

## **Cabinet**

**Minutes** of a meeting of the **Cabinet** held in the **Warren Room, Lewes House, 32 High Street, Lewes** on **Tuesday 11 September 2007** at 2.30pm.

### **Present:**

Councillor A C De Vecchi (Chair)  
Councillors J H Freeman, P F Gardiner, D M Gray, I A Nicholson, J V S Page, S Saunders and I J White

### **In Attendance:**

Mr D Cannings (Tenants' Representative)

### **Apologies Received:**

Councillor E N Collict, Mr A Hill (substitute Tenants' Representative) and Ms D Twitchen (Tenants' Representative)

## **Minutes**

### **69 Minutes**

The Minutes of the meeting held on 23 July 2007 were approved as a correct record and signed by the Chair.

### **70 Declaration of Interest**

Councillor Nicholson declared his non-prejudicial interest in Agenda Item 8.2 (Joint Municipal Waste Management Strategy and Recycling Credits).

### **71 Urgent Item**

The Chair advised that she had agreed, in accordance with Section 100B(4)(b) of the Local Government Act 1972, that Report No 164/07 entitled "Fort Road Recreation Ground – Sports Park Project" which had been circulated to all Members of the Cabinet on 4 September 2007, be considered as a matter of urgency in order that the Cabinet could take its decisions based on the most recent information which was available.

**Action**

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<p><b>72 Recommendations From the Devolution Committee</b></p>	
<p>The Cabinet considered the recommendations, as set out in Minute 5 of the Devolution Committee at its meeting held on 23 July 2007, relating to devolution proposals.</p>	
<p>The Minute had been prepared in respect of the Committees consideration of Report No 149/07. That Report set out details of requests that had been received from Newhaven Town Council and Peacehaven Town Council for the devolution of assets and services, and considered terms upon which the Crypt could be transferred to Seaford Town Council.</p>	
<p><u>Resolved:</u></p>	
<p><b>72.1</b> That the recommendations contained in paragraph 3.2 of Report No 149/07 with regard to the devolution of the Memorial Garden and Valley Ponds to Newhaven Town Council, be agreed;</p>	DFCS
<p><b>72.2</b> That the offer from Newhaven Town Council to fund a BMX facility at Lewes Road Recreation Ground, as detailed in paragraph 3.5 of the Report, be agreed, subject to updating the management arrangements of the site and to include this extended area;</p>	DFCS
<p><b>72.3</b> That the Officers be authorised to pursue the devolution of the land within Deed Packet 622 to Peacehaven Town Council as allotments, together with other disposal possibilities;</p>	DFCS
<p><b>72.4</b> That discussion on other land for allotments to be devolved to Peacehaven Town Council be explored as appropriate, together with other sites not currently car parks or suitable for car parks; and</p>	DFCS
<p><b>72.5</b> That the devolution of The Crypt to Seaford Town Council be approved, subject to the financial analysis shown at paragraph 5 and Appendix 3 of the Report.</p>	DFCS
<p><u>Reasons for the Decisions:</u></p>	
<p>The Cabinet has in place a policy of seeking to devolve open spaces and outdoor sports facilities to local town and parish councils. A history of successful transfers supports this approach.</p>	
<p>Newhaven, Peacehaven and Seaford Town Councils have expressed an interest in the potential transfer of a number of sites within their area.</p>	
<p>The final Report of the Outdoor Leisure Review, considered by Cabinet on 11 January 2006, has a number of outstanding actions, one of which will require a financial framework to encourage and support more devolution</p>	

## Action

**73 Recommendation From the Scrutiny Committee**

The Cabinet considered recommendation 14.7, as set out in the appropriate part of Minute 14 of the Scrutiny Committee at its meeting held on 29 August 2007, relating to the Communications Strategy.

The Minute had been prepared in respect of the Committees consideration of Reports which had been provided by Councillors MacCleary and Sinclair relating to their meetings with the Chief Executive and the Communications Manager in respect of the Strategy.

The Committee had noted, in particular, the efficacy of targeted communications, the forthcoming transfer of increased responsibility for web design to the Press Office and that the object of the communications programme was to engage the public.

Resolved:

- 73.1** That consideration of the Scrutiny Committee's recommendation that the sum of £10,000 be included in the 2008/09 budget for targeted communications be deferred, and instead be considered as part of the overall budget process for 2008/09.

DFCS

Reason for the Decision:

To consider a budget proposal which, if implemented, will further engage the public in the work of the Council.

**74 Finance Update**

The Cabinet considered Report No 161/07 which provided an update on financial matters affecting the General Fund Revenue Account, the Housing Revenue Account and the approved Capital Programme.

Appendix 1 to the Report set out details of the General Fund Budget Outlook Statement. Appendix 2 set out details of the Capital Programme 2007/08, proposed amendments to which were outlined in paragraph 5 of the Report.

As part of the Council's management of risks and key controls, the Head of Audit and Performance made an independent assessment of the overall position each year. Details of such assessment for the year ended 31 March 2007 were set out in paragraph 2.2 of the Report.

Construction of the Newhaven Enterprise Centre on Denton Island was nearing completion, and was expected to be available for occupation in October 2007. Basepoint Ltd would be acting as the Council's agent to

operate the Centre and was currently marketing the business units.

The Officers were working with Basepoint to put in place the required operational, financial and performance monitoring procedures for the operation of the Centre. The Council's Financial Procedure Rules required the Cabinet to approve the appointment of a Bank. Four joint bank accounts had been opened with Natwest plc for the Council and Basepoint Centres Ltd in respect of the Centre in which with either party could withdraw funds. Further details of the proposed banking arrangements were set out in paragraph 6.2 of the Report.

Paragraph 7 of the Report set out details of ways in which customers could make payments to the Council namely by:

- Direct debits which were automated payments; convenient for both customers and the Council;
- cash/cheque over the counter at banks and post offices;
- cash/cheque by post to the Council;
- cash/cheque in person at the Council's Fisher Street office, Lewes; and
- debit/credit card by 'phone or via the Council's website.

