

## Cabinet

**Minutes** of a meeting of the **Cabinet** held in the **Warren Room, Lewes House, 32 High Street, Lewes** on **Wednesday, 21 November 2007** at 2.30pm.

### **Present:**

Councillor J H Freeman (Chair on election)  
Councillors E N Collict, P F Gardiner, D M Gray, J M Harrison-Hicks, I A Nicholson, S Saunders and I J White

### **In Attendance:**

Mr A Hill and Mr R Philp (Tenants' Representatives)

### **Apology Received:**

Councillor A C De Vecchi

## Minutes

### Action

### **120 Election of Chair**

#### Resolved:

**120.1** That Councillor Freeman be elected Chair for this meeting of the Cabinet.

#### Reason for the Decision:

To elect a Chair for the meeting.

### **121 Minutes**

The Minutes of the meeting held on 17 October 2007 were approved as a correct record and signed by the Chair.

### **122 Declarations of Interest**

Councillor Saunders declared his non-prejudicial interest in Agenda Item 7.4 (Proposed Incinerator at North Quay, Newhaven).

Councillor Gray declared his non-prejudicial interest in Agenda Item 7.7

(Post Office Closure Programme).

### 123 Urgent Item

The Chair advised that he had agreed, in accordance with Section 100B(4)(b) of the Local Government Act 1972, that the letter and attachments from the Head of Democratic Services entitled "Post Office Closure Programme", which had been circulated to all Members of the Cabinet on 14 November 2007, be considered as a matter of urgency under Agenda Item 7.7 entitled "Post Office Closure Programme", in order that the Cabinet could take its decisions based on the most recent information which was available.

### 124 Public Question Time

Questions had been received from members of the public on the following subject, copies of which were circulated to all councillors at the meeting and made available to the public attending the meeting:

Questioner

Ms J Staples, Ms C Wykes,  
Ms C Buchan, Mr R Steadman,  
Ms K Guthrie, Ms D Barrett Rossi,  
Mr N Brown, Ms A Johnson,  
Ms C Berridge, Ms E Mason,  
Ms S O'Kane, Ms A Dean, Ms P Smy  
and Ms J Wateridge

Question Concerning

The proposed closure of  
Thebes Annexe, Lewes House,  
Lewes, as an art gallery.

### 125 Finance Update

The Cabinet considered Report No 216/07 which provided an update on financial matters affecting the General Fund Revenue Account, the Housing Revenue Account and the approved Capital Programme.

An updated General Fund Budget Outlook Statement was set out at Appendix 1 to the Report and details of changes which had been made since the document had previously been reported to the Cabinet in September 2007, were set out in paragraph 1.1.1.

Paragraph 1.3 of the Report set out details relating to the use of the Contingency Fund. The Council's Financial Procedure Rule 3.4.2 gave authority to the Director of Finance and Community Services, in consultation

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with the Chief Executive, to approve expenditure from the Fund to meet the cost of additional and/or previously unforeseen expenditure up to a sum not exceeding £5,000. Details of such items were to be reported to the Cabinet.

Paragraph 3 of the Report explained details of amendments to the 2007/2008 Capital Programme, an updated statement of which was set out at Appendix 3 thereto.

The Director of Finance and Community Services drew councillors attention to paragraph 1.1.1(c) of the Report in respect of concessionary travel costs associated with the use of Bus Passes and reported that a considerable amount of such costs needed to be funded from the Council's budget. It was anticipated that the operation of the concessionary travel scheme was likely to result in a shortfall in the 2008/09 budget of approximately £550,000 to £600,000.

However, the Council had discretion to adopt a scheme which allowed concessionary travel journeys to commence from within the District from 9.00am rather than the statutory time of 9.30am. It was estimated that by not adopting the earlier journey commencement time, the Council's expenditure would be reduced by approximately £38,000 when compared to the level of expenditure which would have been incurred by adopting the discretionary commencement time.

