



Lewes District Council

To all Members of the Cabinet

A meeting of the **Cabinet** will be held in the **Ditchling Room, Southover House, Southover Road, Lewes** **Southover House, Southover Road, Lewes** on **Wednesday, 28 September 2016 at 14:30** which you are requested to attend.

Please note the venue for this meeting which is wheelchair accessible and has an induction loop to help people who are hearing impaired.

This meeting may be filmed, recorded or broadcast by any person or organisation. Anyone wishing to film or record must notify the Chair prior to the start of the meeting. Members of the public attending the meeting are deemed to have consented to be filmed or recorded, as liability for this is not within the Council's control.

30/09/2016

Catherine Knight

Assistant Director of Legal and Democratic Services

Agenda

1 Minutes

To approve the Minutes of the meeting held on 4 July 2016 (copy previously circulated).

2 Apologies for Absence

3 Declarations of Interest

Disclosure by councillors of personal interests in matters on the agenda, the nature of any interest and whether the councillor regards the interest as prejudicial under the terms of the Code of Conduct.

4 Urgent Items

Items not on the agenda which the Chair of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstances as defined in Section 100B(4)(b) of the Local Government Act 1972.

5 Public Question Time

To deal with any questions received from members of the public in accordance with Council Procedure Rule 11 (if any).

6 Written Questions from Councillors

To deal with written questions which councillors may wish to put to the Chair of the Cabinet in accordance with Council Procedure Rule 12. Written questions that have been received from Councillor lent herewith - page 5.

7 Matters Referred to the Cabinet

Matters referred to the Cabinet (whether by the Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of the Council's Constitution.

None.

8 Reporting Back on Meetings of Outside Bodies

To receive feedback from the Council's representatives who serve on outside bodies in respect of meetings they have attended (if any).

9 Reports from Officers

- Key Decision

9.1 Finance Update – Performance Report 2016 - 2017 - Report and Appendix 1

Cabinet Member: Councillor Giles

To consider the Report of the Deputy Chief Executive (Report No 116/16 herewith – page 7).

- Non-Key Decision

9.2 Portfolio Progress and Performance Report 2016-17 (Quarter 1 (April to June 2016))

Cabinet Member: Councillor Merry

To consider the Report of the Chief Executive (Report No 117/16 herewith – page 18).

- Key Decisions

9.3 Waste and Recycling Service Review - Report

Cabinet Member: Councillor Franklin

To consider the Report of the Director of Service Delivery (Report No 118/16 herewith – page 38).

9.4 Report and Recommendations of New Homes Project Working Group - Report

Cabinet Member: Councillor Smith

To consider the Report of the Chief Executive (Report No 119/16 herewith – page 53) and the Resolution of the Audit and Standards Committee at its meeting held on 26 September 2016 in respect of the external auditors Report.

9.5 Amendments to Private Sector Housing Financial Assistance Policy - Report

Cabinet Member: Councillor Maskell

To consider the Report of the Director of Service Delivery (Report No 120/16 herewith – page 83).

9.6 Local Air Quality Management Newhaven's Air Quality Action Plan - Report and Appendix 1

Cabinet Member: Councillor Franklin

To consider the Report of the Director of Service Delivery (Report No 121/16 herewith – page 98).

- Non-Key Decisions

9.7 Asset Management Relocation of CAB to Newhaven Square

Cabinet Member: Councillor Giles

To consider the Report of the Director of Regeneration and Planning (Report No 122/16 herewith – page 161).

9.8 New Affordable Housing Update – Housing Revenue Account - Report

Cabinet Member: Councillor Maskell

To consider the Report of the Director of Service Delivery (Report No 123/16 herewith – page 172).

9.9 Play Streets

Cabinet Member: Councillor Nicholson

To consider the Report of the Director of Regeneration and Planning (Report No 124/16 herewith – page 183).

9.10 Wave Leisure Trust Annual Review 2015 - 2016

Cabinet Member: Councillor Nicholson

To consider the Report of the Director of Tourism and Enterprise (Report No 125/16 herewith – page 186).

9.11 Ward Issues Raised by Councillors at Council

Cabinet Members: Councillors Giles; Jones; Nicholson; and Smith

To consider the Report of the Assistant Director of Legal and Democratic Services (Report No 126/16 herewith – page 204).

9.12 Appointment to Serve on Outside Body

To confirm the appointment of Councillor J Peterson to serve as the member representative on the ESCC Children's Scrutiny Committee, which is a new outside body.

For further information about items appearing on this Agenda, please contact Trevor Hayward at Southover House, Southover Road, Lewes, East Sussex BN7 1AB. Telephone 01273 471600

Distribution:

Councillors: P Franklin, B Giles, T Jones, R Maskell, E Merry, T Nicholson and A Smith

Cabinet

28 September 2016

Written Questions from Councillors (Agenda Item No 6)

The following written questions have been submitted by Councillor lent which he wishes to ask of the Leader of the Council, Councillor Smith:

Question 1

The Coast to Capital LEP covers most if not all of the Lewes District Council area but we have no representative on the board of the organisation. Public authority representation includes West Sussex County, Surrey County , Croydon , Epsom and Ewell Borough and Brighton and Hove City councils. LEPs are responsible for making decisions on major tranches of government monies. For example, in just one area, the Coast to Capital LEP is managing £202 million over six years, starting with investment of £38m of new funding in 2015/16 (Growth Fund).

I believe Lewes District Council needs to be more closely connected with the decision-making on the funds available as well as making sure a fair proportion of the monies are spent in the Lewes District. To this end I believe that our Council should have direct representation on the board of the LEP. My question is:

Would the Leader of the Council agree to write to the responsible minister in either or both the Department of Communities and Local Government and the Department for Business, Energy & Industrial Strategy and ask for representation on the Coast to Capital LEP?

Question 2

The Coast to Capital and South East LEPs are the channel by which the government funnels much of its local funding. However, we know very little about how they arrive at their decisions or how they carry out consultation. I know of no reports coming to our Council or of enquiries being made of our Council as to how government and EU funds should be spent. Accordingly, I think it would be sensible if those two LEPs had a closer relationship with our Council and to commence this relationship I suggest that they be invited to give a presentation on proposed funding in the current and next financial year.

Would the Leader of the Council agree to invite these two LEP's to present their programs to the members?

Question 3 (Ward question)

I have been in correspondence with both the Coast to Capital LEP and the East Sussex County Council asking questions as to whether they had submitted applications for government funding in accordance with the government cycling and walking strategy published earlier this year. My understanding is that the government called for applications for capital projects to be submitted by the end of July and for revenue projects to be submitted by 9 September. Unfortunately, both of these organisations have been evasive and not stated whether or not they had applied for funding and what that funding was for. I had previously asked them to apply for funding to improve the situation for pedestrians, walkers and cyclists along the route of the C7 from Lewes to Newhaven.

Without applying for the capital and revenue funding there would be no chance of our area benefiting from the government allocations. No application would simply mean that other councils would stand a better chance of getting their application through.

Would the Leader of the Council asked the appropriate officer in Lewes District Council to write to the two organisations and ask for a specific answer as to whether or not funds had been applied for covering the C7 route?

Agenda Item No: 9.1 **Report No:** 116/16
Report Title: Finance Update – Performance Report 2016/2017
Report To: Cabinet **Date:** 28 September 2016
Cabinet Member: Councillor Bill Giles
Ward(s) Affected: All
Report By: Alan Osborne, Deputy Chief Executive

Contact Officer(s)-

Name(s): Steve Jump
Post Title(s): Head of Finance
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Tel No(s): 01273 471600

Purpose of Report:

To provide an update on financial matters affecting the General Fund Revenue Account, the Housing Revenue Account and the approved Capital Programme.

Officers Recommendation(s):

That Cabinet:

- 1 Agrees the General Fund and Housing Revenue Account financial performance for the quarter ended 30 June 2016 as set out in section 4.
 - 2 Agrees the Capital Programme financial performance for the quarter ended 30 June 2016 as set out in section 7.
 - 3 Agrees the variations to the Capital Programme explained in paragraph 7.2.
 - 4 Endorses the opinion of the Head of Audit, Fraud and Procurement on the internal control environment at the Council for the year ended 31 March 2016 noted in paragraph 8.
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Reasons for Recommendations

- 1 A report on current and anticipated financial performance is made to Cabinet to ensure that the financial health of the General Fund, Housing Revenue Account, Council Tax and Business Rates Collection Funds and the Capital Programme are 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.

- 2** 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 CIPFA (the Chartered Institute of Public Finance and Accountancy) and adopted by the Council.

Information

3 Treasury Management

- 3.1** Treasury Management investment activity between 1 June and 31 August 2016 is summarised in the table below. All activity was consistent with the Council's approved Treasury and Investment Strategy for 2016/2017.

Type of investment	New investments	Matured investments	Average on deposit £m	Average return %
Short term deposits	£41.75m	£41.00m	£8.81m	0.51%
Long term deposits	Nil	Nil	Nil	Nil
Treasury Bills	£9.00m	£9.09m	£3.99m	0.41%
Bonds, certificates of deposit,etc	£4.00m	Nil	£2.24m	0.63%
Money Market Funds	daily		£6.00m	0.61%
Interest Bearing Accounts			£2.40m	0.30%

- 3.2** At its meeting in early August, the Bank of England's Monetary Policy Committee voted to cut the Bank rate from 0.5% to 0.25%. This has had an impact on the return that the Council can achieve from new treasury investment activity – the rate of interest that the Government pays on local authority deposits into its Debt Management Account Deposit Facility has reduced from 0.25% to 0.15%, and interest paid on overnight deposits at the Council's bank has reduced from 0.40% to 0.15%. As advised by Arlingclose, the Council's Treasury Adviser, officers are continuing to diversify into those higher-yielding investment classes available under the Council's approved Treasury Strategy.
- 3.3** No new borrowing was undertaken in the period. Long term borrowing remains at £56.6m. Within the portfolio of loans is a £5m loan from Barclays Bank plc, advanced in April 2004 with a maturity date in April 2054. The original loan agreement with Barclays enabled the bank to increase the interest rate of the loan on a specified date every four years, although the Council could, in that event, repay the loan without penalty. The bank has now decided to permanently waive its right to change the interest rate on this loan, which effectively becomes fixed at the current rate of interest 4.5%.
- 3.4** In accordance with the Council's approved Treasury Strategy Statement, the Audit and Standards Committee reviews all treasury activity that takes place in order to confirm that it has been undertaken in accordance with the approved

Strategy. Should the Audit and Standards Committee have any observations they would be recorded in its minutes and referred to Cabinet.

4 Financial Performance – General Fund Revenue budgets

- 4.1** Financial Performance at the end of Quarter 1 (June) 2016/2017 is shown below. Service details are shown at Appendix 1.

	Full year budget £'000	End Quarter 1 profiled budget £'000	End Quarter 1 actual £'000	End Quarter 1 variance £'000
General Fund Summary				
Service Delivery	8,268	2,007	1,635	(372)
Business Strategy and Development	1,843	512	459	(53)
Corporate Services	4,324	1,596	1,359	(237)
Corporate Strategy and Programmes	840	210	253	43
Corporate costs and income	416	114	123	9
Netting off of Central Support Services recharges included above	(3,917)	0	(117)	(117)
Net cost of Service provision	11,774	4,439	3,712	(727)
Contributions to/from Reserves	823	0	0	(0)
Total cost to be Financed	12,597	4,439	3,712	(727)

- 4.2** Actual financial performance in Quarter 1 has been largely in line with service budgets. Items to note at this stage are:

- in overall terms, spending on staff is in line with the budget, which incorporates a 2% reduction to allow for vacancies. Reductions in some service areas are offset by higher than anticipated spending on Agency staff deployed on the Waste and Recycling service to provide cover for sickness and other absence.
- A shared Corporate Management Team (CMT) with Eastbourne Borough Council has been in place since July 2016, and restructuring of senior management posts which support CMT will be completed later this year. A shared IT service will be in operation from November 2016 and the joint procurement of key IT systems is underway. This activity, along with the active management of vacancies and joint procurement opportunities as they arise, contributes towards the 2016/17 saving target of £400,000 to be realised from the Joint Transformation Programme (JTP). The timing of the JTP activity is likely to result in some of the savings being deferred into 2017/2018.
- as noted in paragraph 6 below, the share of business rates income to be received by the General Fund in 2016/2017 is expected to reduce for reasons outside the Council's control. The net reduction for the year is currently projected to be in the region of £215,000.

- trends in housing benefit awarded and associated government subsidy, which can have a net impact on the net budget continue to be monitored and will be more identifiable later in the year.
- 4.3** The amount held in the General Fund Uncommitted Reserve, which acts as a buffer against negative movements in the budget, is projected to be £2.2m at 31 March 2017 before any adjustment needed in respect of the items listed in paragraph 4.2. The table below shows the projected movements and balances of each Reserve.

	Reserve	Balance at 1 April '16 £'000	Contributions & transfers £'000	Commitment £'000	Balance at 31 March '17 £'000
1	Strategic Change	(3,657)	(2,346)	4,589	(1,414)
2	Asset Maintenance	(2,653)	(303)	827	(2,129)
3	Vehicle and Equipment Replacement	(2,440)	(320)	1,315	(1,445)
4	Economic Regeneration	(351)	0	72	(279)
5	Revenue Grants and Contributions	(253)	0	4	(249)
6	Unallocated	(3,105)	813	0	(2,292)
7	TOTAL	(12,459)	(2,156)	6,807	(7,808)

5 Financial performance – Housing Revenue Account budgets

- 5.1** Financial performance at the end of Quarter 1 is in line with service budgets. The Housing Revenue Account (HRA) balance holds £457,000 as funding for a stock condition survey, the procurement of an asset management system and data analysis work. The survey was commissioned in April 2016 with work taking place during Quarter 1. A survey of all homes was not considered necessary or cost-effective, and the JTP enables the sharing of systems and data analysis. As a result, the total funding expected to be required from the HRA balance will be at the reduced level of approximately £115,000.
- 5.2** The Housing and Planning Act 2016 introduces two significant changes which will have a significant impact on HRA resources:
- an annual levy based on the amount which could be raised from the sale of higher value homes
 - a requirement for higher income tenants to pay a higher level rent from 1 April 2017, the proceeds of which will be passed to the Government. This may lead to an increase in the number of higher income tenants exercising their Right to Buy.

The Government had been expected to publish its detailed proposals for each of these initiatives before the Parliamentary summer recess, but this was not

the case. It is not possible to model the financial impact of these changes until further information is made available.

6 Financial Performance –Business Rates and Council Tax

- 6.1** The outcome of appeals against business rate valuations remains a key risk. Successful appeals can be backdated to 2010 and the decisions of Valuation Tribunals elsewhere in England can trigger fresh appeals from certain categories of business (eg GP surgeries in 2015). At 30 June 2016, 230 appeals against the LDC rating list were yet to be settled.
- 6.2** In Quarter 1, two local schools were awarded backdated mandatory charitable relief as a result of their designation as Foundation Schools. This generated a £0.6m business rates refund, 40% of the cost of which falls to the Council under the business rates retention scheme.
- 6.3** The updated projection of net business rates payable in 2016/2017 is £25.2m, compared with the estimate of £26.2m, with a cumulative deficit of £1.3m at 31 March 2017. This deficit will be recovered from the Government (50%), the Council's General Fund (40%), East Sussex County Council (9%) and East Sussex Fire Authority (1%) in 2017/2018.
- 6.4** In contrast with business rates, the position in respect of the Council Tax Collection Fund remains in line with the budget.

7 Financial Performance – Capital Programme

- 7.1** Appendix 2 gives details of the capital programme spending in Quarter 1, which is in line with expectations at this stage of the year. Payments of £1.7m have been made in Quarter 1. A contract for the construction of new homes on former garage sites with a value of £3.7m commenced in May 2016.
- 7.2** Cabinet is recommend to approve two variations to the capital programme:
 - Line 9: Mandatory Disabled Facilities Grants – the allocation is increased by £242,000 to reflect the total funding which will be made available from East Sussex County Council's Better Care Fund.
 - Line 12: Indoor Leisure Facilities – tenders for work to the roof at Lewes Leisure Centre were at a higher price than anticipated. The additional cost, £35,400, compared with the original allocation can be funded from the Asset Maintenance Reserve.

8 Opinion of the Head of Audit, Fraud and Procurement on the Internal Control Environment at Lewes District Council for the year ended 31 March 2016

As part of the Council's management of risk and key controls, the Head of Audit, Fraud and Procurement makes an independent appraisal of the overall position each year, then reports to Cabinet. His opinion covering the last financial year is as follows:

"The overall standards of internal control are satisfactory. This opinion is based on the work of Internal Audit, other internal reviews and external

assurance bodies, and the Council's work on risk management. The risk management process has identified that most risks are mitigated by the effective operation of controls or other measures. Whilst recommendations have been made to improve procedures and controls in some areas, there were no instances in which internal control problems created significant risks for Council activities or services. In most cases managers have addressed the control issues since the respective audits, and within those recommendations not yet implemented there are no issues that create significant risks for the Council."

9 Audit of 2015/2016 Accounts

9.1 As reported to Cabinet in July 2016, a draft Annual Statement of Accounts was presented to the Council's external auditors (BDO) for audit at the end of June. At the time of finalising this report, BDO were on the point of completing their audit ahead of reporting to the Audit and Standards Committee to be held on 26 September. In an 'audit closing' meeting with officers BDO indicated that they:

- anticipate issuing an unqualified true and fair opinion on the financial statements for the year ended 31 March 2016. This means that BDO consider that the Council's accounts present fairly its financial activity in the year and position at 31 March 2016
- are satisfied that the Council has adequate arrangements in place to secure economy, efficiency and effectiveness in its use of resources and anticipate issuing an unqualified value for money conclusion. BDO's report will include a number of recommendations for improvement following its review of governance arrangements in respect of the New Homes Project (for details, see separate report on this Agenda, 'Report and Recommendations of New Homes Project Working Group').

If there is any change in BDO's view set out above, a verbal update will be given at the Cabinet meeting.

9.2 In finalising the accounts and in discussion with BDO, officers were content to amend entries and notes in the draft accounts. None of these amendments had any impact on the final revenue or capital outturn for 2015/2016, or the level of reserves and balances, reported to the last meeting of the Cabinet. A full list of amendments is included in BDO's report to the Audit and Standards Committee.

10 Financial Appraisal - referred to under individual items above.

11 Legal Implications - there are no legal implications arising from this report.

12 Risk Management Implications

12.1 The Council maintains an overview of its policy programme, its Medium Term Financial Strategy and the external factors that affect them. Without this constant analysis and review there is a risk that the underlying recurring revenue expenditure will grow at a faster rate than the resources available to

fund them. This risk is mitigated through regular reports to Cabinet on the Council's overall revenue and capital position and Cabinet's correcting actions taken in accordance with the objectives and principles it set for management of the Council's finances.

- 12.2** An additional risk in the current climate is that reserves and balances will be drawn upon sooner than is necessary unless an assessment is made of resource implications where activity levels have fallen or risen to any significant degree. This risk is mitigated by identifying such areas, making an assessment covering the short and medium term and taking corrective action.

13 Equality Screening

This Finance Update is a routine report for which detailed Equality Analysis is not required to be undertaken. The equality implications of individual decisions relating to the projects/services covered in this report are addressed within other relevant Council reports.

