



**HAYWARDS HEATH
TOWN COUNCIL**

Town Hall 40 Boltro Road, Haywards Heath West
Sussex, RH16 1BA
Tel: 01444 455694
Website: www.haywardsheath.gov.uk
Email: town.clerk@haywardsheath.gov.uk

16th March 2021

To all Councillors,

Dear Councillor,

You are hereby summoned to attend a **MEETING OF HAYWARDS HEATH TOWN COUNCIL** to be held on **Monday 22nd March 2021** via Zoom Video Conferencing at **7.30pm** when the following business will be transacted. Please use the following Zoom link.

<https://us02web.zoom.us/j/81158848011?pwd=SZCV3VYajduZlIXcDRJejBZWjBsUT09>

Yours sincerely
Steve Trice
Town Clerk

A G E N D A

1. Town Council Prayer
2. To note any apologies for absence.
3. Public Forum - *Members of the public are invited to ask questions or raise issues which are relevant and are the concern of this Council. A period of 15 minutes is allocated for this purpose. Notice of intention to address Council should be given to the Clerk by noon of the day of the meeting.*
4. To confirm the Minutes of the Extraordinary Meeting of the Council held on 15th February 2021. **(pages 3-5)**
5. To receive Declarations of Interest from Members in respect of any matter on the agenda.
6. To dispose of any business outstanding from the last meeting
7. To note the Mayoral Engagements and any announcements.
8. To receive and consider and adopt the Resolutions of the following Committees. **(pages 6-7)**
 - a) Planning Committee held on the 1st February 2021
MINS. 106 – 113
 - b) Planning Committee held on the 22nd February 2021
MINS. 114 – 121

- c) Planning Committee held on the 15th March 2021
MINS. 122 – 128

 - d) Environment and General Purposes Committee held on the 15th February 2021.
MINS. 38 – 48

 - e) Policy and Finance Committee 8th March 2021
MINS. 48 – 60
-
- 9. To consider a request that the Town Council makes an application to establish one new Public Right of Way and reinstate an existing Public Right of Way off Wickham Way, Haywards Heath. **(8-11)**

 - 10. To consider the Town Council's Membership of West Sussex Association of Local Councils and National Association of Local Councils and the delivery of subsequent professional and legal services. **(12-15)**

 - 11. To consider a change to the date of the Annual Meeting of the Town Council 2021. **(16-17)**

 - 12. To consider a motion from Cllr S. Ellis regarding the West Sussex County Council Community Verge Scheme. **(18-19)**

 - 13. To consider any urgent items the Mayor has received.

 - 14. To consider exclusion of Public and Press.

This meeting is being held under the provisions made on the 4 April 2020, when the government brought The Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings) (England) Regulations 2020 into force to allow local authorities to conduct meetings remotely.

*During this meeting the public are allowed to film the Committee and officers only from the front of the public gallery, providing it does not disrupt the meeting. **Any items in the Exempt Part of the agenda cannot be filmed.** If another member of the public objects to being recorded, the person(s) filming must stop doing so until that member of the public has finished speaking. The use of social media is permitted but all members of the public are requested to switch their mobile devices to silent for the duration of the meeting.*

Town Mayor Cllr Alastair McPherson

Town Clerk Mr Steven Trice

HAYWARDS HEATH TOWN COUNCIL

MEETING OF HAYWARDS HEATH TOWN COUNCIL

Minutes of the Extraordinary meeting held on 15th February 2021, which was held virtually by Zoom under the provisions of the Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings) (England) Regulations 2020.

Councillors: Christopher Ash-Edwards

Richard Bates

Clare Cheney

Rachel Cromie

Sandy Ellis

Christopher Evans *

Howard Mordin *

Stephanie Inglesfield

Matthew Jeffers

James Knight

Clive Laband

Jack Langley

Alastair McPherson

Richard Nicholson

Mike Pulfer

Sujan Wickremaratchi

Apologies Absent***

Also, present: Town Clerk and one resident.

The Town Mayor then asked for each Member to confirm that they were present, which is reflected above.

77. Council Prayer

The Town Council prayer, which was read by the Town Mayor Alastair McPherson.

78. Apologies

None.