Whilst a wide range of payment methods was available, it was recognised that they did not suit all of the Council's customers in that, for example, post offices and banks had limited opening hours and around 18% of adults in the UK did not use bank or building society accounts.

However, Paypoint offered an alternative means of payment to those customers who were only able, or willing, to pay by cash. Based within many high street retailers, Paypoint currently accepted payments worth around £5.2 billion per annum from an average of 7 million customers each week. Its clients included energy, telecoms and TV licensing, as well as local authorities including Wealden District Council and Hastings and Eastbourne Borough Councils. Retailers received a commission for each payment that they took.

Through a facility offered by its bank, the Council would be able to receive payments through the Paypoint network. The set up cost of such arrangement would be £4,000. Ongoing transaction fees would be similar to those currently incurred in respect of bank/post office payments.

The Report therefore suggested that the Officers be authorised to put in place the necessary arrangements for the introduction of Paypoint as a method of payment from April 2008. The arrangement cost could be met from the Housing Benefit Service Improvement Reserve and all other costs

could be met from existing budgets.

Resolved:

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|---|---------------|
| <b>74.1</b> That the opinion of the Head of Audit and Performance on the internal control environment at the Council for the year ended 31 March 2007, as set out in paragraph 2.2 of Report No 161/07, be noted; |               |
| <b>74.2</b> That the General Fund Budget Outlook Statement, as set out at Appendix 1 to the Report, be noted;   |               |
| <b>74.3</b> That the amendments to the 2007/2008 Capital Programme, as shown in Appendix 2 to the Report, be approved and be funded in accordance with the details set out in paragraph 5 of the Report;          | DFCS          |
| <b>74.4</b> That the new bank accounts in respect of the Newhaven Enterprise Centre, as detailed in paragraph 6 of the Report, be approved;   | DFCS          |
| <b>74.5</b> That the Officers be authorised to introduce Paypoint as a method of receiving payments from customers; and   | DFCS          |
| <b>74.6</b> That the remainder of the Report be received and noted.   |               |

Reason for the Decisions:

A Report on funding issues in relation to the Council's General Fund Revenue Account, Housing Revenue Account and Capital Programme is made to each meeting of the Cabinet to ensure that the Council's financial health is kept under continual review.

**75 Joint Municipal Waste Management Strategy and Recycling Credits**

The Cabinet considered Report No 162/07 relating to proposals for the adoption of the Joint Municipal Waste Management Strategy (JMWMS), a copy of which was set out at Appendix A to the Report, together with some proposed amendments in respect thereof, details of which were set out at Appendix B. In response to a Councillors question, the Chief Executive outlined the reasons for the proposed amendments to the Strategy.

The Cabinet had considered the draft Strategy at its meeting on 6 June 2007 at which it had agreed:

- 22.1** That the Lead Councillor for Environment be authorised to take account of the implications of the new National Waste Strategy, undertake a review of the Council's Sustainable Waste Strategy and prepare a Report thereon for consideration at a meeting of the Cabinet in Autumn 2007;
- 22.2** That any decision relating to proposals to change the arrangements

## Action

for waste collection and recycling be deferred until the Cabinet has had the opportunity to consider the Report referred to in 22.1 above;

**22.3** That any decision relating to the Joint Municipal Waste Management Strategy for East Sussex be deferred until the following matters have been resolved:

(a) East Sussex County Council agrees to pay to the collection authorities, recycling credits at the full level allowed by Government Regulations, in order to fund improvements to the recycling service for household waste; and

(b) The issues raised by the public consultation on the draft Joint Strategy have been fully taken into account; and

**22.4** That the Officers be requested to prepare a Report for consideration at the next meeting of the Cabinet on matters relating to the payment of recycling credits.”

It was necessary for the Cabinet to consider whether the JMWMS was factually correct, contained the correct targets and reflected what the Council was able to achieve in its programme of recycling.

The Department for Environment, Food and Rural Affairs (DEFRA) had set a deadline of 13 October 2007 for an agreed JMWMS to be submitted. The document needed to be agreed by East Sussex County Council and the five Borough/District Councils of East Sussex.

The waste local plan and the Strategy had been examined in order to see if either document contained anything which would limit the Council's ability to claim recycling credits from East Sussex County Council at any time in the future. However, it was felt that neither document contained any such limitation and that there was no legal possibility that East Sussex County Council could have "capped" the percentage level of recycling beyond which it would not pay recycling credits.

It was not possible to establish whether the Integrated Waste Management Contract between East Sussex County Council and Veolia, which was the waste management contractor for the area, was entirely in-line with the JMWMS because the Council had not seen all of the provisions of the Contract. However, it contained a very complex financial schedule that required East Sussex County Council to pay a unitary charge which rolled-up all of Veolia's capital expenditure in the early years and then decreased as more facilities were opened and more material was sent to what the Strategy described as the "energy from waste facility".

The Chief Executive updated the Cabinet on matters relating to correspondence between the Borough/District Councils of East Sussex and East Sussex County Council in respect of the suggestion that East Sussex

## Action

County Council was not fulfilling its statutory duty for the payment of recycling credits. He stated that East Sussex County Council had indicated that it would be replying to a recent letter which had been sent in respect thereof but that, to date, no such reply had been received.

The Chief Executive further stated that the other Borough/District Councils of East Sussex had indicated that they would reserve their position and only adopt the JMWMS subject to the issues relating to the payment of recycling credits being resolved satisfactorily.

The Report drew councillors attention to Target 8 in the JMWMS which contained the words "energy recovery". The three paragraphs which followed Target 9 could be left in or struck out of the Strategy without affecting the situation one way or the other. The draft document referred to "energy from waste facility" and also referred to the waste local plan. When those two references were put together, there was an obvious deduction that the energy from waste facility was the one proposed for Newhaven. The planning application submitted by Veolia had made it clear that the energy from waste facility was an incinerator.