The Council also had discretion to not issue Companion Passes to people who would not, under normal circumstances, qualify for a Bus Pass but who could be granted a similar type of Pass which would enable them to travel, free of charge, on bus journeys which commenced within the District, as a companion to another Bus Pass user who needed assistance. The approximate cost relating to the issue of Companion Passes was £19,000.

Resolved:

- |              |   |      |
|--------------|---|------|
| <b>125.1</b> | That the General Fund Budget Outlook statement, as set out at Appendix 1 to Report No 216/07, be noted;                                   |      |
| <b>125.2</b> | That the use of the Contingency Fund, as set out in paragraph 1.3 of the Report, be approved;   | DFCS |
| <b>125.3</b> | That the amendments to the 2007/2008 Capital Programme, as explained in paragraph 3 of the Report, be approved;                           | DFCS |
| <b>125.4</b> | That, with effect from 1 April 2008:  | DFCS |
|              | (a) concessionary travel bus passes be issued for journeys which commence from within the District from 9.30am rather than at 9.00am; and |      |
|              | (b) Companion Passes be not issued;   |      |

	<b>Action</b>
<p><b>125.5</b> That the Director of Finance and Community Services be authorised to:</p> <p style="padding-left: 40px;"><b>(a)</b> respond to the consultation which was being undertaken by the Department of Transport in respect of the Government's funding of the concessionary travel bus passes scheme; and</p> <p style="padding-left: 40px;"><b>(b)</b> pursue, by all legal means through, for example, local Members of Parliament, the Local Government Association and the Lead Advisor on Concessionary Fares for the Society of District Council Treasurers, the Council's strong conviction that the Government has not fully funded its proposals relating to the operation of the concessionary travel bus passes scheme which has resulted in the Council having a considerable shortfall in its budget in 2008/09 and beyond; and</p> <p><b>125.6</b> That the remainder of the Report be received and noted.</p> <p>In accordance with paragraph 17 of the Scrutiny Procedure Rules, the Cabinet agreed that Resolutions 125.4 and 125.5 above were urgent in order that the necessary work relating to the implementation of the concessionary travel bus passes scheme from 1 April 2008, could begin, and to enable the Director of Finance and Community Services to respond to the Department of Transport's consultation and to voice the Council's strong conviction that the Government has not fully funded its proposals relating to the operation of the scheme.</p> <p><u>Reason for the Decisions:</u></p> <p>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.</p>	DFCS
<p><b>126 Cuckmere Estuary: Draft Flood Risk Management Strategy – Consultation by the Environment Agency (EA)</b></p> <p>The Cabinet considered Report No 217/07 relating to the Council's proposed response to the Environment Agency's (EA) consultation document in respect of the future of the Cuckmere Estuary</p> <p>The Estuary, which comprised the river and floodplain from the A259 down to the sea, was one of the best-loved landscapes in southern England. The river meandered over a tidal floodplain between rolling chalk hills before discharging into the sea across a shingle beach which was flanked by high cliffs.</p>	

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The area was used for grazing and was very popular for recreation. It attracted many thousands of visitors each year and there was also considerable wildlife interest. Those factors were reflected in a battery of statutory designations including Area of Outstanding Natural Beauty, the proposed South Downs National Park, Local Nature Reserve, Heritage Coast and Site of Special Scientific Interest.

However, the existing Estuary was not a natural landscape. The river had not flowed through the winding meanders since the 1840's when a straight channel was cut to the sea in order to improve navigation. The meanders were cut off and had been gradually silting up ever since. The river currently flowed along the cut channel, with earth banks along it, reinforced with stone blocks in places, and with timber training walls at the mouth where it met the sea.

Responsibility for maintaining the Estuary rested, under permissive powers, with the EA which meant that it had powers, but not a duty, to carry out maintenance works.

