction Training	6.30pm
Thurs 9 Nov	District Planning Committee	2.00pm
Mon 13 Nov	Cabinet	4.00pm
Tues 14 Nov	Licensing Committee	7.00pm
Tues 21 Nov	Member Induction Training	6.30pm
Tues 28 Nov	Audit Committee	7.00pm
Thurs 7 Dec	Planning Committee	4.00pm
Wed 13 Dec	Council	
Thurs 14 Dec	District Planning Committee	2.00pm
	Xmas Holiday 15 Dec to 2 Jan	
Wed 10 Jan	Scrutiny Committee Leader, Deputy Leader, Planning, Economic Growth and Net Zero	7.00pm
Thurs 11 Jan	Planning Committee	4.00pm
Tues 16 Jan	Member Induction Training	6.30pm
Thurs 18 Jan	District Planning Committee	2.00pm
Wed 24 Jan	Scrutiny Committee Housing and Customer Services, Community, Leisure and Parking	7.00pm
Mon 29 Jan	Standards Committee	7.00pm
Mon 5 Feb	Cabinet	4.00pm
Thurs 8 Feb	Planning Committee	4.00pm
	Half term 12 – 16 Feb	
Thurs 15 Feb	District Planning Committee	2.00pm
Mon 19 Feb	Cabinet Grants Panel	4.00pm
Tues 20 Feb	Licensing Committee	7.00pm
Wed 28 Feb	Council (Budget)	7.00pm
Tues 5 Mar	Member Induction Training	7.00pm
Mon 11 Mar	Cabinet	4.00pm
Thurs 14 Mar	Planning Committee	4.00pm
Tues 19 Mar	Audit Committee	7.00pm
Thurs 21 Mar	District Planning Committee	2.00pm
Wed 27 Mar	Council	7.00pm
	Easter Holiday 28 March – 15 April Good Friday 29 March, Easter Monday 1 April	
Thurs 11 Apr	Planning Committee	4.00pm
Wed 17 Apr	Scrutiny Committee Leader, Deputy Leader, Planning, Economic Growth and Net Zero	7.00pm
Thurs 18 Apr	District Planning Committee	2.00pm
Wed 1 May	Scrutiny Committee Housing and Customer Services, Community, Leisure and Parking	7.00pm
	Monday 6 May Bank holiday	
Wed 15 May	Annual Council	7.00pm

Table of Meetings – 2023 - 2024

JUNE	JULY	AUGUST	SEPTEMBER
<ul style="list-style-type: none"> ▪ Cabinet Grants Committee ▪ Cabinet ▪ Scrutiny Committee Leader, Deputy Leader, Planning, Economic Growth and Net Zero 	<ul style="list-style-type: none"> ▪ Scrutiny Committee Housing and Customer Services, Community, Leisure and Parking ▪ Licensing Committee ▪ Audit Committee ▪ Cabinet Grants Panel ▪ Charity Trustees & Council 		<ul style="list-style-type: none"> ▪ Cabinet ▪ Standards Committee ▪ Charity Trustees & Council ▪ Licensing Committee ▪ Scrutiny Committee Leader, Deputy Leader, Planning, Economic Growth and Net Zero
OCTOBER	NOVEMBER	DECEMBER	JANUARY
<ul style="list-style-type: none"> ▪ Cabinet Grants Panel ▪ Scrutiny Committee Housing and Customer Services, Community, Leisure and Parking 	<ul style="list-style-type: none"> ▪ Cabinet ▪ Licensing Committee ▪ Audit Committee 	<ul style="list-style-type: none"> ▪ Council 	<ul style="list-style-type: none"> ▪ Scrutiny Committee Leader, Deputy Leader, Planning, Economic Growth and Net Zero ▪ Scrutiny Committee Housing and Customer Services, Community, Leisure and Parking ▪ Standards Committee
FEBRUARY	MARCH	APRIL	MAY
<ul style="list-style-type: none"> ▪ Cabinet ▪ Cabinet Grants Panel ▪ Licensing Committee ▪ Council (Budget) 	<ul style="list-style-type: none"> ▪ Cabinet ▪ Audit Committee ▪ Council 	<ul style="list-style-type: none"> ▪ Scrutiny Committee Leader, Deputy Leader, Planning, Economic Growth and Net Zero 	<ul style="list-style-type: none"> ▪ Scrutiny Committee Housing and Customer Services, Community, Leisure and Parking ▪ Annual Council