79. Public Forum

None

80. Minutes

The Minutes of the Council Meeting held on 25th January 2021 were taken as read, confirmed as a true record and duly signed by the Mayor.

81. Declarations of Interest

None.

82. Dispose of any Business from the Last Meeting of the Council

None.

83. **West Sussex Association of Local Council AGM Arrangements**

The Town Clerk introduced the accompanying report and updated Members on the matter commenting, as per the report's content, on the what had become a complicated and drawn-out process, which he had to step away from and let Members decide their preferred way forward as WSALC was a Member led organisation. It was also noted that the Clerk's interest in the matter was removed as the Sussex and Surrey Association was to be closed due to the fall out the Value for Money Review. It was then noted that the Town Clerk was positive that the Council representatives had the authority to act on WSALC matters, but the AGM arrangements gave an opportunity to be belt and braces in light of the continued challenges being made by the WSALC Board. Members noted that they were not being asked to consider any continued service option, but again ratify the role of the appointed representatives and the role of the Town Clerk and steer them on the special and ordinary resolutions that were being tabled at the AGM. It was noted that some of the resolutions were now questionable as they referred to actions that the Board had gone off on its own back and completed, such as agreeing to take services from Hampshire Association of Local Councils, However, it would be hoped that this could be rescinded as it was subject to detail.

At this point Cllr Jeffers, after explaining the unbelievable roundabout that the Town Clerk had been on to protect the Council's best interests, moved that Members needed to consider the revised ordinary motion in the AGM agenda 12th February 2021 after the agenda summons for the meeting of Council was sent out. This was on the grounds that the 4 original motions had been struck off the AGM agenda issued 9th February 2021. For the avoidance of doubt the following one ordinary and 3 special motions were tabled.

Special Resolutions

1. The Parish Councils of West Sussex instruct the Directors of WSALC as a Special Resolution not to purchase governance services from the Hampshire Association of Local Councils.
2. The Parish Councils of West Sussex instruct the Directors of WSALC as a Special Resolution to work with the East Sussex Association of Local Councils to re-establish a Sussex Association and to receive joint governance arrangements through a single service.
3. The Parish Councils of West Sussex instruct the Directors of WSALC as a Special Resolution to appoint a new Chairman and Vice Chairman of WSALC.

Ordinary resolutions

1. That Terry Oliver and Michael Beal be removed from office as Directors of the Company with immediate effect 25th February 2021.

This was seconded by Cllr Pulfer and unanimously agreed by the Council. In considering the ordinary/special motions as tabled, Members were happy to support them all with the additional wording being made under recommendation (c) 'and at any adjourned subsequent meeting so to cover a deferment of the matters from the AGM to a further meeting, which was then seconded and agreed.

Without any further comments

Members unanimously **RESOLVED** that;

- a) **The Town Council resolves to support the revised ordinary and additional special resolutions tabled for the West Sussex Association of Local Councils' Annual General Meeting on the 25th February 2021 as laid out in the main body of this minute and under point 9 of the most recent Annual General Meeting agenda.**

- b) That the Town Council resolves to vote against the appointment of the named West Sussex Association of Local Councils' Board Members to representation of the Association on the National Association of Local Councils under item 8 of the Annual General Meeting on the 25th February 2021.
- c) For the avoidance of doubt that Cllr Pulfer and Cllr Jeffers have full delegated authority to act at the Annual General Meeting and any adjourned subsequent meetings, and on all matters/decisions/actions relating to West Sussex Association of Local Councils (which in turn the Town Clerk is authorised to act upon and relay to the WSALC Board, or the any future service provider), other than which the Town Council has deemed to explicitly resolved to deal with.

84. Urgent Items
None

Meeting Closed at 6.15pm

Meeting: Full Council

Report of: Town Clerk

Date: 22nd March 2021

Subject: Minutes of Committee Meetings

Purpose of Report:

1. The purpose of this report is for Members to receive and adopt the resolutions of the Council's Planning Committee, Policy and Finance Committee and Environment and General Purposes Committee.

Summary:

2. The Committee Chairmen will each move 'the reception and adoption' of their relevant Committee meeting resolutions. These resolutions relate to the Planning Committees held on the 1st February 2021 - **Minutes 106 - 113**, 22nd February 2021 - **Minutes 114 - 121**, and 15th March 2021 – **Minutes 122 - 128** Environment & General Purposes Committee – 15th February 2021 – **Minutes 38 - 48** and Policy and Finance Committee 8th March 2021 – **Minutes 48 - 60**.