The EA currently moved shingle from the river mouth back to the west beach twice annually, and undertook maintenance of earth banks and timber walls, where necessary, at an annual cost of £30,000 to £50,000. Such expenditure had to be justified purely in flood defence terms, and balanced against competing claims for expenditure elsewhere, such as improving flood defences in places such as Lewes and Uckfield.

The Agency had stated that the existing arrangements for maintaining the Estuary landscape were not sustainable for two main reasons:

- (a) the existing tidal river walls were reaching the end of their life and would fail, or be regularly overtopped, unless there was significant expenditure to strengthen and raise them; and
- (b) climate change would lead to rising sea levels (at least one metre by 2115), higher river flows down the Cuckmere, and increased storminess.

The EA had published a consultative Draft Flood Risk Management Strategy for the Estuary which looked at options for managing flood risk in the area over the coming century upon which comments were sought by 10 December 2007.

A summary booklet had been published in respect of the proposals which had been circulated to Members of the Cabinet.

The Agency was consulting on three main options namely:

- (1) do nothing;

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- (2) maintain, or raise, the existing defences; and
- (3) set back the existing defences to create more space for water – managed realignment,

further details of which were set out in paragraph 2 of the Report.

The Agency had not yet received comments from all the principal consultees. However, it was understood that the National Trust, Natural England, the South Downs Society, East Sussex County Council and Seaford Town Council all supported Option 3B. Views were still awaited from Wealden District Council and the South Downs Joint Committee.

Paragraph 3 of the Report set out details of the Council's Officers assessment of the options who recommended that the Council support either Option 1B or, in the event that a more comprehensive funding package could be assembled by local partners, Option 3A.

Resolved:

**126.1** That, with regard to the consultation by the Environment Agency relating to the Draft Flood Risk Management Strategy for the Cuckmere Estuary, as detailed in Report No 217/07, Option 3B (Realignment over Cells A, B and C), be supported as the least worst option for the present, as all options have not been presented, and that the Council seek to become a member of the Cuckmere Estuary Partnership and work with its other members to seek funding to maintain and enhance the facilities which the Estuary currently offers, including the meanders. The Council also recognises that the existing banks do currently protect those facilities and to move them would be costly. There may, therefore, be other options to be explored.

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Reasons for the Decision:

To support options for the future of the Cuckmere Estuary which recognise the impact of climate change, work with natural processes, and do not commit future generations to unrealistic flood defence maintenance costs.

Alternative Option Considered and Rejected:

That, with regard to the consultation by the Environment Agency relating to the Draft Flood Risk Management Strategy for the Cuckmere Estuary, as detailed in Report No 217/07, Option 3B (Realignment over Cells A, B and C), be supported as the least worst option for the present, as all options have not been presented, and that the Council seek to become a member of the Cuckmere Estuary Partnership and work with its other members to seek funding to maintain and enhance the facilities which the Estuary currently offers, including the meanders. The Council also recognises that the existing

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banks do currently protect those facilities and to move them would be costly. There may, therefore, be other options to be explored including Option 2B.

**127 Office Accommodation**

The Cabinet considered Report No 218/07 relating to proposals which were needed to implement the Cabinet's policy to reduce operating expenses by vacating and disposing of 3A Fisher Street, Lewes.

At its meeting on 6 June 2007, the Cabinet had been advised that a feasibility study had been undertaken to establish whether it would be possible to reorganise the accommodation within Lewes House, Lewes and Southover House, Lewes, in order to accommodate the staff who worked in 3A Fisher Street, with a view to disposing of 3A Fisher Street for a capital receipt and save the running costs of that building.

The Cabinet had agreed that the District Valuer be instructed to give a current valuation of 3A Fisher Street, on the open market and that the Council test market interest in the building through local estate agents.

The Report stated that the staff could be relocated and that 3A Fisher Street could be sold for a substantial capital receipt. However, it was necessary to use every available space in Lewes House and recover, for office use, the 65 square metres of space in Thebes Annexe which was located behind Lewes House and which was used as an art gallery.

