



Lewes District Council

Cabinet

Minutes of a meeting of the **Cabinet** held in the **Ditchling Room, Southover House, Southover Road, Lewes** on **Thursday, 24 September 2015** at 2.30pm

Present:

Councillor A Smith (Chair)

Councillors P Franklin, T Jones, R Maskell and E Merry

In Attendance:

Councillor M Chartier (Chair of the Audit and Standards Committee)

Councillor P Gardiner (Chair of the Scrutiny Committee)

Councillor S Osborne (Leader of the Liberal Democrat Group)

Ms D Tideswell and Ms D Twitchen (Tenants' Representatives)

Minutes

15 Minutes

The Minutes of the meeting held on 6 July 2015 were approved as a correct record and signed by the Chair.

16 Declarations of Interest

Councillor Chartier declared his personal, non-prejudicial interest in Agenda Item 9.1 (Finance Update).

Councillor O'Keeffe declared her non-prejudicial interest in Agenda Item 9.5 (Wave Leisure Annual Review).

Action

17 Urgent Items

The Chair advised that he had agreed that, in accordance with Section 100B(4)(b) of the Local Government Act 1972, Report No 118/15 entitled "Shared Services", which had been circulated to all Members of the Cabinet on 17 September 2015, be considered as a matter of urgency under Agenda Item 9.3 at this meeting in order that decisions thereon could be taken based on the most recent information which was available.

18 Written Questions from Councillors

Councillor Nicholson asked a question of the Chair of Cabinet, Councillor Smith, relating to the possibility of Cabinet considering a Report either at its meeting in November 2015 or at its meeting in January 2016 which sets out the advantages and disadvantages of a committee system of governance as opposed to the current Cabinet system, with a view to the possibility of setting up a working party to consider the matter further. A copy of the question was circulated at the meeting and made available to those attending the meeting, a copy of which is contained in the Minute Book.

An oral reply to the question was given at the meeting by Councillor Smith.

19 Reporting Back on Meetings of Outside Bodies

Councillor Jones reported that he had recently attended the first of a series of briefings for Members of the South Downs National Park Authority's (SDNPA) Planning Committee on matters relating to the proposed North Street Quarter development in Lewes. He had been appointed to serve as the Council's representative on the SDNPA.

Councillor Jones further reported that the briefing had covered several issues including users of the development; its design; housing and employment; and highways.

He felt that the briefing had been useful and, together with the forthcoming sessions, would keep Members of the Committee up-dated on matters relating to the proposed development.

20 Finance Update

The Cabinet considered Report No 116/15 which provided an update on financial matters that affected the General Fund Revenue Account, the Housing Revenue Account and the approved Capital Programme.

The table in paragraph 3.1 of the Report provided a summary of Treasury Management investment activity between 1 June and 21 August 2015 which was consistent with the Council's approved Treasury and Investment Strategy for 2015/2016.

That Strategy limited the amount of negotiable instruments (eg Treasury Bills) that could be held in one broker's nominee account to £10m. Currently the

Council had a nominee account with one broker only. In order to increase the opportunity for investment in those instruments and to diversify the use of brokers, the Report recommended that a nominee account be opened with a second broker.

Paragraph 4 of the Report set out details of the opinion of the Head of Audit, Fraud and Procurement on the Internal Control Environment at the Council for the year ended 31 March 2015 which formed part of the Council's management of risk and key controls.

Paragraph 6 of the Report set out details relating to Financial Performance in respect of Revenue budgets for the period 1 April to 30 June 2015, further details of which were shown at Appendix 1 to the Report. Such Performance during that period had resulted in a favourable net variation of £644,000. Spending activity in many service areas had tended to be slow in that first quarter period and the gap between budgeted and actual spend was expected to close in the second quarter.

Appendix 2 to the Report provided details of the capital programme spending in the first quarter which was in-line with expectations. However, minor variations were required in respect of three projects, further details of which were set out therein.