The note in respect of the Council's reservation about the incinerator did not affect any of the strategic statements or targets. Thus, at such time that the Council adopts the Strategy, it was doing so in the full knowledge that East Sussex County Council proposed to fulfil its policy of diverting waste from landfill by burning it in an incinerator at Newhaven.

The Report further drew councillors attention to page 14 of the draft Strategy in which the following paragraph appeared under the heading of "Making It Happen" :

"All authorities in East Sussex are committed to making this strategy work. The Councils have worked together since late 1998 on the preparation of a contract, supported by Private Finance Initiative (PFI) Grant from Government to procure waste management services for twenty-five years. This will deliver part of our strategy. We have put together more detailed action plans that set out what actions are required and what is intended, when and who will be responsible in a separate document (Annexe E)".

Councillors were invited to consider whether such statement was accurate and whether they wished to endorse it as part of the JMWMS.

Resolved:

- 75.1** That, provided the draft Joint Municipal Waste Management Strategy, as set out at Appendix A to Report No 162/07, is amended by the words set out in the second column of Appendix B to the Report, the Strategy be adopted; and
- 75.2** That the oral update of the Chief Executive on matters relating to the

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payment of recycling credits by East Sussex County Council, be received and noted.

Reason for the Decisions:

To enable the Cabinet to decide the basis on which it will adopt the Joint Municipal Waste Strategy.

Alternative Option Considered and Rejected:

That the draft Joint Municipal Waste Management Strategy, as set out at Appendix A to Report No 162/07, be adopted subject to the amendments set out in Appendix B to the Report but with the deletion of the words "Lewes District Council will continue to oppose the proposal by all lawful means." to the Proposed Wording in respect of page 12 of the Draft Strategy.

*(Note: (1) Councillors Nicholson, Page and White indicated that they would have supported the Resolution set out in Minute 75.1 above save for the inclusion of the words "Lewes District Council will continue to oppose the proposal by all lawful means." in the text in respect of page 12 of the Draft Strategy. Therefore, they requested that their votes against Minute 75.1 above, and in favour of the Alternative Option which was Considered and Rejected, be recorded; and*

*(2) Councillor Nicholson declared his non-prejudicial interest in this item as he had recently paid a visit to view an incinerator at Basingstoke and, therefore, took part in the consideration, discussion and voting thereon).*

## **76 Supporting People Programme**

The Cabinet received Report No 163/07 which provided an update on the progress of the Supporting People programme and outcomes of the government review of the scheme. The Report also set out details relating to the new role of the Lead Councillor for Housing in commissioning services as part of the County Wide Supporting People Strategic Forum.

Resolved:

**76.1** That it be noted that, with effect from September 2007, the Lead Councillor for Housing will have responsibility for the commissioning and de-commissioning of housing-related support services across East Sussex on behalf of the Council, as a member of the East Sussex Strategic Forum.

Reason for the Decision:

A review of the Supporting People administrative arrangements within East Sussex to embody best practice means that decisions for commissioning



and decommissioning services will, from September 2007, be made by elected councillors.

## 77 Fort Road Recreation Ground – Sports Park Project

The Cabinet considered Report No 164/07 relating to the asset maintenance requirements at Fort Road Recreation Ground, Newhaven.

At its meeting on 5 October 2005, the Council had approved a Policy relating to the Provision of Recreational Activities which had arisen from the final report of the Community Review Board on 21 October 2004. Details of the Policy were set out at Appendix 1 to the Report.

At its meeting on 11 January 2006, the Cabinet had considered the outcome of a scrutiny review of Outdoor Leisure provision, the Minute Extract from which was set out at Appendix 2 to the Report.

The essence of the policy framework was that the Council would apply to sports' clubs, the same criteria that was applied to other voluntary groups which meant that it would work in partnership with them but only provide public funding for those activities which contributed to Council priorities.

The two main priorities were:

- to direct finance towards those who would not otherwise participate in physical activity to increase that participation through active lifestyles and active recreation; and
- to provide opportunities for enjoyable and worthwhile activities for children and young people close to where they live in partnership with town, parish and county councils and other agencies.

Several clubs throughout the District required floodlights for the enjoyment of their sport, examples of which were set out in Appendix 3 to the Report. It showed that many clubs were dedicated to their sporting interest, not only through participation within leagues but also through community engagement and providing opportunities for young people.

Successful clubs needed to manage and administer their affairs in a business-like manner. Provision, maintenance and organising the funding of significant assets, such as floodlights, clearly demonstrated those capabilities.

Paragraphs 3.7 to 3.13 of the Report set out details of the arrangements for use of the enclosed football pitch at Fort Road Recreation Ground and the floodlighting which had been provided, and used, by Newhaven Football Club (FC).

## Action

It was a requirement of the Sussex County Football League that a light test be performed every 2 years to determine the average lighting levels expressed as a lux rating, the minimum required level of which was 120 lumens per square metre. In 2005, the test had resulted in a rating of 121 lumens but the test which had been performed in 2007 has resulted in a rating of 106 lumens. At that time, one light had not been working. However, the engineer had indicated that, even if the light was replaced, the required standard would still not be met and that, in his opinion, the current light fittings were incapable of reaching the required minimum standard and should be considered for replacement.

Newhaven FC played in Division 3 of the Sussex County League and needed to schedule its fixtures to take place in daylight hours until the floodlights met the standards of the Football Association. The Club had aspirations to play in Division 2 of the League. However, progress into that Division was dependant upon the Club meeting Football Association Standards, including those for lighting, if they elected to play using floodlights.

The Club was the only major football club within the District which did not own and pay for its own floodlights. The Report therefore suggested that, if the Council was to transfer the lights to the Club and charge it the basic rate of £47.06 per game for pitch use, it would enable the Club to decide if it wished to invest in the retention and provision of floodlights.