**Not including monthly Planning and District Planning Committees*

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MSDC PAY POLICY STATEMENT 2023/24

REPORT OF: DIRECTOR OF RESOURCES AND ORGANISATIONAL DEVELOPMENT
Contact Officer: Tim Martland, Head of HR & Organisational Development
Email: tim.martland@midsussex.gov.uk Tel: 01444 477251
Wards Affected: None
Key Decision: No
Report to: Council
29 March 2023

Purpose of Report

1. The purpose of this report is to meet the statutory requirement of Section 38 of the Localism Act 2011 to agree and publish annually the Council's Pay Policy Statement. Members should note that the Statement for Mid Sussex informs our current practice. It does not introduce anything new. The statement has been updated following its initial introduction in March 2012, when Council first agreed the Pay Policy Statement and has done each year since.

Recommendations

2. **Council Members are recommended to agree the Pay Policy at Appendix A, to comply with the requirements of the Localism Act.**
-

Background

3. The Localism Act 2011 received Royal Assent on 15th November 2011. Section 38 of the Act placed a requirement on local authorities to publish a Pay Policy Statement each year. The Statement must set out the Council's policies relating to:
 - Remuneration of its senior officers
 - Remuneration of its lowest-paid employees and
 - The relationship between the remuneration of its senior officers and the remuneration of its employees who are not senior officers.
4. Senior officers have been defined as the posts of Chief Executive, Director/Deputy Chief Executive, Director, People & Commercial Services, Director, Resources & Organisational Development.
5. This Statement has been put together considering the relevant sections within Chapter 8 'Pay Accountability' of the Localism Act 2011. In its development, consideration has also been given to the 2012 guidance produced by the Department for Communities and Local Government (DCLG) entitled 'Openness and Accountability in local pay – guidance under section 40 of the Localism Act' and the supplementary guidance published in 2013.

6. Additionally, consideration has been given to the Code of Recommended Practice for Local Authorities on Data Transparency published by the DCLG in September 2011. More recently relevant guidance has also been issued in “Statutory guidance on the making and disclosure of Special Severance Payments by local authorities in England” published on 12 May 2022.
7. Several recommendations for promoting pay fairness in the public sector by tackling disparities between the lowest and the highest paid in public sector organisations were made in Will Hutton’s report on fair pay in the public sector. This was published in March 2011. Hutton was asked to consider whether a public sector pay multiple, in which no manager could earn more than 20 times the lowest paid person in the organisation would be helpful as the core of a fair pay system in the public sector and to tackle pay disparities.
8. The aims behind Hutton’s recommendations are not really aimed at authorities like Mid Sussex as we already publish the relevant information, and our pay ratios are significantly below that threshold stated above. This is still achieved with the introduction of a new Apprenticeship grade.
9. It is a statutory requirement to agree and publish a Statement and as such, the Council is complying with its obligations.

Policy Context

10. The proposed Pay Policy Statement 2023-24 is attached as Appendix A to this report. The Statement sets out the Council’s policies in relation to the pay of its workforce, particularly its senior officers, and sits alongside the policies on pay that the Council has already adopted and published in its Pay Policy.

Financial Implications

11. There are no direct financial implications arising from this report as the Pay Policy Statement sets out the Council’s policies relating to remuneration. It does not serve to set or agree specific rates or numerical amounts.

Risk Management Implications

12. The risks of not having a clear policy include being unable to recruit and retain staff and being unable to demonstrate value for money to the taxpayer.

Sustainability Implications

13. None

Other Material Implications

14. There is a statutory requirement to comply with the Localism Act and agree and publish a Pay Policy annually. There are no environmental, human rights or community safety implications

Background Papers

15. There are no background papers.



MID SUSSEX DISTRICT COUNCIL
Appendix A - Pay Policy Statement
Financial year 2023-24

1. Purpose

The Council has an obligation under Section 38 (1) of the Localism Act 2011 to prepare a Pay Policy Statement for each financial year. It must be approved by Full Council and published on the Council's website.