The approved capital programme included £280,000 in respect of the costs of architectural and other preliminary work associated with the proposed housing development at Robinson Road, Newhaven. An allocation was required in respect of preliminary costs associated with other sites which formed part of the property portfolio partnership programme. The Report therefore recommended that £700,000 be earmarked from unallocated reserves, including the Housing Revenue Account where appropriate, to fund such costs and that authority be delegated to the Director of Corporate Services to designate the allocation to specific sites within the portfolio. The future disposal of sites within the portfolio was expected to generate capital receipts that would offset such initial funding.

In instances when it was not practicable to use the schedule of rates or obtain quotations for contracts or orders over £5,000, an officer may proceed with the prior agreement of the appropriate Cabinet Member with the reasons therefor being reported to the next meeting of Cabinet.

With prior approval of the Cabinet Member for Strategy and Development, £10,000 had been spent on obtaining commercial advice from GVA in respect of the content of the Council's preferred section 106 agreement clause relating to the duties of a charge/mortgagee in possession of affordable housing for which competitive quotations were not obtained. The reasons for that action were set out in paragraph 8 of the Report.

Paragraph 9 of the Report set out details relating to the statutory requirement for the Council to maintain a Discretionary Rate Relief Scheme to award business rates relief of up to 100% to certain organisations which operated within specified criteria.

From April 2013, income from business rates directly impacted on the Council's financial position for which it retained 40% of the rates which were

collected. The Council awarded discretionary rate relief to community organisations for which the total income from rates reduced, with the Council effectively funding 40% of the cost.

The Leader of the Council had delegated authority to approve or refuse new applications where the value of the relief was up to £5,000, with Cabinet deciding on all other applications. Applications were evaluated against the Council's Discretionary Rate Relief Policy.

Paragraph 9.5 of the Report set out details of two applications that had been received which Cabinet was recommended to approve namely from Lewes Football Club and from Dance Academy, North Street, Lewes.

Cabinet's attention was drawn to the table that was set out in paragraph 9.3 of the Report in respect of which it was reported that the total number of organisations that were currently receiving Discretionary Rate Relief should have read "78", and not "788" which was detailed in the Report.

Resolved:

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|-------------|---|-----|
| 20.1 | That it be agreed that Treasury Management activity since the last Report to Cabinet has been consistent with the Council's approved Treasury and Investment Strategy, as detailed in Report No 116/15; | DCS |
| 20.2 | That a nominee account be opened with a second broker to facilitate treasury management transactions as explained in paragraph 3.3 of the Report; | DCS |
| 20.3 | That the opinion of the Head of Audit, Fraud and Procurement on the internal control environment at the Council for the year ended 31 March 2015, be endorsed; | DCS |
| 20.4 | That the General Fund and Housing Revenue Account financial performance for the quarter ended June 2015, as set out in paragraph 6 of the Report, be agreed; | DCS |
| 20.5 | That the Capital Programme financial performance for the quarter ended June 2015, and associated variations, as set out in paragraph 7 of the Report, be agreed; | DCS |
| 20.6 | That an allocation of £700,000 be made from reserves in respect of preliminary costs associated with the property portfolio programme and that the Director of Corporate Services be given delegated authority to designate the allocation to individual schemes; | DCS |
| 20.7 | That the action taken in respect of procurement, as set out in paragraph 8 of the Report, be confirmed; and | DCS |
| 20.8 | That discretionary rate relief be awarded to two local organisations as set out in paragraph 9 of the Report. | DCS |

Reasons 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. It is essential to ensure that the Council has a sound financial base from which to respond to changing activity levels and demand for statutory services and to ensure that, when appropriate, its finances are adjusted in response to reducing income levels and inflationary pressures on expenditure.