The Director of Finance and Community Services reported that a new Fund entitled "The BIG Lottery – Community Asset Fund" had recently been launched for which organisations could prepare bids to receive awards associated with community assets that were provided within their locality.

He suggested that it might be appropriate for such bids to be prepared in respect of improvements to the football stand and cricket pavilion at Fort Road Recreation Ground, subject to the necessary feasibility studies being undertaken in the first instance. However, if such bids were to be prepared, it was necessary for the Council to identify its preferred partner for the bidding process. The Director stated that he had discussed such issue with Officers of the Wave Leisure Trust who had indicated the Trust's willingness to be such partner.

Resolved:

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|-------------|--|------|
| <b>77.1</b> | That Newhaven Football Club's (FC) aspiration to move into a higher league, as detailed in Report No 164/07, be supported;   | DFCS |
| <b>77.2</b> | That the Director of Finance and Community Services be authorised to discuss, with Newhaven FC, issues relating to the possibility of the Council funding the repair of the defective floodlighting at Fort Road Recreation Ground, Newhaven, in order to bring it to an acceptable standard so as to enable the Club to play matches in its | DFCS |

		<b>Action</b>
	existing league;	
<b>77.3</b>	That changes to the lighting columns at the Recreation Ground be permitted, subject to the Club providing the necessary investment and obtaining the necessary permissions and consents;	DFCS
<b>77.4</b>	That the existing lighting columns be transferred to Newhaven FC;	DFCS
<b>77.5</b>	That an adjustment be made to the Wyevale grounds maintenance contract bringing the pitch fee for Newhaven FC in line with that paid by Seaford Town FC;	DFCS
<b>77.6</b>	That the Director of Finance and Community Services be authorised to prepare a Report for consideration at a future meeting of the Cabinet on matters relating to the options for the Council to submit a bid(s) to The BIG Lottery – Community Asset Fund in respect of improvements to the football stand and/or the cricket pavilion at Fort Road Recreation Ground; and	DFCS
<b>77.7</b>	That, in the event that any bid(s) is submitted to the Fund referred to in 77.6 above, the Council's preferred partner for the bidding process be the Wave Leisure Trust.	DFCS

Reasons for the Decisions:

Football clubs which need floodlights to participate in their sport should make provision, at their own expense, as is the practice of the majority of clubs in the District.

The recommendations address an anomaly with regard to Newhaven Football Club and will give it the same incentive and ability to control its future direction in parallel with other clubs in the District.

Addressing backlog maintenance and making improvements at Fort Road Recreation Ground, Newhaven, is a Cabinet priority.

**78 Clean and Green Team - Future Service Provision**

The Cabinet considered Report No 165/07 relating to proposals for the substantiation of the Clean & Green Team, including appropriate future service provision and associated resource requirement.

The establishment of the Team was funded in 2006 through the allocation of a one-off service improvement budget of £200,000 and the provision of a recurring revenue budget of £38,700. In addition, a recurring budget of £15,000 was made available from funds set aside for a new client management role in respect of the new Leisure Trust. The arrangements recognised that the client manager for the Leisure Trust would also have

## Action

managerial responsibilities for the Clean and Green Team.

At its meeting in March 2006, the Cabinet had approved detailed proposals for the operation of the Team, which included the permanent appointment of a Senior Customer Services Assistant and two Street Wardens on two-year fixed term contracts. Such proposals required the use of £91,400 of the £200,000 service improvement budget and committed almost all of the recurring revenue budgets. At that time, no estimates of income generated from Fixed Penalty fines were included within the budgets. However, it was noted that if the service was to generate sufficient income in the future, the Cabinet could consider extending the appointment of the two fixed term Street Warden posts.

At its meeting in June 2006, the Cabinet had received an update Report which allocated a further £103,491 from the service improvement budget. Such sum included £48,491 towards a two-year fixed term Legal Support Officer to provide additional legal support for Clean and Green related prosecutions and the commitment of £40,000 towards the capital purchase of an additional street sweeping vehicle.

The total cost of the Clean and Green Team over the current two year programme of work was £353,440. That took into account expenditure incurred to date as well as those amounts committed to fund the fixed term posts through until the end of the contracts in 2008.

The resources which were needed to extend the service beyond July 2008 at the previously approved level, and the funding which was currently provided within the existing base budget, was set out in paragraph 4.1 of the Report. The amounts shown did not include inflation.

Additional resources of £107,360 would be required to fund the Team through to 31 March 2011. The additional annual recurring budget from then on would be £49,550 which included estimates relating to income that would be generated from Fixed Penalty Notices and recovered Court costs. Further details relating to the proposed funding package were set out in the Report.

Recommended:

- 78.1** That the resource requirement to substantiate the Clean and Green Team to 31 March 2011, as set out in paragraph 4.1 of Report No 165/07, be approved.

DFCS  
(to note)

Reasons for the Decision:

The Clean and Green Team has been successful in demonstrating the Council's commitment towards its stated objective of protecting the local environment.

The Cabinet established a new Team from August 2006 to take advantage

of opportunities afforded by new legislation. In doing so, the Cabinet has provided additional funding to support the new service until 2008 and Report No 165/07 explores how the service might be sustained in the medium term.

## 79 Homelessness Prevention

The Cabinet considered Report No 166/07 relating to a proposal to enhance the budgetary provision for Discretionary Housing Payments (DHP).

The introduction of the Homeless Persons Act 1977 had resulted in Local Housing Authorities having the major responsibility for providing housing and/or assistance to households who were homeless or faced with homelessness. That had inevitably been a drain on resources, even more so following the introduction of the Right to Buy Scheme in November 1980 which had effectively taken many thousands of homes out of the social housing sector. In the case of the District, there had been some 2,500 sales since 1980, most of which were of larger family houses.