In addition to reducing the floor space that was occupied by the Officers, it was also necessary to make some provision to improve some cramped working conditions in 4 Fisher Street.

Thebes Annexe had been used as office accommodation for the Council and its predecessors for many years. Until 1997, it accommodated most of the Environmental Health Department. When the Council purchased Southover House, a considerable amount of storage was transferred to the basement of Lewes Town Hall which had created some space on the ground floor of Thebes Annexe.

The Council, with the support of some grant from the Arts Council, subsequently made some alterations to Thebes in order to accommodate an exhibition for the Railway Land Project following which, the Council continued to allow the space to be used for art exhibitions on an informal basis.

The art gallery had been successful in providing low cost space for artists. The financial terms on which the gallery space had been let were set out in paragraphs 17 to 19 of the Report.

During the past few years, there had been other spaces that had been used for exhibitions. With the support of the Council, ArtWave had become a very successful cultural activity within the District and, with regard to the Lewes House buildings, the Council could continue to support temporary exhibitions, such as the one that was recently in the garden and, on occasions, make the Warren Room available within Lewes House.

As time moved on, other areas might become available for use as exhibition space and the Officers would take those opportunities as they arose and build them into ArtWave and other cultural programmes.

The Council had two part-time Officers who assisted in the administration of Cultural Services within the District. One part time Gallery Manager helped to coordinate the programme for exhibitions, including those at The Crypt, Seaford and Thebes, and one part-time steward who looked after the stewarding of those sites for 30 hours per month. The Report suggested that those Officers continue to be employed in order to support gallery exhibitions within the District. Details relating to the costs of the staffing arrangements were set out in Appendix B to the Report which contained Exempt Information as defined in the Local Government Act 1972 (as amended).

Letters had been sent to organisations which had been involved with the Thebes Galley explaining the need to revert the use of the 65 square metres of space in Thebes to office accommodation, further details of which were set out in paragraph 11 and Appendix A to the Report.

The Chief Executive reported details of several letters and a petition he had received which opposed the proposed closure of the 65 square metres of space on the ground floor of Thebes as an art gallery.

Resolved:

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|--------------|--|----|
| <b>127.1</b> | That the freehold of 3A Fisher Street, Lewes, be disposed of for a capital receipt, as detailed in Report No 218/07;   | CE |
| <b>127.2</b> | That the part of the ground floor of Thebes Annexe, Lewes House, Lewes, currently used as an art gallery, be resumed for office use as part of the Council's accommodation review;         | CE |
| <b>127.3</b> | That the part-time staff in the Cultural Services team continue to be employed to support gallery exhibitions within the District; and   | CE |
| <b>127.4</b> | That the Cultural Services Manager look at the options available within the District for accommodation for use as an art gallery on terms similar to those operated at the Thebes gallery. | CE |

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Reason for the Decisions:

To enable the Council to dispose of 3A Fisher Street, Lewes.

*(Note: Councillor Gray requested that his votes against Minutes 127.1 to 127.4 above, be recorded).*

**128 Proposed Incinerator at North Quay, Newhaven**

The Cabinet considered Report No 219/07 relating to arrangements which had been made for the Council to appear at the Public Inquiry into the Compulsory Purchase Order made by East Sussex County Council in respect of the proposed incinerator at North Quay, Newhaven.

East Sussex County Council had been involved in negotiations to purchase the land that it needed for the proposed incinerator for a long time. Although it had resolved to make a Compulsory Purchase Order in February 2007, it seemed likely, at that stage, that either it, or its appointed contractor Veolia, would acquire the land by agreement.

In early October, a pre-inquiry meeting had been held in Lewes into the procedural arrangements for the Public Inquiry into the Compulsory Purchase Order and, at that stage, it began to appear very uncertain that East Sussex County Council would be able to acquire the land by agreement and that the Compulsory Purchase Order would be tested in a Public Inquiry.