This Pay Policy Statement covers the financial year 2023/24 and is updated annually from April each year.

This Statement complements the Council's existing Pay Policy, which was approved by Council in November 2011 and came into operation on 1st January 2012.

The Statement sets out Mid Sussex District Council's policies relating to the pay of its workforce for the financial year 2023/24, in particular: -

- a) the remuneration of its Chief Officers
- b) the remuneration of its "lowest paid employees"
- c) the relationship between
 - the remuneration of its Chief Officers and
 - the remuneration of its employees who are not Chief Officers

2. Definitions

This Statement is required to use the following definitions: -

2.1 "Pay" in addition to salary includes charges, fees, allowances, benefits in kind, increases in/enhancements to pension entitlements, and termination payments.

2.2 "Chief Officer" refers to the following roles within the Council: -

- Members of the Council's Management Team, as follows:
 - Chief Executive
 - Director, Deputy Chief Executive
 - Director People & Commercial Services
 - Director Resources & Organisational Development

2.3 "Lowest paid employees" refers to those staff employed within the Apprentice grade, as it is the lowest grade on the Council's pay framework.

2.4 "Employee who is not a Chief Officer" refers to all staff who are not covered under the "Chief Officer" group above.

3. Pay framework and remuneration levels

3.1 General approach

Remuneration at all levels needs to be adequate to secure and retain high-quality employees to fulfill the Council's business objectives and delivering services to the

public. This must be balanced by ensuring remuneration is, and is seen to be, fair value to the public purse.

Mid Sussex District Council supports the principle of equal opportunities in employment and believes that staff of different age, disability, gender (including staff who have proposed, commenced or completed gender re-assignment), race, religion or belief, or sexual orientation, with or without trade union membership, should receive equal pay for the same or broadly similar work, for work rated as equivalent and for work of equal value. With effect from 30th March 2018, the Council is required to publish figures relating to its gender pay gap.

Mid Sussex District Council will not make payments to staff, or those that could be considered to be staff, via Limited Companies. All staff will be directly employed by the Authority.

3.2 Responsibility for decisions on remuneration

It is essential for good governance that decisions on pay and reward packages for Chief Executives and Chief Officers are made in an open and accountable way and that there is a verified and accountable process for recommending the levels of top salaries.

Mid Sussex District Council will apply the pay agreements reached by the National Joint Council (for staff not covered under the Chief Officers Group) and Joint Negotiating Committee (for Chief Officers) on Pay and Conditions of Service. The Council may however choose to apply local variations as appropriate/locally devised conditions of service. This is only likely to apply if there are recruitment difficulties in certain areas of the employment market.

Any decision regarding the recruitment, selection and remuneration for the post of the Chief Executive and Head of Paid Service will be made by the whole Council and cannot be delegated. Advice on such matters will be given by a properly constituted 'Leader's Panel', set up by Council to deal with these matters as and when they arise. The Panel will be politically balanced and will take advice from the S151 Officer, the Monitoring Officer and the Director Resources & Organisational Development as a minimum, before recommendations are made to Council. Once an appointment has been made, future remuneration will be determined by the Leader of the Council. These awards will comply with a pay scale that has been agreed by Council.

The appointment of a section 151 Officer, Monitoring Officer, and any roles with a salary package above £100K (excluding pension contributions) will be approved by Council.

3.3 Salary grades and grading framework

Grades are determined in line with national guidance, with the grade for each role being determined by a consistent job evaluation process. This followed a national requirement for all Local Authorities and other public sector employers to review their pay and grading frameworks to ensure fair and consistent practice for different groups of workers with the same employer.

There are 11 grades (Apprentice to MPO3INC) in the Council's pay framework for employees who are not in the management group, Apprentice grade being the lowest and grade MPO3 INC the highest. Each employee will be on one of the 11 grades based on the job evaluation of their role.

