



**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

28th April 2021

To all Councillors,

Dear Councillor,

You are hereby summoned to attend the **ANNUAL MEETING OF HAYWARDS HEATH TOWN COUNCIL** to be held on **Wednesday 5th May 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/84253605662?pwd=TnFIOGRrTHRJc2lMU0lyVGtScUpmQT09>

Yours sincerely
Steve Trice
Town Clerk

A G E N D A

1. Town Council Prayer
2. To elect a Town Mayor for the Council year 2021/2022.
(The Town Mayor to make Declaration of Acceptance of Office.)
3. To note any apologies for absence.
4. 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.*
5. To appoint a Deputy to the Town Mayor for the Council year 2021/2022. (The Deputy Town Mayor to make Declaration of Acceptance of Office.) (pages 4 - 6)
6. To appoint the Town Council's Leader for the Council year 2021/2022.
7. To appoint the Town Council's Deputy Leader for the Council year 2021/2022.
8. To confirm Committee membership for the Council year 2021/2022. (To be tabled at the meeting)
 - (a) Environment & General Purposes Committee (8)
 - (b) Planning Committee (8)
 - (c) Policy & Finance Committee (8)
9. To confirm appointments of Committee Chairman and Vice Chairman for the Council year 2021/2022. (To be tabled at the meeting)
 - (a) Environment & General Purposes Committee Chairman
 - (b) Environment & General Purposes Committee Vice Chairman
 - (c) Planning Committee Chairman
 - (d) Planning Committee Vice Chairman
 - (e) Policy & Finance Committee Chairman
 - (f) Policy & Finance Committee Vice Chairman

10. To confirm membership of the following Working Groups/Party for 2021/2022. (To be tabled at the meeting)
- (a) Haywards Heath in Bloom (1)
 - (b) Communications and IT Working Group (5)
 - (c) Planning Working Group (5)
 - (d) Staff Working Party (5)
 - (e) Transport Partnership (2)
 - (f) Chairman's Working Group (5)
 - (g) 2021/2022 Working Group (4)
 - (h) Environment Working Group (5)
11. To confirm Council representatives on the following outside bodies for 2021/2022. (To be tabled at the meeting)
- (a) Mid Sussex Association of Local Councils and West Sussex Association of Local Councils (2)
 - (b) Mid Sussex Association of Town Councils (4)
 - (c) Haywards Heath Twinning Association (1)
 - (d) Blunts/Paiges Meadow Reserve (2)
 - (e) Scrase Valley Reserve (2)
 - (f) Ashenground Park & Bolnore Open Spaces Steering Group (2)
 - (g) Woodside Pavilion Management Committee (1)
 - (h) Haywards Heath Business Association (1)
 - (i) Haywards Heath Town Team (1)
 - (j) Burgess Hill Northern Arc Liaison Group (1)
 - (k) Mid Sussex Cycle Forum (2)
 - (l) Bluebell Railway Working (1)
12. To make Declarations of Interest.
13. To confirm the Minutes of the Meeting of the Council held on 22nd March 2021. (pages 7 - 11)
14. To dispose of any business outstanding from the last meeting
15. To note the Mayor's List of Engagements and any announcements.
16. To receive and consider and adopt the Resolutions of the following Committees. (page 12 - 13)
- a) Planning Committee held on the 6th April 2021
MINS. 129 – 135
 - b) Planning Committee held on the 26th April 2021
MINS. 136 – 142
 - c) Environment and General Purposes Committee held on the 12th April 2021 adjourned until the 21st April 2021.
MINS. 49 – 57
 - d) Policy and Finance Committee – no meeting to be considered.
17. To undertake the annual review of the Council's Standing Orders and Financial Regulations. (page 14).

18. To undertake the annual review of the Councillor's Code of Conduct. (pages 15 - 16)
19. To receive a report on the arrangement for Town Council's meetings until the 1st September 2021. (pages 17 - 20).
20. To consider any urgent items the Mayor has received.
21. 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

Committee Meeting: Annual Meeting of Haywards Heath Town Council

Report of: Town Clerk

Date: 5th May 2021

Subject: Appointment of Deputy Mayor, Leader, Deputy Leader and Committee Membership 2021 - 2022

Purpose of Report:

1. The purpose of this report is to enable Members to consider nominations for the Membership of Council Committees and official individual appointments for the forthcoming Council year 2021 - 2022.

