

<p style="text-align: center;">Meeting of the</p> <p>CABINET</p> <p style="text-align: center;">held on Wednesday 10 April 2002</p> <p style="text-align: center;">PRESENT:-</p> <p>Councillor MARSDEN (Chairman and Leader of the Council), Councillors Mrs GOODALL, Mrs MURRAY and TAYLOR.</p> <p>(An apology for absence was reported from Councillor Lacey OBE (Deputy Chairman)).</p>		
<p style="text-align: center;">151.</p>	<p>MINUTES. The minutes of the meeting held on 6 March 2002 were submitted and approved and the Chairman was authorised to sign them as a correct record.</p>	
<p style="text-align: center;">*152.</p>	<p>BEST VALUE REVIEW OF LEISURE SERVICES. Following introduction by Councillor Mrs Goodall, Members of the Review Team (Mrs Diane Bagley, Head of Sports, Recreation and Leisure, together with Councillor Thompson and Councillor Deschamps) were invited to comment upon the Review. The Review Team's full report had first been submitted to the Scrutiny Committee at its meeting on 8 April 2002. The Scrutiny Committee had agreed the recommendations set out in the Improvement Plan and a copy of the minute extract was circulated at the meeting.</p> <p>Councillor Mrs Goodall joined with Councillor Deschamps in expressing thanks to the staff for all their work and effort in assisting the conduct of the review.</p> <p>RESOLVED: That the Council be recommended to approve the Best Value Improvement Plan.</p>	
<p style="text-align: center;">*153.</p>	<p>BEST VALUE PERFORMANCE PLAN 2002/03. Councillor Taylor presented the report of the Head of Strategic Development proposing arrangements for the approval of the Council's Best Value Performance Plan, which the Council was required to publish by 30 June 2002. The Council had earlier complied with the requirement to publish a summary of the Plan by 31 March by including performance information in the Council Tax leaflet, which had been sent out with Council Tax bills.</p> <p>RESOLVED: That the Council be requested to agree that the Best Value Performance Plan for 2002/03 be first submitted to the Cabinet on 29 May 2002 and that authority to agree the Plan's final text be delegated to the Chief Executive following consultation with Group Leaders.</p>	

	<p>*154. RACE EQUALITY SCHEME. Councillor Marsden presented the report of the Director of Tourism and Leisure regarding the duty placed upon the Council to publish a Race Equality Scheme by 31 March 2002 and have in place arrangements for fulfilling specific employment obligations. A copy of a draft Race Equality Scheme was appended to the report.</p> <p>RESOLVED: That the Council be recommended to approve the Race Equality Scheme.</p>	
	<p>*155. DESIGNATION ORDER PROHIBITING THE CONSUMPTION OF INTOXICATING LIQUOR IN DESIGNATED PLACES. Councillor Marsden presented the report of the Director of Housing, Health and Community Finance further to the Council's decision on 9 October 2000 to seek a Designation Order and subsequent reports to Cabinet clarifying detail and making arrangements for consultation. Cabinet had agreed on 31 October 2001 that provision of £13,500 be made from the enforcement budget for the current year to meet the cost of making the proposed Designation Order. A summary of the outcome of the public consultation exercise was detailed in the report and the Chairman commented on the very high proportion of responses received in support of the Order. A copy of the Police Authority response was appended to the report indicating that no additional police resources could be made available to enforce the Order, over and above those already committed to patrolling the Town Centre. It was anticipated that the Order would be fully in place and operational by 30 June 2002. The Chairman expressed his thanks to Justine Armstrong and Samantha Pullin for their work towards the adoption of the Designation Order.</p> <p>RESOLVED: (1) That the Cabinet is satisfied that in the public place to be designated, as shown on the map appended to the report, nuisance or annoyance to members of the public or a section of the public or disorder has been associated with the consumption of intoxicating liquor in that place.</p> <p>(2) That all representations received as a result of the consultation and publicity of the proposed designated area have been duly taken into account.</p> <p>(3) That provision of £1,500 be made in the 2003/04 budget and allocated to the Amenities Division for future maintenance of signage.</p> <p>(4) That Officers be authorised to take the necessary further steps to implement the Designation Order.</p>	

***156. DRAFT EASTBOURNE BOROUGH PLAN 2001-2011.** Councillor Marsden presented the report of the Director of Planning, Regeneration and Amenities detailing the responses received to the consultation on the Revised Deposit Draft Borough Plan and highlighting issues that required resolution prior to the commencement of the Local Plan Inquiry on 11 June 2002. A Statement on the Revised Deposit Consultation was appended to the report and listed 42 objections to the revisions made to the draft Plan with an officer response to each, together with 54 supporting representations. Of the objections received, very few raised substantive issues which could not be resolved by minor modifications to the draft plan, the details of which were set out in appendix A to the report.