The Council's Treasury Management function deals with very large value transactions on a daily basis. It is essential that the Council is satisfied that appropriate controls are in place and in accordance with the Code of Practice on Treasury Management in the Public Services prepared by the Chartered Institute of Public Finance and Accountancy and adopted by the Council.

(Note: Councillor Chartier declared his personal, non-prejudicial interest in this item as he was a member of Lewes Football Club and, therefore, was able to take part in the discussion thereon. However, he was not a Member of Cabinet and, therefore, was not entitled to vote at its meetings).

21 Portfolio Progress and Performance Report Quarter 1 (April – June 2015)

The Cabinet considered Report No 117/15 which related to progress and performance in respect of key projects and targets for the first quarter of the year namely, April to June 2015. The Report had also been considered by the Scrutiny Committee at its meeting on 10 September 2015 and details of its recommendation were set out in paragraph 3 of the Report.

It was important that the Council monitored and assessed its performance on a regular basis so as to ensure that it continued to deliver excellent services to its communities in line with planned targets. It was also important that the Council monitored progress with key strategic projects to ensure that it delivered what it has committed to or had set out to achieve.

The projects and performance targets that were shown in the Report had been adopted by the previous Council. Any additional programmes of work would be added following formal approval by Cabinet/Council.

The Council had an annual cycle for the preparation, delivery and monitoring of its corporate and service plans which enabled the regular review of the Council's work, and the targets it had set for performance, in order to ensure that they continued to reflect customer needs and Council aspirations.

Appendix A to the Report was structured around the six new Cabinet Portfolios which had been agreed following the election in May 2015. It provided the detailed information on progress and performance and clearly set out where performance and projects were 'on track' and where there were areas of concern. In instances where performance or projects were not achieving targets/deadlines set, an explanation in respect thereof was provided, together with a summary of the management action that was being taken to address the issue.

90% of the Council's key projects were either complete or on track at the end of the first quarter and 77% of its performance targets were either met,

exceeded or within a 5% variance. Only 4 indicators did not meet the planned targets.

Paragraphs 12 to 30 of the Report highlighted projects which had been successfully delivered, and areas where performance had been notably high or improved during the year.

Paragraphs 31 to 37 of the Report set out details relating to where performance was very slightly below target, but within 5% tolerance, or the project was slightly off track. Paragraphs 38 to 42 set out details relating to where performance was below target and/or projects were significantly off-schedule or revised.

Resolved:

- 21.1** That progress and performance for the Quarter 1 period namely, April to June 2015, as set out in Report No 117/15, be considered and;
- 21.2** That further public campaigns that promote recycling and its benefits, what can be recycled and encourage residents to reduce and re-use, be developed.

DSD

Reasons for the Decisions:

To enable Cabinet to consider any particular aspects of Council progress or performance and consider any recommendations arising from the Scrutiny Committee.

22 Shared Services

The Cabinet considered Report No 118/15 which set out options for the Council's strategy for the development of shared services.

The Outline Business Case that had been produced by iESE considered three 'cases' for change, as laid down in the HM Treasury Green Book guidance for business case development, the key points of which included:

- The Strategic Case - current thinking and outcomes of sharing services;
- The Financial Case - which included the potential benefits of each option, and key considerations such as leadership, culture, technology and staff impacts; and
- The Management Case – which included risks and governance,

further details of which were set out in paragraph 4 of the Report.

A copy of the Shared Services Outline Business Case which had been produced by iESE was appended to the Report.

The national context of government policy pointed to the need to integrate, collaborate and share, in order to deliver significant financial efficiencies;

greater service resilience and flexibility, and a greater “strategic presence” within an area.

On 8 July 2015, an update to Eastbourne Borough Council’s Cabinet had succinctly summarised the achievements of existing collaborations and the range of additional shared roles and services that were currently emerging between that Council and Lewes District Council. It had also reaffirmed Eastbourne Borough Council’s commitment to future shared services.

The adoption of a wide integration of services between the two authorities did not preclude other partnership working or affect the sovereignty of the two distinct governance structures.