Summary:

2. Members are firstly asked to agree the appointment of the Deputy Mayor, Leader of the Council and Deputy Leader of the Council for the 2021 – 2022 Council year. Members will then be required to agree to the Council's committee membership, working party/group membership and representation on outside bodies as laid out in this report including new positions that have been developed. Members will also be asked to appoint a Chairman and Vice Chairman for the Council's Planning Committee, Policy and Finance Committee and the Environment and General Purposes Committee.

Recommendation(s):

Members are recommended to nominate and agree the membership of the Council's Standing Committees, working groups/parties and make the individual appointments laid out in the background of this report;

- (a) **Appoint the Deputy Mayor for 2021 - 2022;**
- (b) **Appoint the Leader of the Council for 2021 - 2022;**
- (c) **Appoint the Deputy Leader of the Council for 2021 - 2022;**
- (d) **Agree to the membership of the Council's Environment and General Purposes Committee, Planning Committee and Policy and Finance Committee and for 2021 - 2022;**
- (e) **Agree to each of the Committee's Chairman and Vice Chairman;**
- (f) **Agree the membership of the Council's working parties/groups;**
- (g) **Agree to the appointment of Members to represent the Council on outside bodies.**

Background

3. **Town Mayor 2021 – 2022** will have been appointed under **item 2 of the Agenda** and duly will have made their Declaration of Office.

4. **Deputy Mayor 2020 – 2021 (Agenda front sheet item 5)**
Nominations are sought for the position of Deputy Mayor. The duly elected Deputy Mayor will then make his/her declaration. *Both the Mayor and Deputy Mayor are ex-officio on all committees with full voting rights.*
5. **Leader of the Town Council 2021 - 2022 (Agenda front sheet item 6)**
Nominations are sought for the Leader of the Council.
6. **Deputy Leader of the Town Council 2021 – 2022 (Agenda front sheet item 7)**
Nominations are sought for the Deputy Leader of the Council.
7. **Committee Membership 2021 – 2022 (Agenda front sheet item 8)**
Nominations are sought for the following Committees,
 (a) Environment and General Purposes Committee (8 Members)
 (b) Planning Committee (8 Members)
 (c) Policy and Finance Committee (8 Members)
8. **Committee Chairman and Vice Chairman (Agenda front sheet item 9)**
Each Committee only will vote for its respective Chairman and Vice Chairman by show of hands (Chairman first then Vice Chairman).
 (a) Environment and General Purposes Committee
 Chairman Vice Chairman
 (b) Planning Committee
 Chairman Vice Chairman
 (c) Policy and Finance Committee
 Chairman Vice Chairman
9. **Working Groups (Agenda front sheet item 10)**
Nominations are sought for Members to serve on the following informal internal working groups.
 (a) Haywards Heath In Bloom.
 One nomination is sought.
 (b) Communications and IT Working Group.
 Five nominations are sought.
 (c) Planning Working Group.
 Five nominations are sought.
 (d) Staff Working Party.
 Five nominations are sought.
 (e) Transport Partnership.
 Two Nominations are sought.
 (f) Chairman's Working Group.
 Five places are agreed by virtue of prior appointments (Committee Chairman, the Leader and the Mayor).
 (g) 2021/2022 Working Group.
 Four nominations are sought.
 (h) Environment Working Group.
 Five nominations are sought.

10. Representative(s) on Outside Bodies (Agenda front sheet item 11)

Nominations are sought to represent the Council on the following outside bodies.

- (a) Mid Sussex Association of Local Councils and West Sussex Association of Local Councils (2)
- (b) Mid Sussex Association of Town Councils (4) (Mayor, Leader, Chair of P and F plus 1, which should be from the minority party).
- (c) Haywards Heath Twinning Association (1)
- (d) Blunts/Paiges Meadow Reserve (2)
- (e) Scrase Valley Reserve (2)
- (f) Ashenground Park & Bolnore Open Spaces Steering Group (2)
- (g) Woodside Pavilion Management Committee (1)
- (h) Haywards Heath Business Association (1)
- (i) Haywards Heath Town Team (1)
- (j) Burgess Hill Northern Arc Liaison Group (1)
- (k) Mid Sussex Cycle Forum (2)
- (l) Bluebell Railway (1)

11. Please note - If are more nominations for a committee, appointment or working group than is allowed by standing orders on the evening, Members will vote by a show of hands, which will be recorded by the Clerk.