Until fairly recently, local authorities had made use of bed and breakfast accommodation in which families were forced to spend increasing periods in what proved to be, in many cases, inappropriate accommodation which was also an expensive temporary solution.

Various amendments had been made to the legislation and local authorities were charged with finding other more acceptable solutions in relation to both social and financial costs.

One solution that had proved to be successful was the Council's Private Sector Leasing Scheme which had been introduced, in its present form, in 2002. The Government provided financial incentives via the Housing Benefit Subsidy system to encourage use of leasing for homeless families. Consequently, leases of up to three years had been arranged with property owners with properties being let to homeless families on a temporary basis, which had been a better alternative to bed and breakfast accommodation.

Over the last four years, the former Office of the Deputy Prime Minister had made grants available to Local Authorities through the Homelessness Directorate (HD) to assist in tackling the problem of homelessness for which the Council had received £43,000 each year.

Officers had met with a representative of the HD, which was currently part of the Department of Communities and Local Government, in order to seek further funding for initiatives in the current financial year. The Council's bid had been successful and a further sum of £20,000 would be awarded. A condition of the grant was that the Council needed to work more closely with the private sector and that it needed to invest more of its own resources into the homelessness service.

	Action
<p>The Council currently allocated some funds under the Discretionary Housing Payments scheme but, the Report suggested, such allocation could be increased. Such funds were intended to help people on a one-off temporary basis only, in order to meet the shortfall of their housing costs after housing benefits. Further details relating to the scheme, including the eligibility criteria, were set out in the Report.</p>	
<p><u>Recommended:</u></p>	
<p><b>79.1</b> That the Discretionary Housing Payments budget be increased by £52,215, such sum to be met from the balance on the Private Sector Leasing account and vacancy savings in the Housing Strategy Division; and</p>	DFCS (to note)
<p>It was further</p>	
<p><u>Resolved:</u></p>	
<p><b>79.2</b> That the additional sum of £20,000 grant from the Government, to assist with tackling homelessness in the District, be accepted.</p>	DFCS
<p><u>Reasons for the Decisions:</u></p>	
<p>The Council, along with other local housing authorities, is being encouraged to concentrate its efforts on homelessness prevention. This can be achieved, in part, by ensuring that the Council make best use of the Discretionary Housing Payments (DHP) budget.</p>	
<p>The Homelessness Directorate of the Department of Communities and Local Government recently agreed to the Council's request for a further grant of £20,000 to tackle homelessness on the condition that the Council make greater use of DHP whenever possible to stave off homelessness.</p>	
<p><b>80 Choice Based Lettings</b></p>	
<p>The Cabinet considered Report No 167/07 relating to the investigation into a Choice Based Lettings System (CBL) scheme.</p>	
<p>At its meeting on 24 November 2005, the Cabinet had considered Report No 280/05 which related to the principal features of Choice Based Lettings Systems and preparations to adopt an appropriate model by 2010. It agreed:</p>	
<p>"117.1 That the Council's participation in the preparation and development of the Sussex Coastal Choice Based Lettings Scheme, as detailed in Report No 280/05, be approved but without any funding commitment at this stage;</p>	

## Action

- 117.2 That participation in the Scheme referred to in 117.1 above be subject to the condition that the scheme funding bid to the Office of the Deputy Prime Minister for £100,000 is fully successful;
- 117.3 That whilst the Council was awaiting the results of the funding bid process, the Officers be authorised to investigate other models of Choice Based Lettings systems, including a stand-alone scheme for Lewes District, to enable comparisons to be made prior to recommending the most appropriate model;
- 117.4 That, with immediate effect, the Officers be authorised to begin consultation with tenants, residents and all other stakeholders on matters relating to the systems; and
- 117.5 That, the Officers be requested to prepare a progress report for consideration by the Cabinet during 2006/07 on matters relating to the systems, prior to recommending the adoption of the most appropriate Choice Based Lettings model for the District”.

(NB The Sussex Coastal Choice Based Lettings Scheme, as referred to in 117.1 above, had subsequently been entitled “Sussex Homemove”).

The concept of CBL had originated in the Netherlands in the late 1980’s and had been widely adopted throughout that country. Since its introduction, new initiatives had developed including regional and sub-regional schemes involving local authorities and housing associations.

Government guidance for CBL was summed up in the following statement:

“The Government’s vision for the future of social housing is to increase choice and customer-centered approaches while continuing to meet housing need. The challenge for pilot schemes is to examine how choice and need can be better integrated.”

The result of pilot schemes which had been trialed between 2004 and 2006 indicated that the Government was encouraging the development of sub-regional schemes rather than stand alone schemes. The Government, as part of its ongoing agenda, had a desire to encourage greater mobility and choice which ran in parallel with changes introduced in the Housing Act 2004 whereby applicants were able to register for rehousing irrespective of whether they lived or worked within the District.

Paragraphs 7 to 17 of the Report set out information relating to the issues surrounding CBL compared with traditional allocations models.

CBL schemes made the whole lettings process more transparent and reinforced the message that demand exceeded supply. Such schemes required the landlord to advertise vacancies and invite applicants to bid for them. Traditional policies imposed penalties on people who refused an offer.



## Action

In the District, prior to 2003, a refusal of what was considered to be a reasonable offer resulted in the applicant being suspended from the housing register for 12 months. However, by contrast, CBL schemes imposed no penalties.

The basic principle of CBL was that applicants took the initiative in bidding for the advertised homes which they preferred instead of relying on the landlord to select properties for them.

One of the most critical issues for CBL schemes was to ensure that the most vulnerable and marginalised people were not excluded. That issue had been successfully addressed by Sussex Homemove which had an advocacy system in place. The Council's Officers would not have supported a CBL which did not reach older, disabled and vulnerable people.

The Officers had been involved in the development of the sub-regional scheme and in so doing had benefited from a Government grant. The scheme was designed to enable each organisation to retain full control over the allocation of its housing stock, including nominations to housing associations.