The Medium Term Financial Strategy target of £3.2m recurring savings by 2019/20 included £1.7m from agile working, organisational development and business process efficiencies.

The Outline Business Case had estimated that, based on experience elsewhere, there was potential for an annual saving of £1.8m for Lewes District Council through integration of the two Councils. That estimate provided an initial benchmark which was based on currently filled posts and direct employee costs. However, existing vacancies might assist in benefits realisation without further upfront costs being incurred.

Implementation costs which were associated mainly with change management and technology changes, would be considerable but the Report suggested that there would be positive ‘payback’ by year 2 of the integration programme. Indicative overall costs were estimated at £1.8m for the two authorities, based on experience elsewhere. However, dependent on the chosen path for the development of integrated Information Technology systems, there might be additional technology-related costs compared with the industry-level standards used in the Outline Business Case.

Various different approaches to governance could be considered. A merger of the two Councils was possible but experience elsewhere had suggested that it would add to the complexity and risk of any proposals.

The sovereignty of each Council would be maintained under either option explored in the Outline Business Case in respect of which the Report recommended the adoption of Option i. namely, the integration of the two Councils. That Option combined the greatest potential for efficiency savings with clear managerial accountability for integrated services, so that the aims to improve service quality and resilience could be better met.

The implementation of a wider strategy for shared services would be complex, and the Report therefore proposed that iESE be commissioned to undertake further work to develop a more detailed business case for Option i. The Director of Corporate Services explained that the sum of up to £20,000 referred to in the Report to cover the costs of a more detailed business case might not be spent exclusively with iESE, and that Eastbourne Borough Council would be requested to authorise a matching contribution at its meeting on 21 October 2015.

Ongoing procurement exercises had been reviewed to check if any would result in a procurement that was inconsistent with a new shared services strategy of integration with Eastbourne Borough Council. The procurement of the New Service Delivery Model Technology and Business Change Management had been authorised by Cabinet in order to implement the Council's Organisational Development Strategy. A procurement process was being undertaken which had reached the stage where a decision was required as to whether to proceed to award contracts. If Cabinet was minded to agree to the adoption of a strategy for the development of shared services based on Option i, that would be a significant change in policy, moving from shared corporate services based on service level agreements to integration of the two Councils. In such circumstances, it would not be logical or deliver best value to proceed to award contracts under the current procurement process because shared services would be delivered through the development over time of shared technology infrastructure, systems and processes that were not envisaged at the time the Invitation to Tender was issued. It was therefore recommended that the New Service Delivery Model Technology and Business Change Management procurement exercise be discontinued.

Resolved:

22.1 That the Shared Services Outline Business Case, as appended to Report No 118/15, be considered, in particular, two options for wider integration of services with Eastbourne Borough Council:

- (i) integration of the staff and services of both Councils
- (ii) full integration of the management teams only;

22.2 That a strategy for the development of shared services based on Option i above, be adopted;

DCS

22.3 That expenditure of up to £20,000 be authorised for the preparation of a more detailed business case for Option i, to include:

DCS

- (I) Project plan and implementation timetable;
- (II) Preferred model of employment;
- (III) Technology arrangements;
- (IV) Governance arrangements; and
- (V) Analysis of existing contractual arrangements; and

22.4 That the planned procurements that are not consistent with the new shared services strategy be halted namely, the New Service Delivery Model Technology and Business Change Management, which be discontinued.

DCS

Reasons for the Decisions:

The recommendations take into account the changed circumstances since the District Council Elections, and the in-coming administration's electoral commitment to share services where these will deliver improvements in quality,

resilience and efficiency.

At Eastbourne Borough Council, similar commitments have been made to improve customer service and resilience whilst making efficiency savings. The Leaders of both Councils have publicly affirmed their commitment to partnership working.