Town Clerk

HAYWARDS HEATH TOWN COUNCIL

MEETING OF HAYWARDS HEATH TOWN COUNCIL

Minutes of the meeting held on 22nd March 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 Muddin

Stephanie Inglesfield

Matthew Jeffers

James Knight

Clive Laband

Jack Langley

Alastair McPherson

Richard Nicholson

Mike Pulfer

Sujan Wickremaratchi

Apologies Absent***

Also, present: Town Clerk, Mr Nigel Currah

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

85. Council Prayer

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

86. Apologies

Cllr R. Cromie – personal matter.

87. Public Forum

Mr Nigel Currah addressed the meeting in relation to the proposals being heard under point 9 of the agenda. Mr Currah outlined the request that the Town Council makes applications for the establishment of a new, and the reinstatement of an existing Public Rights of Way off Wickham Way, Haywards Heath. Mr Currah stated the local support for the request and the need to protect much needed green corridor and spaces in the Wickham Way area of the Town whilst endorsing the contents of the report under item 9, which he had informed of the detail and liaised with the Town Clerk during its creation.

88. Minutes

The Minutes of the extraordinary meeting of Council Meeting held on 15th February 2021 were taken as read, confirmed as a true record and duly signed by the Mayor.

89. Declarations of Interest

Cllr S. Wickremaratchi declared a personal interest in Item 9 due to sitting on the Planning and Rights of Way Committee at West Sussex County Council and Item 12 as a West Sussex County Councillor for Haywards Heath Town Ward.

90. Dispose of any Business form the Last Meeting of the Council

None.

91. Mayoral Engagements and Announcements

The Town Mayor announced that since the last meeting he had managed a small number of socially distanced engagements. This included a visit to the Bentswood Pantry, which was doing amazing work in the community and also had the support of the surplus food from the emergency Food Hub. In addition, he had launched the Rotary Club Central Group. It was hoped that more engagements would come on line as restrictions were lifted and he was hoping to open the A-Plan offices in the Town and that a proposed outside display by the Twinning Association and Horticultural Society could take place in The Orchards Shopping Centre. The Town Mayor then launched his Mayor's marathon event, which was aiming to raise money for his charity Time4Children as he had not had the opportunity to hold events as previous Mayors had been able to. The Town Mayor stated that he would be joined on the 26.2 mile run over three days by the Deputy Mayor and Town Clerk. It was noted that next day was the 'National Day of Reflection' one year after the official outbreak of Covid 19 and lockdown. He asked that Councillors take time out to reflect, and stated he would be doing so on the Town Hall steps at 12pm, observing a one minute silence. The Town Clerk added that the Groundstaff would be placing yellow ribbons on the South Road Trees and on Muster Green in honour of the anniversary.

92. To Receive and Consider the Adoption of the Minutes of Council Standing Committees.

(i) Planning Committee - MINS. 106 – 128. The reception and adoption of the resolutions of the Planning Committees, dated 1st February 2021 Mins 106 – 113, 22nd February 2021 Mins 114 – 121 and 15th March 2021 - Mins 122 – 128 were moved, seconded and agreed by Council.

(ii) Environment & General Purposes Committee - MINS. 38 – 48. The reception and adoption of the resolutions of the Environment & General Purposes Committee dated 15th February 2021 Mins 38 - 48 were moved, seconded and agreed by Council.

(iii) Policy & Finance Committee - MINS. 48 – 60. The reception and adoption of the resolutions of the Policy and Finance Committee dated 8th March 2021 Mins 48 - 60 were moved, seconded and agreed by Council.