The Council's policy was to oppose the proposed incinerator and, therefore, the Chief Executive had advised the Leader of the Council that it would be in the Council's interests to engage a barrister in order to test points of evidence which were presented at the Inquiry and to assist the presentation of the Council's case, further details of which, including the associated costs, were set out in paragraphs 5 and 6 of the Report.

In normal circumstances, the Cabinet would have been asked to sanction such costs in advance of the arrangements being implemented but, in view of the timescales involved and to ensure that the Council's policy was followed through, such course of action had not been possible.

Resolved:

**128.1** That the arrangements made to present a case, on behalf of the Council, to the Public Inquiry in respect of the proposed incinerator at North Quay, Newhaven, as detailed in Report No 219/07, be agreed;

**128.2** That the sum of £5,000 for a barrister to present the Council's case at the Inquiry, and the subsequent daily rate of £1250 per day for as

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many days as the barrister needs to be present, be agreed; and

- 128.3** That, in the event that the Leader of the Council is unable to attend the Public Inquiry in order to represent the Council, then the Lead Councillor for Planning, Councillor Gardiner, be authorised to attend in her absence.

CE

Reason for the Decisions:

To ensure that the Council's case is properly presented to the Inquiry.

*(Note: Councillor Saunders declared his non-prejudicial interest in this item as an elected Member of Lewes District Council and Newhaven Town Council and, therefore, took part in the consideration, discussion and voting thereon).*

**129 Proposed South Downs National Park Re-opening of Public Inquiry**

The Cabinet considered Report No 220/07 relating to arrangements for the re-opened Public Inquiry in respect of the proposed South Downs National Park and associated issues. The Department for the Environment, Food and Rural Affairs (DEFRA) had written to the Council on 25 October 2007 in a letter which advised of the arrangements.

The South Downs National Park Designation Order had been the subject of a Public Inquiry between November 2003 and March 2005. The Inspector's Report had been published in June 2007 and was reported to the Cabinet in July 2007, the Minute Extract from which was set out at Appendix A to Report No 220/07.

The Council's representations, and those of many other individuals, had requested that a re-opened Inquiry revisit the issue of recommended deletions from the National Park, particularly in respect of land south of Chyngton Way, Seaford. However, the letter from DEFRA had given no indication that the Inquiry would do so. Further clarification of that point would be sought at the pre-inquiry meeting which was scheduled to be held on 11 December 2007.

The strength of local opinion in respect of proposed deletions from the National Park was recognised. However, officers had no reason to believe that the procedures, which were operated by DEFRA and the Planning Inspectorate, were legally flawed, further details of which were set out in paragraph 1.4 of the Report.

The Report suggested that, in the event that the Cabinet wished to take the matter further, it might be appropriate to seek advice from legal Counsel, prior to the pre-inquiry meeting, the estimated cost of which was set out in

paragraph 1.6 of the Report. Such action would either confirm that the Inquiry procedures were not flawed or would provide a basis for taking the matter further at the forthcoming pre-inquiry meeting.

Resolved:

**129.1** That the arrangements for the re-opening of the South Downs National Park Public Inquiry, as detailed in Report No 220/07, be noted; and

**129.2** That advice be sought from legal Counsel, prior to the forthcoming pre-inquiry meeting in mid-December 2007, in respect of proposed deletions from the National Park, as detailed in paragraphs 1.4 to 1.6 of the Report, and that the costs associated with obtaining such advice be met from the Contingency Fund.

In accordance with paragraph 17 of the Scrutiny Procedure Rules, the Cabinet agreed that Resolution 129.2 above was urgent in order that advice could be sought from legal Counsel at the earliest opportunity, prior to the forthcoming pre-inquiry meeting in mid-December 2007, in respect of proposed deletions from the National Park.

Reason for the Decisions:

To make appropriate preparations for the re-opened Public Inquiry in respect of the South Downs National Park.