At the present time 148 representations would be presented verbally to the Inspector and a further 302 written representation would also be considered. It was hoped that resolving some of the representations received could reduce these figures.

A number of policies in the Draft Plan as detailed in appendix B to the report had not been objected to and it was proposed that they be formally adopted as planning policy for the purposes of development control.

The Chairman expressed his thanks for the work undertaken by the Officers involved in the review process.

RESOLVED: That the Council be recommended to:-

(1) Authorise officers to appear and give evidence on behalf of the Council at the Local Plan Inquiry commencing on 11 June 2002.

(2) Agree that the modifications set out in appendix A to the report be recommended to the Inspector undertaking the Local Plan Inquiry and thereafter subject to the formal modifications procedure following the inquiry.

(3) Authorise the Chairman of the Planning and Licensing Committee or, in his absence, the Deputy Chairman to approve further modifications up to and during the course of the Local Plan Inquiry as and when they arise, which would then be subject to the formal modifications procedure following the inquiry.

(4) Adopt the policies set out in appendix B for development control purposes.

(5) Approve the Officers' responses to the representations received and summarised in the Consultation Statement on the Revised Deposit.

<p>157.</p>	<p>USE CLASSES ORDER – CONSULTATION ON POSSIBLE CHANGES TO THE USE CLASSES ORDER AND TEMPORARY USES PROVISIONS.</p> <p>Councillor Marsden presented the report of the Director of Planning, Regeneration and Amenities on proposals published by the Government in the Planning Green Paper entitled "Planning: Delivering a Fundamental Change". A review of the Use Classes Order was proposed to ensure the maximum possible deregulation consistent with delivering planning policy objectives.</p> <p>The proposed response had raised a number of concerns regarding the proposed option to combine the current A Use Classes. It was considered that the relaxation of control over smaller food and drink uses could seriously undermine the Council's planning policy objectives for the town centre, district and neighbourhood centres.</p> <p>The option proposed to include nightclubs within the Class A Uses was not supported and it was considered that there was a strong case for full planning control.</p> <p>RESOLVED: That the responses detailed in sections 3, 5, 6, 7, 8 and 9 of the report comprise the Council's comments on the Government's consultation on the Use Classes Order and Temporary Use Provisions.</p>
<p>*158.</p>	<p>SINGLE REGENERATION BUDGET – THE CULTURAL HUB, DEVONSHIRE PARK – PROGRESS AND FUNDING. Councillor Marsden presented the report of the Director of Tourism and Leisure and Director of Finance and Corporate Services outlining the history, current position and issues with regard to this project. With regard to the current position of bids, SEEDA had applied a new two stage approach to SRB6 Capital Schemes and a bid for £487,000 to develop the design, rising to £900,000 by tender acceptance had been made. The Director of Finance and Corporate Services reported that SEEDA had indicated that the Council would be required to contribute to the design and tender stage cost. This commitment would need to be incorporated into the draft proposals for submission to SEEDA. It was proposed that authority to commit up to £200,000 from the £1.5 million fundraising target be delegated to the Director of Finance and Corporate Services. It was noted that the amount committed would be lost in the event that a viable scheme could not be achieved.</p> <p>The Arts Council had approved a bid for admittance into their Arts Capital Programme as one of their top priorities and a decision in respect of the Heritage Lottery Fund application was expected shortly.</p> <p>Both SEEDA and the Arts Council had confirmed that full funding for the proposed project must be in place before approval for the drawdown of funds could be given. This included a fundraising gap which the Council was requested to underwrite. A number of conditions were proposed to cap the risks to the Council.</p> <p>RESOLVED: (1) That support for the original proposal be reaffirmed.</p> <p>(2) That the Council be recommended to agree that the Council underwrites the funding gap up to a maximum of £1.5 million, subject to the risk sharing arrangements detailed in paragraph 3.3 of the report.</p> <p>(3) That the 2002/03 capital programme and the capital strategy for 2003/04 – 2005/06 be amended as detailed in paragraph 4.2 of the report.</p> <p>(4) That funding within the current year revenue budget be allocated from the contingency and that additional revenue funding be committed in future years as detailed in paragraph 4.3 of the report.</p> <p>(5) That authority to commit up to £200,000 from the £1.5 million fundraising target towards the design and tender process, following negotiations with other funding partners on their contributions, be delegated to the Director of Finance and Corporate Services, in consultation with a Cabinet member.</p>