93. Request for the Town Council to Make an Application to Establish a New, and Reinstate an Existing Public Rights of Way off Wickham Way, Haywards Heath

Members had heard the representation from Mr Currah on the reasoning behind the requests made to the Town Council, so the Town Clerk briefly made comment on the formal process and legalities of an application, which had been presented in the accompanying report and then deferred to Members for their views. There was unanimous support for the principle of the application as it was felt that green spaces needed to be protected. It was also felt that it was a wonderful opportunity to support local residents as they care deeply about these issues and ask for Councillor's support when such applications should be forthcoming. However, it was stated that the residents must realise that successful applications would not preclude a planning

permission as the land owner could move the Right of Way, or put an access road alongside the footpath. The Town Clerk was asked about the financial risks. The Town Clerk referred Members to his report that outlined the process. In summary, the applications would not cost, but any challenge to a decision on the matters by West Sussex County Council could attract costs if a planning enquiry was undertaken and lost. It was noted costs would be borne by the applicant if it could be proved that they acted unreasonably and it was felt that the Town Council would not be doing so as the Local Authority. Therefore, it was thought that there would be a very small chance of costs. Members still had financial concerns and felt that the Town Council should do some due diligence work before committing in the form of a risk assessment including what precedents would be set by making the applications. It was also asked if residents would have to make representation as the process could be long and drawn out and there could be those who leave the area or unable to attend, which in itself is a risk. To manage this risk there would have to be a sensible and open consultation throughout the process. Concern was also raised about how the issue would be progressed and how decisions would be made. The Town Clerk responded by saying that delegated authority could be given to him or the matter moved to a committee, this is what Members were asked to resolve. Debate on the matter had come to a conclusion, so the Leader of the Town Council moved the following motion;

Adopt considerations a) and b) with the additional wording 'subject to the Town Council undertaking an affordability and risk assessment that be delegated to the Policy and Finance Committee for consideration.'

This was seconded and then it was unanimously agreed that;

Members **RESOLVED** 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) subject to the Town Council undertaking an affordability and risk assessment that be delegated to the Policy and Finance Committee.**

94. West Sussex Association of Local Association Councils

It was noted that the arrangement being pursued by West Sussex Association of Local Councils (WSALC) to move professional services to Hampshire Association of Local Councils had been stopped and as a result the incumbent Chairman and Vice Chairman of WSALC who led on the move had been removed. What was a newish Board had been in place for 20 days and was moving back to what was as near as possible to the previous arrangements working the former CEO Trevor Leggo and Mulberry and Co for legal services, but the damage to the alliance of East Sussex, West Sussex and Surrey formally was not repairable, but all three Counties were looking to access similar services. It was noted that there was a move to reduce subscriptions by ten percent in the short term with a full review in July pending. It was therefore suggested that a watching brief be placed on the new Board of Directors as the way forward, so they do not lose the commitment to consult and work with Clerks. It was moved that in line with this, that the matter of membership be brought back to Council by the end of January 2022, which was seconded. It was noted that there was decimal point error in the figures for the NALC contribution per elector. This was confirmed and the figure stated of £1,695.84 was correct. Finally, the Deputy Mayor conveyed thanks to the Town Clerk for his work throughout ,for what was a very unprofessional process led by the now deposed WSALC.

Members **RESOLVED** 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.**
- c) **That the membership be reviewed by the end of January 2022.**

95. Date of the Annual Meeting of the Town Council 2021

Members noted the reasoning for the potential change of the date of the Annual Meeting of the Town Council 2021 as presented by the Town Clerk, which centred around the uncertainty of the extension to legislation to hold remote meetings after the 6th May 2021. Members agreed that it would be sensible to move the meeting, but it was moved and seconded, on the basis there was reasonable thinking that an extension would be granted, and that the meeting only be moved to the 5th May 2021 from the 10th May 2021 before the summons legally needed to be served. If that change to legislation does not occur.

Members **RESOLVED** that if it remains illegal to hold the Annual Meeting of the Town Council remotely on the 10th May 2021 that;

- a) **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) **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.**

96. West Sussex County Council – Community Grass Verge Scheme

Cllr Ellis presented the Community Grass Verge Scheme and her proposal to plant wildflowers, as a pilot, on the land as presented off Milton Road and asked that the Town Council invests in its green nature with its residents.