### **130 Extra Provision of Refuge Accommodation**

The Cabinet considered Report No 221/07 relating to the need to provide refuge accommodation for women and children who were fleeing domestic violence and that a suitable property had been identified for such use.

In 2002/03, planning consent had been given to the provision of a Refuge which had opened in November 2003. It provided six units however, the Council's target was nine. If implemented, the proposals set out in the Report would increase the provision to twelve units. Such extra provision would also produce far better value for money whilst, at the same time, provide much needed respite places of safety for families who would otherwise be temporarily homeless.

There was still a high demand for refuge accommodation. A property had recently become available which was in close proximity to the existing refuge and, therefore, could be used as an annexe to the existing property.

The recently available house was owned and managed by a Registered Social Landlord called the Home Group. The property currently provided bed sitter accommodation for up to six women and had shared facilities

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DPES

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however, it was in a rather poor condition.

The Home Group had proposed to decant its tenants and upgrade the property by providing self contained accommodation. However, when the Group approached the Council's Housing Strategy Division with details of the proposal, it soon became clear that the property would address the need for extra refuge spaces.

Details of the proposal, including the costs thereof, were set out in paragraph 3 of the Report.

Resolved:

- 130.1** That a grant in the sum of £20,000 be awarded to the Home Group, as detailed in Report No 221/07, in order to create a further refuge linked to the existing one, subject to the condition set out in paragraph 3.4 thereto.

DFCS

Reasons for the Decision:

The Council is required, under Best Value Performance Indicator 225, to provide one household space per 10000 of the population of the District, for women and children fleeing domestic violence. Current provision is six units and the target is nine. The proposals contained in Report No 221/07 will increase provision to twelve. In addition, the extra provision will produce far better value for money whilst providing much needed respite places of safety for families who would otherwise be temporarily homeless.

### **131 Post Office Closure Programme**

The Cabinet considered Report No 222/07 which informed councillors that the Government had announced:

- (a) the proposed closure of up to 2,500 Post Office Branches throughout the United Kingdom (out of 14,300 existing branches);
- (b) the introduction of minimum access criteria (as set out in paragraph 3 of the Report) in respect of the remaining Branches;
- (c) support funding for the Network would be provided by the Government; and
- (d) the introduction of around 500 'outreach' Branches which, if implemented, would be deployed in those communities where an Area Plan highlighted the need to maintain a form of access to services but where a full time branch could not be justified.

The announcement had been made "in recognition of the need to modernise

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and reshape the Post Office Network – against the backdrop of falling customer numbers, decline in traditional services such as Government based business, changing consumer behaviour and rising losses in the Network which had risen from £2m a week in 2005 to almost £4m a week last year. It had also acknowledged the important social and economic role which was played by the Branches in local communities.”

The Post Office had put in place a Network Change Programme in order to implement the measures proposed by the Government. The Post Office was adopting an area by area approach to the closures and had now published its proposals for Sussex with a six week consultation period ending on 24 December 2007.

Details relating to the proposed closures had been circulated to all Members of the Council on 14 November 2007. So far as the District was concerned, the Post Office was proposing to close the Branches located at:

34 Lee Road, Landport, Lewes (Landport Branch);

Haywards Heath Road, North Chailey (North Chailey Branch);

2 Avis Parade Shops, Avis Road, Newhaven (Mount Pleasant Branch);

23 Claremont Road, Seaford (Claremont Road Branch); and

Fairways Estate, 4 Newick Close, Seaford (Fairways Estate Branch).

It was understood that the Sussex Association of Local Councils was encouraging each town and parish council to respond direct to the Post Office rather than the Association attempting to produce a co-ordinated response, which it felt was difficult, given that if any challenge to a Post Office closure was won then it was likely to result in another closure within that area.

The Report suggested that a Cabinet sub-committee be appointed comprising three councillors to deal with any issues requiring a decision in relation to the consultation exercise.