Background Papers:

Treasury Strategy Statement <http://www.lewes.gov.uk/council/20987.asp>

Appendices

Appendix 1 – Financial performance Quarter 1 by service
Appendix 2 – Capital Programme 2016/2017 – Quarter 1

Appendix 1

Financial Performance Quarter 1 – Service details

	Full year budget £'000	End Quarter 1 profiled budget £'000	End Quarter 1 actual £'000	End Quarter 1 variance £'000
Service Delivery				
Housing and Environment				
: Regulatory Services - Licensing	(188)	(47)	(42)	5
: Regulatory Services - Public Health	53	26	31	5
: Regulatory Services - Food Safety	3	1	(2)	(3)
: Regulatory Services - Health and Safety	13	3	0	(3)
: Regulatory Services - Port Health	2	0	1	1
: Community Safety	9	2	(19)	(21)
: Emergency Planning	23	6	1	(5)
: Homelessness	150	70	48	(22)
: Housing Strategy, Enabling and Advice	20	5	2	(3)
: Private Sector Housing Renewal	11	3	(1)	(4)
: Solar Panel installations	(147)	(37)	(64)	(27)
: Salaries, management, admin costs	2,668	667	640	(27)
Sub-total	2,617	699	595	(104)
Planning and Revenues				
: Building Control	(342)	(86)	(63)	23
: Coast Protection	8	5	2	(3)
: Flood Defence	143	70	50	(20)
: Development Control	(817)	(204)	(288)	(84)
: Street Naming	8	2	0	(2)
: Regulatory Services - Environmental Protection	21	5	11	6
: Council Tax Support Scheme Mgt	15	4	1	(3)
: Local Tax Collection - Council Tax	(55)	29	1	(28)
: Local Tax Collection - Business Rates	(134)	(131)	(127)	4
: Housing Benefit Administration	82	21	(1)	(22)
: Housing Benefit	(460)	(115)	(113)	2
: Salaries, management, admin costs	1,945	486	473	(13)
Sub-total	414	86	(54)	(140)
Customer Service				
: Regulatory Services - Animal and Pest Control	19	5	2	(3)
: Cemeteries	(15)	(6)	(13)	(7)
: Open Spaces	353	83	58	(25)
: Sports and Playing Fields	243	42	34	(8)
: Vehicle Workshop	402	103	115	12
: Salaries, management, admin costs	1,248	312	287	(25)
Sub-total	2,250	539	483	(56)
Waste and Recycling				
: Recycling	988	257	241	(16)
: Waste Collection	909	115	103	(12)
: Street Cleansing	647	181	178	(3)
: Management and administration	365	91	86	(5)
: Robinson Road facility	78	39	3	(36)
Sub-total	2,987	683	611	(72)

	Full year budget £'000	End Quarter 1 profiled budget £'000	End Quarter 1 actual £'000	End Quarter 1 variance £'000
Service Delivery Total	8,268	2,007	1,635	(372)
Business Strategy and Development				
Business Strategy and Performance				
: Voluntary Sector Support	212	105	103	(2)
: Salaries, management, admin costs	493	123	101	(22)
Sub-total	705	228	204	(24)
Regeneration and Investment				
: Tourism	131	33	44	11
: Culture and Heritage: Arts Development	7	2	(5)	(7)
: Economic Development	434	109	79	(30)
: Newhaven Enterprise Centre	(148)	(38)	(36)	2
: Salaries, management, admin costs	245	61	58	(3)
Sub-total	669	167	140	(27)
Strategic Policy				
: Planning Policy	25	6	11	5
: Planning Policy - Conservation	0	0	0	0
: Salaries, management, admin costs	444	111	104	(7)
Sub-total	469	117	115	(2)
Business Strategy and Development total	1,843	512	459	(53)
Corporate Services				
Property and Facilities				
: Investment Properties	(197)	(29)	(51)	(22)
: Industrial Estates	(669)	(167)	(165)	2
: Property Portfolio/Regeneration	0	0	2	2
: Public Conveniences	221	57	60	3
: Culture and Heritage - Newhaven Fort	110	54	23	(31)
: Indoor Leisure - Wave	511	232	218	(14)
: Car Parking	(350)	(56)	(84)	(28)
: Office Accommodation	465	216	187	(29)
: Salaries, management, admin costs	384	96	99	3
Sub-total	475	403	289	(114)
Legal Services	417	47	74	27
Democratic Services				
: Democratic Representation	254	64	68	4
: Electoral Registration	79	20	9	(11)
: Elections - LDC	8	2	4	2
: Elections - other	0	0	0	0
: Local Land Charges	(90)	(23)	(25)	(2)
: Salaries, management, admin costs	366	92	88	(4)
Sub-total	617	155	144	(11)

	Full year budget £'000	End Quarter 1 profiled budget £'000	End Quarter 1 actual £'000	End Quarter 1 variance £'000
Human Resources				
: Recruitment and Training	146	36	24	(12)
: HR service	250	125	132	7
Sub-total	396	161	156	(5)
Information Technology	1,420	580	479	(101)
Finance				
: Treasury Management	58	15	(6)	(21)
: Salaries, management, admin costs	675	169	161	(8)
Sub-total	733	184	155	(29)
Audit, Fraud and Procurement	266	66	62	(4)
Corporate Services Total	4,324	1,596	1,359	(237)
Corporate Strategy and Programmes				
: Corporate Management	160	40	118	78
: Organisational Development	120	30	30	0
: Salaries, management, admin costs	560	140	105	(35)
Corporate Strategy and Programmes total	840	210	253	43
Corporate costs and income				
Contributions to the HRA re shared items	166	0	0	0
Interest payments and receipts	(180)	(45)	(16)	29
Town and Parish Council grant	201	101	101	0
Service Priority budget and savings target	(316)	(79)	0	79
Pensions accounting	215	54	38	(16)
Provision for Debt Repayment	330	83	0	(83)
	416	114	123	9
Netting off of Central Support Services recharges included above	(3,917)	0	(117)	(117)
Net cost of Service provision	11,774	4,439	3,712	(727)
Contributions to/from Reserves	823	0	0	(206)
Total cost to be Financed	12,597	4,439	3,712	(727)
Government Grants	(3,171)	(793)	(793)	0
Council Tax	(6,996)	0	0	0
Retained Business Rates	(2,430)	0	0	0
Total Financing	(12,597)	(793)	(793)	0

Line No	SUMMARY	Approved Programme 2016/17	Variations to approve	Proposed Programme 2016/17	Quarter 1 2016/17 spend	Remaining allocation
1	HRA HOUSING INVESTMENT CAPITAL PROGRAMME					
2	New Homes	3,840,400	0	3,840,400	260,970	3,579,430
3	Improvements to Stock	5,098,770	0	5,098,770	421,220	4,677,550
4	Recreation & Playareas	62,590	0	62,590	27,940	34,650
5	Room in Roof Conversions	315,000	0	315,000	0	315,000
6	TOTAL HRA HOUSING INVESTMENT CAPITAL PROGRAMME	9,316,760	0	9,316,760	710,130	8,606,630
7	GENERAL FUND HOUSING INVESTMENT CAPITAL PROGRAMME					
8	Private Sector Housing Support	194,890	0	194,890	55,700	139,190
9	Mandatory Disabled Facilities Grants	645,620	242,010	887,630	28,530	859,100
10	TOTAL GENERAL FUND HOUSING INVESTMENT CAPITAL PROGRAMME	840,510	242,010	1,082,520	84,230	998,290
11	GENERAL FUND CAPITAL PROGRAMME					
12	Indoor Leisure Facilities - Major repairs and improvements	97,800	35,380	133,180	0	133,180
13	Parks, Recreation, Play Areas	512,570	0	512,570	52,600	459,970
14	Coastal Defence Works	40,170	0	40,170	1,780	38,390
15	Flood Alleviation Project	112,750	0	112,750	68,450	44,300
16	Newhaven Fort Major Repairs and Improvements	71,980	0	71,980	2,220	69,760
17	Newhaven Growth Quarter	78,570	0	78,570	8,430	70,140
18	Avis way depot	3,321,910	0	3,321,910	68,920	3,252,990
19	Asset Management - Commercial Development	1,785,000	0	1,785,000	546,260	1,238,740
20	Property acquisition - North Street development	2,900,000	0	2,900,000	0	2,900,000
21	Joint Transformation Programme	4,265,000	0	4,265,000	115,530	4,149,470
22	Property Assets Major Works	484,810	0	484,810	27,250	457,560
23	TOTAL GENERAL FUND CAPITAL PROGRAMME	13,670,560	35,380	13,705,940	891,440	12,814,500
24	TOTAL OVERALL CAPITAL PROGRAMME	23,827,830	277,390	24,105,220	1,685,800	22,419,420
25	CAPITAL PROGRAMME FUNDING					
26	Borrowing			10,069,080		
27	Capital Receipts			1,766,380		
28	Reserves			10,973,940		
29	Capital Grants			882,190		
30	Section 106 Contributions			375,490		
31	Other Capital Contributions			33,310		
32	Capital Expenditure Financed from Revenue (General Fund)			3,570		
33	Capital Expenditure Financed from Revenue (Housing Fund)			1,250		
34	TOTAL CAPITAL PROGRAMME			24,105,210		

Agenda Item No: 9.2 **Report No:** 117/16

Report Title: Portfolio Progress and Performance Report 2016/17
(Quarter 1 (April to June 2016))

Report To: Cabinet **Date:** 28th September 2016

Cabinet Member: Councillor Elayne Merry, Portfolio Holder

Ward(s) Affected: All

Report By: Robert Cottrill, Chief Executive

Contact Officer

Name: Sue Harvey
Post Title: Strategic Performance Manager
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Tel No: 01273 471600 (Ext 6119)

Purpose of Report:

1. To consider the Council's progress and performance in respect of key projects and targets for the first quarter of the year (April to June 2016 (Quarter 1)) as shown in Appendix 1.

Officers' Recommendation(s): That

1. Progress and performance for Quarter 1 (Appendix 1) be considered;
 2. To note that there were no relevant recommendations arising from Scrutiny Committee following its meeting on 8th September 2016.
-

Reasons for Recommendations

1. To enable Cabinet to consider specific aspects of the Council's progress and performance.

Background

1. The Council has an annual cycle for the preparation, implementation and monitoring of its business plans and budgets. This cycle enables us regularly to review the Council's work, and the targets it sets for performance, to ensure these continue to reflect customer needs and Council aspirations.
2. It is important to monitor and assess progress and performance on a regular basis, to ensure the Council continues to deliver priority outcomes and excellent services to its customers and communities. These priorities are set out in the

Council Plan that was adopted by the Council in February 2016, supported by associated projects and service performance targets approved by Cabinet in July 2016.

3. The Scrutiny Committee has a key role in terms of oversight of the Council's progress and performance and challenging areas of under-performance. This report sets out the Council's performance against its targets and projects for the first quarter of 2016/17 (the period running from 1st April to 30th June 2016).

Performance in the First Quarter of 2016/17

4. Appendix 1 provides a high level summary of progress and performance arranged by Cabinet portfolio. The summary shows where performance and projects are 'on track/on target' and where there are areas of risk, concern or under-performance. Where performance or projects are 'off track/below target', an explanation of the management action being taken to address this is also provided.
5. Detailed project/performance tracking information is recorded in the Council's performance management information system (Covalent). The system uses the following symbols to indicate the current status of projects and performance targets:

-  = Performance that is at or above target;
-  = Project is on track;
-  = Performance that is slightly below target but is within an acceptable tolerance/projects where there are issues causing significant delay or change to planned activities;
-  = Performance that is below target/projects that are not expected to be completed in time or within requirements;
-  = Project has changed or been discontinued;
-  = Data with no performance target.

Portfolio Progress and Performance – Quarter 1

6. An overview of the Council's performance for the year as at the end of the 1st quarter is set out below:
 - 87% of the Council's key projects were either completed or on track at the end of the 1st quarter.
 - 77% of the Council's performance targets were either met, exceeded or within acceptable levels during the 1st quarter.
 - 6 indicators did not meet planned targets during the 1st quarter (see paragraphs 23 to 26 below).

- Customer feedback: There were 225 complaints and 14 compliments made by customers during the 1st quarter.

The Good News –  Notable project milestones or service performance achieved.

7. This section of the report provides specific highlights by portfolio in terms of notable project progress or performance achievements.

Regeneration and Business Portfolio

8. North Street Quarter: Following the granting of planning permission earlier in the year and the end of the Judicial Review period, site assembly works are now well underway.

Value for Money Portfolio

9. Invoices (Housing): The largest number of invoices received by the Council are housing related, primarily relating to repairs and maintenance works. Management intervention and proactive intervention during 2015/16 has resulted in improved performance during the first quarter of the year.
10. Council tax and business rates collection: Collection of council tax is on track. Business rates collection is slightly down at the end of quarter 1. This is the first year of offering 12 month payment instalments which may be a factor affecting performance at this point in the year.

Housing Portfolio

11. Local Growth Fund: Planning permission has been granted for development of 5 Council owned sites in the District (providing 22 new affordable homes). All 5 sites are now under construction.
12. Housing performance: There is good performance across all key housing indicators. There has been a strong focus on the speed at which Council homes are re-let and the management of temporary accommodation, to ensure minimum reliance on the use of bed and breakfast accommodation. Both areas have seen notable improvements in quarter 1.
13. The average time taken to process new housing benefit/Council tax reduction claims continued to be within the 20 days target.

Planning Portfolio

14. All major planning applications during quarter 1 were determined within the 13 week target.

People and Performance Portfolio

15. Joint Transformation Programme: Significant developments have been made in respect of the Council's joint transformation programme with Eastbourne. This key strategic programme cuts across most areas of the Council's work and will be subject to separate, more detailed reporting in future. At the present time the programme is in its mobilisation phase which involves developing detailed project plans. There are currently 57 individual projects across 7 workstreams. High level updates looking at each of these workstreams will be provided in future reports.

Customers and Partners Portfolio

16. The average time taken to answer calls to the customer hub continues to improve and is now well within the 30 seconds target.

Areas for Improvement –  Project/performance is slightly off track (but within acceptable/5% tolerance).

17. The 'amber' warning flags up performance that has fallen very slightly below target or projects that are slipping behind schedule or going slightly off-track. There were 5 performance areas and 4 projects which fell into this category during quarter 1. The 5 performance areas are:

- Collection of rent
- Business rates collection
- Tenant satisfaction
- Complaints responded to within target
- Wave leisure: visits to leisure centres

18. **Devolution Project:** The planned devolution of Council owned land and buildings to town and parish councils has progressed with the devolution of a site in Hamsey. Devolution work has also moved forward in respect of Peacehaven and Telscombe. Delays due to unforeseen circumstances in respect of sites in Newhaven that affected the overall project timetable have now been resolved and the programme is now moving ahead.

19. **The Local Plan (Part 2):** Work is progressing. It is still expected that the public consultation will take place in April/May 2017.

20. **Newhaven Port Access Road (ESCC Project):** ESCC is in the process of finalising the business case with the Department for Transport.

21. **Housing Investment Company Project:** Proposals for the establishment of a Housing Investment Company will be considered by Cabinet in November.

Areas for Improvement –  Performance was well below target and/or projects were significantly off-schedule or revised.

22. Where service performance falls well below target levels, or a project is significantly off track, this is highlighted to managers straight away and priority is given to addressing these issues. There were 4 areas where performance in the first quarter was well below target. The management actions to address this are set out below:
23. **Invoices (Non-Housing):** The proportion of non-housing invoices paid on time was below target in quarter 1 (95% compared to a target of 98%). Multiple invoices from three separate enforcement agencies (bailiffs) are received often all at the same time. These invoices seek to reclaim VAT and are for comparatively small amounts of money. Each invoice requires manually checking the payment history before they can be signed off for payment. This is a time-consuming process and officers have been seeking to rationalise these invoices through negotiations with suppliers. One supplier has agreed to change their invoice arrangements. Officers remain in discussions with the remaining suppliers.
24. **Determination of minor planning applications:** 66% of minor planning applications were determined within 8 weeks during quarter 1, below the target of 75%. Validation of these applications took longer than usual during April as there was only one person who was able to validate cases due to a staffing vacancy. Since then the vacancy has been filled and another staff member has been trained to validate. As a result performance picked up in May and June and is expected to be within target in quarter 2. There were 45 minor planning applications submitted in quarter 1 compared to 53 in the same period last year.
25. **Planning applications allowed on appeal (3 relevant indicators):** The number of major applications allowed on appeal is low but continues to be closely monitored in light of Government expectations and guidance on this issue. Officers continue to provide training and briefings to councillors to increase understanding and awareness of planning policy, guidance and previous appeal decisions to support the planning committee.
26. **Staff sickness:** Performance is off track at the end of quarter 1, currently showing 3.0 days sickness per full-time equivalent staff. However, this is a slight improvement compared to the second half of 2015/16. The Council has a sickness absence management policy and procedure and there continues to be a strong management focus on this area of performance, both in respect of long and short-term sickness. This is designed to ensure all possible options and action is being taken to support staff to return to work. Early indications are that this is beginning to have some positive impacts. A revised policy and procedure aimed at offering clearer guidance to both staff and managers has been discussed with union representatives was considered by the Employment Committee on 12th September 2016. Measures to further support staff wellbeing are also being considered.

Financial Appraisal

27. Project and performance monitoring and reporting arrangements are contained within existing estimates. Corporate performance information should also be considered alongside the Council's financial update reports (also reported to Cabinet each quarter) as there is a clear link between performance and budgets/resources.

Legal Implications

28. Comment from the Legal Services Team is not necessary for this routine monitoring report.

Risk Management Implications

29. **Risks**:- The potential risks that have been identified in relation to issues covered by this report are:- That the Council could fail to achieve its strategic objectives/performance targets; poor performance in service levels and quality could lead to greater customer dissatisfaction and an increase in complaints; significant project delivery failure might affect funding, and could create additional financial, political or legal risks; weak performance management and data quality could lead to flawed decision-making which would be costly, inefficient or ineffective; poor communication of performance achievements and outcomes. Specific programme/individual project risks are identified and managed by the relevant programme/project manager.

Risk Mitigation:- effective arrangements are in place to identify, understand and address performance/data quality issues; appropriate communication and engagement with key stakeholders and decision-makers regarding performance priorities and measures of success; service performance and project risks are identified and managed.

Equality Analysis

30. The equality implications of individual decisions relating to the projects/services covered in this report are addressed within other relevant Council reports or as part of programmed equality analysis. The equality implications of projects that form part of the Joint Transformation Programme are addressed through separate Equality and Fairness assessments.

Background Papers

Council Plan 2016 to 2020 and service plans 2016/17.

Appendices

Appendix 1 – Portfolio Progress and Performance Report (Quarter 1)

PORTFOLIO PROGRESS AND PERFORMANCE QUARTER 1 (April to June 2016)

Key to Symbols



- Project is complete; Performance is at or above target (please note, in some instances performance data has been rounded to the nearest whole number/percentage);



- Project is on track or yet to commence;



- Project has issues causing significant delay or change to planned activities; Performance is below target but within 5% tolerance;



- Project is not expected to be completed in time or within requirements; Performance is below target;



- Project scope has changed/project has been discontinued;



- No performance target set.

PLACE - GROWTH AND PROSPERITY

Portfolio: Councillor Andy Smith (Regeneration and Business)

Portfolio Projects and Initiatives

Project / Initiative	Target Project Completion	Current Status	Update
North Street Quarter	September 2017		Site assembly is well advanced and the Council's development partner (Santon) intends to commence demolition on phase 1A subject to the relevant National Park planning conditions being satisfied. Following the end of the Judicial Review period, the Council and Santon now have legal permission to commence with the development.
Newhaven Flood Alleviation Scheme	April 2017		Construction of the scheme is planned to start in autumn 2016 and is scheduled to be complete by 2019. The Council is working with partners (Environment Agency and East Sussex County Council) to draw up plans for a public communication and engagement strategy. We have set up an email alert service for residents wanting to receive updates on this project and will be reporting progress in the winter edition of District News as part of a general article on flood risk awareness.
Newhaven Enterprise Zone	December 2018		All Local Growth Fund bids have been submitted. A brief is being prepared for the detailed Investment/Implementation Plan required by Government. A planning session for this took place at the end of June.

Project / Initiative	Target Completion	Current Status	Update
Tourism Strategy	March 2018		<p>A joint bid with the Biosphere Partnership for European funding to form a destination management partnership covering the rural areas was unsuccessful and no further action will now be required in this regard. The annual Artwave Festival launched in July and will take place across the District during late August to early September. There will be new artist workshops sponsored by LEAP to promote use of social media. Income from sponsorship and advertising has increased this year.</p>

VALUE FOR MONEY

Portfolio: Councillor Bill Giles (Finance)

Portfolio Projects and Initiatives

Note:

- 1) There are no strategic projects currently within this portfolio.
- 2) There is a separate process for monitoring the Council's financial performance including key targets. This is reported as part of the regular financial update reports to Cabinet.

Key Performance Indicators

KPI Description	2016-17 Target	Q1 Apr-June	Status	Explanatory Note
Percentage of invoices paid on time a) Housing b) All Other	a) 95%+ b) 98%	a) 97% b) 95%	 	Performance in respect of housing invoices has improved following management intervention during 2015/16. Performance on other invoices is down due primarily to delays in processing multiple VAT invoices from enforcement agents acting on behalf of the Council. However, overall performance is up compared to the same period last year (93%).
Performance Improvement Plan		Multiple invoices from three separate enforcement agencies (bailiffs) are received often all at the same time. These invoices seek to reclaim VAT and are for comparatively small amounts of money. Each invoice requires manually checking the payment history before they can be signed off for payment. This is a time-consuming process and officers have been seeking to rationalise these invoices through negotiations with suppliers. One supplier has agreed to change their invoice arrangements. Officers remain in discussions with the remaining suppliers.		
Percentage of Council Tax collected during the year	98%	29.7%		At the end of Quarter 1, collection of Council Tax is on track.
Percentage of Business Rates collected during the year	98%	29.8%		At the end of Quarter 1, Business Rates collection is slightly down on expected levels. This is the first year that 12 month payment instalments have been offered which may be a factor at this point in the year. Collection rates are monitored very closely and arrears followed up promptly.

PLACE - DELIVERING SUSTAINABLE NEW HOUSING AND INFRASTRUCTURE

Portfolio: Councillor Ron Maskell (Housing)

Portfolio Projects and Initiatives

Project / Initiative	Target Completion	Current Status	Update
Local Growth Fund (Affordable Housing) Project	June 2017		All 5 sites (22 homes) within this programme are now under construction, and expected to be completed between April to June 2017.
Housing Investment Company	October 2016		Proposals for the establishment of a Housing Investment Company will be considered by Cabinet in November.
Extension of temporary accommodation	October 2016		A cross party Member working group has been set up to look at ways to increase temporary accommodation options in the District through closer partnership working with Private Sector Landlords. The private sector leasing scheme, which offers sustainable rents to landlords and suitable housing standards for tenants, has been promoted and resulted in an additional 14 units during quarter 1. A further 7 units are expected to come on stream in quarter 2.

Key Performance Indicators

KPI Description	2016-17 Target	Q1 Apr-June	Status	Explanatory Note
Percentage of rent collected during the year (cumulative)	95%	94%		Performance of rent collection also takes into account rent arrears. Although slightly behind target, performance is within acceptable levels for the first quarter of the year.
Total number of days that families need to stay in emergency/B&B accommodation	15 days	0 days		No families have needed emergency/B&B accommodation in quarter 1.
Total number of households living in a) emergency accommodation b) other temporary accommodation	a) 15 or fewer b) 50 or fewer	a) 15 b) 47	 	a) These households are living in bed and breakfast and self-contained accommodation across Lewes District (2),

KPI Description	2016-17 Target	Q1 Apr-June	Status	Explanatory Note
				Eastbourne, Hove and Horley (13). Performance has shown signs of improvement at the beginning of quarter 2. b) All households are in Lewes District temporary accommodation (through the Private Sector Leasing Scheme).
Average number of days to re-let Council homes (excluding temporary lets)	25 days	21 days		Performance on re-lets has improved dramatically in recent months and now well within target.
The number of days taken to process new housing benefit/ Council tax benefit claims	20 days	18.9 days		Performance slipped slightly in April 2016 but is now being maintained well within target.
Overall tenants satisfaction	90%	88%		Although slightly below target, satisfaction with the Council's housing (landlord) services remains high.