Members **RESOLVED** to;

- a) **Accept and agree to the motion to place.**
- b) **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 at Milton Road.**

97. Urgent Items

The Leader of the Council recognised that the meeting was the last to be presided over by the incumbent Town Mayor, Cllr McPherson. The Leader stated that Cllr McPherson had endured an unbelievably turbulent time as Town Mayor, especially over the last year. Praise was conveyed for his work and notably his passion for the Town including his work on Destination Haywards Heath, the South Road Trees project, charity work including Time4Children and Grove Garden. Of course, there was the Leave No One Behind Initiative at the beginning of lockdown and the creation of

the Emergency Food Hub. It was even noted that Cllr McPherson would be running a marathon over three days before the end of his tenure. In closing, the Leader of the Town Council thanked Cllr McPherson for his tenure as Town Mayor, on behalf of all the Councillors at Haywards Heath Town Council.

Meeting Closed at 8.33pm

Committee Meeting: Annual Meeting of Full Council

Report of: Town Clerk

Date: 5th May 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 6th April 2021 - **Minutes 129 - 135** and 26th April 2021 – **Minutes 136 – 142 and** Environment & General Purposes Committee – 21st April 2020 - **Minutes 49 - 57.**

Recommendation(s):

Members are recommended to;

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

3. Planning Committee, 6th April 2021 – **Minutes 129 – 135 resolutions;**

Nothing to report other than the planning application comments.

4. Planning Committee, 26th April 2021 – **Minutes 136 – 142 resolutions;**

Nothing to report other than the planning application comments.

5. Environment & General Purposes Committee 21st April 2021 (adjourned from the 12th April 2021) - **Minutes 49 – 57 resolutions;**

MIN. 53 – To RESOLVE the recommendation to;

- a) ratify the arrangements for Town Day 2021 as recommended by the 2021 Working Group dated 06/04/21.
- b) ratify the arrangements for the Covid Awards to be held at Town Day as recommended by the appointed working group dated 31/03/21.

MIN. 54 – To RESOLVE the recommendation that Allen Scott be appointed to oversee, with specialised appointed support, the process to;

- a) undertake a tree and ecological study of Western Road Cemetery and Nature Reserve, which will be met from the Cemetery Reserve budget, including;
 - I. Detailed topographic survey: £3,800 (estimate – to be confirmed through obtaining 3 quotes by Allen Scott).
 - II. Tree Survey: £1,270 (The cost to update the arboricultural assessment and associated reporting are as follows. Tree Survey in Accordance with BS 5837:2012 - £820.00, Drawings Tree Constraints Plan - £ 270.00 and Interim Report £180.00. (to be undertaken by Allen Scott recommended arboriculturist)
 - III. Preliminary Ecological Assessment: £1,085 (directly Allen Scott)
 - IV. Project Management: £1,450 (directly by Allen Scott)
- b) to undertake a full Landscape appraisal & improvement plan: £4,850, which be delegated to the Town Clerk and Chairman for implementation and be met from professional advisors' fees.

And,

- c) resolve the cumulative fee for the whole process at £12,455 (initially £7,605) and agree that due the complexities, specialist services and internal procurement being undertaken within the proposal that the proposal be subject to the waiver of normal financial regulations as allowed under point (C2 D (viii and ix) of Standing Orders and Financial Regulations (25/01/21).

MIN. 55 – To RESOLVE the recommendation to renew the Town Council's street lighting energy with 'green' energy with REGO certification (Renewable Energy Guarantees of Origin) either for 36 months with SSE under an IUA contract.

MIN. 56 – To RESOLVE the recommendation to give delegated authority to the Town Clerk to action any funding and legal matters, with Mid Sussex District Council, in relation to the adoption of Land off Syresham Gardens, Haywards Heath for wildflower planting.

6. Policy & Finance Committee – **No meeting held since the last meeting of Full Council.**

Town Clerk

Committee Meeting: Annual Meeting of Full Council

Report of: Town Clerk
Date: 5th May 2021
Subject: Review of Standing Orders

Purpose of Report:

1. The purpose of this report is for Members to review the Council's standing orders.

Summary:

2. The Town Council's Standing Orders and Financial Regulations regulate the actions of the Council as a corporate body, its Members of the Council and its staff. The document also governs the financial processes of the Council and its functions. The document is now due for its annual review.