Members are recommended to;

(a) Adopt the resolutions of the Council's standing Committees as laid out under points 3, 4, 5, 6 and 7 of this report

3. Planning Committee, 1st February 2021 - **Minutes 106 – 113 resolutions;**
Nothing to report other than the planning application comments.
4. Planning Committee, 22nd February 2021 – **Minutes 114 – 121 resolutions;**
Nothing to report other than the planning application comments.
5. Planning Committee, 15th March 2021 – **Minutes 122 – 128;**
Nothing to report other than the planning application comments.
6. Environment & General Purposes Committee 15th February 2020 - **Minutes 38 – 48 resolutions;**

MIN. 42 – To RESOLVE the recommendations of the Events and Community Officer Report,

- a) to cancel Spring Festival 2021.
- b) to progress the Covid Awards Sponsorship package with a working group formed of Cllrs Jeffers, Cromie and Inglesfield.

MIN. 43 – To RESOLVE the recommendation to ratify the actions of the Environment Working Group dated 19th January 2021.

MIN. 44 – To RESOLVE the recommendation to ask the Assistant to the Town Clerk to return to the next meeting of the Committee with additional options of green power for the street lighting power contract.

MIN. 45 – To RESOLVE the recommendation to not enter into South and South East in Bloom in 2021.

MIN. 46 – To RESOLVE the recommendations to adopt the Muster Green Management Plan for 2021.

MIN. 47 – To RESOLVE the recommendations to award £129.60 from the Town Fund to Sussex Clubs for Young People to assist them in advertising the Food Larder located at Saltworks building in America Lane,

7. Policy & Finance Committee 8th March 2021 - **Minutes 48 - 60 resolutions;**

MIN. 52 - to RESOLVE the recommendation to recommend to Full Council for approval, the list of payments and receipts, and income and expenditure for the period 1st December 2020 – 1st January 2021.

MIN. 53 – To RESOLVE the recommendation to award a grant of £250 to Sussex Clubs for Young People towards running costs.

MIN. 54 – To RESOLVE the recommendation to adopt the Town Council's Financial Risk Assessment for 2021.

MIN. 55 – To RESOLVE the recommendation to note the position of the Town Council's restricted and unrestricted reserves as of the 31st January 2021.

MIN. 56 – To RESOLVE the recommendation to adopt the following Health and Safety documents.

- a) Health and Safety Policy
- b) Risk Assessment Form
- c) Fire Risk Assessment
- d) Covid 19 Risk Assessment

MIN. 57 – To RESOLVE the recommendation that the Town Council continues with Hiscox as its main insurer and enters into a binding three-year Long-Term Agreement until 31 March 2024, with a discounted first year's premium of £5,855.75.

MIN. 58 – To RESOLVE the recommendation to re- adopt the Freedom of Information Policy for the Town Council.

Town Clerk

Meeting:	Full Council
Report of:	Town Clerk
Date:	22 nd March 2021
Subject:	Establishment of a new Public Right of Way and the Reinstatement of an existing Public Right of Way off Wickham Way, Haywards Heath.

Purpose of Report:

1. The purpose of this report is for Members to consider a request made by residents of the Town.

Summary:

2. Residents from the area of Wickham Way, supported by a lead resident along with twenty-five individual letters of support, have asked the Town Council to make applications to West Sussex County Council (WSSC) for the Establishment of a New Public Right of Way and Reinstatement of an Existing Public Right of Way through Wickham Fields, Haywards Heath (map attached) via applications for Definitive Map Modification Orders (Wildlife and Countryside Act 1981).