Accordingly, an independent report from the Improvement and Efficiency Social Enterprise (iESE) was commissioned jointly by the two Authorities to set out the options for the development of shared services and, in particular, an Outline Business Case for wider integration between Lewes District and Eastbourne Borough Councils. Eastbourne's Cabinet will consider the report in October 2015.

Report No 118/15 invited Cabinet to consider the Outline Business Case produced by iESE and to adopt a strategy for the development of shared services based on Option i: integration of the two Councils.

23 Adoption of the Community Infrastructure Levy (CIL) – Charging Schedule

The Cabinet considered Report No 119/15 which related to a proposal to recommend to the Council, the adoption and implementation of the Community Infrastructure Levy (CIL) Charging Schedule for Lewes District Council Charging Area, a copy of which was set out at Appendix 1 to the Report.

The CIL was a mechanism that was introduced by Government in 2010 to allow local planning authorities to raise funds from some forms of development in order to pay for the infrastructure that was, or would be, needed as a result of that new development. It was applied on a £'s per square metre basis and replaced the existing tariff-based approach for collecting planning infrastructure contributions. From April 2015, CIL would be the only significant means by which local authorities would be able to collect and 'pool' developer contributions to deliver infrastructure improvements.

CIL had a number of significant advantages over the current system of Section 106 agreements, further details of which were set out in paragraph 1.3 of the Report. CIL could be spent on any community infrastructure required to support growth, provided the infrastructure was contained within the Council's published Regulation 123 list, a copy of which was set out at Appendix 2 to the Report.

The Council had submitted its Draft Charging Schedule to the Planning Inspectorate for independent examination on 16 September 2014. The examination was held on 14 April 2015 and the Council had received the Examiner's Final Report on 17th July 2015, a copy of which was set out at Appendix 4 to the Report. The Examiner's Report had concluded that the Lewes District Council Community Infrastructure Levy Charging Schedule provided an appropriate basis for the collection of the levy in the area. The Council had sufficient evidence to support the Schedule and could show that the levy was set at levels that would not put the overall development of the area at risk. The Examiner had recommended that the Schedule should be

approved in its published form, without changes.

Paragraph 3 of Report No 119/15 set out details relating to the CIL Charges and Implementation Policies. A copy of the Instalments Policy was set out at Appendix 3 to the Report.

The benefits to the Council of adopting the Schedule at the earliest opportunity were clear in that CIL currently presented the most effective lawful mechanism to collect developer contributions towards meeting the Council's infrastructure requirements. Implementation of CIL would commence on 1 December 2015 and, therefore, any CIL liable applications determined therefrom would have a CIL Charge applied to them. The Council would widely publicise its intention to start applying CIL, in particular with agents and developers, in order to ensure that any required CIL charges did not come as a surprise.

Resolved:

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| 23.1 | That the Community Infrastructure Levy (CIL) Charging Schedule, as set out at Appendix 1 to Report No 119/15, be approved in line with the recommendation of the Examiner's Final Report; | DBSD |
| 23.2 | That the Regulation 123 List, as set out at Appendix 2 to the Report and the Instalments Policy and Infrastructure Payments Policy, as set out at Appendix 3 to the Report, that support the implementation of the Community Infrastructure Levy, be approved; | DBSD |
| 23.3 | That the withdrawal, from 1 December 2015, of the Supplementary Planning Guidance (SPG) "The Provision of Outdoor Playing Space as Part of New Residential Development", which had been approved by Cabinet on 30 January 2002, be noted; and. | |
| 23.4 | That the withdrawal, from 1 December 2015, of the Lewes District Council Schedule of Developer Contributions 2014/2015, be noted. | |

It was further

Recommended:

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| 23.5 | That the Community Infrastructure Levy (CIL) Charging Schedule, as referred to in 23.1 above, be adopted to come into force from 1 December 2015; and | DBSD
(to
note) |
| 23.6 | That the Regulation 123 List and the Instalments Policy and Infrastructure Payments Policy, as referred to in 23.2 above, be published. | DBSD
(to
note) |

Reasons for the Decisions:

It is a legal requirement, set out in the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) to refer the decision relating to the adoption of a CIL Charging Schedule to Full Council.