Recommendation(s):

- a) **Members are recommended to review the Council's Standing Orders, and Financial Regulations.**
- b) **Agree the document with amendments if required, that are lawful, and adopt the Standing Orders and Financial Regulations for the period 2021 – 2022.**

Background:

3. The Town Council's Standing Orders and Financial Regulations, need to be reviewed annually on the advice of the Internal Auditor, who requires a minute number to show the Town Council has undertaken the review.
4. To this end, this year Town Clerk has undertaken a review of Standing Orders (SO's). The SO's have been reviewed against the Town Council existing SO's Orders, National Association of Local Council (NALC) Model SO's and are similar to sets used by other larger Councils. If Members are interested in looking at the NALC documents please visit the Sussex Association of Local Council's website <http://www.sussexalc.org.uk> and refer to the reference documents page of the website.
5. A number of additions are included in red as result of a review of the NALC Model Standing Orders 2018 (Review 2020), which the Internal Auditor recommended the Town Clerk undertake. These additions are statutory wording inclusions.
6. If you are viewing on the website please look at addition documents tab.

Town Clerk

Committee Meeting: Annual Meeting of Full Council

Report of: Town Clerk
Date: 5th May 2021
Subject: Councillors Code of Conduct

Purpose of Report

1. The purpose of this report is for Members to consider a governing document of the Town Council

Summary:

2. The following report asks for Councillors to review the Council's Code of Conduct, in line with Mid Sussex District Council, which sets out rules to govern the behaviour of Councillors.

Recommendations;

- a) **Members are recommended to review the proposed Councillors Code of Conduct.**
- b) **Adopt the Councillors Code of Conduct.**

Background:

3. Local Authorities are required to adopt a Councillors Code of Conduct which sets out rules governing the behaviour of their Councillors and satisfies the requirements of the Localism Act 2011. All elected, co-opted and independent Members of local authorities, including Town and Parish Councils, are required to abide by their own, formally adopted, Code of Conduct.
4. The Code of Conduct seeks to ensure that Members observe the highest standards of conduct in their civic role. The Code is intended to be consistent with the seven principles of public life:

Selflessness - Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity - Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity - In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards or benefits, holders of public office should make choices on merit.

Accountability - Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness - Holders of public office should be as open as possible about the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty - Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership - Holders of public office should promote and support these principles by leadership and by example, and should act in a way that secures or preserves public confidence.

5. The actions of a Town Councillor, if reported to have broken the adopted Code of Conduct, is firstly brought to the Town Clerk's attention and then passed on to the Monitoring Officer at Mid Sussex District Council who is the Solicitor to the Council, Mr Tom Clark under the name of the Town Mayor (as recommended by Committee of Standards in Public Life). This is on the grounds that The Committee of Standards in Public Life have undertaken a consultation on Councillors Code of Conduct. The consultation findings were published on and can be found at www.gov.uk/government/publications/local-government-ethical-standards-report.
6. It is then discussed with one of the independent persons nominated by Mid Sussex District Council and if they think there is a potential breach of the Councillors Code of Conduct it goes to an assessment sub-committee. If they believe there is a potential breach of the Code of Conduct, they will ask whether it is in the public interest for an independent report to be prepared at public expense. That report is prepared by an independent investigator. If the report discloses a breach of the code it goes to a Hearings Sub-Committee who decide whether or not there has been a breach and if so what penalty to impose. They no longer have power to suspend or disqualify. In limited circumstances there is the possibility of a prosecution with leave of the Director of Public Prosecutions (DPP) but there have only been three in the last six years. Someone aggrieved by this process can challenge by way of Judicial Review on a point of law in the High Court.
7. In November 2015, Mid Sussex District Council adopted a revised Code of Conduct that brought its format into line with West Sussex County Council's. Many Town and Parishes, including HHTC, followed this change in 2015 so that dual/triple hatted Councillors all have the same Code of Conduct at each level of local authority thus making Code of Conduct investigations and proceeding easier to administer.
8. The above was tested by the findings of the case of R (Harvey) v Ledbury Town Council and Hertfordshire County Council 2018. Subsequent advice from the monitoring officer at Mid Sussex District Council then ensured that Town/Parish Councils had fallen into line with the 2015 Code of Conduct which superseded the 2012 model.
9. As a result, the Code of Conduct as presented is recommended to be continued to be adopted. The Code of Conduct is attached to this summons as separated document due to its size.