CUSTOMERS - CLEAN AND GREEN DISTRICT

Portfolio: Councillor Paul Franklin (Waste and Recycling)

Portfolio Projects and Initiatives

Project / Initiative	Target Completion	Current Status	Update
Waste Strategy (Relocation and service improvement including associated publicity campaigns)	April 2018		Waste Strategy - Waste management consultants (Ricardo) have remodelled the data used to inform the previous report given important changes in the market for recyclables and other relevant factors. A headline report was considered by Scrutiny Committee in July and options for the delivery of the service are being evaluated. A formal options report is expected to be considered by Cabinet later in the year. Garden Waste – The garden waste service was rolled out to Newhaven and Denton and completed on time. There have been around 700 signups for the service to date. The remainder of the

Project / Initiative	Target Completion	Current Status	Update
			<p>service to the coastal strip is expected to be in place by the end of September 2016.</p> <p>New Depot Site – Planning permission for a new depot at Avis Way, Newhaven was granted in June 2016.</p>

Key Performance Indicators

KPI Description	2016-17 Target	Q1 Apr-June	Status	Explanatory Note
Percentage of household waste sent for reuse, recycling and composting	To be confirmed	27%		Performance for the first quarter of 2016/17 remains at similar levels to quarter 3 and 4 of last year. Targets will be set once decisions on the future of the waste collection/recycling service have been taken later in the year.

PLACE - DELIVERING SUSTAINABLE NEW HOUSING AND INFRASTRUCTURE

Portfolio: Councillor Tom Jones (Planning)

Portfolio Projects and Initiatives

Project / Initiative	Target Completion	Current Status	Update
The Local Plan (Part 2)	March 2018		Work on the Local Plan (Part 2) is progressing to Pre-submission stage but running slightly behind schedule. The public consultation is not due to start until April/May 2017.
Neighbourhood Plans	February 2020		The referendum for the Hamsey Neighbourhood Plan took place on the 2nd June and was subsequently adopted at Full Council on 21 st July 2016. The examination for the Wivelsfield Neighbourhood Plan took place during April and May 2016.
Newhaven Port Access Road (ESCC Project)	July 2016		This project is being overseen by East Sussex County Council who has been working on finalising the business case with the Department for Transport (DfT). This has taken longer than anticipated but good progress is now being made with the DfT. A formal start date for the on-site works is yet to be agreed.
Upper Ouse Flood Protection and Water Prevention Project	March 2019		Funding has been allocated for a 3 year programme of flood protection work across the District. A project initiation meeting has taken place. Next steps involve an options appraisal for specific priority sites along with associated engagement with relevant stakeholders.

Key Performance Indicators

KPI Description	2016-17 Target	Q1 Apr-June	Status	Explanatory Note
Percentage of major planning applications determined within 13 weeks (LDC only)	80%	100%		There were 3 major planning applications submitted during the first quarter compared to 8 during the same period last year.
Percentage of minor planning applications determined within 8 weeks (LDC/SDNP combined)	75%	66%		There were 45 minor planning applications submitted in quarter 1 compared to 53 during the

KPI Description	2016-17 Target	Q1 Apr-June	Status	Explanatory Note
				same period last year. Validation of these applications took longer than usual during April as there was only one person who was able to validate cases due to a staffing vacancy. Since then the vacancy has been filled and another staff member has been trained to validate. As a result performance picked up in May and June and is expected to be within target in quarter 2.
Performance Improvement Plan	No further action required at this stage as performance improvement is expected to be seen in quarter 2.			
Percentage of all planning appeals allowed (officer/committee decisions)	Less than 33%	40%		There were 10 planning appeals during Q1. 4 of these were allowed by the Planning Inspector. 8 appeals related to Lewes District Council planning decisions and 2 were in respect of decisions made on behalf of the National Park Authority.
Performance Improvement Plan	The number of planning applications allowed on appeal continues to be closely monitored and officers continue to provide training and briefings to councillors to increase understanding and awareness of planning policy, guidance and previous appeal decisions to support the Planning Committee.			
Number of major applications for new housing granted planning permission following appeal (LDC Only)	0	1		The appeal related to 31 dwellings at Springfield Industrial Estate, Wivelsfield.
Percentage of major planning applications allowed on appeal (as a percentage of all major applications made to LDC)	Less than 10%	50%		This measure includes all major applications, residential and commercial. There were 2 major applications subject to appeals during Q1. 1 of these was allowed by the Planning Inspector.
Performance Improvement Plan	The number of major applications allowed on appeal is low but continues to be closely monitored in light of Government expectations and guidance on this issue. Officers continue to provide training and briefings to councillors to increase understanding and awareness of planning policy, guidance and previous appeal decisions to support the Planning Committee.			
Outcome of planning appeals (Costs awarded (£))	Data Only	0		No costs were awarded during the first quarter of the year.

KPI Description	2016-17	Q1	Status	Explanatory Note
	Target	Apr-June		
Number of appeals where the Inspector has considered that there has been unreasonable behaviour by the Local Planning Authority	0	0		

VALUE FOR MONEY

Portfolio: Councillor Elayne Merry (People and Performance)

Portfolio Projects and Initiatives

Project / Initiative	Target Completion	Current Status	Update
Joint Transformation Programme (JTP) (Implementation)	May 2020		The JTP is a major organisational change programme involving the bringing together of staff, systems and services between Lewes and Eastbourne councils. It involves several workstreams covering areas such as technology, communications and customer service. Following Cabinet and Council decisions in June/July 2016, a new Corporate Management Team has been appointed and Programme Team roles identified and filled. This Team will be involved in detailed programme planning, project initiation and implementation. A more detailed report on JTP will be included in the quarter 2 update.
Dementia Friends a) Staff and Councillors b) 3VA Partnership	March 2018		a) A series of Information Sessions have taken place for staff and councillors with around 50 participants to date. Further training will be arranged in the Autumn. Dementia Champions continue to be encouraged via internal communications and opportunities to arrange joint training sessions involving partner organisations are being investigated. b) 3VA has been funded to work with the Council to assist with supporting Dementia Action Groups in the District. A high level delivery plan is being monitored. Activities for Dementia Awareness Week (May 2016) took place in conjunction with the Haven's Dementia Action Group.

Key Performance Indicators

KPI Description	2016-17 Target	Q1 Apr-June	Status	Explanatory Note
Average working days lost to sickness per FTE equivalent staff	9.0 days	3.0 days		Performance is off track at the end of quarter 1, currently showing 3.0 days sickness per full-time

KPI Description	2016-17 Target	Q1	Status	Explanatory Note
		Apr-June		
				equivalent staff. However, this is a slight improvement compared to the second half of 2015/16.
Performance Improvement Plan				The Council has a sickness absence management policy and procedure and there continues to be a strong management focus on this area of performance, both in respect of long and short-term sickness. This is designed to ensure all possible options and action is being taken to support staff to return to work. Early indications are that this is beginning to have some positive impacts. A revised policy and procedure aimed at offering clearer guidance to both staff and managers has been discussed with union representatives was considered by the Employment Committee on 12th September 2016. Measures to further support staff wellbeing are also being considered.
Number of relevant staff/councillors receiving dementia awareness training	Data Only	7		A series of training sessions took place in April/May 2016. Further staff and councillor training will be arranged in the Autumn.

CUSTOMERS – IMPROVED CUSTOMER SERVICE

Portfolio: Councillor Tony Nicholson (Customers and Partners)

Portfolio Projects and Initiatives

Project / Initiative	Target Completion	Current Status	Update
Devolution of Open Spaces	March 2017		The transfer of the play area at The Malthouse to Hamsey Parish Council was completed in June 2016. Following the meeting of Devolution Committee in June, Newhaven Town Council have accepted the principles outlined and have agreed to recommend work to ensure that the areas listed for devolution will be transferred at the earliest opportunity. Work will begin in the early autumn with both Peacehaven and Telscombe Town Councils to start the devolution process.

Key Performance Indicators

KPI Description	2016-17 Target	Q1 Apr-June	Status	Explanatory Note
Average time taken to answer telephone calls	Less than 30 seconds	13 seconds		Speed of call answering via the Customer Hub continues to improve.
Proportion of complaints responded to within target (currently 2 working days)	99%	97%		Although slightly below target, performance in responding to operational/service level complaints within 2 working days remains high.
Number of new sign-ups to the Council's social media channels	Data Only	231		This is being monitored in 2016/17 to track growth in social media for the purposes of improved communications and responsive customer service.
Number of people registering for our email service	1,500	766		There has been good take up of the email service and performance is above target at the end of quarter 1. The email alert service was publicised in the summer edition of District News and is being encouraged through online forms on the Council's website.

KPI Description	2016-17 Target	Q1 Apr-June	Status	Explanatory Note
Wave Leisure: Visitors to leisure centres	945,000 (Revised)	234,787		The original target (1.06 million) was based on early draft data provided by Wave Leisure which has since been reviewed and revised. Performance for quarter 1 is down slightly on expected visitor numbers for the period.

Agenda Item No: 9.3 **Report No:** 118/16
Report Title: Waste and Recycling Service Review
Report To: Cabinet **Date:** 28 September 2016
Cabinet Member: Councillor Paul Franklin, Cabinet Member for Waste and Recycling
Ward(s) Affected: All
Report By: Ian Fitzpatrick, Director of Service Delivery

Contact Officer(s)-

Name(s): Jane Goodall
Post Title(s): Strategic Project Manager
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Tel No(s): 01273 471600 x6188

Purpose of Report:

Lewes District Council (LDC) aims to establish a simple, sustainable and cost effective waste and recycling service which provides the best fit for local residents. To this end the waste consultancy company, Ricardo, was re-engaged to update and model a suite of options to inform the waste and recycling review, following last July's Cabinet report, number 86/15. Ricardo was asked to consider the relationship between recycling levels, ease of use, costs and meeting the requirements of the legislative framework. This report to Cabinet proposes a number of approaches to meeting strategic council objectives, taking account of the options appraisal provided.

Officers Recommendation(s):

- 1 That Cabinet authorises the Director of Service Delivery to undertake further due diligence tests against a focused band of options modelled, to test cost assumptions, projected recycling rates and operational impacts on the service, namely options 3, 6, 7 and 7a (see Appendix 1)
 1. Option 3 – Weekly fully commingled recycling, fortnightly residual waste, weekly food waste
 2. Option 6 – Fortnightly fully commingled recycling, weekly residual waste, no food waste
 3. Option 7 – Fully commingled recycling, alternate weekly collection, weekly food waste
 4. Option 7a – Comingled recycling with glass separate, alternate weekly collection, weekly food waste

The four options cover a range of collection and disposal methods, allowing a full assessment for consideration against the current method, all four being TEEP compliant (see 'Legal Implications', 8.2).

- 2** That Cabinet authorises the Director of Service Delivery to explore and implement changes to the current service in parallel to the tests conducted in 1 above, particularly in garden and food waste collection services
 - 3** That Cabinet approves the release of £10,000 for additional consultancy services through iESE to provide independent critical guidance to the next phase of the review
 - 4** That Cabinet requires the Director of Service Delivery to present proposals for achieving waste and recycling service objectives to Cabinet for decision in quarter 4, 2016/17
-

Reasons for Recommendations

- 1** The objectives of the waste and recycling service review are to:
 - Improve recycling rates significantly
 - Simplify the collection system
 - Enhance service cost effectiveness
- 2** Ricardo plc was invited to model nine possible collection methods and this has provided a substantial amount of information.
- 3** Presenting these models to Scrutiny in July 2016 led to a range of comments regarding how collection methods would fit across the Lewes district to ensure full resident engagement and satisfaction with the service (see Scrutiny section and Appendix 5).
- 4** Of the nine options modelled, Ricardo identified several as good performers in terms of value for money and 'ease of use' for residents. Of these, officers propose to test four options further (3, 6, 7 and 7a), in particular on cost assumptions, recycling performance and impacts on operational service delivery (for residents and for ease of delivery for the service). In addition, the current method of collection will be reviewed to assess current and potential performance to ensure an appropriate baseline.
- 5** Testing these assumptions further will give confidence in LDC establishing a waste and recycling service fit for the future. It may be the case that a hybrid solution, taking the best from the options modelled, is arrived at through this process.
- 6** The collection system selected will need to be fit for purpose for the 10 year period dictated by the dedicated vehicle lifespan.
- 7** Other considerations will include the possible supply and size of wheelie bins, where appropriate. A further significant consideration will be disposal arrangements.
- 8** It would be prudent for any new service design to be a viable option for both Lewes DC and other providers. It will need to be scalable as well as affordable, and a service which is easy to use by the customer and straightforward to implement and operate.

1 Information

- 1.1** The council undertook the initial review in 2014/15, seeking to provide a service that encourages recycling, is flexible and easy to understand for residents, within existing budgets, as well as enabling potential commercial opportunities.
- 1.2** The LDC recycling rate is within the lower quartile of local authorities in the country (at 27% for 2015/16). The collection system is complicated and is likely to be a barrier for the many people who are not committed recyclers.
- 1.3** In July 2015, Cabinet agreed to proceed to develop the service in accordance with the following definition:
 - Fortnightly refuse collection
 - Weekly recycling collection with glass and paper collected separately from cans, plastics and card
 - Weekly food waste
 - Fortnightly opt-in green waste collection
- 1.4** Since the July 2015 Cabinet report, based on the Ricardo options appraisal 2014/15, the market for recycling materials has dropped significantly, affecting the viability of the collection service selected last summer (see Financial Appraisal).
- 1.5** The markets for recyclate have been uncertain for several years, with low prices, market crashes and corresponding impacts on revenues. As these fluctuations can have a significant impact on revenue, it is necessary to take market uncertainty into account when developing a long-term waste and recycling strategy. Given the changes in the market, officers were asked to pause the implementation of the July 2015 Cabinet decision.
- 1.6** This led to a review of the service, in the interests of securing the best fit for Lewes district.

2 Current Service

Garden waste service

- 2.1** Over the last year, LDC has offered the new garden waste service to over half of all households in the district, successfully rolling it out along the coastal strip to residents in Seaford, Bishopstone, Saltdean, Peacehaven and Newhaven with nearly 700 households signing up by August 2016. The charge is £70 for fortnightly collections through 10 months of the year.
- 2.2** Experience of other Local Authorities (LAs) is that garden waste contributes significantly to recycling performance. For example, West

Sussex County Council (WSCC) attributes 16% of its total 41.6% recycling performance to the range of garden waste collection services offered by districts and boroughs within its boundary.

- 2.3 Given the uplift in recycling performance that can be achieved through wide participation in a garden waste scheme, current plans to make the service available to all households in the LDC area by May 2019 will likely be expedited, subject to approval.
- 2.4 There are a range of models and scale of charging varies from free to part-subsidised to fully charged for. This is a price sensitive service, in that yield relates to price. There is scope to explore this further, as recommended by officers.

Food waste collection

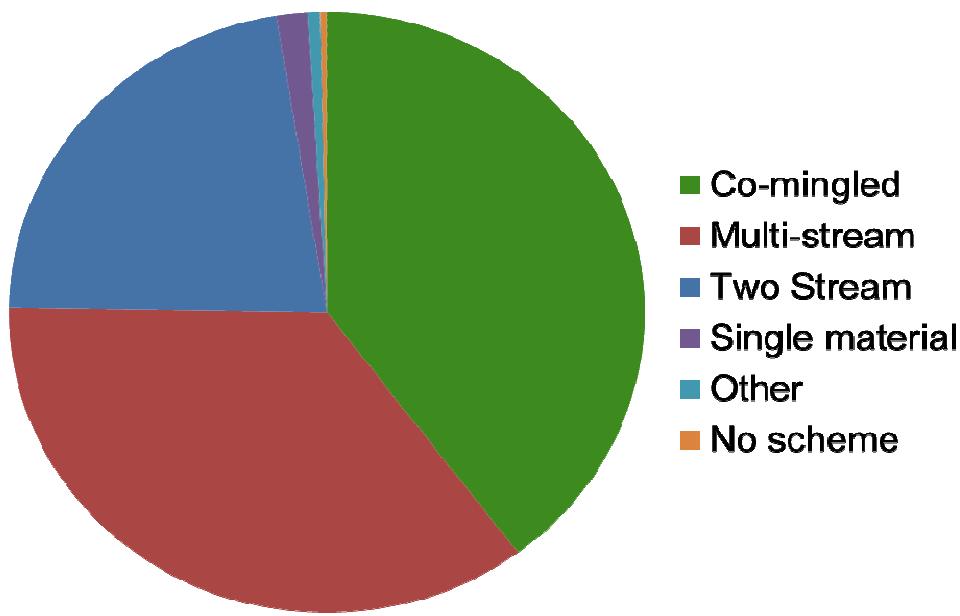
- 2.5 When the food waste collection service was introduced in June 2013, the rate of participation resulted in 120.6 tonnes of food being collected per month, on average, in the first six months.
- 2.6 There was a significant drop off from six months after roll out (i.e. when the initial supply of bags ran out). Food waste performance has fallen to an average of 73.5 tonnes per month, which is 4.47% of recycling collected.
- 2.7 WSCC conducted a waste composition study for a 4 week period in September 2015 which evidenced that 26% of the household bin is made up of food waste. By implication, this would suggest that there is more we could do to improve the tonnage of food we recycle here in Lewes district.
- 2.8 Officers recommend a promotion of this aspect of the service, including distributing compostable bags and running an engagement campaign. The cost of a year's supply of compostable bags is approx. £60K. It will be necessary to measure the effectiveness of action taken to inform future choices.
- 2.9 Other LAs are turning to food waste collection for the marginal improvement it brings to recycling performance and, importantly, the reduction in residual waste tonnage going to landfill or incineration.
- 2.10 **Recommendation:** That Cabinet authorises the Director of Service Delivery to explore and implement changes to the current service, as above, subject to business case where appropriate

3 The National Picture

- 3.1 In the short to medium term the focus in the sector is on 50% recycling by 2020 with LAs taking a range of approaches (see below and table 1).

- 3.2** Over the longer term, there is likely to be a shift in regulatory emphasis from quantity to quality of materials (see Market Intelligence, below) in a time of resource depletion
- 3.3** In England and Wales:
- 274 councils provide co-mingled collections
 - 102 councils provide a form of kerbside-sort
 - 69% are collecting some form of mixed materials
 - 20 of top 30 recyclers co-mingle
 - 7% increase in co-mingled collection for recycling in 2013 (England), a continuing trend
- 3.4** Table 1 UK recycling collection schemes

UK Recycling Collection Schemes



4 Summary Options Appraisal

- 4.1** The nine options modelled by Ricardo are shown at Appendix 1. Note, 'AWC' refers to alternate weekly collections, that is, one week refuse, the next recycling.
- 4.2** Some options include a food waste collection service and in coming to a decision, consideration will be given to the best fit for Lewes district.
- 4.3** The table at Appendix 2 shows options rated for projected dry recycling rate (i.e., without the impact of food waste) against the

number of containers required. While this slide is useful to understand the relationship between modelled options in terms of the number of containers or bins and the dry recycling yield, the wider picture includes variables such as the need for local processing of the recyclate. Work is underway to assess the implications of these related issues.

- 4.4 At Appendix 3, the options appraisal based on modelling outputs sets out some of these variables with a ‘traffic light system’ (red, amber, green) to indicate the relative merits of each option.
- 4.5 The graph at Appendix 4 shows high level indicative service costs against projected recycling performance, including current costs of service. This data is currently being validated internally to ensure accuracy.
- 4.6 According to Ricardo modelling:
 - Option 3 is the top performer in terms of recycling and scores well on ‘ease of use’ although relatively high cost, ranked at 6th of the 9
 - Option 6 is third lowest cost and scores well on ‘ease of use’ although recycling performance is lower than other options;
 - Option 7 is fourth lowest cost, scores well on ‘ease of use’ and is the 2nd best performer in terms of recycling;
 - Option 7a is fifth lowest cost, slightly lower on the ‘ease of use’ score and performs well in terms of recycling.
- 4.7 By focusing on these four options, a number of factors can be fully explored and assessed over the coming weeks, such as the disposal of materials and an in-depth analysis of related costs. Different options require different vehicles, collection systems and sorting facilities.

Recommendation: That Cabinet authorises the Director of Service Delivery to undertake further due diligence tests on cost assumptions, recycling rates and operational impacts for options 3, 6, 7 and 7a

- Option 3 – Weekly fully commingled recycling, fortnightly residual waste, weekly food waste
- Option 6 – Fortnightly fully commingled, weekly residual waste, no food waste
- Option 7 – Fully commingled, alternate weekly collection, weekly food waste
- Option 7a – Comingled with glass separate, alternate weekly collection, weekly food waste

5 Scrutiny Committee, 1 July 2016

- 5.1** A number of points were raised by Scrutiny Committee on 1 July 2016, in relation to report 89/16 on the waste and recycling review and the Ricardo options appraisal, and a summary is included at Appendix 5.
- 5.2** Please note, the data referred to in this report and appendices is from the latest version of the Ricardo analysis, received 5 July 2016, and differs slightly from that presented to Scrutiny in its recycling projections.
- 5.3** The request for an independent assessment of proposals led in part to the request for funds for additional consultancy services from iESE
- 5.4** There were concerns about one model of service being applied across Lewes district and the variations in property type and location not being taken into account. These are routine operational matters (whereby for example, smaller vehicles are used for narrow access areas) and these factors come into play whichever strategic direction is chosen for the service as a whole.
- 5.5** Scrutiny agreed that best practice at other authorities should be considered. Best practice is reflected in the section of this report The National Picture (e.g. 20 of the top 30 recyclers co-mingle). Officers have been working with and learning from neighbouring authorities performing well in terms of efficient and effective waste and recycling services.