The benefit of a regional scheme was the saving in additional administration resources and the information technology resources which were needed to operate on a stand alone basis.

It was likely that the Council would have to introduce a CBL scheme in the next three years. Any such scheme would have to include its housing association partners, the key ones of which were already signed up to the scheme. Paragraph 18 of the Report suggested that it was essential that the Council undertake a full consultation exercise with its various partners before any CBL was introduced.

Resolved:

- 80.1** That the Council's continued involvement in evaluating the Sussex Homemove Partnership, as detailed in Report No 167/07, be approved with a view to becoming a full member in October 2008, subject to the outcome of the consultation process.

DFCS

Reasons for the Decision:

The Government has set targets that 25% of local housing authorities should have implemented a Choice Based Lettings (CBL) scheme by 2005 with a progression to 100% by 2010.

If the Council is to have a CBL scheme, rather than retain the current allocation mechanism, it would be more cost effective for it to join the sub-regional scheme in line with other Sussex housing authorities and its housing association partners, than attempt to develop its own stand alone

scheme.

**81 Planning Delivery Grant: To Consider Proposals for use of Grant Allocated for 2007/8**

The Cabinet considered Report No 168/07 which set out details relating to the use of the Planning Delivery Grant (PDG) that had been awarded for 2006/7, and proposals for use of the Grant awarded for 2007/8.

The Government had recognised that local planning authorities in England needed additional resources to deliver its “Sustainable Communities” agenda. Planning Policy Statement 1 had raised the profile of the planning system still further, putting it “at the heart of sustainable development”.

Between 2003 and 2008, the Government would award PDG to local planning authorities to help them drive up performance and deliver sustainable communities. In particular, the Government wanted such authorities to:

Meet Best Value targets for Development Control:

- Determine 60% of planning applications for major commercial and industrial development within 13 weeks;
  - Determine 65% of planning applications for minor commercial and industrial development within 13 weeks; and
  - Determine 80% of other (mainly householder) development within 8 weeks;
- (b) Complete a Local Development Framework (a new form of development plan to replace structure and local plans); and
- (c) Deliver more new housing in areas of high housing need, such as in the South East of England.

An analysis on the use of last year’s PDG was set out in Appendix B to the Report, some of which had yet to be spent or committed and could be carried over into 2007/8.

The detailed allocation of PDG for 2007/8 had been announced by the Department for Communities and Local Government (DCLG) in two tranches. The first tranche, had been awarded in December 2006 for which the Council had been allocated £54,194. Details of that part of the allocation had been reported to the Cabinet in January 2007 where it was allocated mostly to the completion of the Geographical Information System data capture (£45,000) and work on a Planning Vision for North Street, Lewes (£5,000). Details of the second tranche had been announced on 23 July 2007 for which the Council had been allocated £189,493.

Paragraph 3 of the Report set out details of proposals for spending the Grant.

The Director of Planning and Environmental Services reported that, following the preparation of the Report, a meeting of the Planning User Group had been held on 10 September 2007 at which the representative of the Friends of Lewes had requested that some of the PDG be used for the reintroduction of grant funding for the maintenance of historic buildings in Lewes. However, the Director stated that, in his opinion, the Grant would be best used to fund the proposals detailed in the Report.

Resolved:

**81.1** That the Report on the previous use of the Planning Delivery Grant (PDG), as set out in Appendix B to Report No 168/07, including the proposed carry forward of funds to 2007/8, be noted;

**81.2** That the Council's second tranche PDG (£189,493) for 2007/8, together with the carry forward of uncommitted sums from 2006/7 and the first tranche of 2007/8 (£46,427) be allocated as follows:-

- Continuation, for a further year, of a staff remuneration package to help promote recruitment and retention, meet planning service objectives and achieve a high level of PDG for 2008/9 (£85,000);
- Maintaining momentum on preparation of a Local Development Framework for Lewes District (£68,050);
- Extend contracts for temporary staff in Development Control (£57,300);
- Additional resources to support temporary appointments already made (£17,245);
- PAI software renewal (£3,300); and
- Provision of dual computer screens for planning and building control staff to access digitised documents, plans and maps (£5,000);

**81.3** That, in respect of the PDG staff remuneration package, the basis for assessing performance in 2007/8 be as set out in paragraph 2 of Appendix C to the Report, and that the Director of Planning and Environmental Services, Head of Business Services and Director of Finance and Community Services be authorised to make payments in accordance with the agreed scheme after October 2008; and

**81.4** That the Director of Planning and Environmental Services be given

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## Action

delegated authority to put necessary arrangements in place for the agreed use of the PDG.

Reasons for the Decisions:

To note the use of the Planning Delivery Grant for 2006/7 and to approve the use of the Grant which has been awarded for 2007/8.

## 82 Geographic Information Systems (GIS) Section

The Cabinet considered Report No 169/07 relating to a proposal to transfer the Geographic Information Systems (GIS) Section from Planning Administration to the Information Technology (IT) Unit.

The GIS Section had always been based in the Planning Administration Section, an arrangement which made sense while the work associated with data capture on past planning applications was the main focus.

However, that work had been completed but other areas of work had grown. In particular, work on the Local Land and Property Gazetteer (LLPG) and expansion of GIS databases to cover a growing range of Council functions beyond Planning.

At its meeting on 23 July 2007, the Cabinet had considered a Report relating to the resources which were needed to continue work on the LLPG and had agreed to:

- Allocate £14,000 to allow a temporary contract to be extended to 31 March 2008; and
- Consider further resources needed for the work at the end of 2007 when the Government's Comprehensive Spending Review proposals were known.

The Report suggested that many of the benefits of a complete LLPG, and wider GIS service, would only be achieved if it was extended to services other than those that were planning related e.g. council tax and business rates, waste and recycling. Such extension would, in future, need much closer working with the IT Unit so as to ensure system compatibility, database support, equipment support etc. Therefore, it was clear that there would be significant operational advantages if the GIS Section transferred to the IT Unit.