Recommendation(s):

Members are asked to consider resolving to make two applications to West Sussex County Council through Definitive Map Modification Orders for the following;

- a) Establishment of new Public Right of Way through Wickham Fields (as marked in red on the map in Appendix 1 of this report)**
- b) Re-instatement of a Public Right of Way through Wickham Fields (as marked in blue on the map in Appendix 1 of this report)**
- c) If agreeable to a) and b) that the Town Clerk be given delegated authority to make the two applications and be authorised to serve notice on the land owner of the fields in question, as part of the application process.**

Background:

3. If the Town Council is minded to agree to make the Definitive Map Modification Orders (DMMO) application then the following process needs to be followed. Please note that the paperwork for the two applications has already been completed by the residents
 - The Town Council will have to directly serve notice of the applications on the landowners in writing – the forms to do such is available so it will be a case of posting it them.
 - At the same time the Town Council lodges the full application to WSSC and they register the case. There is no cost for this.
 - WSSC will then consider the case, which could take over a year due to levels of work.
 - WSSC will make a decision, which will then be open to judicial review.
 - If the Town Council is successful in its application then the landowner can challenge and then the Town Council could find itself in a Planning Inspection/Enquiry.

- WSCC will bear the costs of the Planning Inspection/Enquiry itself, but the Town Council would have to represent itself or pay for a solicitor to do. If the case is lost then HHTC would be subject to the possibility of paying the costs of the landowner.
4. So, the moral issue of representing our community needs to be balanced against, what is suggested to be the financial risk to the Town Council and the immediate response by the landowners, which both cannot be guessed or quantified.

Financial Implications

5. There are no financial implications relating to the submission of the application.
6. However, there are unquantifiable and unknown costs in relation to any appeal made by the landowner to any WSCC approval of either/both applications. This would be in terms of legal fees payable to the landowner if the Town Council lost at a planning enquiry.
7. It is not within the gift of the Town Clerk to foresee WSCC's decision on the matter, if an appeal will be made, if the appeal would overturn the decision, or if the inspector would award a reasonable cost to landowners from the Town Council if an appeal was lost.
8. Transversely the Town Clerk cannot guess if the process will be simple with no implications without challenge by the landowner(s).
9. Direct legal opinion of West Sussex Legal Officers is as follows.
The landowners do tend to challenge applications of this nature particularly if there is planned development. An inspector can, at inquiry, award costs against a particular party if they are asked to, however, they are only generally awarded if the party to which the application for costs is applied against has acted unreasonably. To make an application is a right and in itself cannot be considered to be an unreasonable action.