The adoption of a CIL Charging Schedule will allow the Council to secure funding to help deliver the level of infrastructure necessary to support

development, in light of the recent change to the S106 mechanism:

Since the 6th April 2015 the Council has been unable to pool more than 5 contributions (from agreements entered into since 6th April 2010) from new development to fund infrastructure projects. This has made it difficult to use S106 to secure appropriate funding.

The Playing Space Supplementary Planning Guidance and the Schedule of Developer Contributions should be considered as effectively redundant from 1 December 2015 when CIL is implemented as the full restrictions over the use of S106 agreements contained within the CIL Regulations 2010 (as amended) come into force once CIL is operational. Once the CIL Charging Schedule takes effect, the Council cannot seek planning obligations towards infrastructure projects or types of infrastructure listed on the Regulation 123 List.

24 Wave Leisure Annual Review

The Cabinet considered Report No 120/15 which related to a proposal to approve the objectives that were stated within the Annual Service Delivery Plan with Wave leisure.

Wave had completed nine successful years of operation during which time its partnership with the Council had matured and the arrangements in place were considered to be successful in bringing about positive outcomes for the local community.

Paragraphs 2.2 and 2.3 of the Report set out details relating to Wave's achievements since it took over management of the Leisure Service for the Council. Furthermore, Wave had managed to maintain and improve upon projected income levels. Through careful control of costs, it had ended 2014-2015 with a surplus of £181,043 and uncommitted reserves of £990,099.

The arrangements between the Council and Wave required the Council to prepare and approve an Annual Service Statement each year and to indicate the level of Service Fee to be paid for the provision of services. In return, Wave was required to produce an Annual Service Delivery Plan which needed to be approved by the Council.

The Delivery Plan sets out how Wave intended to meet the Council's objectives based on the requirements of the Annual Statement which related to services that were intended to be delivered in the next financial year. The Plan for 2016-2017 would align with objectives of the Council as set out in the Council Plan, the specific objectives for which were set out at Appendix A to the Report along with the objectives for Newhaven Fort.

Wave was required to report on its performance against a series of performance indicators set by the Client Officer who was responsible for monitoring Wave. Performance targets were set taking account of the aims and objectives of the Council and were a means for encouraging Wave to help meet the Council's overall priorities. Further details relating to performance

monitoring were set out in paragraphs 2.6 to 2.11 of the Report.

The Chair introduced to the meeting Duncan Kerr, Chief Executive of Wave, who answered Councillor's questions on matters relating to information which was set out in the Report.

Resolved:

- 24.1** That the objectives identified for the Annual Service Delivery Plan with Wave leisure, as referred to in Report No 120/15, be approved so that Wave and the Council can jointly produce the Plan in line with Council objectives.

DSD

Reasons for the Decision:

The agreement between the Council and Wave requires Cabinet to approve a Service Statement on an annual basis and to receive a report on the performance of Wave. Additionally, Cabinet is required to approve the joint objectives proposed for the forthcoming financial year.

(Note: Councillor O'Keeffe declared her non-prejudicial interest in this item as she was a Trustee of Wave Leisure Trust Board, a position to which she had been appointed by the Council at its Annual Meeting in May 2015 and, therefore, was able to take part in the discussion thereon. However, she was not a Member of Cabinet and, therefore, was not entitled to vote at its meetings).

25 Case for Compulsory Purchase of Land at Robinson Road, Newhaven

The Cabinet considered Report No 124/15 which related to a proposal to make a Compulsory Purchase Order (CPO) in relation to land adjacent to Robinson Road Waste and Recycling Depot in Newhaven.