Resolved:

- 131.1** That a sub-committee of three councillors, comprising the Chair of the Cabinet (or substitute), the Leader of the Minority Group and one additional Member of the Majority Group (whose name is to be reported to the Head of Democratic Services), be appointed to deal with any issues requiring a decision in relation to the Post Office closure programme consultation exercise, as detailed in Report No 222/07.

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Reason for the Decision:

To enable any issues to be decided during the consultation period.

*(Note: Councillor Gray declared his non-prejudicial interest in this item as he had prepared and distributed some political literature associated with the Post Office closure programme and, therefore, took part in the consideration, discussion and voting thereon).*

**132 Meetings Timetable 2008/2009**

The Cabinet considered Report No 223/07 relating to the timetable of meetings for the 2008/09 municipal year.

The draft timetable had been circulated to all councillors and Chief Officers for comment and account has been taken of comments received wherever possible.

Details relating to the constraints which had been taken into account during the preparation of the timetable were set out in the Report.

Recommended:

**132.1** That the meetings timetable for the 2008/09 municipal year, as appended to Report No 223/07, be approved and adopted.

HDS  
(to note)

Reason for the Decision:

To facilitate the smooth running of the Council's business in the municipal year 2008/09.

**133 Appointment of Representative to Vacancy on Outside Body**

The Cabinet considered Report No 229/07 relating to the appointment of Councillor A T Jones to serve on the East Sussex County Council Local Area Transport Strategy (Ditchling) Steering Group.

The vacancy had arisen as East Sussex County Council was setting up a Steering Group with the intention of developing its Local Area Transport Strategy in the Ditchling area.

Councillor Jones, Ward Councillor for Ditchling, had expressed a willingness to serve on the Group and the Leader of the Council and the Leader of the Minority Group had agreed with that suggestion.

In accordance with paragraph 4.3 of the Constitution's Procedures for

Appointments, the Head of Democratic Services, in consultation with the Group Leaders, had authorised the appointment subject to confirmation at the next meeting of the Cabinet.

Resolved:

- 133.1** That the appointment of Councillor A T Jones to serve on the East Sussex County Council Local Area Transport Strategy (Ditchling) Steering Group, as detailed in Report No 229/07, be confirmed.

Reason for the Decision:

To confirm the appointment of Councillor A T Jones to serve on the Steering Group as required by the Constitution.

**134 Performance Indicators 2007/08 – Monitoring Report 1<sup>st</sup> April to 30<sup>th</sup> September 2007 (the 2nd Quarter)**

The Cabinet considered Report No 224/07 which updated councillors on progress, at the end of the second quarter, in respect of key Council Plan targets and performance indicators (PIs) for 2007/08, any performance or data quality issues arising therefrom, and changes to the national performance framework from 2008/09.

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 September 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 and data quality, 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 signed up to delivering some targets in the

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to note

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East Sussex Local Area Agreement (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.

Those LAA indicators which were marked with an asterisk in the table at Appendix A to the Report, were being used to measure progress of the LAA on a quarterly basis.

Paragraphs 9 to 11 of the Report set out details of changes which were being made to the National Performance Framework from April 2008.

Resolved:

- 134.1** That Report No 224/07 relating to progress, at the end of the second quarter, in respect of key Council Plan targets and performance indicators for 2007/08, any performance or data quality issues arising therefrom, and changes to the national performance framework from 2008/09, 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.

**135 Annual Report on the Non Housing Property Portfolio**

The Cabinet received Report No 225/07 which updated councillors on the Non-Housing Property Portfolio.

Resolved:

- 135.1** That the position with regard to the resources available and commitments identified for the backlog maintenance programme for 2007/08 and 2008/09, as detailed in Report No 225/07, be noted; and
- 135.2** That the position with regard to disposal opportunities within the Non Housing Property Portfolio, as set out at Appendix C to the Report, be noted.