Resolved:

- 82.1** That, with effect from 30 September 2007, the Geographic Information Systems Section be transferred from the Planning Administration Section to the Information Technology Unit, along

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with all associated budgets, as detailed in Report No 169/07.

Reason for the Decision:

The future work of the Geographic Information Systems Section will have a more corporate focus than in previous years and will require much closer working with the Information Technology Unit. There are significant operational and managerial advantages in combining the two sections.

**83 Lewes District Council Policy on Flood and Coastal Erosion Risk Management**

The Cabinet considered Report No 170/07 relating to a revised and updated policy statement on flood and coastal erosion risk management, a copy of which was set out at Appendix A thereto.

In November 1999, the former Ministry of Agriculture, Fisheries & Food had published a series of high level targets to meet national flood and coastal erosion risk management policy aims and objectives which would be delivered by several "operating authorities" including the Environment Agency, Internal Drainage Boards and local authorities.

High Level Target 1 required all operating authorities to prepare a publicly available policy statement which sets out their plans for delivering the Government's policy aims and objectives. The statement needed to be reviewed every three years in order that it was kept up to date.

Consequently, a statement had been approved by the former Interim Cabinet on 21 March 2001 and by the Cabinet on 24 March 2004 and now required to be reviewed.

The statement had been prepared in line with a detailed template which had been published and recommended by the Department of the Environment, Food and Rural Affairs. In line with the shift in emphasis in the Government's "Making Space for Water" initiative, the policy now referred to "flood and coastal erosion risk management", rather than "flood and coast defence". That reflected the national move away from reliance on hard defences to a more holistic approach to reducing flood and coastal erosion risk.

The statement had also been the subject of consultation with several organisations prior to consideration by the Cabinet, further details of which were set out in paragraph 1.4 of the Report. The comments which had been received thereon were summarised in Appendix B to the Report.

The Cabinet referred to a consultation process, by the Environment Agency, which had commenced recently on options for managing flood risk in the Cuckmere Estuary and requested the Officers to prepare a Report thereon

DPES

for consideration at a future meeting of the Cabinet.

Resolved:

- |             |   |      |
|-------------|---|------|
| <b>83.1</b> | That the revised and updated policy statement on flood and coastal erosion risk management, as set out at Appendix A to Report No 170/07, be approved;  | DPES |
| <b>83.2</b> | That the Director of Planning and Environmental Services be authorised to send a copy of the approved policy statement to the Department for Environment, Food and Rural Affairs, the Department of Communities and Local Government and the Environment Agency, and to make it publicly available on the relevant pages of the Council's web site; and | DPES |
| <b>83.3</b> | That the Director of Planning and Environmental Services be requested to prepare a Report for consideration at a meeting of the Cabinet in Autumn 2007 on matters relating to the Environment Agency's proposed options in respect of flood risk management in the Cuckmere Estuary.  | DPES |

Reason for the Decisions:

To maintain an up-to-date policy on flood and coastal erosion risk management.

**84 Local Air Quality Action Plan in Central Lewes Part IV Environment Act 1995**

The Cabinet considered Report No 171/07 relating to the Draft Air Quality Action Plan (AQAP) for the town centre of Lewes and the proposed consultation exercise in respect thereof. A Summary of the Draft Plan was appended to the Report.

Clean air was an essential ingredient to ensuring that people had a high quality of life. Having clean air ensured that the air people breath did not harm them. In the 1950s and 1960s, air pollution was associated with domestic heating and industrial emissions. Such emissions had been much reduced and, currently, local air pollution emissions were derived mainly from road traffic.

Following a series of air pollution incidents in the 1980s and 1990s, mounting public concern and increased knowledge regarding air pollution and health, the first national Air Quality Strategy had been introduced in 1997. The Strategy had been regularly reviewed and the latest review was published in July 2007.

The Strategy sets out the role of local government in managing air quality in

its area. Part IV of the Environment Act 1995 placed specific duties on local government, further details of which were set out in the Report.

Section 82 of the Environment Act 1995 required local authorities to review and assess air quality in their area. Section 83 required authorities to designate those areas where it had identified that the air quality objectives and standards were not likely to be achieved within the relevant period as Air Quality Management Areas (AQMA). Designation was achieved by making an official order.

Where an AQMA had been declared, Section 84 required local authorities to:

- (a) Undertake a more detailed assessment of air quality in the designated area. Such work would determine the relevant contributors to air pollution and enable the assessment of management options; and
- (b) Prepare and develop an Action Plan in pursuit of the achievement of the air quality objectives. The air quality objective was that annual mean concentration for Nitrogen Dioxide did not exceed 40ug/m<sup>3</sup> by 31 December 2010.

Central to the process was consultation and public ownership of air quality problems and a package of measures to relieve them.

The Council had begun monitoring air quality in terms of Nitrogen Dioxide in 1996 and currently there were 36 locations in the District where Nitrogen Dioxide was measured using diffusion tubes. Since March 2005, two continuous monitoring stations had been located in Telscombe Cliffs and Lewes town centre.

In 2005, an assessment had found that levels of Nitrogen Dioxide exceeded the standard in the centre of Lewes and consequently, an AQMA was declared for the Fisher Street/Station Street area. Approval was also given to develop an AQAP to address the air quality problems in the area. Details relating to the consultation process in respect thereof were set out in paragraph 4 of the Report.

The Plan described the range of measures which, if adopted, could deliver improvements in air quality. Details of those measures were set out in paragraphs 5.5 and 5.6 of the Report.

Once the Cabinet had approved the Draft Plan, it was necessary for it to be submitted to the Department for Environment, Food and Rural Affairs for its approval. Details relating to a proposed stakeholder engagement programme were set out in paragraph 6.1 of the Report.