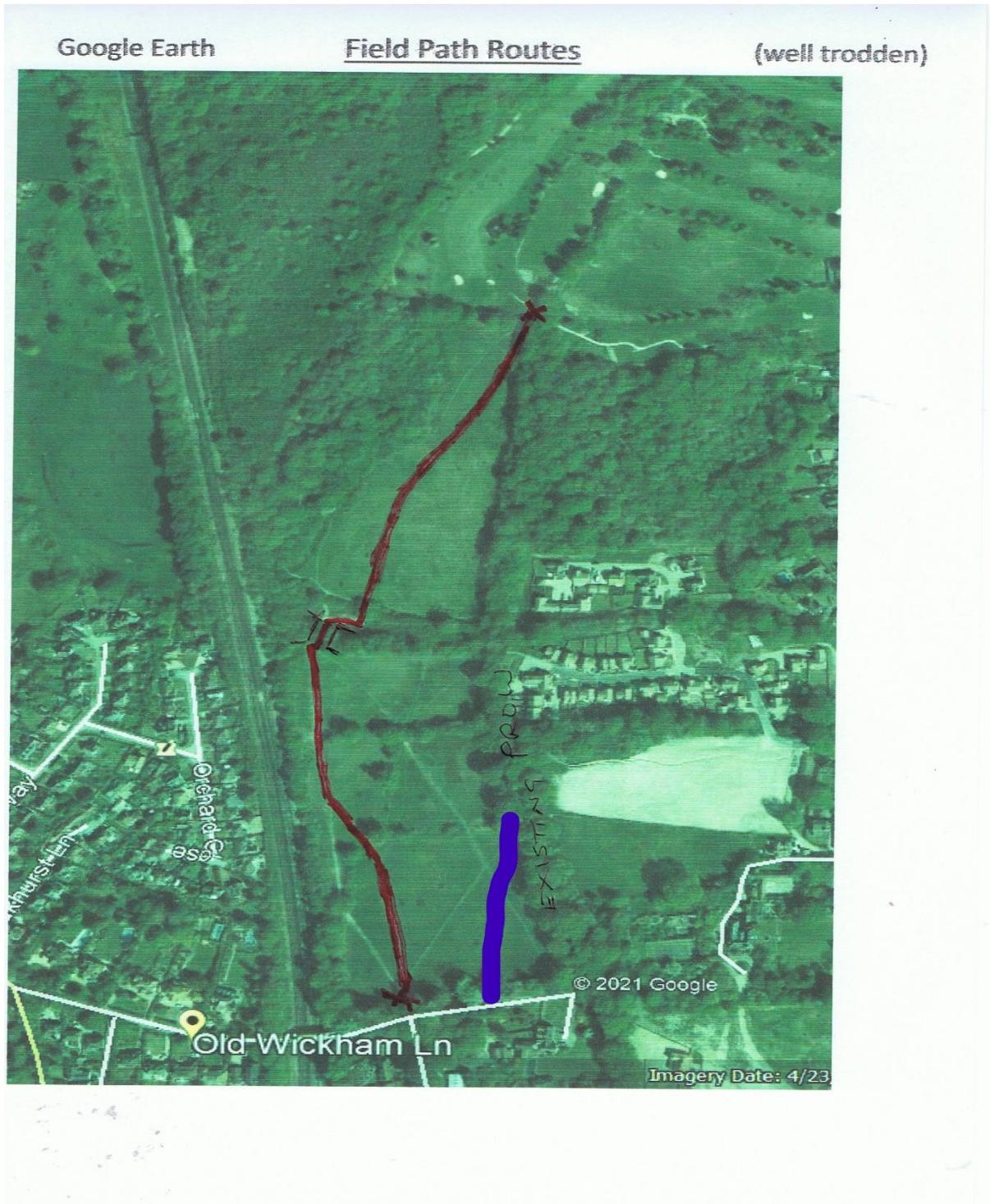
Legal Implications

10. The Town Council can make an application under the General Power of Competence, which the Town Council meets the criteria of as exercised and resolved at the Annual Meeting of the Town Council dated 13th May 2019 under minute 17.

Town Clerk

Map of;

- 1) Establishment of new Public Right of Way through Wickham Fields marked in red.
- 2) Re-instatement of a Public Right of Way through Wickham Fields marked in blue.



Further Information

Legal Implications – advice from WSCC officers.

The PROW team at WSCC undertakes the maintenance of the rights of way network. The PROW team are not actually legally obliged to maintain 'new' rights of way that are established following a DMMO process. The reasoning there is that the path is created by use (of not less than 20 years etc) and the users accept, by their use, the standard of path as it is – overgrown, bumpy etc. However, I would say that WSCC does in fact, through policy, maintain all rights of way across the County to a suitable standard for the user and that includes 'new' rights of way established through the DMMO process.

As for any other legal liabilities that HHTC may need to be aware of I cannot think of any other than as applicant you will be required to see the process through to inquiry if needs be and lead on the evidence to support the application. Any other liabilities would be the same as any individual who may obstruct, maintain without authorisation or damage the right of way once established/ confirmed of course.

Lindfield Parish Council will be consulted as part of the investigation and consultation process.

There are no application fees but of course HHTC may incur administration costs and officer time in leading the application. If applications get to inquiry stage they can be hotly contested and some parties may use legal representation. HHTC may feel they, as applicant, would want to do the same. Again with legal advice – it is not a requirement and its not always essential and it does depend on the nature of the evidence from the objectors – it will be up to HHTC to decide. The County Council will be processing the application in an unbiased way throughout and cannot offer the applicant, the landowners and/or the objectors any private legal advice.

It is a paper exercise for WSCC however its not a simple one. A lot of research will be undertaken into the consultation process and analysing evidence in support and against for instance.

The landowners do tend to challenge applications of this nature particularly if there is planned development. An inspector can, at inquiry, award costs against a particular party if they are asked to, however, they are only generally awarded if the party to which the application for costs is applied against has acted unreasonably. To make an application is a right and in itself cannot be considered to be an unreasonable action. I think the booklet advises further on costs.

Ends

Meeting: Full Council
Report of: Town Clerk
Date: 22nd March 2021
Subject: Membership of West Sussex Association of Local Councils and National Association of Local Councils and the delivery of subsequent local services.