6 Market intelligence

- 6.1** Waste sector market trends indicate the market will increasingly be about materials:
- Ownership of materials along the value chain – strategic collection contracts to feed treatment and reprocessing facilities
 - Type of materials - mixed plastics and food waste in the short term and Waste Electronic and Electrical Equipment (WEEE) to extract critical raw materials in the longer term
 - Composition will change dramatically with paper reducing and cardboard increasing due to reduced newsprint uptake and increased internet shopping
 - Plastics (petroleum based) are likely to reduce in the longer term although this trend is closely linked to oil prices and an increase in plant-derived cellulose packaging
 - Infrastructure – development will focus on treatment and reprocessing
 - MRFs and ‘mini MRFs’ – will need to be technically advanced in order to sort to high quality standards

- Waste transfer and bulking sites – will be important as material volumes and segregation increases
- Reprocessing for plastics and for food waste – added value products and energy

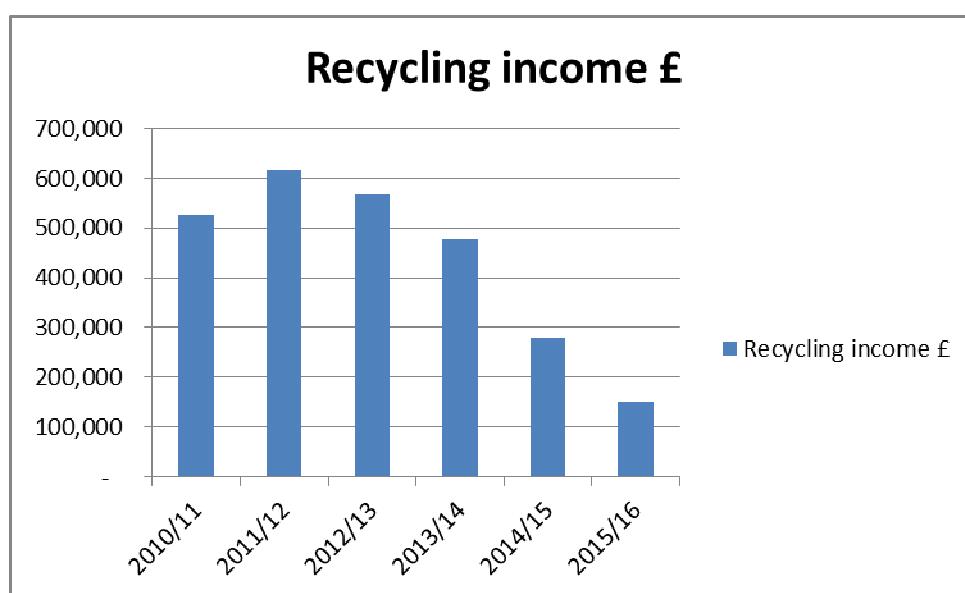
7 Financial Appraisal

- 7.1** Cabinet is invited to approve the release of £10,000 for additional consultancy services through iESE to provide independent critical guidance to the next phase of the review
- 7.2** With the exception above, there are no financial implications arising directly from this report.
- 7.3** The following table and graph show the change in income received by LDC for recyclable materials over the last five years including glass, paper, cardboard and aluminium. Changes in recycling income reflect the wider economy and price of raw materials and in future years could go up or down.

Table 2 Recycling income over the last 5 years

2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016
£525,877	£616,181	£568,768	£478,438	£278,994	£159,000

Graph 1 Recycling income over the last 5 years



8 Legal Implications

- 8.1** There are no legal implications arising directly from this report.
- 8.2** Since 1 January 2015, by virtue of regulation 13 of the Waste (England and Wales) Regulations 2011, the council – as a waste

collection authority – has been legally obliged to collect four types of recyclable waste materials (namely paper, plastic, metal, and glass) separately where separate collection is both:

- Necessary, to produce high quality recyclates (the ‘necessity’ test)
- Technically, environmentally and economically practicable (TEEP, the ‘practicability’ test)

- 8.3** As the enforcement body for compliance with waste regulations, the Environment Agency has stated that where a council considers that co-mingling of certain materials is permissible, the Agency will expect to see that the council has reviewed the necessity and practicability of separate collection based on evidence and can present a clear audit trail of their decisions.
- 8.4** In essence, as the necessity test has embedded within it provisions regarding human health and environmental protection, there is a presumption that separate collection is required only if the effort and impact of doing so would be proportionate to the gain.
- 8.5** This is subject to further assessment by Ricardo, and a full TEEP report will be produced on the option chosen by Lewes District Council.

9 Sustainability Implications

- 9.1** There are no sustainability implications arising directly from this report. See section above regarding TEEP, which tests environmental practicability.

10 Risk Management Implications

- 10.1** There are no risk management implications arising directly from this report.

11 Equality Screening

- 11.1** There are no equalities implications arising directly from this report. An equalities appraisal will be appended to any future Cabinet report recommending a particular service option.
- 11.2** The council currently operates an assisted collections service for households in the district. This service is provided for residents who are unable to take their refuse or recycling container to the kerb. Assisted collections will continue as part of any service development, therefore the recommendations of this report will not have an impact on the council’s commitment to provide equal access to our services.

12 Background Papers

- 12.1** None

13 Appendices

Appendix 1: The nine options modelled by Ricardo

Appendix 2: Options rated for projected dry recycling rate change based on residual waste capacity and the complexity of the collection system

Appendix 3: Red/amber/green options appraisal based on modelling outputs

Appendix 4: Total service cost and recycling rate

Appendix 5: Summary of points agreed at Scrutiny Committee, 1 July 2016

Appendix 1: Nine options were modelled using Ricardo Energy & Environment's in-house collections model



- Option 0 – Baseline service in April 2016
- Option 1 - Weekly Two-stream (glass out) fortnightly residual
- Option 2 - Weekly Three-stream (glass and paper out) fortnightly residual
- Option 3 - Weekly commingled fortnightly residual waste
- Option 4 - Fortnightly two-stream (glass out) weekly residual, no food waste
- Option 5 - Fortnightly three-stream (glass and paper out) weekly residual, no food waste
- Option 6 - Fortnightly fully commingled weekly residual waste, no food waste
- Option 7 - Fully commingled AWC
- Option 7a - Fully commingled AWC, glass out
- Option 8 - Fully commingled AWC, no food waste

Appendix 2: Options were rated for projected dry recycling rate change based on residual waste capacity and the complexity of the collection system



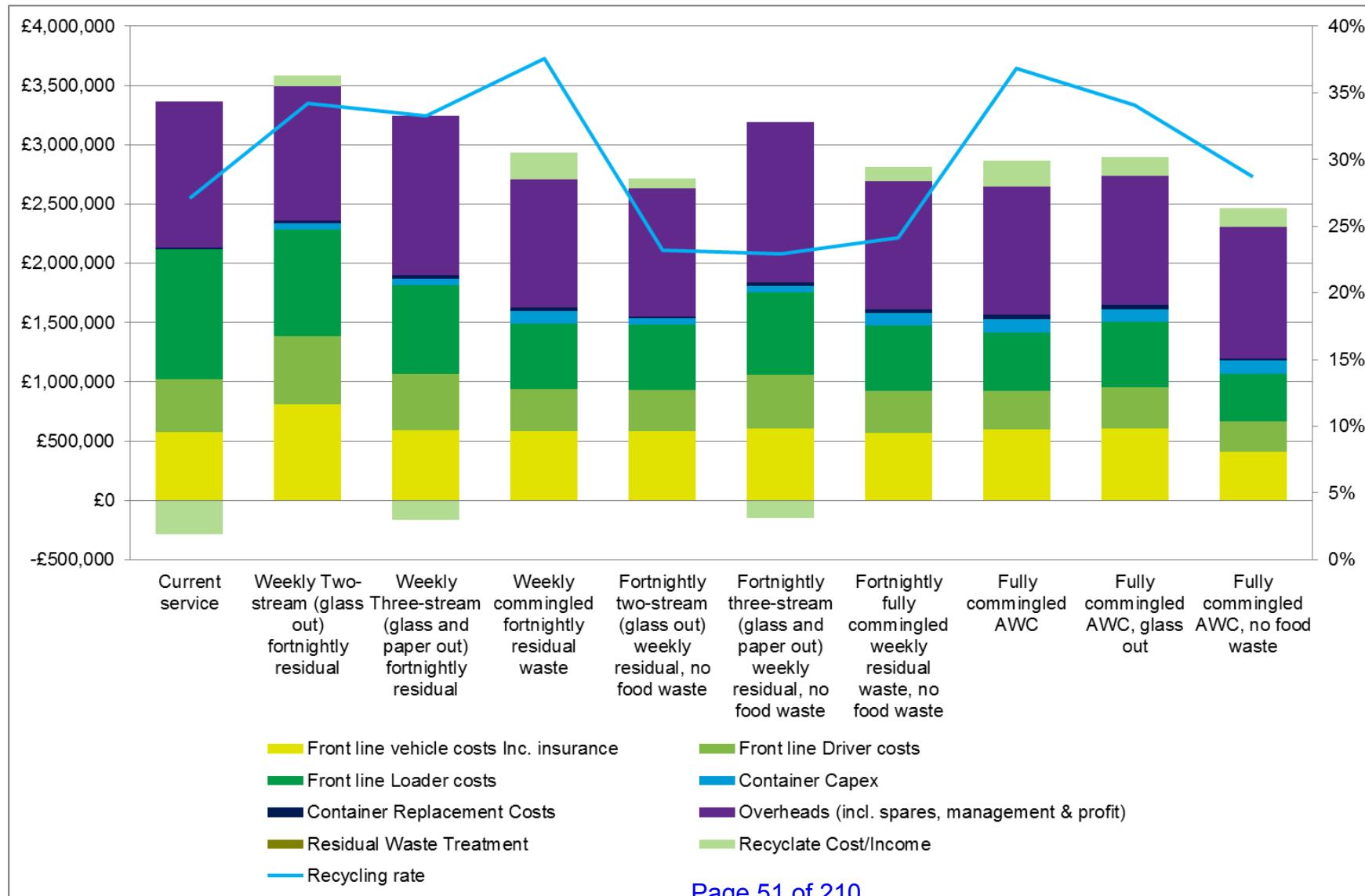
Option	Option description	Weekly available capacity	Number of dry recycling containers	Total containers including residual and food	Rating for projected dry recyclate yield	Justification
Opt 0	Current service	Sacks	4	6	N/A	Baseline performance
Opt 1	Weekly Two-stream (glass out) fortnightly residual	120l	2	4	Large increase	Option 1 would constrain weekly available residual waste capacity to 120l (240l wheelie bin collected fortnightly) and would reduce the number of dry recycling containers from 4 to 2.
Opt 2	Weekly Three-stream (glass and paper out) fortnightly residual	120l	3	5	Moderate increase	Option 2 would constrain weekly available residual waste capacity to 120l (240l wheelie bin collected fortnightly) and would reduce the number of dry recycling containers from 4 to 3.
Opt 3	Weekly commingled fortnightly residual waste	120l	1	3	Largest increase	Option 3 would constrain weekly available residual waste capacity to 120l (240l wheelie bin collected fortnightly) and would reduce the number of dry recycling containers from 4 to 1.
Opt 4	Fortnightly two-stream (glass out) weekly residual, no food waste	240l	2	3	Small increase	Option 4 would constrain weekly available residual waste capacity to 240l (240l wheelie bin collected weekly) and would reduce the number of dry recycling containers from 4 to 2.
Opt 5	Fortnightly three-stream (glass and paper out) weekly residual, no food waste	240l	3	4	Smallest increase	Option 5 would constrain weekly available residual waste capacity to 240l (240l wheelie bin collected weekly) and would reduce the number of dry recycling containers from 4 to 3.
Opt 6	Fortnightly fully commingled weekly residual waste, no food waste	240l	1	2	Moderate increase	Option 6 would constrain weekly available residual waste capacity to 240l (240l wheelie bin collected weekly) and would reduce the number of dry recycling containers from 4 to 1.
Opt 7	Fully commingled AWC	120l	1	3	Very large increase	Option 7 would constrain weekly available residual waste capacity to 120l (240l wheelie bin collected fortnightly) and would reduce the number of dry recycling containers from 4 to 1.
Opt 7a	Fully commingled AWC, glass out	120l	2	4	Large increase	Option 7a would constrain weekly available residual waste capacity to 120l (240l wheelie bin collected fortnightly) and would reduce the number of dry recycling containers from 4 to 2.
						Option 8 would constrain weekly available residual waste capacity to 120l (240l wheelie bin collected weekly) and would reduce the number of dry recycling containers from 4 to 1.

Appendix 3: Red/Amber/Green options appraisal based on modelling outputs



		Current service	Weekly Two-stream (glass out) fortnightly residual	Weekly Three-stream (glass and paper out) fortnightly residual	Weekly commingled fortnightly residual waste	Fortnightly two-stream (glass out) weekly residual, no food waste	Fortnightly three-stream (glass and paper out) weekly residual, no food waste	Fortnightly fully commingled weekly residual waste, no food waste	Fully commingled AWC	Fully commingled AWC, glass out	Fully commingled AWC, no food waste
		Opt 0	Opt 1	Opt 2	Opt 3	Opt 4	Opt 5	Opt 6	Opt 7	Opt 7a	Opt 8
Ease of Use for resident											
Cost (numbers show Rank)		9	10	8	6	2	7	3	4	5	1
Modelled Potential Recycling Performance		27%	34%	33%	38%	23%	23%	24%	37%	34%	29%
Quality of Materials											
Ease of delivery for Council	Vehicles										
	MRF	Need mini-MRF	Need a MRF for paper, card, cans & plastic, bulking for glass	Need mini-MRF to sep plastic & cans	Need MRF which takes fully co-mingled	Need a MRF for paper, card, cans & plastic, bulking for glass	Need mini-MRF to sep plastic & cans	Need MRF which takes fully co-mingled	Need MRF which takes fully co-mingled	Need a MRF for paper, card, cans & plastic, bulking for glass	Need MRF which takes fully co-mingled
TEEP (considers dry recyclate)	Technical Practicability										
	Environmental Practicability (dry recycling rate)	18%	25%	24%	29%	22%	21%	23%	28%	25%	28%
	Economic Practicability (change in overall service cost)	0	16%	0%	5%	-12%	-1%	-9%	-7%	-6%	-20%

Appendix 4: Total service cost and recycling rate



Appendix 5

Scrutiny Committee 1 July 2016

In summary the Committee agreed the following points:

- It was understood that due diligence had yet to be applied, and this should be completed before decisions were made. The Committee asked that a viability assessment should be undertaken but a third party other than LDC or its consultant). An independent assessment of what was being proposed appeared essential.
- There was doubt about whether one model should be applied across the LDC area. The Committee felt that local application of different models should be considered for different locations, type of property, ease of use by residents, vehicle access etc.
- The Committee was unclear as to what had been measured to establish customer satisfaction, and wanted to see something more thorough carried out before it was used in any analysis.
- Examples of best practice at other authorities should be considered.
- Income generated from recyclate – this should be factored into any preferred options. It was pointed out that once LDC departed from kerbside separation it would be difficult to return to it, yet kerbside separation gave rise to the best prices for recyclate. Any return to normal oil prices would mean recyclate would regain in value.
- The Committee stressed that the environmental benefit needed to have a strong weighting alongside financial considerations. In addition, the Committee felt that the issue and definition of economic practicability was unclear in the documentation and needed to be clarified.
- The resident's appetite for fortnightly collections would need to be gauged.

The Committee wished to thank the staff included within the current review, they appreciated the affect this may have on staff with regard to the changes to working practices that may be made and reassured those staff that the Council was committed to supporting them throughout the process.

Resolved:

- 3.1** That Report No 89/16 be noted; and
- 3.2** That comments made by the Scrutiny Committee be reported to Cabinet prior to their consideration of the review options.

Agenda Item No: 9.4 **Report No:** 119/16

Report Title: **Report and Recommendations
of New Homes Project Working Group**

Report To: Cabinet **Date:** 28 September 2016

Cabinet Member: Councillor Andy Smith

Ward(s) Affected: All

Report By: Robert Cottrill, Chief Executive

Contact Officer(s)-

Name(s): Oliver Dixon
Post Title(s): Lawyer
E-mail(s): oliver.dixon@lewes.gov.uk
Tel No(s): (01273) 471600

Purpose of Report:

To inform Cabinet of the findings and recommendations of the New Homes Project Working Group, presented here alongside the review carried out by the Council's external auditor into the New Homes Project Governance Arrangements.

Officers Recommendation(s):

- 1 To note the findings and recommendations of the New Homes Project Working Group, set out in Schedule 1.
 - 2 To note at Schedule 2 the findings and recommendations of the review by BDO, the council's external auditor, into the New Homes Project governance arrangements; and to note the Council's management response to this review.
 - 3 To require the Chief Executive to produce a management action plan in response to the Working Group's recommendations, addressing together the points raised both by the Working Group and BDO's review.
 - 4 To require the Chief Executive to submit the composite action plan referred to in Recommendation 3 above to Cabinet for approval.
-

Reasons for Recommendations

1

- 1.1 At its meeting on 15 December 2015, full Council approved the formation of a cross-party Working Group to review certain aspects of the New Homes Project. Once formed in January 2016, the Working Group met seven times to review the Project, consider lessons learned and formulate recommendations applicable to future Council strategic projects.
- 1.2 The Working Group's recommendations are now complete, and presented here for Cabinet consideration.
- 1.3 Separately, the Council's auditors have conducted a review of the New Homes Project governance arrangements as part of their audit of the Council's use of resources for year ending March 2016.
- 1.4 Since the findings and recommendations of both the Working Group and BDO are broadly consistent, it is appropriate that Cabinet consider them together and request that a management action plan is produced, addressing the points from both sources.

Information

2

- 2.1 The Working Group consisted of 6 elected Members, between them representing all political Groups on the Council, and an independent chair appointed by them. The Chair was neither an officer nor Member of the Council.
- 2.2 The Working Group's full report is out in Schedule 1, within which –
 - (i) Appendix 1 provides its membership and terms of reference;
 - (ii) Appendix 2 lists the witnesses who gave evidence; and
 - (iii) Appendix 3 is the complete set of recommendations.
- 2.3 The external auditor's report (including the management response to it) is set out in full at Schedule 2.
- 2.4 The auditor's report and management response is to be considered by the Council's Audit & Standards Committee on 26 September 2016, as part of that Committee's remit in providing independent scrutiny of the Council's financial performance to the extent that it affects the Council's exposure to risk. A minute of that business item will be made available to Cabinet in time for its meeting on 28 September 2016.

Financial Appraisal

3 There are no financial implications arising directly from this report.

Legal Implications

4 The Working Group was established as an advisory body. As such, it has no decision-making powers of its own but is able to make recommendations to any Council body. Given the strategic nature of the project and Cabinet's prior involvement, the appropriate body to consider the Working Group's recommendations is Cabinet itself.

Background Papers

4 Report no. 30/16 to Cabinet of 17 February 2016

Schedules

6 Schedule 1: Working Group report and recommendations

Schedule 2: External auditor's report on New Homes Project governance arrangements

LEWES DISTRICT COUNCIL
NEW HOMES WORKING GROUP (NHWG) – REPORT TO CABINET
SEPTEMBER 2016

Content

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- 1.1 Establishment of the Working Group**
- 1.2 Modus operandi**

2. Emerging themes

- 2.1 Project size and complexity**
- 2.2 Sites and planning matters**
- 2.3 Consultation and keeping people informed**
 - 2.3.1 Public and other interested parties**
 - 2.3.2 Members**
- 2.4 Procurement**
- 2.5 Governance and management**

3. Moving forward

4. Recommendations

Appendices:

- Appendix 1 – Working Group membership and terms of reference**
- Appendix 2 – Witnesses who gave evidence**
- Appendix 3 – List of recommendations**

Preamble

This report represents the unanimous views of the Working Group (WG) and is endorsed by all of the WG's members.

1. Introduction

1.1. Establishment of the WG

At the Council meeting on 9th December 2015, during discussion of a response to a petition on new homes (agenda item 9), Councillor Enever moved, and Councillor Murray seconded, an amendment to a petition that the following text be included as an additional recommendation to those contained in the report (178/15): "That this Council form an all-party Working Party to look into the way that negotiations were conducted with regard to the conditional contract and profit share agreement involving Lewes District Council, Karis Developments Limited, Southern Housing Group Limited and Karis Southern Housing Projects Limited; and further that this Working Party oversee future decisions made under these agreements and report periodically to Members." The amendment was carried.

The Group Leaders proposed that the WG be chaired by someone independent from the Council, to assist in providing an external perspective. The Chair's independence would also help to ensure that WG proceedings and outputs were non-political. Vic Kempner, previously appointed as one of the Council's statutory Independent Persons for the standards regime required by the Localism Act 2011, was proposed for this role.

On 17 December 2015 the Council's political Group Leaders met to discuss the membership and terms of reference of the WG. Reflecting the need for cross-party representation, they agreed the Group should consist of two members of the Conservative Group, two members of the Liberal Democrat Group, one member of the Green Group, and one member of the Independent Group. The Group Leaders agreed draft terms for consideration by the WG.

At the WG's inaugural meeting on 25 January 2016, elected Members appointed Vic Kempner as Chair and agreed the WG terms of reference. For the membership and terms of reference, see Appendix 1.

The Group's overriding aims have been to identify aspects of the project that went well and those that might have been handled differently; and to identify lessons learned, which could be applied in the future.

1.2. Modus operandi

As a WG rather than a committee, meetings have not been open to the public which has allowed discussion with members and officers to be open and frank. This has assisted the WG in reporting back to Cabinet more meaningfully than might otherwise have been the case.

The Group met on 7 occasions between 25th January and 29th June 2016, questioning 13 witnesses, both councillors and officers, present and past; witnesses included two of the Council's serving statutory officers. Full names and roles of witnesses are set out at Appendix 2. There was no obligation on witnesses who no longer had direct association with LDC to attend, and the WG thanks them for appearing and answering our questions. Pleasingly, no witness invited to attend declined but the WG would have liked to have heard from Nilam Popat, who was the original programme director, as Corporate Head of

Communities and Enterprise. Attempts were made to contact her but she could not be located.

Questions to all witnesses were agreed by the WG and made available to witnesses around two weeks in advance of their attendance.

The WG also reviewed a substantial number of project-related documents dating from project inception in 2011. Since a number of these were and remain commercially sensitive, they were made available to members of the WG on a confidential basis.

The Chair attended a Cabinet informal drop-in session on 25th May 2016 to brief Members on the themes emerging from the Group's work.

2. Emerging themes

Five themes emerged as the WG's investigations progressed:-

1. project size and complexity,
2. sites and planning matters,
3. consultation and keeping members informed,
4. procurement,
5. governance and management.

The findings under each of these are detailed below.

2.1 Project size and complexity

The Project was undeniably large, ambitious and complex. The size, and whether it was *too* large, was mentioned to the WG by some, but not all, members and officers. It was probably one of the largest tackled by LDC but in moving it forward there was an awareness that experience (whilst not to be undersold) within the organisation and capacity to deliver the project would require supplementing. The development consortium (procured under EU public procurement rules) would bring a range of proven commercial expertise to the project, while external legal and property specialists would bring their specific expertise to help LDC in managing the procurement and contract management processes.