Resolved:



	<b>Action</b>
<b>84.1</b> That the Draft Air Quality Action Plan and the Plan Summary, as detailed in Report No 171/07, be approved as a basis for the proposed consultation exercise described in that Report;	DPES
<b>84.2</b> That the Director of Planning and Environmental Services be authorised to submit the draft documents referred to in 84.1 above to the Department for Environment, Food and Rural Affairs; and	DPES
<b>84.3</b> That, if following consultation, future action is required to improve air quality, a Report thereon be prepared for consideration at a future meeting of the Cabinet.	DPES

Reason for the Decisions:

As part of its statutory obligation under the Environment Act 1995, once the Council has declared an Air Quality Management Area, it must produce an Air Quality Action Plan detailing how it will tackle the air quality problems identified.

**85 Partial Review of the South East Plan: Meeting the Accommodation Needs of Gypsies and Travellers**

The Cabinet considered Report No 172/07 relating to the proposed way of dealing with endorsement of the joint advice to the Officers of the South East England Regional Assembly (SEERA) on meeting the needs of Gypsies and Travellers for the purposes of the partial review of the South East Plan.

SEERA was reviewing the Plan and was looking to local authorities to provide advice on the accommodation needs of Gypsies and Travellers in their area. East Sussex County Council, the Borough and District councils in East Sussex, and Brighton & Hove City Council, had agreed to work together to provide such advice.

The main aim of the work was to advise the Assembly on how many extra caravan pitches were needed in East Sussex districts and Brighton and Hove over the ten-year period from 2006 to 2016. The revised South East Plan would eventually include binding targets on the number of permanent pitches which councils needed to plan to meet through their local development frameworks.

In the advice, SEERA wanted authorities to distinguish between the need for permanent residential pitches and the demand for transit provision, further details of which were set out in paragraph 1.4 of the Report. In addition, SEERA had requested more qualitative advice on the demand for transit provision and how that might be affected by any increase in permanent pitches.

## Action

Paragraph 1.6 of the Report set out details relating to the work which had been undertaken and paragraphs 1.7 to 1.10 provided information in respect of the initial stakeholder consultation. A copy of the Report which had been the subject of the consultation was set out at Appendix 1 to the Report.

Resolved:

**85.1** That the findings of the Joint Authorities' Report on meeting the needs of Gypsies and Travellers, as published for stakeholder consultation in August 2007 and as set out at Appendix 1 to Report No 172/07, be received and noted; and

**85.2** That, following consideration of stakeholders' responses at the Joint Member Steering Group, the Lead Councillor for Planning, in consultation with the Chair of the Travellers Working Group, be authorised to advise East Sussex County Council of the Council's position on the final version of the advice to be submitted to the South East England Regional Assembly.

DPES

Reason for the Decisions:

The timing of the South East England Regional Assembly's deadline for submission of the advice from the joint authorities precludes reporting to the Cabinet.

**86 Performance Indicators 2007/08 – Monitoring Report 1 April to 30 June 2007 (the 1st Quarter)**

The Cabinet considered Report No 173/07 which updated councillors on progress, at the end of the first quarter, in respect of key Council Plan targets and performance indicators (PIs) for 2007/08 and any data quality issues arising therefrom.

The Report focused on several key national and local PIs, together with related milestones in the Council Plan, for the period 1 April to 30 June 2007, and Appendix A thereto set out a series of tables which showed PI information for that period.

Details relating to the Indicators which were calculated at the end of the financial year, those for which there was little or no change in performance from one quarter to the next, and those which were the primary responsibility of another agency, had not been included in the Report.

The Council Plan 2007/08 set out key milestones and activities towards meeting the Council's priorities. Paragraph 6 of the Report summarised the progress that had been made in the Council's top priority areas.

Whilst the Cabinet had overall responsibility for the performance of services

and the achievement of Council Plan targets, the Report gave the Cabinet the opportunity to consider whether or not it wished to refer any specific issues or areas of concern to the Scrutiny Committee for further investigation.

From 1 April 2006, the Council, along with several other statutory agencies and other organisations, had been involved in supporting the delivery of the East Sussex Local Area Agreement (the LAA) which aimed to achieve a set of outcomes and improvements to benefit the citizens of East Sussex, particularly those in areas with high levels of deprivation.

Several national and local PIs and targets were being used to measure progress of the LAA on a quarterly basis. Indicators which were relevant to the Council were shown with an asterisk in the table at Appendix A to the Report.

Resolved:

- 86.1** That Report No 173/07 relating to progress, at the end of the first quarter, in respect of key Council Plan targets and performance indicators for 2007/08, and any data quality issues arising therefrom, be received and noted.

Reasons for the Decision:

A key part of the Council's performance management arrangements is to keep Lead Councillors informed of progress towards the key actions and performance targets set out in the Council Plan for 2007/08 and to report any significant data quality issues which may arise.

**87 Exclusion of the Public and Press**

Resolved:

- 87.1** That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the Public and Press be excluded from the meeting during the discussion of Report No 174/07 entitled "Unit 35A Avis Way, Newhaven" as there is likely to be a disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act.

**88 Unit 35A Avis Way, Newhaven**

The Cabinet considered Report No 174/07 relating to proposals to enter into a new Lease Agreement in respect of the Council's premises at Unit 35A

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	Action
<p>Avis Way, Newhaven.</p>	
<p><u>Resolved:</u></p>	
<p><b>88.1</b> That a new lease be granted in respect of the Council's premises at Unit 35A Avis Way, Newhaven, on terms negotiated by the District Valuer as detailed in Report No 174/07, together with any other terms the District Solicitor requires.</p>	DSol
<p><u>Reasons for the Decision:</u></p>	
<p>To maintain a commercial use on the site and to maintain and enhance an income stream by way of a lease rent from the site.</p>	

The meeting ended at 3.45pm

A C De Vecchi  
Chair