Financial Implications - None

Town Clerk

Committee Meeting: Annual Meeting of Full Council

Report of: Town Clerk

Date: 5th May 2021

Subject: Arrangement for Town Council's meetings until the 1st September 2021

Purpose:

1. The purpose of this report is to consider a process matter for the holding of Town Council meetings.

Summary:

2. As Members are aware ADSO, LLG and Hertfordshire County Council have gone to the High Court to claim (the claim) that the 1972 Local Government Act allows for online meetings post 6th May 2021. This claim has been pursued as it will be deemed to be illegal to make decisions by remote means as of 7th of May 2021 (as it stands) as the Government have not made any, and will not make arrangements to amend 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. The following report outlines a suggested course of action for conducting meetings and Town Council business until the 1st September 2021, to allow all staff and Councillors to receive both Covid 19 vaccine doses, if the claim by ADSO, LLG and Hertfordshire County Council fails.

Background;

It is recommended that if legislation is not changed and/or the claim made by ADSO, LLG and Hertfordshire County Council is rejected by the High Court that;

- a) **The Town Council's committee timetable continues with all Full Council and committees acting as working groups.**
- c) **All discussions/agreements, at the working groups, will act as a guidance to the Town Clerk who is given full delegated authority to act on behalf of the Town Council to make decisions in line with the advice agreed on behalf of the Town Council at the working groups.**
- d) **If agreeable, this arrangement remains in place until the 1st September 2021, on the understanding that a meeting in person can be called at any time if the Town Council wishes to do so.**
- e) **Member adopt the rationale for resolutions a) to d) as presented in Appendix A.**

Background;

3. It must be noted the claim being made will not change the Covid 19 legislation, it is a decision on the interpretation of the Local Government Act 1972 and whether virtual meetings, where never actioned until the Covid 19 outbreak, are actually allowable. Amazingly this was never contended before and all local authorities were

working to the legislation that they believed stated meetings and subsequently decisions had to be made in person.

4. At the date of the issuing of this agenda (which had to be issued for legal reasons with regards to clear days' notice) for the Annual Meeting of the Town Council no decision has been made regarding the claim, but it is expected that the decision will be forthcoming during the period leading up to this Annual Meeting of Haywards Heath Town Council, so,
 - **If the High Court decides the claim is valid this report will be withdrawn.**
 - If there is a court ruling that has a time delay or cooling off period then Members can consider a tabled update on the evening of the meeting or indeed beforehand.
 - If the High Court decides that claim is not valid it will leave all local authorities in a situation where they cannot make decisions unless meetings are held face to face, then the following is suggested.

That the Town Council's committee timetable continues as agreed but all meetings are run as a working groups with all decisions made by the working group acting as a guidance to the Town Clerk who is given full delegated authority to act on behalf of the Town Council. It is suggested that this arrangement continues until the 1st September 2021 so all staff and Councillor can get their two vaccine doses.

5. Please note Members have the right to dismiss the recommendations, but they have been prepared as per the feedback from a straw poll finding that Members wished to be fully vaccinated before returning to the Town Hall. In addition, the Town Hall does not allow enough room to hold meetings Covid 19 securely in line with legislation until after the proposed date of step 4 that being 21st June 2021. Even then, the Council chamber will struggle to hold at least 17 people and the guidance of masks within one metre will make matters difficult.

Financial Implications:

6. None

Legal Implications

7. Appendix A lays out the legal power to resolve the recommendations of this report as presented under recommendation e).
8. Obviously, the whole matter is a challenge to the Local Government Act 1972, which legislates most of the Town Council actions. Any change to the legislation will not affect Town Council policy directly.
9. Members must be aware of the six-month rule for attendance. This rule could be waived at September's Full Council meeting, but if Members attend the 5th May 2021 Full Council meeting, then they have 6 months (being into October 2021).