	<p>159. UK ONLINE CENTRE. Councillor Marsden presented the report of the Director of Finance and Corporate Services regarding a bid for funding for UK Online Centres in Eastbourne. The centres were community ICT centres, which sought to offer internet and other ICT equipment and skills training. Although open to all members of the community they were targeted at people who would normally have difficulty obtaining access to such technology or training through limited financial resources or disabilities. To obtain the capital funding from GOSE to establish the centres, the Council was required to provide revenue funding to ensure their sustainability and commit to delivering certain performance targets.</p> <p>RESOLVED: (1) That Officers be authorised to proceed with the GOSE application to establish a network of UK Online Centres in Eastbourne.</p> <p>(2) That the application be supported in principle subject to funding for related revenue costs being secured.</p> <p>(3) That authority to agree a contract with GOSE be delegated to the Director of Finance and Corporate Services, in consultation with a Cabinet member</p>	
	<p>160. SEAFRONT STRATEGY - IMPLEMENTATION PLAN 2002. Councillor Mrs Goodall presented the report of the Director of Tourism and Leisure dealing with proposals for the coming season in the prime area between the Wish Tower Car Park and the Bandstand. A further report would shortly be made to the Cabinet in respect of longer term proposals for the following two years. The proposals centred around improving access to seafront facilities, particularly for people with disabilities and parents with prams and pushchairs, repairs and improvements to the Bandstand, relocation of certain beach cabins and seafront gardens planting. In addition, the operation of a traditional style carousel and associated attractions would be introduced during the period of the Golden Jubilee celebrations.</p> <p>RESOLVED: That the programme of works outlined in the report for the coming season be approved and that Officers be authorised to submit applications for planning permission where required.</p>	
	<p>161. CIVIC BUDGET 2001-2002 - REVENUE AND CAPITAL MONITORING. Councillor Marsden presented the report of the Director of Finance and Corporate Services monitoring the 2001-2002 budget with the latest forecast for the outturn.</p> <p>RESOLVED: (1) To note that the general fund revenue net expenditure is under budget at the end of February by £147,000.</p> <p>(2) That the general fund revenue forecast underspend of £93,000 at 31 March 2002 be endorsed.</p> <p>(3) That the allocation of £30,000 from the forecast underspend to fund additional expenditure in relation to the Borough Plan be agreed.</p> <p>(4) To note the progress of the general fund capital programme and Housing Investment Programme and the likely carry forward of committed resources to 2002-2003.</p>	

<p>162.</p>	<p>INSURANCE CONTRACT - EXTENSION TO LONG TERM AGREEMENT. Councillor Marsden presented the report of the Head of Financial Management seeking approval to extend the Council's current three-year contract with Zurich Municipal. The Council's insurance costs were set to rise significantly and extending the current contract to March 2005 would reduce the increase from £70,000 to £47,000 per annum. This could be further reduced by electing to take higher excesses on some covers; a trend that insurers were in any event looking to impose. The Council's budget for 2002-2003 had made provision for an increase in costs.</p> <p>RESOLVED: That the existing insurance contract be extended for a further two years ending 31 March 2005.</p>	
<p>163.</p>	<p>INTERNAL AUDIT PLAN 2002-2006. Councillor Marsden presented the report of the Director of Finance and Corporate Services outlining the role of the Council's Internal Audit Section and proposing a four-year plan for the period 1 April 2002 to 31 March 2006. The Plan covered audits relating to financial and computer systems and contracts. Routine audits were undertaken on a rolling cyclical programme, with the frequency of review determined by an assessment of risk and were designed to ensure the proper administration of the Council. Other areas covered by the Plan related to Risk Management, Value for Money Studies, Best Value and special investigations.</p> <p>RESOLVED: That the Internal Audit Plan as set out in appendix A to the report be approved.</p>	
<p>164.</p>	<p>VALUE ADDED TAX - OPTING TO TAX THE WINTER GARDEN AND CONGRESS THEATRE. Councillor Marsden presented the report of the Group Accountant, Finance and Corporate Services reviewing the Council's VAT arrangements and setting out the case for dealing with the likelihood that the Council would breach its partial exemption limit with significant financial consequences. The recommended solution was to seek permission from Customs and Excise to "opt to tax" the Winter Garden and Congress Theatre. In effect this would make the hiring of the theatres a taxable supply rather than an exempt supply and such hirings would be subject to VAT at 17.5%. Provision of £10,000 had been made in the budget to compensate for any bookings that had been made in advance at old prices and to assist persons and organisations not registered for VAT in managing the transition to the new arrangement. Consultation had taken place with groups and organisations that had hired facilities in the previous two years.</p> <p>RESOLVED: That approval be given to seek permission from HM Customs and Excise to opt to tax hirings of the Winter Garden and the Congress Theatre.</p>	
<p>165.</p>	<p>HOUSING RENEWAL REFORMS AND PRIVATE SECTOR HOUSING GRANT POLICY. Councillor Mrs Murray presented the report of the Residential Services Manager, Environmental Health seeking approval for the Private Sector Grant Policy for 2002-2003 and updating Members on the proposed changes to the legislation on Private Sector Housing Renewal.</p> <p>The current policy which was approved in April 2001 had proved effective in targeting resources to meet the objectives of the Council's Housing Strategy. The revised policy proposed, as detailed in appendix A to the report, would assist vulnerable elderly residents, the disabled and those with low incomes. Care and Repair, Age Concern, Sussex Police Community Safety Department and Eaga had been consulted and were supportive of the 2002/03 policy.</p> <p>The Government's proposed changes to the legislation on Private Sector Housing Renewal as set out in the draft Regulatory Reform Order was likely to come into force in May 2002. The new power would enable local housing authorities to give assistance in any form and to any person to improve living conditions in their area.</p>	