A major feature of the project was the involvement of an external development consortium. At project inception, this was seen as crucial in order to bring forward creative and innovative housing designs and planning proposals, so as to generate capital and income streams necessary to plug the significant gap left by the drop in Government revenue grant, and to help deliver the level of housing development required by the community.

None of the witnesses to the WG disagreed with the strategic rationale behind the project. Criticism was levelled, however, at certain aspects of project governance, and all attendees were keen that lessons be learned for the benefit of future projects.

Whilst there are plenty of examples across a range of sectors of large and complex projects (larger than this one) being delivered within budget and to time, when setting out on future large and potentially complex projects LDC should consider whether they should be split into phases (if that is feasible) rather than implemented as a whole. Working in phases may reduce the risks inherent in the project and increase the probability of achieving the benefits.

2.2 Sites and planning matters

The Council believed that working in partnership with a commercial development consortium was the best way to take forward the agreed regeneration strategy. This led to an underlying principle behind the procurement strategy for the New Homes Project that potential bidders should be given wide scope to come forward with innovative proposals. These would push the boundaries of planning considerations, leading to major benefits for the communities through housing developments (both private and, most importantly, affordable) through making maximum use of Council assets.

With the vision that developers would challenge the planning authority's views as set out in strategic and local plans, there was an inevitable difference of opinion as to what might be an achievable housing density on any given site. Whilst developers may wish to be unencumbered by a conventional wisdom and assume anything is possible, planners may have greater regard to environmental and infrastructure practicalities and other inherent site challenges, thus leading to a range of views on site capacity and development potential.

We heard doubts as to whether the anticipated levels of affordable housing were achievable and whether the assumption that all planning consents would be forthcoming was realistic.

Commenting in 2014 on the consortium partner's outline proposal, the Head of Strategic Policy had said: "If the acceptability of a site for solely market housing is dependent upon a site(s) elsewhere being delivered for affordable housing, this could result in one refused application undermining the potential approval of the other applications. Therefore, Karis need to set out what the contingency approach would be if such a scenario would happen (i.e. would the refusal of an application for a site in Phase 1B result in a site in Phase 1A being withdrawn, or incorporating an element of on-site affordable housing?)." No such contingency plan appeared to be forthcoming.

We also heard that technical officers were asked for opinions, having been given limited information about the project background and that limited attention seems to have been paid to their advice. In light of this, we need to ask four questions:

- (i) Were the project leaders over-optimistic? Our view is that while the project leaders were wise to press the limits and even exceed expectations in some areas, events have shown how difficult it was to reach the targets they set themselves. It appeared that at least for some aspects of this project, the project leaders were not initially aware of the areas in which they might experience greatest difficulty, because the scale of it was unfamiliar. They were thus unaware of the extent to which they might be being over-optimistic.
- (ii) Did the project leaders only want to hear particular messages, and was it the case that project leaders were given planning officer advice they did not take on board? We understood from the officers' brief that the project leaders were in this case acting more in the role of developer than any other role, and so a difference of opinion between planning officers and those involved in the project might be expected.
- (iii) What were the Council's options once the seriousness of the title problems at the two key sites became known? Further steps, albeit at additional expense and with no guarantee of success, may have been taken to try to resolve the covenant issues – as detailed in paragraph 13 of the report to Cabinet of 17 February 2016. However, there was no obligation on any party to do this; nor did any party press for this to happen. As paragraph 17 of that report makes clear, Southern Housing Group agreed that, in light of the significant difficulty over title,

the best course of action was to terminate the contractual arrangement between the council and its consortium partners, thus ending the project. As indicated in paragraph 18, Karis' preference was to proceed whilst dropping the key sites from the project, but this would have entailed a significant variation to the contract and would not have allowed the Council to receive the level of capital it expected, in order to invest in Council homes.

- (iv) Were the known key risks around covenants and other restrictions assessed adequately and early enough? The Council's legal team produced initial reports on title relating to some 40+ sites, and shared these with the consortium partners at an early stage. Detailed assessment of title was the responsibility of the Council and its partners together in the 5-month period following the execution of the contract. In the event, the Council sought specialist advice from counsel on legal title at two key sites.

The Assistant Director of Corporate Services suggested that all focus was on concluding the commercial deal and, in hindsight, it would have made sense for the project partners to undertake detailed covenant work on the two key sites at an earlier stage.

The lesson for future projects involving land development is that it may be prudent for the Council, not its partners, to be responsible for detailed reports on title and assessing the implications of issues arising, and for the project to make available sufficient additional resource for that to be done. Alternatively, there should be a very clear division of responsibilities between the project partners in relation to key tasks such as this.

The broader point to emerge from each of these points is that project leaders need to balance optimism with realism and assess attendant risk; this is one of their key roles.

2.3 Consultation and keeping people informed

Statute confers an express duty on public bodies to consult in certain circumstances, for example under planning law or if intending to dispose of open space land; and under common law an implied duty to consult can arise based on the previous conduct or assurances of the public body wishing to implement a project affecting any section of the public. An example of the latter is where a public authority has promised that it will engage in consultation before making a specific decision. Where an express or implied duty to consult does arise, the public body must carry out the consultation in a procedurally fair manner, which starts by consulting when proposals are at a formative stage.

One aspect of consultation the WG considered repeatedly was that of **timing**. If consultation is to have a genuine purpose, both the nature of the proposition on which views are being sought and the timing of it are vital. Members of the community wish to understand how a proposal will affect them as individuals and may be understandably suspicious if they are only told about a proposal in general terms or too late in the day to influence decisions. On the general principle of consultation, it was suggested to the WG that the formal planning process should be seen as the key stage for consultation. However, this assumes that site locations are agreed, and it is merely their number, size, context and design that are to be consulted upon. With this project, the actual selection of sites proved contentious, since many stakeholders (ward members and residents especially) felt they'd had no opportunity to comment on and influence the list before it was finalised.

There appeared to be a distinct lack of appreciation at the top whereby the Council had received petitions about some of the sites but the signing of the contract went ahead anyway. On the face of it, this represented a blatant disregard for the feelings of the residents and denied members the opportunity to discuss those feelings in a formal setting of the Council Chamber.

The argument put to the WG against involving ward members and the public in site selection was that doing so risked undermining negotiations between the Council and its development consortium aimed at achieving a commercially acceptable deal on all sides. Removing certain sites and adding others following public consultation may have rendered the project financially unviable. Also, had the initial list of sites been amended in this way, it would have been necessary to re-issue the formal notice (known as the OJEU Notice) advertising to the European Union the intention to procure a development partner. This, it was said, might deter prospective partners from coming forward due to lack of certainty and direction over the site list. In other words, changing the project scope just to suit as many interests as possible would make it difficult for any bidder to develop and finalise proposals in response to the contract opportunity, to the point where they may be obliged to withdraw.

On the evidence heard, the WG are strongly of the view that Members and affected residents were denied the opportunity to comment on the initial site proposals; and this lack of democracy was a significant cause of the disaffection that arose towards the project from 2015 to its demise.

2.3.1 Public and other interested parties

Treating significant parts of the project detail as commercially sensitive created dilemmas and tensions for Members who had certain knowledge which they could not use when discussing the project with their constituents as part of their normal ward business.

The issuing of pink papers on aspects of the project severely limited discussion and the dissemination of information. In this project the sites list became public knowledge with the issue of the tender documents only a few months after the pink paper was issued. Yet councillors continued to be constrained unnecessarily for a further 3 years. In fact the Chief Executive and Leader (at the time) seemed aggrieved that the list became partly public knowledge.

As a broader observation beyond our terms of reference, we recognise there will be times when material will of necessity have to be categorised in this way, but felt that on the wider grounds of democracy and inclusion, the threshold for making such decisions merits review and a more open position is recommended for future projects.

It was accepted by witnesses that the consultation process was challenging and could have been managed better, and that the right messages did not always get out to local people at the right time. Some WG members expressed the view that local knowledge of ward councillors was not used sufficiently, particularly where proposals were potentially more contentious, to assist an informed and constructive public consultation process. Some witnesses felt likewise, commenting that in hindsight, the local knowledge of residents and ward members should have been sought and listened to.

2.3.2 Keeping members informed

It is indisputable that member knowledge of the New Homes Project as it moved from the policy and strategy stages varied considerably. We have heard that officers did brief Group Leaders and other key members and that there was general presumption that Group Leaders would cascade briefings. It is not clear whether such cascading actually happened,

and where it did, whether it was satisfactory. Apart from all-member briefings (which themselves were few and infrequent), Members without the benefit of a Group structure appear to have received little information about the project, and felt disenfranchised as a result, as did some members of Groups.

This project was highly significant for LDC, being a fundamental element of the Council's regeneration strategy. As such, it may well have warranted formal and informal briefings of all councillors at key stages of progression. The WG are aware that on the North Street Quarter project a much more thorough and detailed briefing has occurred, and this is the standard to which we would wish all future projects to adhere.

In 2014 Cabinet resolved to delegate significant project decision-making powers to the Chief Executive. External legal advisers confirmed the delegation, and scope of it, was lawful, but with the Chief Executive now able to take most project decisions herself, there was limited reporting back to Cabinet or full Council. Powers delegated to the Chief Executive were to be exercised in consultation with the Leader and Leader of the Opposition. Whilst this consultation requirement was met, information about the project appears not to have reached other members on any structured or regular basis. In future we would advise a clearer definition of what was intended by 'consultation', as this has been interpreted differently by different people, from suggesting involvement in the decision making at one extreme, to merely being informed of what had already been decided at the other. Consultation purely as information sharing does not appear to have been a successful feature of the project. Indeed, the WG does not consider the mere sharing of information to represent a meaningful definition of "consultation".

The Council election in May 2015 impacted on council composition and leadership (see 2.5 below) and therefore on the body of knowledge of the project which members had. We suggest that the impact of these changes was much greater than may have been envisaged at the time and that inadequate factual and political briefings took place.

Of the six members of the Working Group, three were newly elected in May 2015 and three had already been on the Council prior to that. Collectively, therefore, the WG was able to take a balanced view about the impact of the May 2015 elections.

2.4 Procurement

LDC considered a number of options to achieve its defined ends and chose to form a contractual partnership. The WG is not clear how robust and rigorous the evaluation of alternative options was for achieving the desired objectives so is unable to comment on the applicability of the chosen approach. The chosen option may have been unnecessarily complex and unhelpful in seeking to implement Council strategy.

Bids to become the development partner were sought using the 'negotiated procedure'¹. The documentation we have seen and discussions we have had with officers has given the WG

¹ Under EU public procurement rules applicable at the time, the 'negotiated procedure' was a flexible procurement procedure under which a contracting authority such as the Council consults contractors or suppliers of its choice and negotiates the terms of the contract with them. It was one of four procedures through which a public body could award a contract valued above a certain threshold.

satisfactory assurance that processes and procedures leading to the selection of the development consortium accorded with legal requirements and standards of good governance.

From what we have heard and seen, there appear to have been times in the pre-contractual negotiations between LDC and the development partners when matters were handled with limited written confirmation of decisions. Looking to the future, it may be helpful to seek advice from auditors on ensuring satisfactory negotiation procedures.

If LDC chooses to work with a single development partner on a future project it might consider whether, to reduce the risk of failure, it should have a plan B in the event of plan A not proceeding.

2.5 Governance and management

The WG noted with concern that despite Cabinet agreeing on 30 May 2012 “to keep the Property Strategy under review with regular progress reports to Cabinet as individual projects are worked up in detail and implemented”, no reports of that nature were submitted to Cabinet until some 3 years later when the contract with the consortium partner was all but a done deal. A ‘Property Portfolio’ report was taken to Cabinet in September 2014 but this sought approval not for the sites selected for development but for the Chief Executive – in consultation with the Leader and Leader of the Opposition – to conclude negotiations with the consortium partner and award the contract.

Elections in May 2015 led to a change in composition of the Council, and later that year there was a change of Council Leader. Even though nearly two thirds of members of the largest groups were re-elected, we heard from a number of witnesses (both members and officers) of their clear perception that these changes did impact severely on the dynamics and ownership of the project. We also heard of a loss of member trust in the project in some quarters, although we are not able to comment on the extent of this.

This raises a number of points for future consideration including the need to ensure that political handover is managed better, that chief officers confirm with members regularly that they remain signed up to the project and that new members have been briefed adequately on projects of significance.

As mentioned above, we were advised that the delegation of responsibility from Cabinet to the Chief Executive in 2014 and governance arrangements for the project were reviewed and found lawful by specialist lawyers. The former was also reviewed by auditors. Nonetheless, we had concerns as to whether the risks had been assessed adequately and whether the very broad scope of delegation was best practice.

The delegation required consultation with the Council and largest Opposition Group Leaders before exercising the delegated powers. What is less clear is whether sufficient reporting back to members at large was, by implication, built into the delegation of powers. From what we have seen and heard, it would appear this was inadequate and did not meet a wider expectation of delegation downwards matched by accountability (namely, reporting and briefing) upwards. There may have been the possibility of reporting back up but whether this proved adequate depended on arrangements within each group. The question of pink papers meant not enough could be raised outside of the Council.

As well as changes in political leadership, there were several disruptive changes in senior officer leadership of the project and possibly a period when such oversight may have been absent. This has led to inconsistency and, at times, less than the requisite level of rigour; project management may not have been adequately resourced to fulfil the role. Partnership

procurement used the negotiated procedure (see definition in footnote 1 to paragraph 2.4) which is inevitably complex. The changes and lack of consistency in project leadership cannot have helped during this process.

A project of this magnitude (as for any other significant piece of work) must have an identified lead officer (often called a project director) of sufficient seniority to marshal and direct resources and with sufficient standing in the organisation to make things happen. When the Director of Business Strategy and Development was given lead responsibility in 2014 for project implementation she could identify no project plan, she herself was only the lead project officer for a matter of months before the Chief Executive assumed this mantle personally, an arrangement that did not lend itself to effective project management.

Risk management is a well-accepted feature of sound project management. We were shown an extensive risk log in which detailed individual risks were rated red, amber or green. A document of this coverage is only relevant to officers; however, a limited number of significant strategic risks might serve as an informative and powerful monitoring tool for key members to review periodically. Risk assessment by Officers, and oversight by Members, seemed to be lacking or insufficient.

The roles of members and officers are quite distinct; however, there are inevitably times when such a demarcation becomes less clear. From what we have heard, there was lack of clarity or blurring as to member and officer roles in the oversight and management of the project. This, together with some members not being clear over the role of officers may well have hindered the asking of effective questions which might have identified problems earlier and influenced whether the project went ahead. An essential part of effective project management (and programme management) is that the role of all participants is unambiguous; it may be helpful for each person to have a brief description of their expected contribution.

One of the clearest examples the WG heard of where the respective roles of members and officers was misunderstood was during some of the public consultation events that took place from July 2015 in response to leaks over site selection and media misinformation. By this time the Service Delivery Director was project manager and fronted many of these public meetings. She stated that she felt much of the criticism over the choice of sites was levelled directly at her, even though (quite properly) their original selection had been a political decision taken by Cabinet. The director's proper role was to implement Cabinet's will and yet she stated she felt she had found herself in front of the public taking the blame for a strategic decision taken by the Council's executive, and the focal point for residents who felt she was not listening to their concerns. Beyond this perception of personal attacks at public events, the director and other senior officers were also criticised by some Members at meetings of full Council, based on the misapprehension that those officers had been responsible for agreeing the project from its very inception. It is the role of senior management to take the flak sometimes but they need the support of members and, in particular, leaders.

Where members are involved, they need a meaningful role to maintain their commitment and political sign up to the project. It is apparent that this happened when bids were being assessed with three members sitting on the fourteen person panel, one being an evaluator and two being approvers. This example shows well-structured member, officer and adviser working; it is not clear that similar arrangements were in place for other aspects of the project.

Advice from the Council's independent property consultants confirmed that the arrangements being put in place would satisfy the statutory requirement of "best consideration" in accordance with section 123 of the Local Government Act 1972.

Although DTZ signed the project off, they did make comments such as some aspects being “unusual”. It might have been better if the contract had been negotiated by DTZ. There could have been no hint of Council Officers or Members being too close to Karis. There would have been continuity. We would not have had disruptions caused by changing members of staff, etc.

In addition, members would have benefited from a document explaining the key features of the business model underpinning the commercial deal between the Council and the consortium partner. The document should have set out plainly what each party would gain under the contract, and the number of houses (market and affordable) the deal would support.

3. Moving forward

The Cabinet decision earlier this year to terminate the agreement with the development consortium made the final part of our terms of reference (to recommend a report mechanism and frequency to ensure adequate monitoring of implementation) less relevant directly; however, we do offer observations for future projects. In 2.5 above we have said a project of this magnitude (as for any other significant piece of work) must have an identified officer lead (often called a project director) of sufficient seniority to marshal and direct resources and with sufficient standing to ensure things happen. It is not clear whether project management arrangements were entirely satisfactory, in part due to several changes in project leadership. There is extensive documentation about project management and methodologies which does not need repeating here.

The WG heard evidence that certain aspects of the NHP which had not functioned well had already been addressed and applied to the Council's other strategic level property regeneration project, the North Street Quarter. This related to two areas in particular: (i) a presumption of openness in reports to Cabinet, meaning that most, if not all, project information is in the public domain, thus minimising the perception of secrecy and the need for confidentiality; and (ii) project governance includes oversight by members, ensuring proper accountability and stronger political buy-in. These features of the NSQ project were generally felt to have led to good quality project outcomes, in the view of witnesses.

4. Recommendations

The WG's recommendations as to LDC's management of future strategic projects of equivalent scale and complexity to the New Homes Project are laid out in Appendix 3.

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WG membership and terms of reference

Membership of the WG

Councillors Mike Chartier (Lib Dem), Nigel Enever (Con), Peter Gardiner (Lib Dem), Bill Giles (Con), Ruth O'Keeffe (Ind) and Tony Rowell (Green). Independent Chair: Vic Kempner.

The WG was supported by officers from the Council's Legal and Democratic Services.

Terms of reference

To investigate and report to Cabinet on the following:

- (a) The extent to which the decision-making process culminating in the signing of the Conditional Sale Agreement and the Project Management and Profit Share Agreement accorded with proper governance requirements, including pre-contract member communication and engagement (including consultation); transparency of the procurement and contract process; and post-contract communications with Members.
- (b) The way in which negotiations were conducted between the Council, Southern Housing Group Limited and Karis Developments Limited culminating in the signing of the Conditional Sale Agreement and the Project Management and Profit Share Agreement.
- (c) The extent to which the commercial deal negotiated satisfies the statutory requirement that it represents "best consideration" in accordance with section 123 of the Local Government Act 1972.
- (d) The recommended report mechanism and frequency of such reporting which Cabinet should put in place and require officers to meet, in order to ensure adequate monitoring of implementation of this Project².

² The Cabinet decision on 17th Feb 2016 to terminate the agreement made this part of the terms of reference less relevant. However, this report does comment on monitoring of and reporting to Cabinet on similar future projects.

APPENDIX 2

Witnesses appearing before the WG

Councillors

Councillor Rob Blackman (former Leader of the Council);
Councillor Sarah Osborne (current Leader of the Liberal Democrat group on the Council).

Former Councillors

James Page (former Leader of the Council);
Chris Bowers (former Leader of the Liberal Democrat group on the Council).

Officers

Jenny Rowlands, former Chief Executive
Nazeya Hussain, Director of Business Strategy and Development
Gillian Marston, Director of Service Delivery
Alan Osborne, Director of Corporate Services
Catherine Knight, Assistant Director of Corporate Services
Mark Reynard, Head of Legal Services
Edward Sheath, Head of Strategic Policy
Bee Lewis, Head of Property & Facilities
Leighton Rowe, Housing Policy & Development Manager

APPENDIX 3

New Homes Project Working Group – Recommendations to Cabinet

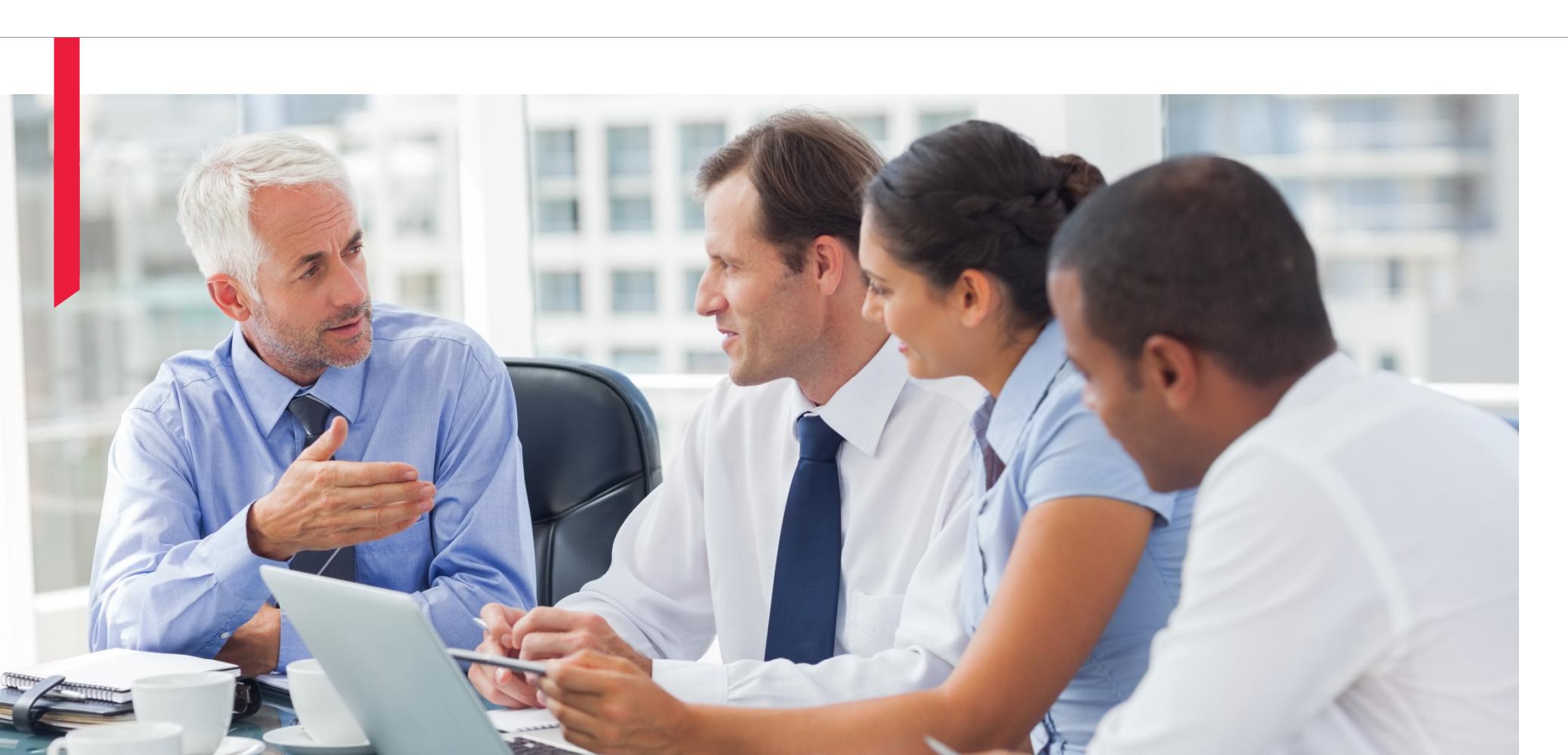
Site Selection	<ol style="list-style-type: none"> 1. When recommending sites for development, provide the decision-maker (e.g. Cabinet) at the same time with: <ol style="list-style-type: none"> (a) criteria used in site selection; (b) risk assessment of each site (c) whether potential development is consistent with Local Plan (d) any other key planning issues affecting each site 2. If one or more sites are <u>key</u> to project success, complete due diligence on ground condition and title as early as possible and before signing the contract and incurring substantial costs.
Officer briefings to Members	<p>Senior officers should:</p> <ol style="list-style-type: none"> 1. Brief all Members on strategies underlying a project. 2. Explain the avenues available to backbench councillors to influence project outcomes, e.g. structured consultation, representations to Planning Committee. 3. Clarify the distinction between officer and member roles in project management, e.g. that officers are required to work within the strategy and policy framework set by Cabinet (or Council, as appropriate), and to implement strategic projects in line with those parameters. 4. Continue to brief members regularly and for the duration of the project. 5. Ensure that briefings to Group Leaders include members without a formal Group structure. 6. If the project straddles a local election, brief newly elected members on key aspects and explain their role in delivering its desired outcomes.