At its meeting on 6 July 2015, Cabinet had authorised Officers to establish the case for such purchase and to report back. In light of the complexity of the issues involved, the Officers had instructed external lawyers to advise on the prospects of the Council successfully making a CPO and on the most appropriate enabling statutory power.

The criteria against which the lawyers had assessed the Council's case were set out in ODPM Circular 2004/06, further details of which were set out in paragraph 2.3 of the Report.

The key findings were detailed in paragraph 2.4 of the Report. There was a clear public benefit from the provision of housing identified in the Council's Housing Strategy and its Affordable Housing Needs Assessment 2013-2018. It was considered that the wider social benefits to be provided by the new housing would surpass any economic benefit arising from the continued presence on site of the leaseholder, Lochin Marine Ltd ('Lochin').

Details relating to potential impediments to development were set out in paragraph 2.4(iv) of the Report.

Furthermore, the provision of much needed housing was thought likely to outweigh Lochin's private rights. However, the Council needed to continue to negotiate with Lochin to explore whether relocation was possible, further details of which were set out in paragraph 2.5 of the Report. The Council needed to show that it had made, and continued to make, all reasonable efforts to acquire the land by agreement.

Broadly, there were 4 options that had recently been discussed with Lochin, namely:

Allow the lease to come to an end in 2022 and refuse a new lease based on grounds F and G of Section 25 of the Landlord and Tenant Act 1954, namely, that the Council wished to develop and occupy the land;

Continue to negotiate with Lochin to reach a mutually agreeable settlement, the terms of which may be more flexible than under a CPO situation;

Proceed with a CPO on the basis that the business could be relocated; and

Proceed with a CPO on the basis of extinguishment of the business, namely it was not able to relocate and must therefore cease trading at that location.

The external lawyers concluded that, subject to overcoming the impediments detailed in paragraph 2.4(iv) of the Report, the Council had a strong case for taking forward a CPO under Housing Act powers.

Resolved:

25.1 That the use of compulsory purchase powers to acquire the leasehold interest of land adjacent to Robinson Road Waste & Recycling Depot in Newhaven, as shown edged in red on the site plan at Appendix A to Report No 124/15, for development as affordable housing, be agreed; and

DCS

25.2 That delegated authority be granted to the Director of Corporate Services and the Director of Service Delivery:

DCS/
DSD

- (i) to take all steps necessary for preparing the Compulsory Purchase Order;
- (ii) alongside preparing the Order, to continue negotiating with the leaseholder over acquisition of their legal interest by agreement; and
- (iii) if acquiring the leasehold interest by agreement proves unsuccessful, to make the Compulsory Purchase Order following consultation with the Leader of the Council, and to seek confirmation of the Order by the Secretary of State.

Reason for the Decisions:

To enable the Council to obtain vacant possession of the land in question so that the affordable housing development proposed for that site may proceed.

26 Land Adjoining Southdowns, Plumpton

The Cabinet considered Report No 122/15 which related to a proposal to dispose of surplus land adjoining Southdowns, Plumpton, in line with the Property Strategy that had been adopted by the Council in May 2012.

There were two adjacent plots of land which were shown edged in red at Appendix A to the Report. Each plot had been licensed to nearby residents who had expressed an interest in purchasing the land. It was not easily accessible and did not benefit anyone other than the properties immediately adjacent thereto and, therefore, did little to enhance the visual appearance of the estate. In the event that the garden licenses were ever terminated, the Council would be required to maintain it. There would not be any current maintenance savings from disposal of the land.

The land was initially considered for development and listed as a site within the New Homes (Property Regeneration Portfolio) Project. However, after initial investigation, it was unlikely that it would be suitable for further development. Any sale agreement would include an overage clause and/or a restrictive covenant on the site which prevented its use for anything other than as a garden.

In February 2011 Cabinet had approved a policy which recognised the importance of amenity land and refused its disposal unless there were exceptional circumstances, further details of which were set out in paragraph 2.5 of the Report.