166. FORMER OLD TOWN LIBRARY. Councillor Marsden presented the report of the Chief Executive regarding the County Council's decision to close the Old Town Branch Library with effect from 28 March and to relinquish their minor user rights to this property. As a consequence the premises would return to the Council as soon as it was vacated. It was proposed that the building be made available for community use and a number of voluntary groups in the area, including the Old Town Community Association, had been contacted for their views. The Council had received an approach from the Friends of the Old Town Library to use the building for a book lending service, educational and other local community services.

The proposed criteria for community use of the building was set out in the report which included that the costs of operating the building must be paid for by the intended occupant.

An addendum to the report was circulated advising of the need to conclude negotiations with potential occupiers prior to the next meeting of Cabinet. It was proposed that authority to negotiate and agree a future use for the premises be delegated to the Chief Executive.

Councillor Leggett addressed the Cabinet in support of the proposal from the Friends of the Old Town Library.

RESOLVED: (1) That the criteria set out in the report for future community use of the premises be agreed.

(2) That the negotiation and agreement on the potential occupation of the premises be delegated to the Chief Executive, in consultation with the Leader of the Council and that any decisions made in this regard be reported back to the first available Cabinet meeting.

	<p>*167. A CORPORATE MANAGEMENT TEAM PLAN. Councillor Marsden presented the report of the Chief Executive regarding a proposed Service Plan covering the activities of the Corporate Management Team. The Plan, a copy of which was appended to the report, had been distilled from Services Plans and issues discussed at Corporate Management Team and Departmental Management Team. The actions proposed were aligned to the Corporate Aims and responsibility was allocated to particular Directors or Heads of Service.</p> <p>RESOLVED: That the Council be recommended to approve the Corporate Management Team Plan.</p>	
	<p>168. JOINT STAFF COMMITTEE. The minutes of the meeting held on 2 April 2002 were circulated.</p> <p>NOTED.</p>	
	<p>169. EXCLUSION OF THE PUBLIC.</p> <p>RESOLVED: That the public be excluded from the remainder of the meeting as otherwise there was a likelihood of disclosure to them of exempt information as defined in Schedule 12A of the Local Government Act 1972. The relevant paragraphs of Schedule 12A and descriptions of the exempt information are shown in the summary below.</p>	
	<p>170. SUMMARY OF CONFIDENTIAL PROCEEDINGS FOR INFORMATION.</p> <p>(Note: The full minutes of the under-mentioned items are set out in the confidential section of these minutes. The reports remain confidential).</p>	
	<p>(a)</p>	<p>Premature Retirement - Financial Management. The Cabinet agreed proposals for the premature retirement of a staff member.</p> <p>(Exempt information reason - Paragraph 1 - Information relating to an employee).</p>
	<p>(b)</p>	<p>Former Employee - Consideration of Issues Consequent on Termination of Employment. This item was withdrawn for consideration at a special meeting of Cabinet scheduled for 22 April 2002.</p> <p>(Exempt information reason - Paragraph 1 - Information relating to a former employee).</p>
<p>The meeting closed at 5.45 p.m.</p>		

	G H Marsden Chairman
(der\P:\cabinet\minutes\02.04.10)	