Group Leader role	<ol style="list-style-type: none"> 1. Once they have given political backing to the project, each Group Leader is responsible for obtaining similar buy-in from their members. 2. For strategic projects, Group Leaders should act as conduit for information to and from its Group members, so that: <ol style="list-style-type: none"> (a) senior officer briefings to Group Leaders are disseminated to Group members; (b) backbench members can flag up significant issues affecting their ward constituents, and the sentiment of those residents, for project managers to consider and act on.
Scale and achievability of major projects	<ol style="list-style-type: none"> 1. Use 'SMART' approach to project objectives: are they specific, manageable, achievable, realistic and timely? 2. Proposals, whether generated externally (as with NHP) or internally, should be framed with due regard to local factors, e.g. cultural and planning issues. This need not preclude innovative, ambitious designs if capable of justification on a site by site basis. Recognise cultural barriers such as resistance in a broadly rural environment to designs best suited to urban areas. 3. Set an achievable timescale for delivering complex projects. 4. If a project must be delivered within a short timeframe, consider whether achievable on the scale (i.e. the number and complexity of sites) envisaged. Consider downscaling or re-packaging into separate phases, to render the project more manageable. 4. Projects spanning the entire district and affecting two planning authorities (LDC and SDNPA) are likely by their nature to be complex, and project timescales need to reflect this. 5. Consider the impact of a change of political Leader and composition of Cabinet on the deliverability of contentious projects.

Project Governance	<ol style="list-style-type: none"> 1. Where practicable, seek cross-party buy-in from Group Leaders to the project's strategic objectives. 2. Commence project management at earliest possible stage in project life cycle, using personnel with the necessary skills and experience in project management. 3. Project management should, from the outset, include a risk register that identifies and evaluates risks to project delivery; and specifies control / mitigation measures. 4. Appoint a Project Board. Include sufficient Members from each Group to ensure effective member oversight of project. 5. For regeneration projects, consider appointing an external planning consultant to the project team, whose role is separate from (and therefore not in conflict with) that of the Planning Authority's own officers. 6. Seek and take account of internal advice from specialist officers (e.g. on finance, housing, planning and legal matters) at all stages, in order to increase the likelihood of proposals being workable; and project outcomes being realistic and achievable. 7. If there are significant changes of political or officer leadership while a project is underway, make arrangements to provide continuity between outgoing and incoming personnel, to avoid project hiatus and knowledge gaps. 8. Recognise the risks to contentious projects of local elections. These are politically charged periods, and a project can become a major election issue. 9. Project reports to Cabinet should be openly published wherever possible, and only those parts which are genuinely confidential or commercially sensitive should be consigned to Part 2 proceedings. This will make it easier for backbench members to discuss project proposals openly with their ward residents. Avoid using pink papers as far as possible. 10. Where Cabinet grants broad decision-making powers to the Chief Executive or a director
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	<p>regarding project implementation, there should be a process for reporting back to Members on the exercise of those powers.</p> <ol style="list-style-type: none"> 11. Pink papers should be time limited or 'declassified' when appropriate. 12. Officers should adhere to Cabinet resolutions requiring ongoing project briefings and updates. 13. When petitions are received, an officer with relevant delegated powers should not decide on how to respond without reference to Cabinet or Council as appropriate.
Consultation	<ol style="list-style-type: none"> 1. Give ward Members the opportunity early in the project lifecycle to comment on sites in their constituency and to make project managers aware of any difficulties affecting them. 2. Include town and parish councils in the consultation process, making best use of their local knowledge. 3. Any consultation with the public should be at the earliest opportunity, to prevent rumours and concerns which could cause delays; and the scope of the consultation should be clear, to avoid misunderstandings or raise false expectations. Similarly, where the Council holds public meetings about projects, the purpose of those meetings – and any limitations on scope – should be spelt out in advance. 4. Consultation should allow consultees to comment on each individual site, rather than expect a composite response to a whole package of sites. 5. Explain to members what consultation at each stage of the project actually means. There was a lack of clarity as to what consultation meant during the project.

Management of partners	<ol style="list-style-type: none"> 1. If a partnership approach is seen as beneficial, consider the merits of appointing a sole partner as opposed to a consortium or multiple partners operating outside a consortium. 2. Outcomes of negotiations with partners should be recorded in writing. 3. For future projects involving land development, consider making the Council, not its partners, responsible for detailed reports on title and assessing the implications of issues arising, and for the project to make available sufficient additional resource for this purpose. 4. Heads of agreement or contract with project partners must clearly specify the roles and responsibilities of each party (e.g. performing due diligence on named sites, if so agreed as an alternative to the option recommended immediately above), and timescales for delivery. 5. Make resource available for contract monitoring, so that failures by partners can be identified and remedied.
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LEWES DISTRICT COUNCIL

NEW HOMES PROJECT GOVERNANCE ARRANGEMENTS REVIEW

Audit for the year ended 31 March 2016 - report issued 28 July 2016



PURPOSE AND USE OF THIS REPORT

We have reviewed the Council's governance processes for the new homes project, which we identified as a significant risk to our value for money conclusion for the year ended 31 March 2016. This report sets out a draft action plan for agreement with management. Our conclusions and recommendations will be included in our report to the Audit and Standards Committee in September 2016.

The contents of this report relate only to those matters which came to our attention during the conduct of our normal audit procedures which are designed primarily for the purpose of expressing our opinion on the financial statements and providing a value for money conclusion. As the purpose of the audit is for us to express an opinion on the financial statements and provide a value for money conclusion, you will appreciate that our audit cannot necessarily be expected to disclose all matters that may be of interest to you and, as a result, the matters reported may not be the only ones which exist.

This report has been prepared solely for the use of management and should not be shown to any other person without our express permission in writing. In preparing this report we do not accept or assume responsibility for any other purpose or to any other person.

We would like to thank officers for their co-operation and assistance during our review.

SIGNIFICANT USE OF RESOURCES RISK

SIGNIFICANT USE OF RESOURCES RISK

We assessed the governance arrangements in respect of the new homes project as a significant audit risk, as reported in our audit plan to the Audit and Standards Committee in March 2016. We set out below how we have addressed this risk and the outcomes of our procedures.

ISSUE	RISK	HOW THE RISK WAS ADDRESSED BY OUR AUDIT	CONCLUSION AND RECOMMENDATIONS
NEW HOMES PROJECT	<p>In July 2015 the Council signed a Conditional Sale Agreement and Profit Share and Project Management Agreement with a private sector consortium, in respect of a project to raise funds to build a number of new Council homes across the district, and to bring regenerative benefits to a number of sites.</p> <p>This was meant to have been a significant project involving the sale of a number of the Council's surplus land assets, and substantial investment from both the Council and the consortium.</p> <p>In February 2016 a decision was taken by Cabinet to terminate this agreement as a result of the non-satisfaction of title and ground conditions in respect of key sites within the project.</p> <p>Given the scale of the project, there is a risk to our use of resources opinion if due process was not followed by the Council in entering into the contract and terminating the contract.</p>	<p>We have reviewed the governance and decision making processes followed by the Council in entering into the Conditional Sale Agreement, and subsequently terminating the agreement. The aim was to determine whether the Council's own internal processes were followed and whether these were sufficient to ensure that appropriately informed decisions were made. This involved a review of relevant documents and Cabinet minutes, and discussions with management.</p>	<p>Overall the Council followed its own internal processes in making decisions about this project, and legal advice was sought on key decisions made.</p> <p>However, we have identified scope for improvement in arrangements underpinning the project and have agreed an action plan with officers for lessons learnt from this project to be applied to future projects of this size and nature.</p> <p>Recommendations have been raised in respect of :</p> <ul style="list-style-type: none"> • Earlier disclosure of potential development sites • Public consultation in preliminary stages • Updating the Property Strategy and Asset Management Plan • More structured approach to carrying out due diligence checks. <p>The actions relate largely to good practice that could be implemented rather than significant weaknesses in processes.</p>

ACTION PLAN

Deficiencies and observations

AREA	OBSERVATION	IMPLICATION	RECOMMENDATION	MANAGEMENT RESPONSE
Disclosure of development sites	<p>An exempt list of potential development sites was presented to Cabinet in May 2012 and all district councillors who held office at the time received a copy of the Cabinet report and the exempt list.</p> <p>The list was kept exempt as it contained commercially sensitive information and listed all potential, rather than proposed, development sites. Once a preferred bidder was selected and negotiations begun, the Council was also required to keep the details of the negotiation confidential.</p> <p>The site list was therefore only made available to the public after the contract was awarded, in May 2015.</p> <p>The Council's approach was set out in the May 2012 Cabinet report as it stated that all affected parties would be informed about the Council's plans once the detail of the promotion agreement was agreed and the list of sites agreed as part of the contract.</p> <p>However, given the significant public interest in this project and in the interests of transparency, we believe that management should have considered ways of making the list of potential development sites publicly available before contact negotiations began.</p>	<p>Non-disclosure of the site list for three years is likely to raise public concern.</p>	<p>Each significant project should have a detailed public engagement plan, specific to the project, setting out the nature and timing of information to be released into the public domain. This should be approved by Cabinet at the outset.</p>	<p>Agreed. The Head of Business Strategy and Performance will update the Council's project management guidance, to take into account the changes required to the treatment of significant projects, and ensure that senior officers and Cabinet councillors are made aware of them. By end of October 2016.</p> <p>Training on the Council's revised project methodology to be provided to all Heads of Service and Corporate Management Team. By end of January 2017.</p>

ACTION PLAN

Deficiencies and observations (continued)

AREA	OBSERVATION	IMPLICATION	RECOMMENDATION	MANAGEMENT RESPONSE
Public consultation	<p>No public consultation on the site list was carried out before the contract was awarded, and only shortly before the contract was signed on 30 July 2015.</p> <p>We are informed that the aim of the consultation events was to discuss proposals and answer questions about how the development would proceed, and gain information about any potential limitations, rather than what was included in the site list.</p> <p>Whilst earlier consultation was not required by the Council's policies, it would have been good practice for the Council to have carried out preliminary targeted consultation before entering into the procurement stage.</p>	The absence of public consultation in the early stages of a project limits the public's ability to provide useful input into matters affecting them.	<p>Each significant project should have a detailed public engagement plan, setting out the purpose and timing of public consultation events. In developing this plan for each project, management should consider the benefits of carrying out preliminary targeted consultation before entering into the procurement stage.</p>	<p>Agreed. The Head of Business Strategy and Performance will update the Council's project management guidance, to take into account the changes required to the treatment of significant projects, and ensure that senior officers and Cabinet councillors are made aware of them. By end of October 2016.</p> <p>Training on the Council's revised project methodology to be provided to all Heads of Service and Corporate Management Team. By end of January 2017.</p>

ACTION PLAN

Deficiencies and observations (continued)

AREA	OBSERVATION	IMPLICATION	RECOMMENDATION	MANAGEMENT RESPONSE
Property Strategy and Asset Management Plan	<p>Cabinet approved a Property Strategy in May 2012, which recognised that the environment in which the Council was operating had changed significantly over the preceding two years, which resulted in the need to refresh the Council's approach to the utilisation of its assets. The report stated that it superseded any previous capital and property strategies. It did not specifically mention superseding the Council's 2009 Asset Management Plan.</p> <p>We understand that a new Asset Management Plan is being developed as one of the work streams from the 2012 Property Strategy.</p> <p>The 2012 Property Strategy requires a series of interviews with key stakeholder across the Council to collate information. Officers have stated that this means internal stakeholders.</p>	<p>The absence of an up to date asset management plan to underpin the Council's Property Strategy may result in due process not being followed.</p>	<p>The Council should complete the update of its previous Asset Management Plan, to underpin its Property Strategy.</p> <p>The Property Strategy should be updated to remove any references to out of date policies and to more clearly indicate what is meant by stakeholders.</p>	<p>Agreed. The Head of Property and Facilities will update the Council's Asset Management Plan. This will take account of the requirements of the Councils Property Strategy. By end of December 2016.</p> <p>Agreed. The Head of Property and Facilities will update the Councils Property Strategy to reflect current policies and clearly specify the meaning of stakeholders.</p> <p>By end of December 2016.</p>

ACTION PLAN

Deficiencies and observations (continued)

AREA	OBSERVATION	IMPLICATION	RECOMMENDATION	MANAGEMENT RESPONSE
Feasibility checks	<p>The Council entered into a Conditional Sale Agreement and Profit Share and Project Management Agreement for the new homes project, which required that detailed due diligence checks were carried out by all the partners within a 5 month period following signing of the agreements.</p> <p>In February 2016 Cabinet approved a decision to serve notice on the other partners to terminate the contractual agreements because of the non-satisfaction of the title and ground conditions on key sites, which became apparent during the course of due diligence.</p> <p>The Council incurred preliminary costs in the region of £0.6 million associated with the development of sites included within this project. This included initial design fees, ground surveys, transport and environmental studies and public consultation.</p> <p>The contract documents identified two particular sites - the Buckle and Normansel Park Avenue - as being "key" sites within the project because they would yield the highest capital receipts, and it was clear that the project would not remain viable if both of these sites failed the due diligence checks.</p> <p>High level reports on title had been undertaken by the Council on these two sites, and all other project sites, prior to the agreement being signed and the results shared with the other parties. However, detailed investigation of the covenants on the two key sites, including the commissioning of counsel's opinion, was not undertaken until after the Conditional Sale Agreement and Profit Share and Project Management Agreement were concluded.</p> <p>Whilst some of the £0.6 million preliminary expenditure may benefit feasibility studies on future projects of this nature, preliminary costs on this particular project would have been lower if the parties had focused their detailed due diligence checks on these two key sites at an earlier stage.</p>	Unnecessary costs may be incurred if due diligence checks are not carried out in order of priority.	The Council's project methodology should require a more structured approach to due diligence work, so that the most critical issues are identified and covered in order of priority.	Agreed. The Head of Business Strategy and Performance will update the Council's project management guidance, to take into account the changes required to the treatment of significant projects, and ensure that senior officers and Cabinet councillors are made aware of them. By end of October 2016.

FOR MORE INFORMATION:

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The matters raised in our report prepared in connection with the audit are those we believe should be brought to your attention. They do not purport to be a complete record of all matters arising. This report is prepared solely for the use of the company and may not be quoted nor copied without our prior written consent. No responsibility to any third party is accepted.

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Lewes District Council

MINUTE EXTRACT

Audit and Standards Committee – 26 September 2016

21 Lewes District Council – Audit for the year ended 31 March 2016

The Committee considered Report No 129/16 which detailed BDO's, the Council's external auditors, key findings arising from its audit for the year ended 31 March 2016. The Report formed a key part of BDO's communication strategy with the Council; a strategy that was designed to promote effective two way communication throughout the audit process.

Ms Janine Combrinck, BDO, took councillors through the Report. Page 27 of the Report summarised the scope and objectives of the audit and the anticipated audit opinion of BDO. Ms Combrinck explained that BDO had substantially completed its audit work procedures in accordance with the planned scope and its objectives had been achieved, subject to the resolutions of the outstanding matters as shown on page 19 of the Report.

Ms Combrinck clarified that those amendments arising since the Report had been produced were not materially significant. She advised the Committee that BDO would circulate the final version of the Report to Members in the coming days for final approval by the Chair of the Committee. Ms Combrinck explained that, subject to the successful resolution of those outstanding matters, BDO anticipated issuing an unqualified opinion on the financial statements for the year ended 31 March 2016. She further explained that BDO were also satisfied that the Council had adequate arrangements in place to secure economy, efficiency and effectiveness in its use of resources and BDO anticipated issuing an unqualified value for money conclusion for the reporting period.

The key audit and accounting matters, as set out on pages 6 to 18 of the Report, detailed BDO's findings in relation to the areas of significant audit risks which it had previously highlighted within its audit planning report presented to the meeting of the Committee on 24 February 2016.

As part of the audit work carried out, BDO had not identified any significant deficiencies in the Council's internal control environment, though its observations and recommendations in relation to other deficiencies were set out on pages 22 to 24 of the Report.

BDO's findings in respect of the efficiency and effectiveness in the Council's use of resources (value for money) were set out on pages 26 to 31 of the Report. Ms Combrinck highlighted the section on the New Homes Project, under the use of resources audit work on page 30 of the Report. Following its review of the Council's governance and decision making processes, BDO had been satisfied that the Council had followed its own internal processes in making decisions about the Project, and legal advice had been sought on key decisions made. BDO had identified scope for improvement in arrangements underpinning the New Homes Project and had agreed an action plan with officers for lessons learnt from the Project to be applied to future projects of similar size and nature. Ms Combrinck drew the Committee's attention to the recommendations raised by BDO in respect of the New Homes Project, as shown under Appendix III of the Report (pages 39 to 43), namely:

- Earlier disclosure of potential development sites;
- Public consultation in preliminary stages;
- Updating the Property Strategy and Asset Management Plan; and
- More structured approach to carrying out due diligence checks.

In response to a Councillor's question, Ms Combrinck explained that the New Homes Project had been considered by BDO as part of its audit work for 2015/2016, and not previously, as the Council had entered into, and had subsequently terminated, the contract within that reporting period. In light of the Project's termination, BDO had identified a risk to its use of resources opinion if due processes had not been followed by the Council, hence its subsequent investigations and discussions with management.

The Committee queried the impact of the termination of the New Homes Project on the Council's financial statements and how this would be accounted for. The Deputy Chief Executive explained that the effect on the Council's capital expenditure had been reviewed in 2015/2016 and that the review process was undertaken periodically. He advised the Committee that an explanatory note would be added to the Narrative Report that accompanied the Council's Statement of Accounts 2015/2016 that was being presented later in the meeting.

Deputy
Chief
Executive/
HF

The Committee expressed its thanks to Ms Combrinck and BDO.

Resolved:

- 21.1** That the Chair of the Audit and Standards Committee, on behalf of the Committee, be delegated to approve the final BDO Report on its audit work for the year ended 31 March 2016; and
- 21.2** That the contents of Report No 129/16 be noted.

Agenda Item No: 9.5 **Report No:** 120/16
Report Title: **Amendments to Private Sector Housing Financial Assistance Policy**
Report To: Cabinet **Date:** 28 September 2016
Lead Councillor: Councillor Ron Maskell
Ward(s) Affected: All
Report By: Ian Fitzpatrick, Director of Service Delivery
Contact Officer(s): Rebecca Wynn – Environmental Health Specialist
01273 471600
Rebecca.Wynn@lewes.gov.uk

Purpose of Report:

To consider amendments to the private sector housing renewal Financial Assistance Policy.

Officers' Recommendations:

- 1 To approve the amendments to the private sector housing Financial Assistance Policy attached as Appendix A.
 - 2 To authorise the Director of Service Delivery to make any reasonable future changes to the Policy, in consultation with the Lead Member for Housing if circumstances change i.e. funding.
-

1 Reasons for Recommendations

- 1.1 To update the private sector housing Financial Assistance Policy in line with the capital resources available for the year 2016/17
- 1.2 To enable minor changes in the policy to be made throughout the financial year, in agreement with the Lead Member, to preclude the need for a full Cabinet report for a minor amendment.

2 Information

- 2.1 It is a statutory requirement that our private sector housing renewal strategy must include a Financial Assistance Policy in respect of grant aid and other forms of financial assistance.
- 2.2 Appendix A is the revised Financial Assistance Policy with amendments highlighted and in italics. There are very minor changes to the Disabled Facilities Grants, on page 3, to include extended warranties for external stairlifts, through floor lifts and specialist wash/dry toilets. These are expensive items of equipment and by the nature of their electronic make-up, a failure can lead to a distressful situation.