Purpose of Report:

1. The purpose of this report is for Members to consider the Membership of an outside body.

Summary:

2. The following report is presented so that Members can reconsider their Membership of West Sussex Association of Local Councils (WSALC) and National Association of Local Councils (NALC) and the proposed delivery of professional and legal services via WSALC. This matter was requested to be returned to Full Council, as resolved on the 25th January 2021, so that the outcomes of the WSALC AGM was known.

Recommendation(s):

Members are recommended to;

- a) **Exercise their right to withdraw their resignation from West Sussex Association of Local Councils and National Association of Local Councils on the basis that the Town Council is content with the service provider for professional and legal services to be provided for the Council year 2021/2022.**
- b) **Pay the revised subscription fee of £1,575 to West Sussex Association of Local Councils and £1,695.84 to National Association of Local Councils as stated under the financial implication of this report.**

Background:

3. As Members have been made aware (Full Council reports 18th November 2020, 25th January 2021 and 15th February 2021) there have been on-going issues in relation the actions of the WSALC Board with its failed Value for Money review and its attempt to move professional and legal advice over to Hampshire Association of Local Councils (HALC), which had contributed to the break-up of Sussex and Surrey Association of Local Councils (SSALC).
4. The actions of the WSALC Board and the potential change to service provider led to the Town Council tendering its resignation to the WSALC Board (three months' notice) in January, whilst reserving its position with regards to the resignation if there was an alternative and suitable provider found, which would ultimately have to result in the change to the WSALC Board make up. This decision was made as it had been

acknowledged that the direction of travel being taken at the time by the WSALC Board what not what the membership of Town and Parish Councils across West Sussex wanted, nor was the process the WSALC Board was undertaking supported, as there was no consultation or communication with the Member Councils.

5. At the WSALC AGM held on the 25th February 2021 the membership of WSALC overwhelmingly voted to stop WSALC Board working with HALC, voted to return to working with the existing providers for professional and legal services and voted that the Chairman and Vice Chairman of the Board be removed from office.
6. Following on from the AGM and its outcomes, the WSALC Board was asked to reconvene and assess the situation. At this point the District Associations across West Sussex, who appoint the WSALC Board of Directors from their membership, removed most of the appointed Directors who supported the break-up of the existing services and have been replacing those Directors with new Board Members who are supportive of the approach agreed at the AGM. This work has been completed with a mainly new WSALC Board now in place with a new Chairman and Vice Chairman. This Board has now met twice.
7. This has led onto a Chairman's briefing attended by the Mayor where a new offer for professional and legal services was presented that will provide a status quo to the those being provided before the former Board decided to take a course an action to move towards HALC.
8. So, the offer presented and agreed informally to the Chairman with unanimous agreement, include Trevor Leggo as County Officer two days per week with professional and legal services being provide by Mulberry and Co. This service will include Anna Beams (training) and Ian Davison (legal advice). The same set up has been agreed in East Sussex so it will bring the whole of Sussex to one service provider and discussion will be ongoing with East Sussex and West Sussex to see if there could be a move to formal collaborative working again. Surrey is doing their own thing, but there is still an opportunity to work with something like the old SSALC. Please note the WSALC Board has only been in place for 20 days and the new arrangement needs to be in place by the 1st April 2021.
9. Matter to note;
 - a. WSALC is a Member led organisation and the Council receive the services provided in the first instance.
 - b. Clerks have been heavily involved over the last six months and the new WSALC Board wish to keep such good communication going as this whole process over the last six months has highlighted that Clerks do advise their Council. This is what the old WSALC Board underestimated.
 - c. No one wished for the SSALC set up to be broken up, and nearly every Council in West Sussex did not want to use HALC.
 - d. Even though NALC did not help at all during the last six months HHTC cannot be a member of WSALC without being a member of NALC. HHTC could send a message to NALC as other Councils may do and not rejoin WSALC, but that

does not help the Council family nor help with the providing of services, training and information.

- e. At no point was there ever a like for like offer provided to compare the HALC offer, the new offer, SSALC services as provided nor any other provider.
- f. HHTC can test WSALC on their service and review in July and test NALC on its work on Councillor Standards and Bullying and Harassment over the next year. If not happy by Christmas, the Town Council could resign again.
- g. Please note Mulberry and Co are the Town Council's Auditors - this is not in conflict with the provision of additional services as presented as they have no direct input in the day to day running of the Town Council or its finance function.