Each post within the officer establishment is subject to grading by job evaluation. The starting salary on appointment will normally be at the lowest point of the salary scale for

the grade evaluated for the job, subject to negotiation based on the appointee's level of relevant experience.

Progression beyond the starting salary will be subject to satisfactory service and a positive report from the employee's Assistant Director. If this is the case an employee's salary will rise by an annual increment payable on the 1st April each year until the maximum of the grade is reached. There will be no further progression payment once an employee reaches the maximum spinal column point of their salary grade scale.

Remuneration is considered annually for staff, as per agreements reached as part of national negotiations with the National Joint Council on Pay and Conditions of Service.

For Chief Officers the value of any pay award is determined by the Joint Negotiating Committee for Chief Officers of Local Authorities.

The last pay award to both Chief Officers and employees who are not Chief Officers was made in December 2022 (backdated to April 2022) and effective until 31st March 2023.

4. Remuneration – level and element

4.1 Salaries

4.1.1 "Chief Officers" are those officers occupying the posts as identified in 2.2.

This group of "Chief Officers" is paid outside the Council's pay framework.

The annual pay review for these Chief Officers is considered by the Joint Negotiating Committee for Chief Officers of Local Authorities each year.

Typically, these Chief Officers have received the same percentage award determined nationally for other grades of Local Government employees within the Council.

Salary on appointment for Chief Officers has regard to the demands and challenge of the role compared to other Chief Officer roles within the Council and the structure of the senior team. Account is also taken of other relevant available information, including the salaries of Chief Officers in other similar sized organisations. The final decision on the salary on appointment for Chief Officers lies with the Chief Executive or the Director Resources & Organisational Development.

The Council's Senior Officer remuneration data is already published within the annual Statement of Accounts and can be found on the Council's website at

<https://www.midsussex.gov.uk/media/8441/2021-22-statement-of-accounts-unaudited.pdf>

4.2 Bonuses

The Council has no provision for and does not intend to make bonus payments for any group of staff. It is not the Council's policy to pay substantive honoraria, unless in exceptional circumstances and agreed by the Head of Paid Service.

4.3 Acting Up Payments

As per section 12 of the Council's Pay Policy, all contracted employees may be required to take on an acting up role, for which the sum payable will be commensurate with the substantive post being covered if the staff member acting up is being asked to be responsible for all the duties of the post. If the individual is only carrying out some of the

duties of the higher-grade job, the calculation will be adjusted accordingly in relation to the specific duties being carried out.

The acting up duties should be carried out for a continuous period of at least 4 weeks (other than cover for annual leave) and should be time-limited to cover a specific short-term requirement which should not exceed 12 months in duration.

4.4 Market Supplements

It is recognised that a shortage of staff with particular skills – either locally or nationally – may drive up the 'going rate' and create difficulties in recruiting and retaining staff. Mid Sussex District Council has recognised the potential for such problems and may consider paying market supplements or enhancements to an individual or group of employees where this can be objectively justified. The specific measures for managing and monitoring this process is detailed in section 10 of the Council's Pay Policy.

4.5 Other pay elements

All staff are subject to the same performance management process.

Targets are set and performance against those targets is assessed. Subject to satisfactory performance, all staff will receive incremental progression until the top of their grade is reached.

4.6 Charges, fees or allowances

Any allowance or other payments will only be made to staff in connection with their role or the patterns of hours they work and must be in accordance with the Council's policies and collective agreements.

4.6.1 Electoral payments to Officers

The Head of Paid Services is the Council's Returning Officer. The fees for this role are paid according to a national fees & charges order in the case of national elections, or the scale of fees & charges agreed in West Sussex in the case of local elections. From this fee, the Returning Officer will pay discretionary fees to any Deputy Returning Officers appointed for that election.

The Returning Officer will also charge a clerical fee to the body for which the election is being held. This fee is devised from a formula laid out in the scale of fees & charges agreed in West Sussex. This amount is then distributed across the elections core team according to the degree of responsibility undertaken and the amount of additional work required. In general, the elections core team is made up of Council Officers, including some senior officers, though this is not a requirement as the work is being undertaken for the Returning Officer.