2.3 The main changes are to the Emergency Repairs Grant (ERG) and Over 75's Heating Grant. Both grants last year were overspent, and the Over 75's grant is becoming increasingly popular as there is no financial eligibility criteria, i.e. anyone over 75 can apply for a maximum grant of £3500 for a replacement boiler if theirs has been condemned. The ERG was a maximum grant of £2000 for small scale emergency works which was often not enough in some cases i.e. roof repairs. Any owner occupiers requiring large scale repair work would be offered a loan up to a maximum of £25,000.

2.4 To ensure the grants available increase the standard of accommodation for vulnerable groups and our limited funds reach as many people as possible, it has been decided to merge the two grants into one Heating and Repair Grant (HRG). (page 5 of policy)

2.5 The new HRG would award a maximum grant of £3,500 in cases of emergency repair or lack of a suitable heating system. The eligibility criteria of the HRG would essentially be the same as for the old ERG, applicants would:

- live in the dwelling as his/her only or main residence;
- the relevant property must be within Council Tax Band A-E;
- have lived in the property for at least a year prior to grant application;
- have an owner's interest in the dwelling or be a tenant of the dwelling;
- have a duty or power to carry out the works in question;
- be (or alternatively his/her partner be) in receipt of a means tested benefit;
- be aged 18 or over on the date of application.
- generate a score of 930 under the Housing Health and Safety Rating System

2.5 To ensure the HRG will be available for those vulnerable groups who fall outside the criteria for means tested benefit, the following groups will be considered for a grant:

- Disabled
- Chronically sick

In addition to these exemptions, it is proposed to include low income families, just above the benefit level who struggle to find resources for essential repairs to their properties. The proposed 4th exemption:

- Low income families with children under the age of 10, who fall just outside of the benefit criteria. A low income will classed as a joint income of below £20,000.

To satisfy all of these exemption criteria the applicants must have less than £10,000 in savings (single person) or £15,000 in savings (couple)

2.6 It is anticipated that the grants will continue to be very popular again this year; in particular the HRG's may continue to outstrip supply especially if we have a

cold winter. The policy will be reviewed quarterly and it may be necessary to make minor changes to e.g. decreasing grant maximums, and generally allowing the policy to adapt to the changing financial climate. It is for this reason authorisation is sought to make changes to the policy in agreement with the Lead Member for Housing, rather than taking each new alteration to a full Cabinet meeting.

3 Financial Appraisal

- 3.1** The new policy will enable the Council to maximise funds for vulnerable people and tackle fuel poverty. The budget this year for all grants and loans is:

Heating and Repairs Grant and Hard to Treat Grants - £134,889

Home Trust Loans - £60,000

Disabled Facilities Grants - £887,632

All costs will be contained within these budgets.

4 Legal implications

- 4.1** The Council is statutorily obliged to publish an annual financial assistance policy for private sector housing under the Regulatory Reform Order 2002.

5 Risk Management Implications

I have completed a risk assessment (LDC 60989)

The following risks will arise if the recommendations are not implemented:

- Demand for grants could outstrip supply if the policy continues with only an age limit criteria.
- Additional DFG funding to repair/replace expensive equipment.

The risks can be mitigated by changing the grant criteria as illustrated in 2.2 & 2.5 above.

No new risks will arise if the recommendations are implemented.

6 Equalities Implications

- 6.1** On 18 August an Equality Analysis was undertaken on the amendments to the private sector housing Financial Assistance Policy. Due regard was given to the general equalities duties and to the likely impact of the policy on people with protected characteristics, as set out in the Equality Act 2010. The amendments to the policy were found to have positive outcomes, by ensuring that limited funds for

home repairs are allocated to vulnerable groups i.e. those on low incomes, chronically sick and/or disabled and for low income families. The previous policy did discriminate by age by awarding a grant specifically for the over 75's irrespective of income.

7 Appendices

7.1 Appendix A – Private Sector Housing Financial Assistance Policy 2016/17

Appendix A

Financial Assistance Policy 2016/17

This policy sets out the type of assistance and eligibility criteria for qualification for financial assistance to improve residential accommodation for the occupant. The types of assistance available are:

Disabled Facilities Grants
Home Trust Loans
Hard to Treat Insulation Grants
Heating and Repair Grants

Disabled Facilities Grants (DFGs)

Purpose of Grant

Mandatory grants are available for people who are registered disabled for works to:

- facilitate access by the disabled occupant to, from and within the dwelling (for the purpose of this grant a dwelling includes mobile homes and houseboats);
- provide essential facilities and amenities within the dwelling; and
- facilitate access to and from a garden by a disabled occupant or making access to a garden safe for a disabled occupant.

Eligibility

All owner-occupiers and tenants, licensees or occupiers (meeting the statutory criteria set out in the Housing Grants Construction and Regeneration Act 1996) are eligible for DFGs. All applications must be supported by East Sussex County Council's (ESCCs) Adult Social Care or Children's Services Department.

Council tenants can apply for adaptations but this will not be via the DFG process as all works are funded from the Housing Revenue Account. LDC works closely with Housing Associations to deliver adaptations and whilst RSL's are expected to build funding into their business plans and adaptions should be part of their core activities there is a statutory duty for Councils to approve DFG's across all tenures. LDC will therefore work with each Housing Association in its area to develop robust and equitable funding agreements which are reviewed on an annual basis.

Age of Property

There is no minimum age of a property which is the subject of a DFG application.

Application

In order for the Council to consider awarding a DFG a complete and valid application must have been received. Such an application consists of:

- A completed application form.
- A minimum of two complete estimates from different contractors detailing particulars of the relevant works.
- Where appropriate an Occupational Therapist's (OTs) recommendation detailing the relevant works.
- Details necessary to apply the test of resources.
- Details of any fees or charges, e.g. architects or agents fees. These will normally not exceed 12.5% of the eligible expenses.
- Certificate of Future Occupation.
- Proof of Title.

All valid and completed grant applications are to be determined no later than six months after a completed application is received by the Council. We may exercise our discretion to determine that grant monies will not be paid before a specified date (which cannot be later than 12 months after the date of application).

Commencement of Works

Work cannot be commenced before grant is approved. Any works started before grant is approved will not be grant aided.

Certificate and Conditions of Occupation

Applications must be accompanied by a certificate relating to the future occupation of the property. These are:

- A Certificate of Owner Occupation
- A Tenant's Certificate
- A Certificate of Intended Letting (if the circumstances require it)
- An Occupier's Certificate

Estimated Expenses

In determining the estimated expense and calculating a DFG the following elements are considered:

- Which of the relevant works are eligible for grant 'the eligible works'.
- The amount of the expenses to be properly incurred in the execution of the eligible works.
- Costs attributable in relation to grant works, i.e. fees and charges.
- Relocation expenses up to a maximum of £7,500 incurred in relation to moving expenses, the sum of which may include estate agent's fees, solicitor's fees, stamp duty, and/or removal costs.

- The grant is means tested and the amount of grant paid will be determined by a ‘test of resources’ that determines the applicant’s contribution to the works. The mandatory grant will in no event exceed £30,000.
- Any work that falls outside the criteria for mandatory DFGs will be referred to ESCC’s Social Services Department for their consideration under the Chronically Sick and Disabled Persons Act 1970.
- If the grant applicant is unable to meet their assessed contribution they can apply for a Home Trust Loan. In such circumstances the Housing, Health and Safety Rating system (HHSRS) criteria does not have to be met, providing the DFG has been assessed as being necessary and appropriate, reasonable and practical.
- *Extended warranties for external stairlifts, through floor lifts and wash-dry toilets.*

Relocation Expenses

Relocation expenses up to a maximum of £7,500 will be considered at the Council’s discretion where the property is not cost effective to adapt. The new property must either be already adapted or be adaptable at a reasonable cost.

Supervision and Payment of Grant

Council Officers will inspect the grant works during their progress and, subject to satisfactory execution; officers can recommend the Authority make interim payments. Final payments will be made on the Officer’s satisfaction that the works have been completed satisfactorily and on receipt of the builder’s (or in the case of materials, suppliers) invoice.

Grants will only be paid when the applicant has signed a consent that payment can be made. Payments will in general terms be paid directly to the builder/agent unless the applicant has indicated otherwise.

NB The Council Officers act on behalf of the Authority to ensure public funds are spent correctly. Applicants must be aware that Officers do not act on their behalf. There are therefore no guarantees as to the quality of workmanship and any disputes arising between applicants and their contractors are their responsibility.

Conditions of Grant

The eligible works must be undertaken by the contractor(s) who provided the approved estimate(s) included in the application. We may vary this requirement where we consider there is a genuine reason to do so and it is in the interest of achieving efficient housing renewal. Prior permission shall be obtained in writing from the Council by the applicant before any change in contractor takes place. The use of a different contractor to one included in the application without our permission may result in our cancellation of the grant and/or repayment by the relevant person.

We will consider redetermining a grant approval where the eligible works cannot be completed without carrying out further works which were unforeseen or where the works are required to ensure the property is free from Category One Hazards. Unforeseen works will only be considered for financial assistance by the Council

where they could not reasonably have been foreseen and work has not been started prior to the work having been agreed as 'unforeseen work' by the Council.

Applicants must pay their contribution to grant aided works and provide satisfactory evidence that payment has been made, i.e. a signed and dated receipt, before the Council will make any grant payment.

Where works are taking place in addition to grant aided works, but which are not grant aided and are funded by the applicant, these works must be completed and paid for by the applicant to the satisfaction of the Council before any payment will be made with respect to the grant aided works.

In the event of a breach of any of the conditions set by the Council, we may demand payment from the applicant/owner/occupier/landlord/trustee/beneficiary, whichever is appropriate, a sum equal to the amount of the grant paid or, as the case may be, any instalments of grant paid and the same shall be repayable to the Council. We have the discretion either not to demand repayment, or to require payment of less than the full amount.

Local Land Charge

A Local Land Charge will be placed on the owner/occupiers adapted property where the cost of the DFG exceeds £5,000, limited to a maximum of £10,000. The Charge will be incurred if the property is sold within 10 years.

The grant will be registered as a Local Land Charge and will be enforced when the applicant has disposed (whether by sale, assignment, transfer or otherwise) of the premises in respect of which the grant was given. In which case the Council may demand repayment of up to £10,000, inclusive of any fees or charges.

The applicant shall, from the certified date throughout the grant condition period of 10 years, notify the Council of their intention to sell or otherwise dispose of the property. Pursuant to this condition the applicant shall furnish the Council with any information reasonably requested by them in connection with such notification.

Agents

All applicants are encouraged, though this is not a mandatory requirement, to enlist the services of an agent or architect or architectural technician to assist them in the process of application where the adaptation involves building alterations. Agency assistance is not normally required where the adaptation involves the straightforward installation of lifting equipment e.g. stairlifts.

Decent Homes Assistance (DHA)

In 2003 the Government extended the requirement for Decent Homes Standards to vulnerable households in the private sector. A decent home is one that:

- Meets the current statutory minimum standards for housing, i.e. free from Category One Hazards
- Is in a reasonable state of repair
- Has reasonably modern facilities and services
- Provides a reasonable degree of thermal comfort

The Government has set a target that by 2010 70% of vulnerable people will live in a decent home, increasing to 75% by 2020. A vulnerable household is one in receipt of at least one of the principal means tested or disability benefits.

The following assistance is targeted at vulnerable households to bring homes up to the Decent Homes Standard

Heating and Repair Grants

In cases of emergency repair or lack of a suitable heating system a grant of up to £3,500 may be awarded. An officer from the council must visit and be satisfied that:

1. *The applicant meets the eligibility criteria*
2. *The works are eligible*
3. *Two written estimates have been obtained.*

Applicants will only be eligible to a maximum of £3500 in any 3 year period.

Eligibility Criteria

Applicants must:

- be aged 18 or over on the date of application;
- live in the dwelling as his/her only or main residence;
- the relevant property must be within Council Tax Band A-E;
- have lived in the property for at least a year prior to grant application;
- have an owner's interest in the dwelling or be a tenant of the dwelling;
- have a duty or power to carry out the works in question;
- be (or alternatively his/her partner be) in receipt of a means tested benefit:

Income Support, Council Tax Benefit, Housing Benefit, Income-Based Job Seeker's Allowance, Guarantee Pension Credit. An applicant who is receipt of Working Tax Credit (to include a disability element or a joint income of less than £16,040) or child tax credit whose joint income is less than £16,040 will also be eligible.

Grant would be available for those vulnerable groups who fall outside the criteria for means tested benefit:

- Disabled
- Chronically sick
- *Low income families with Children under the age of 10, who fall just outside of the benefit criteria. A low income will be classed as a joint income of below £20,000.*

To satisfy this exemption criteria they must have less than £10,000 in savings (single person) or £15,000 in savings (couple).

Property Criteria

Housing, Health and Safety Rating System

It is our policy to target HRG assistance in accordance with the following: -

The repairs must make the property suitable for occupation through rectifying hazards rated A-D+ under the Housing Health and Safety Rating System (HHSRS). The rating system lists 29 hazards which include:

- Excess cold
- Damp and Mould Growth
- Carbon Monoxide and fuel combustion products
- Protection against hazards, including falls and electrical hazards

Any items of disrepair eligible for assistance must be rectified to such a standard that they will not need replacing or repairing again for the next 10 years.

By using the HHSRS grants and loans can be targeted to the properties exhibiting the greatest risk to the occupiers. This will ensure all assistance is channelled to the housing issues affecting the District i.e. thermal comfort in the rural areas and damp and mould problems on the coast.

The Inspecting Officer will apply the HHSRS assessing any defect in terms of its effect upon the occupiers, the perceived vulnerable group and the building structure.

Using this information a HHSRS calculation will be carried out. All scores generated that are more than 930 (D+) will be eligible for grant or loan assistance.

Decent Homes Assistance will not normally be available for:

- conservatories;
- lean-tos;
- out-houses;
- porches; or
- any part of the building which does not form part of the main structure.

However, assistance will be available for means of access to the property i.e. paths and steps.

Dwellings include mobile homes on licensed residential sites.

'Hard to Treat' Insulation Grants

Eligible home owners (freeholders or leaseholders) who are not eligible for assistance from any central Government funding will be able to receive a discretionary grant of up to £5000 for thermal insulation.

Qualification Criteria

To qualify for an Insulation Grant the property must:

1. be at least 10 years old;
2. be the applicant's only or main home;
3. be your only or main residence for at least the next 5 years;
4. a property that you are entitled to or you can obtain the necessary permission to have the work carried out;

and

5. you are receiving a means tested benefit

or

6. you are over 70 and have household savings of less than £10,000 (single) or £15,000 (couple)

Eligible works

Works eligible for assistance are as follows:

1. The provision of energy efficiency works as assessed by the council officer that are necessary and appropriate to improve the thermal efficiency of the property, bring the occupiers out of fuel poverty and increase its SAP rating. Such works include external insulation to mobile homes, internal insulation to solid wall properties and other suitable measures for tile hung properties.

Council funds available for these works are limited. If available funding has been committed and no further resources are available applicants will be advised accordingly. Those meeting the eligibility criteria will be placed on a waiting list until funds are available and/or be offered a loan.

Loans

Home Trust Loan

For items of repair owners will be encouraged to apply for a Home Trust Loan for the total cost of work. To be eligible for the loan, applicants must meet the criteria

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for the HRG as listed above, but do not have to be in receipt of a means tested benefit.

The Home Trust Loan is a secured loan provided by Parity Trust, a socially responsible not-for-profit lending organisation. The Loan is subsidised by the Council to guarantee a low interest rate of 5.49% (5.63%APR), this rate is fixed for the full term of the Loan. There is also an option to make overpayments or settle the loan in full without penalty.

There are three borrowing options tailored to suit the applicant's circumstances. The following table provides a quick comparison of each, highlighting the main differences. Loans are available for amounts between £1,000 - £25,000. Loan Examples are also shown for the three loan options.

The Home Trust Loan scheme provides the support of a dedicated Home Trust Loan Officer who will carry out a home visit to assist with the loan process.

Loan Option	Available to	Maximum term	Do I make monthly repayments?	What happens to the loan balance?
Capital Repayment Loan	18yrs and over	15 years	Yes - repayments and interest	Decreases every month until balance is cleared
Interest Only Loan	60yrs and over	life	Yes - interest only	Remains the same, regardless of when the loan is settled
Interest Roll-up Loan	60yrs and over	life	No	Increases every month as interest is added

Secured Loan Examples (Typical APR 5.1%)

Capital Repayment Loan

Loan Amount	Term	Monthly Repayment	Total Interest
£5000	5 years	94.36	£661.60
£5000	10 years	53.03	£1,363.60
£5000	15 years	39.54	£2,117.30

- Loan balance decreases with each monthly repayment

Interest Only Loan: Available to clients aged 60+

Loan Amount	Term	Monthly Repayment	Settlement Figure
£5000	Life	20.83	5 yrs £ 5000
			15 yrs £ 5000
			30 yrs £ 5000

- **Loan capital of £5000 paid when the property is sold**

- Your Monthly repayment is applied against the interest accrued **but not the capital**

Interest Roll Up Loan - Available to clients aged 60+

Loan Amount	Term	Monthly Repayment	Settlement Figure
£5000	Life	£0	5 yrs £6417
			15 yrs £10,569
			30 yrs £22,341

- Outstanding balance of capital and interest paid when the property is sold.
- No regular repayments - Loan balance **increases** as the Interest accumulates over time as illustrated above.

Application Process for Decent Homes Assistance and Loans

In order for the Council to consider awarding any of the above grants or loans, a complete and valid application must have been received. Such an application consists of:

- a valid completed application form;
- proof of identity
- evidence of means tested benefits where appropriate
- 2 estimates of the cost to the applicant of the works.

All valid and completed applications are to be determined no later than six months from the date of application.

An inspection will be undertaken by an inspecting officer of the enquirer's property to assess the required works. The inspection may be carried out by a Council officer or another outside agency employed to administer grants.

Payment

Council officers will inspect the grant/loan works during their progress and, subject to satisfactory execution; officers can recommend the Authority make interim payments.

Final payments will be made on the inspecting officer's approval that the works have been completed satisfactorily and on receipt of a contractor's (or in the case of materials, suppliers) invoices.

The Grant or loan will only be paid when the applicant has signed a consent that payment can be made. Payments will in general terms be paid directly to the builder/agent unless the applicant has indicated otherwise.

NB The Council's Officers act on behalf of the Authority to ensure public funds are spent correctly. Applicants must be aware that officers do not act on their behalf. There are therefore no guarantees as to the quality of workmanship and any disputes arising between applicants and their contractors are their responsibility.

Conditions of Grant or Loan

The eligible works must be undertaken by the contractor(s) who provide the estimates(s) included in the application. We may vary this requirement where we consider there is a genuine reason to do so and it is in the interest of achieving efficient housing renewal. The applicant shall obtain prior permission in writing from the Council before any change in contractor takes place. The use of a different contractor to one included in the application, without our permission, may result in the Council's cancellation of the grant and/or repayment by the relevant person.

We will consider redetermining a grant or loan approval where the eligible works cannot be completed without carrying out further works which were unforeseen or where the works are required to make the property decent. Unforeseen works will only be considered for financial assistance by the Council where they could not reasonably have been foreseen and work has not been started prior to the work having been agreed as 'unforeseen work' by the Council.

Applicants must pay their contribution to grant aided works and provide satisfactory evidence that payment has been made, i.e. a signed and dated receipt, before the Council will make any grant payment. Alternatively any loan or equity release scheme must have written agreement before being approved.

The eligible property must meet the Decent Homes Standard after the works are complete.

Where works are taking place in addition to grant aided works, but which are not grant aided and are funded by the applicant, these works must be completed and paid for by the applicant to the satisfaction of the Council before any payment will be made with respect to the grant aided works.

In the event of a breach of any of the conditions set by the Council, we may demand payment from the applicant/owner/occupier/landlord/trustee/beneficiary, whichever is appropriate, a sum equal to the amount of the grant paid or, as the case may be, any instalments of grant paid and the same shall be repayable to the Council. We have the discretion either not to demand repayment, or to require payment of less than the full amount.

It is a condition of the grant that the applicant takes all reasonable steps to pursue any relevant insurance claim or legal claim for damages in which the cost of the works to the premises to which the grant relates is part of that claim. The applicant shall repay to the Council the grant so far as is appropriate, out of the proceeds of the claim. This condition is not subject to a time limit and will therefore remain operative until such time as any claim is settled and the appropriate amount of grant is repaid.

The Local Authority will take full consideration of the terms of the settlement received by the grant applicant and request repayment accordingly.

Where insurance claims have been received before the grant application is made, details of the insurance payments should be included in the application form.

Council funds available for these works are limited. If available funding has been committed and no further resources are available applicants will be advised accordingly. Those achieving the required number of points will be placed upon a waiting list until funds are available.

To apply for all of the above grants and loans please contact the Service Delivery Team on 01273 471600.

Exceptions Policy

Applications for discretionary grants, i.e. when not meeting the requirements of the above policy and criteria, can be awarded at the discretion of the Director of Service Delivery in consultation with the Lead Member for Housing. Such an award will only be made subject to the provision of the Regulatory Reform (Housing Assistance) England and Wales Order 2002 and subsequent guidance.

Agenda Item No:	9.6	Report No:	121/16
Report Title:	Local Air Quality Management: Newhaven's Air Quality Action Plan		
Report To:	Cabinet	Date:	28 September 2016
Lead Councillor:	Cllr Paul Franklin		
Wards Affected:	All Newhaven Wards		
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Purpose of Report:

To adopt an Air Quality Action Plan for Newhaven to improve local air quality in the Lewes District.

Officers Recommendations:

- 1 To approve the Air Quality Action Plan for Newhaven

Reasons for Recommendations

- To fulfil our Local Air Quality Management duties under Part IV of the Environment Act 1995.
- To work towards improving air quality in Newhaven particularly in those areas in close proximity to the A259 ring road.
- For Lewes District Council and its partners to work together on a local level to reduce emissions of relevant pollutants and reduce the health impacts of the pollutants.

1 Information

- 1.1 Part IV of the Environment Act 1995 places a statutory duty on all local authorities to periodically review and assess the quality of air within their boundaries, both currently and for the future.
- 1.2 Lewes District Council continuously monitors air pollution against national standards. We do this in a number of locations throughout the District and the results of this monitoring are submitted to DEFRA on a regular basis.