The Council had a duty under Section 123 of the Local Government Act 1972 to obtain 'best consideration' when disposing of land. The value of the land referred to above was very low as it was amenity land. A formal valuation had not been undertaken as the associated costs would cancel out any capital receipt. However, Officers had used their best judgement based on comparable parcels of land which had been disposed of in recent years.

Plans of the land were set out at Appendix A to the Report and the Draft Heads of Terms were set out at Appendix B.

Resolved:

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|-------------|---|--------------|
| 26.1 | That land adjoining Southdowns, Plumpton, as referred to in Report No 122/15, be disposed of on terms identified within Appendix B thereto;
and | DCS/
ADCS |
| 26.2 | That the Assistant Director of Corporate Services be given delegated authority to dispose of the land referred to in 26.1 above in line with the Property Strategy. | DCS/
ADCS |

Reasons for the Decisions:

The land is not required for operational purposes and has no potential for development for housing. It is therefore surplus to requirements.

27 Ward Issues Raised by Councillors at Council

The Cabinet considered Report No 123/15 which related to Ward issues that had been raised by councillors at the Meeting of the Council held on 16 July 2015.

Resolved:

- 27.1** That the Officer action in respect of Ward issues that had been raised by Councillors at the Council Meeting held on 16 July 2015, as detailed in Report No 123/15, be noted.

Reason for the Decision:

To ensure that appropriate follow up action is taken in respect of Ward issues raised by Councillors at Council Meetings.

28 Exclusion of the Public and PressResolved:

- 28.1** 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 Appendix A to Report No 121/15 (Land for Development at Ringmer), 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 (ie information relating to the financial or business affairs of any particular person (including the authority holding that information)). The public interest in maintaining the exemption outweighs the public interest in disclosing the information.

29 Land for Development at Ringmer

The Cabinet considered Report No 121/15 which provided an update on a proposal to develop a number of Council-owned sites to provide community benefit and regeneration in Ringmer and a financial return for the Council.

In May 2012 Cabinet had approved the Corporate Property Strategy which recommended that all previous Council policy relating to property be superseded by the new Strategy.

The Council had been approached by a developer working in conjunction with Ringmer Football Club to relocate the Club elsewhere within the village and

develop the existing football ground to deliver new housing within Ringmer.

The Council owned three parcels of land that bordered the football club and one area which was leased to the Club. Two of the sites had been discussed with the Council's strategic property partner and the early indication was that they could be removed from the package of assets that were available for redevelopment without impacting on the remaining sites or the project as a whole.

In January 2015, Cabinet had approved a recommendation to investigate the feasibility of entering into a partnership with Anchorfield Developments Ltd to develop the site, the primary objectives of which were set out in paragraph 3.5 of the Report. By combining the land owned by Ringmer Football Club and that which was owned by the Council, there was scope to deliver a wider and more attractive scheme.

A plan which illustrated the land that was owned by the Council and that which was owned by the developer was circulated at the meeting, a copy of which is contained in the Minute Book.

Resolved:

- 29.1** That the Director of Corporate Services and the Assistant Director of Corporate Services be authorised to negotiate a Development Agreement based on the draft Heads of Terms for the disposal of Council owned land for development for housing at Anchor Field in Ringmer, as detailed in Report No 121/15, and, in its landowner capacity, include such provisions as will best secure the maximum possible provision of affordable housing. Officers are further authorised to exercise any flexibility necessary in respect of the boundaries of the land so as to achieve the most advantageous development that is possible for the site.

DCS/
ADCS

Reasons for the Decision:

To enable the Council to enter into a development agreement with a property developer which will enable it to achieve the following:

- Make best use of assets to stimulate regeneration and realise community benefits, including the provision of affordable housing; and
- Dispose of the maintenance liability of under-performing assets.

The meeting ended at 3.56pm.

A Smith
Chair