Council Officers employed by the Returning Officer in specific electoral roles, such as Presiding Officer, Poll Clerk, Polling Station Inspector, Count Supervisor, Count Assistant, Postal Vote Opening Supervisor and Postal Vote Opening Assistant will receive a fee according to the scale of fees & charges agreed in West Sussex. Non-Council employees working in the same roles receive precisely the same remuneration.

It is to be noted that the above payments do not form part of any employee's contractual entitlement or payments.

4.6.2 Car Allowance and Mileage

Where a post attracts essential car user status, the postholder will receive a lump sum allowance per annum and mileage rate in accordance with HMC Car Allowance Rates. These allowances apply to all employees.

4.7 Benefits in kind

4.7.1 Mid Sussex Council Membership

This is a discounted membership scheme for employees of the Council to use the leisure facilities at its three leisure centres located within the district. This benefit is open to all contracted employees.

4.7.2 Health and Life Insurance Cover

All Chief Officers are eligible for health and life insurance cover, the detail of which is contained within the Statement of Accounts as referenced to in Section 4.1.1.

4.8 Pay and Performance

There is no separate provision or intention for performance related pay for any Council employee.

4.9 Pension

All employees as a result of their employment are eligible to join the Local Government Pension Scheme.

4.10 Severance Payments

We are already required to publish our policy on discretionary payments on early termination of employment as well as publishing our policy on increasing an employee's total pension scheme membership and on awarding additional pension where applicable.

Please refer to the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006 as revised in 2010 for details regarding compensation for loss of employment as a result of both voluntary and compulsory redundancy.

Given that the formula for statutory redundancy payments based on age and service is deemed by the Government to be permitted under the EU Directive on Age, as per regulation 33 of the Age Discrimination Regulations, the Council will link compensation payments to the statutory redundancy pay calculator.

In cases of voluntary redundancy, the Council will use a multiplier of 2.1 (i.e. multiplying the number of weeks' pay the employee would be entitled to under the statutory formula to the factor of 2.1), giving a maximum payment of 63 weeks' pay, including the statutory redundancy payment.

In cases of compulsory redundancy, the Council will use a multiplier of 2 (i.e. multiplying the number of weeks' pay the employee would be entitled to under the statutory formula to the factor of 2), giving a maximum payment of 60 weeks' pay, including the statutory redundancy payment.

Employees who are members of the Local Government Pension Scheme are given the option of converting compensation payments (less the statutory redundancy payment)

into additional pensionable service on a strictly cost-neutral basis, in accordance with the formula published by the Government.

The Council will not make use of the augmentation provisions of regulation 52 of the LGPS.

Any other payments on early termination of employment will only be agreed on the basis of the latest guidance, which forms part of the best value regime for local authorities in England as set out in section 3 of the Local Government Act 1999.

Current guidance makes clear that special severance payments may be made, but only in exceptional cases, and only when there is a clear evidenced justification for doing so. Any payments that are made must be fair, proportionate, lawful and provide value for money for the taxpayer. Any exit payment which includes a special severance payment of above £100K must be approved by Council.

The Council would not consider it appropriate to re-employ any employee, including a Chief Officer who had previously received a redundancy or severance package on leaving Mid Sussex District Council within the previous five years. Nor would it be considered appropriate for that individual to return on a 'contract for services'.

4.11 New starters joining the Council

Employees new to the Council will normally be appointed to the first point of the salary range for their grade. Where the candidate's current employment package would make the first point of the salary range unattractive (and this can be demonstrated by the applicant in relation to current earnings) or where the employee already operates at a level commensurate with a higher salary, a higher salary may be considered by the recruiting manager. This will be within the salary range for the grade. The candidate's level of skill and experience should be consistent with that of other employees in a similar position on the salary range.

5. Relationship between remuneration of "Chief Officers" and "employees who are not Chief Officers"

The ratio between the mean average Chief Officer earnings and the mean average earnings across the Council is 100:32.

The ratio between the mean average Chief Officer earnings and the lowest grade currently used is 100:20.

This calculation is based on all taxable earnings for the year, including base salary, allowances and the cash value of any benefits in kind where appropriate.