Town Clerk

Appendix 1 – Item 19 – Annual Town Meeting

DELEGATION OF AUTHORITY UNDER S.101 OF THE LOCAL GOVERNMENT ACT 1972

To agree emergency measures that if it was not possible to convene a meeting either in person or legally virtually of the Council or a Committee in reasonable time or where restrictions are in place or moral issues dictate (in this case Covid 19 vaccinations programme) coincide with matters nationally, the Town Clerk (and Deputy Town Clerk) shall have delegated authority under s.101 of the Local Government Act 1972 to make decisions on behalf of the Council where such decision cannot be reasonably deferred and must be made in order to comply with Members wishes or a commercial or statutory deadline. This will be carried out where possible by consultation with members by electronic means or telephone. The Town Clerk will further consult with the Mayor and Leader for guidance as necessary. The aim would be to follow the normal schedule of meeting process producing Agenda (Reports) and Minutes (Notes of Meetings) virtually as advisory groups. The delegation does not extend to matters expressly reserved to the Council in legislation or in its Standing Orders or Financial Regulations. Any decision made under this delegation must be recorded in writing and must be published in accordance with the relevant regulations.

Therefore; recommendation d) of Item 19 additional background note.

To consider adopting as follows to enable decision making to continue largely by virtual means during the current Covid epidemic

1. Having regard to the circumstances related to Covid 19, meetings of the members of Committees (but not regular meetings of Full Council) will be held virtually.
2. The Chairman of a Committee may, in discussion with the Town Clerk, may determine that the nature of business at any individual meeting is such that it should be held in person.
3. The Mayor may, in consultation with the Leader and Town Clerk, may determine that the nature of the business at a meeting of the Full Council is such that it may be held virtually, however this discretion may not be exercised if the business to be transacted cannot lawfully be delegated to an officer.
4. Council recognises that virtual meetings may not constitute legal meetings of Council, but nevertheless are a practical way of establishing member views in the extraordinary circumstances currently extant. Council therefore delegates any decisions which would, in normal circumstances, have been made at meetings which are held virtually, to the Town Clerk, who will have regard to the views expressed by members at the meeting.
5. The provisions will also apply to Special Meetings of the Town Council unless the nature of the decision to be made is such that it cannot be delegated to an officer.
6. Standing Orders and other rules including in particular the quorum will apply to virtual meetings to the extent possible having regard to the medium, and members will be expected to take part and to tender apologies to the extent that would apply to physical meeting.

7. The Council will publish agendas and minutes of virtual meetings in a form and detail and with the same timing as that which applies to physical meetings and will make reasonable efforts to enable members of the press and public to witness or participate in virtual meetings to the same or a similar extent that the press and public can witness or participate in physical meetings.
8. For the purposes of Section 85 of the Local Government Act 1972, Council approves (as a legitimate reason) a failure by any member to attend meeting(s) of the authority in the specified circumstances. The specified circumstances are that
 - a. the member would have met the attendance requirement set out in section 85 of the Local Government Act 1972 if virtual meetings which he or she attended were counted as if they were legitimate meetings of the Authority and
 - b. the Town Clerk is satisfied that the member in question has a medical reason, related to Covid-19, for not attending physical meetings, based on evidence provided by the member no later than ten working days before the meeting of the Town Council at which he/she would otherwise have been obliged to seek approval of absence had this provision not been in force.

In the event that a member disagrees with the decision made by the Town Council in respect of 9(b) they may make an application to Council for approval of an absence in the manner and timescale which would apply had this provision not been in force

9. The above provisions will cease:
 - (a) Immediately after the 1st September 2021, unless the date is varied in accordance with the below.
 - (b) Immediately in the event that the law is clarified or changed such that virtual meetings constitute lawful meetings of the authority.
 - (c) By virtue of a physical meeting of the Town Council, the provisions could be ceased. if Covid 19 circumstances change nationally.
10. A decision to extend the date set out in 10(a) may be made by Council or under delegated powers to the Town Clerk (having regard to the circumstances) in liaison with the Mayor and Leader.

In summary, basically delegate everything to the Town Clerk that can legally be delegated, Committee meetings continue virtually but of course are legally 'advisory'. Town Council meetings in person unless there is nothing to decide which cannot be delegated.

Ends