10. The coverage of the County Officer will increase with the new arrangements and the general professional and legal service are outlined in Appendix 1.

Financial Implications

11. The Town Council budgeted to pay the full fees to WSALC at £1,750 (0.3401p per elector at 22855 capped at £1,750) and NALC at £1,694.84 (£7.42 per elector at 22855) in its budget and it is doubted if membership would have been questioned if the whole WSLAC matter had not been raised over the last six months. Savings have, and are being made by WSALC but they will not be realised until mid-year and the new Board is operating on very short notice. To this end, the Board has made a commitment to reduce fees for WSALC by 10% for 2021/2022 so the actual cost will be £1,575 and then will review fees for 2022/2023 in July. NALC fees will not change.

Legal Implications

12. The Town Council can make an application under the General Power of Competence, which the Town Council meets the criteria of as exercised and resolved at the Annual Meeting of the Town Council dated 13th May 2019 under minute 17.

Town Clerk

Appendix 1

Mulberry and Co Services support by the County Officer (over and above Mulberry and Co)

Clarification of services for WSALC member councils from 1st April 2021

At Mulberry & Co we are now providing direct support and assistance to Town & Parish Councils with their Governance function. With an experienced and established team already known to many of you, our overall objective is to support Town & Parish Councils and to this end we will work collaboratively with you. From procedure reviews, HR support, policy & governance development, to recruitment & training, we will use our detailed understanding of Parish and Town Councils to develop and deliver a tailored support service that meets your needs.

We have access to a wide range of expertise and we can support you and provide you with sustainable solutions.

Should you wish to discuss a governance provision from Mulberry & Co – please do get in contact and we will be happy to discuss.

Our services

- General advice
- Strategy development and visioning events
- Governance, compliance & policy development
- Advice & guidance on risk management
- Project management
- Internal audit
- HR Support
- Recruitment
- Regular news letters
- Regular legal and finance updates
- Networking days

Training

- Bespoke training for individual Councils
- Varied group training throughout the year
- Planning
- Legal and Finance update
- Mentoring
- Chairmanship – Becoming an effective Chairman
- New Councillor – Understanding your role
- New Clerks training – Understanding your role
- Year-end finance training – how to approach your year end
- VAT
- Council as an employer

Ends

Meeting: Full Council
Report of: Town Clerk
Date: 22nd March 2021
Subject: Date of the Annual Meeting of the Town Council

Purpose of Report:

1. The purpose of this report is for Members to consider changes to the committee timetable.

Summary:

2. Due to the lack of clarity, at the present time, the following report recommends moving the Annual Meeting of the Town Council 2021 so that it falls with the dates of existing legislation that allows for the Meetings of the Council to be by electronic means and not in person.

Recommendation(s):

Members are recommended to resolve;

- a. That the clause 3b of Standing Orders be waived for the 2021 Annual Meeting of the Town Council and that the meeting be held on Wednesday 5th May 2021 commencing at 7.30pm.
- b. That the Town Council lobbies its local MP by letter to bring the matter of extending legislation for remote meetings to the attention of the Secretary of State for Housing, Communities and Local Government.

Background:

3. As Members are aware local authorities have been able to conduct meetings and make decisions remotely, during the Covid 19 pandemic, since 4th April 2020 under the provisions made, when the Government brought in The Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings) (England) Regulations 2020.
4. This legislation expires on the 7th May 2021 therefore making it illegal to hold a Full Council or Committee meeting by remote means there onwards. Subsequently, any decision not made at a physical meeting will be illegal.
5. At the date of this report the Government has made no move to extend this deadline nor made any commitment to review, but strong lobbying is being undertaken generally by Parish/Town Councils and organisations such as the Society of Local Council Clerks (SLCC) and the National Association of Local Council Clerks (NALC). There are also letters being sent to local MP's so they are aware of the issue, which the Town Clerk would suggest that the Town Council does also.
6. It is understood that the extension of the Covid 19 remote meeting legislation is rather complicated as it is included in the Covid Act (this was reported by the SLCC external

affairs officer who has met with senior Civil Servants), which means it will need parliamentary time to amend. As you would expect this time is very limited at present, but there is a growing feeling that such should be amended because of the volume of people who attend meetings, the regulatory of meetings, the age demographic of Cllrs and the fact that virtual meetings on the whole have worked very well.