Reasons for the Decisions:

The Council's Asset Management Plan is the corporate document detailing existing management arrangements, outcomes and planned actions to improve corporate asset use. As part of that Plan, officers have the responsibility to produce an Annual Report on the Non-Housing Property



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Portfolio. The purpose of this is to give up to date information on the assets, known data on condition and backlog maintenance and identify where there is potential for disposal of assets.

**136 Exclusion of the Public and Press**Resolved:

**136.1** 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 the following items 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:

- (a) Cliffe High Street - Purchase of Land for Car Parking;
- (b) Plot 3 Avis Way, Newhaven ; and
- (c) Plot 10, Drove Road Industrial Estate, Estate Road, Newhaven.

**137 Cliffe High Street - Purchase of Land for Car Parking**

The Cabinet considered Report No 226/07 relating to a proposal to purchase a parcel of land from East Sussex County Council at the junction of Cliffe High Street and South Street, Lewes, for use as a public car park. A Site Plan of the area was set out at Appendix B to the Report.

The Council had occupied the land under license from East Sussex County Council for the past ten years for an agreed daily rental with responsibilities to maintain and repair.

East Sussex County Council had offered the Council the opportunity to purchase the freehold interest in the land, further details of which were set out in the Report.

Resolved:

**137.1** That the purchase of the parcel of land at the junction of Cliffe High Street and South Street, Lewes, from East Sussex County Council, for the District Valuer's negotiated sum, as referred to in her letter dated 9 October 2007 as set out at Appendix A to Report No 226/07, be agreed, subject to the inclusion of an additional clause in the legal agreement which indicates that, in the event that the land is subsequently sold by the Council for the provision of affordable housing, East Sussex County Council will not receive any additional

DFCS

		Action
	<p>payment from the additional value gained above that attributed to the current use of the land for car parking; and</p> <p><b>137.2</b> That the purchase of the land be financed by unsupported borrowing.</p> <p><u>Reason for the Decisions:</u></p> <p>The Council operates and maintains a mixture of free and pay to use public car parks across the District. Within the town centre of Lewes, the Council has identified the need to maximise availability of public parking sites in support of the economic wellbeing of the town.</p>	DFCS
<b>138</b>	<p><b>Plot 3 Avis Way, Newhaven</b></p> <p>The Cabinet considered Report No 227/07 relating to a proposal to accept the surrender of the current lease and regrant a new lease in respect of Plot 3, Avis Way, Newhaven.</p> <p><u>Resolved:</u></p> <p><b>138.1</b> That the surrender of the current lease and regranting of a new lease in respect of Plot 3, Avis Way, Newhaven, as detailed in Report No 227/07, be agreed on terms as negotiated by the District Valuer, together with any other term the District Solicitor requires.</p> <p><u>Reasons for the Decision:</u></p> <p>To enhance the amount of future rental income derived and extend the term over which it is due, to give additional security to the tenant to enable increased investment in the property and to maintain the commercial use of this site and enhance the economic development prospects generally.</p>	DSol
<b>139</b>	<p><b>Plot 10, Drove Road Industrial Estate, Estate Road, Newhaven</b></p> <p>The Cabinet considered Report No 228/07 relating to a proposal to dispose of the freehold of Plot 10, Drove Road Industrial Estate, Estate Road, Newhaven.</p> <p><u>Resolved:</u></p> <p><b>139.1</b> That the disposal of the property at Plot 10, Drove Road Industrial Estate, Estate Road, Newhaven, as detailed in Report No 228/07, be agreed on terms negotiated by the District Valuer together with any other terms the District Solicitor requires including an</p>	DSol

**Action**

appropriately drafted clause in respect of overage.

Reasons for the Decision:

To benefit from a significant capital receipt from a low yielding rental asset and to encourage economic redevelopment of this site.

The meeting ended at 5.32pm

J H Freeman  
Chair