7. What might happen is that the Secretary of State for Housing, Communities and Local Government may lodge to a judge a challenge to civil servant decisions. There is still also no mention of hybrid meetings either.
8. The straw poll taken by the Town Clerk identifies that there is a reluctance from Councillors to come into the Town Hall, until after the Summer so the non-extension will cause issues for the Town Council and the End of Year accounts must be signed of in person.
9. As a short term fix it is recommended that the Annual Meeting of the Town Council be moved from the 10th May 2021 to Wednesday 5th May 2021 at 7.30pm so that the Mayor can be made along with their Deputy, the Leader can be appointed and all appointment on Committees and outside bodies can be made for the 2021/2022 Council year. This meeting will also consider arrangements for legal decision-making process if the Government has not changed the date of the expiry of/or made meetings legal in the long term, which is hoped for by the sector.

Financial Implications

10. None.

Legal Implications

11. Purdah – the meeting will be held during the Purdah period. It is the view of the Monitoring Officer at Mid Sussex District Council that as the meeting is ceremonial, is normal business and process driven that it is allowable. No law prevents the meeting from being held. The meeting must stay away from any item that could be deemed to be politically motivated or a political issue in the Town obviously.
12. The Local Government Act 1972 states that the meeting should be held on any date in May unless it is an election year where it must be held in 14 days of the election.
13. The Town Council, as a one-off matter, must resolve to depart from clause 3b of the Town Council's Standing Orders to allow the meeting to be moved to the 5th May 2021.
3b -In a year which is not an election year, the annual meeting of a Council shall be held on the second Monday in May.
14. The Town Council can make such a decision under the General Power of Competence, which the Town Council meets the criteria of as exercised and resolved at the Annual Meeting of the Town Council dated 13th May 2019 under minute 17.

Town Clerk

Meeting: Full Council
Report of: Town Clerk
Date: 22nd March 2021
Subject: Councillor Motion

Purpose of Report:

1. The purpose of this report is for Members to consider a motion put forward by a Councillor.

Summary:

2. The following report outlines a request that has been made to Full Council by Cllr S. Ellis in relation to the West Sussex County Council Community Verge Scheme.

Recommendation(s): Members are asked to;

- a) Consider and decide whether to accept and agree to the motion.
- b) If agreeable to a) give delegated authority to the Town Clerk to action any funding and legal matters in relation to the West Sussex County Council Community Verge Scheme.

Background

Motion – to be presented by Cllr S. Ellis

Members are asked to consider the following motion, which has been made under Section 10 of the Council's Standing Orders by Cllr S. Ellis.

'I would like to bring a motion to Full Council to adopt in partnership with West Sussex County Council (WSSCC) the new green initiative of greener community verges pilot. The idea is to make our highways greener and more environmentally friendly by allowing wildflowers to grow, without interference of cutting. This policy is supported by the Town Council's Environment Policies and has the wider support of the community at large. At present only 11 areas have been selected for this new initiative, but WSSCC has agreed that the Town Council could be a leading partner in the promotion of such a fantastic project which will have long term benefits for the Town. The project is very much community lead and I have provided my track record of delivering such initiatives. The program would have to be undertaken with covid19 guidance rules, I hope you will join me in supporting such a wonderful way to enhance our green corridors for the benefit of our wildlife.

Financial Implications

- 3) The funding of this motion will be minimal and can be met from the existing Council budgets for planting in and around the Town and will cost no more than £200. There are no other associated costs. If the scheme is successful and more verges are chosen and costs increase a further report will be considered by the Town Council.

Legal Implications

- 4) As the verge is on the public highway it may be required that the Town Council takes a licence to plant and maintain. This is not clear but the whole idea is to reduce

maintenance so it is envisaged that the verge will be taken off the routine cutting programme and the Town Council will need to just keep a watchful eye over the verge.

- 5) The Town Council can make such a resolution under the General Power of Competence, which the Town Council meets the criteria of as exercised and resolved at the Annual Meeting of the Town Council dated 13th May 2019 under minute 17.

Town Clerk