- 1.3 Where results indicate that air quality limits are at risk of being reached or exceeded, DEFRA requires local authorities to undertake a more detailed assessment of the levels of pollution in that area.
- 1.4 The Council's air quality monitoring programme has already led to the submission of a number of detailed assessments. Analysis of Nitrogen Dioxide (NO₂) diffusion tubes has shown that in two locations on the ring road in Newhaven the air quality objective for NO₂ has been exceeded when measured as an annual mean. The detailed assessment of Newhaven Town Centre led to the declaration of an Air Quality Management Area (AQMA) in areas adjacent to the A259 ring road in July 2014. The map in Appendix 1 defines the AQMA boundaries.
- 1.5 Following the declaration of the AQMA the Council is required to produce an Air Quality Action Plan (AQAP) outlining how it has, is and will address the issues that led to the declaration of the AQMA.
- 1.6 A draft AQAP was drawn up between June and September 2015 through a partnership approach in particular with East Sussex County Council (ESCC) (Transport and Public Health), Planning, Newhaven Town Council, Newhaven Port Authority, Southdown's National Park and Highways England.

2 Consultation

- 2.1 Under Schedule 11 of the Environment Act, local authorities are required to consult on their AQAP. It is important to have involvement of all local stakeholders to ensure the success of the Action Plan. The Newhaven AQAP is intended to be an evolving plan that will develop in time and, as a result will be subject to ongoing consultation.
- 2.2 The draft AQAP was subject to consultation and engagement which was carried out through:
 - An article in 'Newhaven matters', a newsletter that is distributed to every household in Newhaven.
 - A press release to launch the consultation period accompanied by an interview of the Lead Member on Local Radio around air quality in Newhaven.
 - A public event that included an exhibition of display boards on the AQMA and draft AQAP, distribution of leaflets and questionnaires with officers from various Departments of the Council to answer questions.
 - An online survey accessible through the LDC website; this ran from mid-February to 30th April 2016
 - Paper survey forms being available for collection and return at the local Newhaven community café.

- 2.3 The survey attracted 125 responses, a number that is considered an excellent return for a survey of this type. Many people were concerned with the traffic congestion around the Ring Road e.g. 83% of respondents would be supportive of a Low Emission Zone around the Ring Road and 65% would like LDC to promote alternative modes of transport such as walking and cycling. Although not a specific question many respondents suggested alternative solutions and there was an overwhelming call for a relief road. All feasible suggestions have been summarised under 9: 'Actions requiring further research.' The summary of responses from the consultation exercise is attached as Appendix A in the AQAP.
- 2.4 Consultation has been an integral part in writing both the draft and final plan. The Newhaven Air Quality Working Group will now be set up to deliver the action plan and will include local residents, non-governmental organisations and all key stakeholders as listed in 1.6 above.

3 Air Quality Action Plan

- 3.1 The AQAP provides an overview of air quality in Newhaven and places it in context of a range of European, national, regional and local policies, including the Local Transport Plan 2011-2026, Coast to Capital Local Enterprise Partnership Strategic Economic Plan, and our own Local Plan, specifically Core Policy 9 on Air Quality.
- 3.2 The Action Plan has been prepared to address the high concentrations of Nitrogen Dioxide NO₂ which people are exposed to alongside the busy roads in the centre of Newhaven. Road traffic is the main source of NO₂, particularly diesel vehicles in stop-start traffic which makes the biggest contribution to the poor air quality.
- 3.3 The AQAP describes 7 actions that, if adopted could and can, deliver improvements in air quality. Each action has been evaluated in terms of cost, feasibility and timescale.
- 3.4 The actions are listed under the following headings:
- **Action 1: Enable the use of sustainable travel choices through the delivery of transport infrastructure and initiatives**
 - **Action 2: Actively promote low emission vehicles and supporting infrastructure.**
 - **Action 3: Use the planning system to ensure that air quality is fully considered for new development.**
 - **Action 4: Use traffic management to reduce emissions within the AQMA.**

- **Action 5: Work with Public Health colleagues to inform the public about health impacts of Air Pollution and how they can change behaviour to reduce emissions and reduce exposure.**
- **Action 6: Continue to monitor and assess air quality in line with Government guidance on Local Air Quality Management (LAQM).**
- **Action 7: Target point sources in Newhaven Town Centre**

4 Resources

- 4.1 Trying to cost out a proposal is extremely difficult so we can only provide estimates of what each measure may cost. As many of the actions are likely to be delivered by ESCC, we are dependent for many options on their financial resources and prioritisation. The resources of the County are limited but by declaring the AQMA and producing this plan added weight is given to investing in improvements to air quality in Newhaven.
- 4.2 The declaration of an AQAP is, in itself, a useful tool as it promotes low pollution developments and/or funding from development contributions i.e. the Community Infrastructure Levy and increases the success of bids for funding. DEFRA have annually made funds available in their Air Quality Grant Programme for local authorities to bid for funds but they are often heavily over subscribed.
- 4.3 Crucial to delivering this plan is the amount of Officer time available. Currently the Air Quality Officer post is vacant, with a view to sharing this role with Eastbourne. The Air Quality Officer has a range of responsibilities including air quality, permitting of manufacturing processes, assessment of large planning applications, and investigation of pollution incidents together with delivering the actions of the Lewes AQAP which was declared in 2009. To deliver the AQAP for Newhaven the allocation of officer time needs to be assessed and prioritised where the demand arises. The Lewes AQAP will be reviewed in 2016 and although some of the actions have been achieved there are still exceedances of NO₂, therefore the AQMA will not be revoked.

5 Improvements in Air Quality

- 5.1 If this plan is fully implemented it will deliver an improvement to air quality around the ring road by reducing pollution emitted from vehicles.
- 5.2 At this stage, it has not been possible to quantify pollution reductions for specific actions. It is considered that the measure with the greatest potential to reduce NO₂ concentrations within the AQMA is Action 1 (traffic infrastructure and delivery) and in the longer term Actions 3 and 4, i.e. planning restrictions and traffic management will go some way to reduce emissions.

- 5.3 Increases in traffic around the Ring Road system are very likely given the planned development that is being taken forward. Any improvements resulting from this Action Plan in terms of reducing vehicle movements, or in reducing emissions directly, may therefore be counter to an increasing number of vehicles due to new developments. It is vital therefore that new planned developments make payment /contribute towards improvements in sustainable travel in the area.
- 5.4 The Council will continue to monitor air quality at several locations within the AQMA. The results of the monitoring will be made available through the annual review and assessment reports along with proxy measures for quantifying improvements.
- 5.5 Lewes District Council aims to maintain the current high profile of the Newhaven AQAP with residents and councillors; to this end the Council will hold biannual public stakeholder meetings reporting on the progress of the AQAP. Only with a unified and sustained approach can the Council lobby both ESCC and Central Government to prioritise action and funding for Newhaven.

6 Scrutiny Committee

- 6.1 The AQAP was discussed at Scrutiny on 1 July 2016. The committee discussed various methods of reduction air pollution within the town including the use of NOx absorbing paint and planting small trees near areas of built up traffic i.e. roundabouts, traffic lights etc.

The committee agreed the action plan had been well researched, however, they recognised the difficulty in changing the infrastructure within Newhaven town as this fell within the remit of East Sussex County Council, as did the majority of actions contained within the Plan.

The committee requested that Natural England be included as a consultee and resolved:

- That the AQAP for Newhaven be endorsed
- That Cabinet be advised that the Committee welcome the action points as shown in para 3.4 of the report.

7 Financial Implications

- 7.1 To fully implement all the actions within the AQAP is potentially very costly both on officer time, but also in capital investment. Funding can be obtained through DEFRA's air quality grant programme via a bidding process. ESCC are also bidding for funds from the Coast to Capital and the South East Local Enterprise Partnerships for inclusion in their Local Growth Fund Round 3 submissions in July 2016.

8 Legal implications

- 8.1 Following declaration of an AQMA in Newhaven, the Council are statutorily obliged to produce an AQAP following guidance and direction from DEFRA.

9 Equalities implications

9.1 On 16 June an Equality Analysis was undertaken on the Newhaven AQAP. Due regard was given to the general equalities duties and to the likely impact of the Action Plan on people with protected characteristics, as set out in the Equality Act 2010. The AQAP was found to have positive outcomes, namely an improvement to air quality will enhance the quality of life for people with disabilities arising from respiratory problems (e.g. asthma, COPD).

10 Risk Management

9.1 I have completed the risk assessment checklist (LDC58469) and have identified the following risks:-

- Failure to declare to produce an AQAP after declaring an AQMA would be a breach of the Council's Statutory duty
- Failure to tackle air pollution effectively will affect the health of residents and reduce the attractiveness of the town as a place to live and work

These risks can be minimised implementing this plan via partnership work.

1. Background Papers

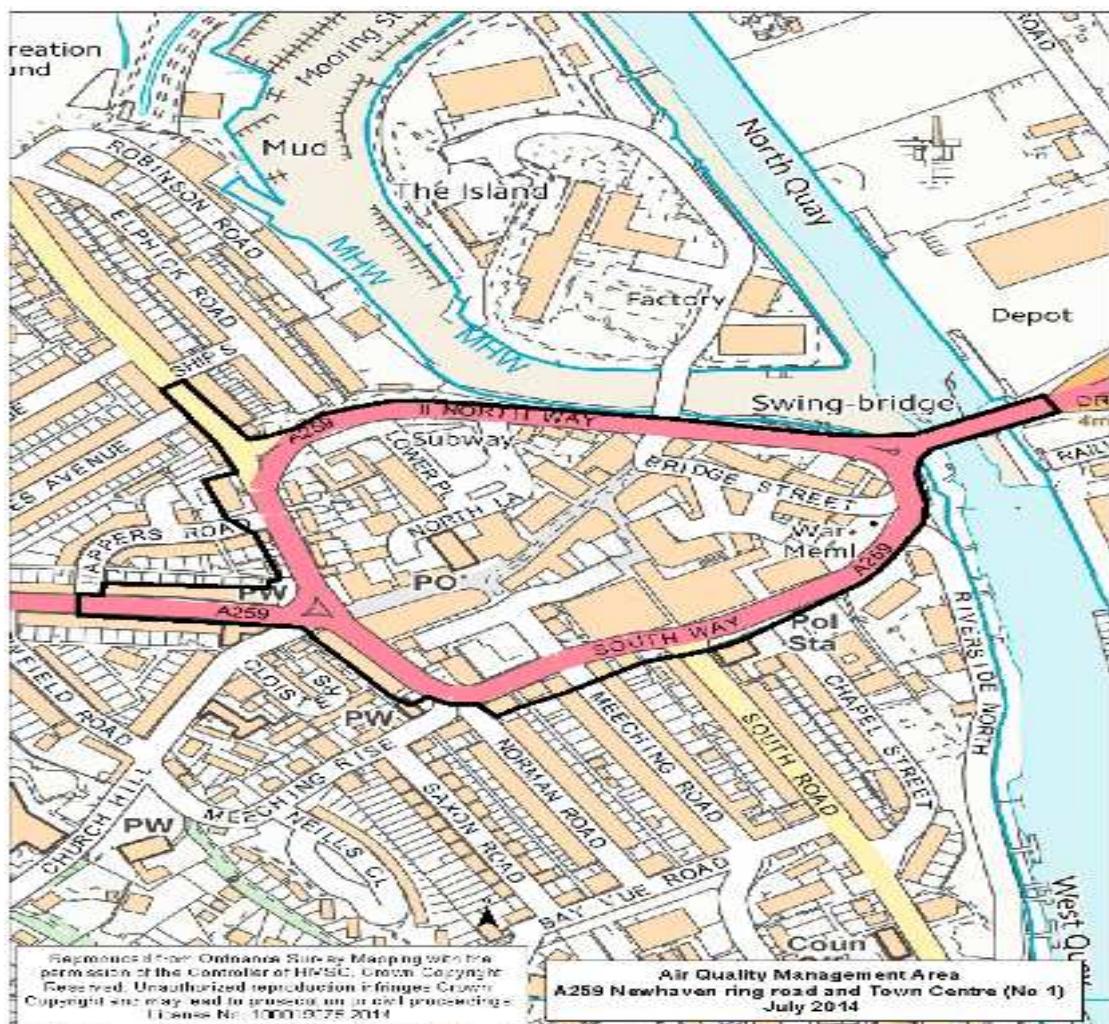
Local Air Quality Management Detailed Assessment of Air Quality in Newhaven 2012, Part IV of the Environment Act 1995

2. Appendices

1. Map of the AQMA
2. Newhaven Air Quality Action Plan

Appendix 1

Map on following page.

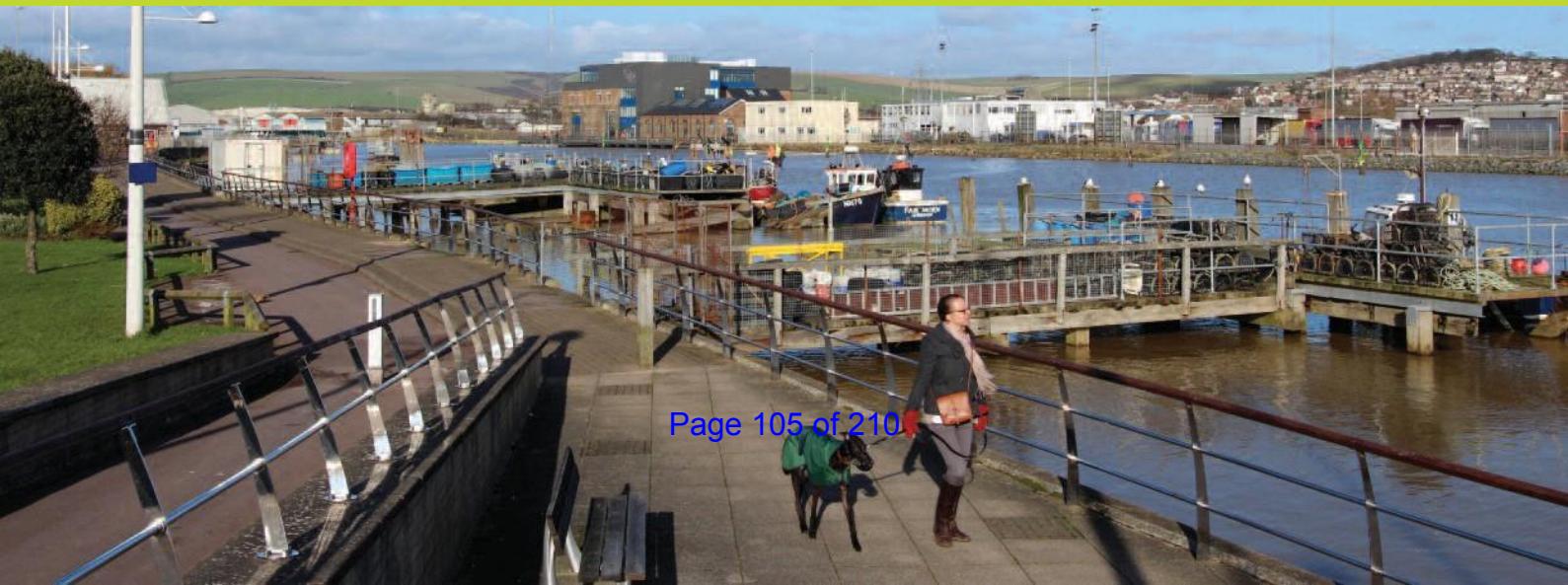




Newhaven Air Quality



Newhaven Air Quality Action Plan June 2016



This report is based on work carried out by Dr Clare Beattie of Air Quality Consultants Ltd on behalf of Lewes District Council in the period June to September 2015. The final contents are the responsibility of Lewes District Council.



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Executive Summary

Following the declaration of an Air Quality Management Area for the centre of Newhaven, an Air Quality Action Plan has been prepared to address the high concentrations of nitrogen dioxide (NO₂) which people are exposed to alongside the busy roads in the centre of Newhaven. Road transport is the main source of emissions relating to NO₂, and particularly diesel vehicles in stop- start traffic which make the biggest contribution resulting in higher emissions.

Seven broad areas of Action have been established to help deliver better air quality, with specific measures then identified for each of these Actions areas. The categories of Action are as follows:

- **Action 1: Enable the use of sustainable travel choices through the delivery of transport infrastructure and initiatives**
- **Action 2: Actively promote low emission vehicles and supporting infrastructure.**
- **Action 3: Use the planning system to ensure that air quality is fully considered for new development.**
- **Action 4: Use traffic management to reduce emissions within the AQMA.**
- **Action 5: Work with Public Health colleagues to inform the public about health impacts of Air Pollution and how they can change behaviour to reduce emissions and reduce exposure.**
- **Action 6: Continue to monitor and assess air quality in line with Government guidance on Local Air Quality Management (LAQM).**
- **Action 7: Target point sources in Newhaven Town Centre**

These Actions are evaluated in terms of their impacts on:

- air quality;
- cost and feasibility; and
- timescale for implementation.

An implementation plan is outlined, which includes a time scale for each measure and funding source. Ultimately the delivery of this Action Plan is dependent on adequate levels of resourcing, both for capital costs and staffing. Currently, increases in traffic are likely around the Ring Road system, assuming that the planned development for Newhaven is taken forward. Any improvements resulting from this Action Plan, in terms of reducing vehicle movements, or in reducing emissions directly, will therefore be challenged by an increasing number of vehicles due to new developments. This Action Plan should be treated as a living document and as such will be updated as and when required.

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1 Introduction and Aims of the Plan

- 1.1 It is now well documented that air pollution adversely affects human health. In the UK, outdoor air pollution is estimated to kill up to 40,000 people every year¹. Poor air quality has both long and short-term health impacts, particularly for respiratory and cardiovascular health, including increased hospital admissions and premature death. The impacts are not distributed equally, with the effect on life expectancy being greatest for the elderly and those with pre-existing heart and lung conditions². The World Health Organisation estimates that some 80% of outdoor air pollution-related premature deaths worldwide are due to heart disease and strokes, while 14% of deaths are due to chronic obstructive pulmonary disease or acute lower respiratory infections and 6% of deaths are due to lung cancer. The majority of health evidence relates to particulate matter (PM) but evidence associating nitrogen dioxide (NO₂) with health effects has strengthened substantially in recent years³.
- 1.2 Within Lewes District air quality is generally good. However, there are locations where pollutant levels are high, with the highest levels of pollution being experienced along the narrow congested street canyons (i.e. roads with properties close to the road on either side of the street) in Lewes and Newhaven.
- 1.3 This Action Plan aims to reduce NO₂ concentrations, as this is the pollutant for which Lewes District Council is not currently achieving relevant air quality objectives. There is a growing body of evidence of the health effects arising from exposure to both NO₂ and particulate matter, and it is important that measures that reduce NO₂ do not inadvertently increase emissions of particulate matter, as there is no threshold for health effects of particulate matter.
- 1.4 At a national level, the Environmental Audit Committee published its third report on Air Quality in December 2014, which concluded that recommendations from its previous two reports had not been implemented. It concluded that the Government must act urgently to:
- Meet EU nitrogen dioxide targets as soon as possible;
 - Engage with local authorities to establish best practice in tackling air pollution across the UK
 - Adjust planning guidance to protect air quality in local planning and development; and
 - Examine fiscal and other measures to gradually encourage a move away from diesel vehicles towards low emission options.

¹ From the Royal College of Physicians 'Every Breathe we take: The Lifelong impact of air pollution' <https://www.rcplondon.ac.uk/projects/outputs/every-breath-we-take-lifelong-impact-air-pollution>

² Within Lewes District it is estimated to account for up to 48 premature deaths per annum attributable to particulate matter PM_{2.5} https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/332854/PHE_CE_010.pdf

³ Committee on the Medical Effects of Air Pollution, 2015
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- 1.5 The Government has recently published updated guidance to improve air quality in the UK. The plans set out actions being planned or implemented at local, regional and national levels to meet the annual and hourly EU limit values for nitrogen dioxide in the shortest possible time. Subsequent implementation of the plans and progress towards compliance will be closely monitored nationally. The plans rely heavily on actions undertaken locally through the local air quality management process with *Plan UK0031 South East* which includes the district of Lewes. The actions set out in this document will therefore complement work being undertaken nationally.
- 1.6 Road transport is the main source of emissions in relation to NO₂, and to a lesser extent for particulate matter, with diesel cars making the biggest contribution within the AQMAs. In particular, stop-start traffic (i.e. acceleration and deceleration) results in higher emissions.
- 1.7 This Air Quality Action Plan aims to reduce air pollution within the Newhaven AQMA, in order to reduce the health impacts of current concentrations. It sets out how Lewes District Council and its partners will act to locally reduce emissions of relevant pollutants.

2 Context of Air Quality and Transport within Lewes District Council

Air Quality

- 2.1 Under Part IV of the Environment Act 1995, Local Authorities are required to review and assess air quality in their areas and to report against objectives for specified pollutants of concern, to the Department for Environment, Food and Rural Affairs (Defra). For each air quality objective in the Regulations, local authorities have to consider whether the objective is likely to be achieved. Where it appears likely that the air quality objectives are not being met, the authority must declare an AQMA. Following the declaration of an AQMA, the authority must then develop an Air Quality Action Plan which sets out the local measures to be implemented in pursuit of the air quality objectives. Prompted by the Review and Assessment process, AQMAs have been declared in Lewes and more recently in Newhaven. An Air Quality Action Plan was published for Lewes in 2009 outlining a number of measures to improve air quality within the AQMA. The current Action Plan relates specifically to the Newhaven AQMA.
- 2.2 Both AQMAs have been declared for NO₂, with the main source of emissions being from road traffic (particularly where congested), often exacerbated by a lack of dispersion due to surrounding buildings. In Newhaven, the AQMA is around the Ring Road, where its gradients increase engine load and hence emissions.

Figure 1: Air Quality Criteria for Nitrogen Dioxide

Pollutant	Time Period	Objective
Nitrogen Dioxide	1-hour Mean	200 µg/m ³ not to be exceeded more than 18 times a year
	Annual Mean	40 µg/m ³

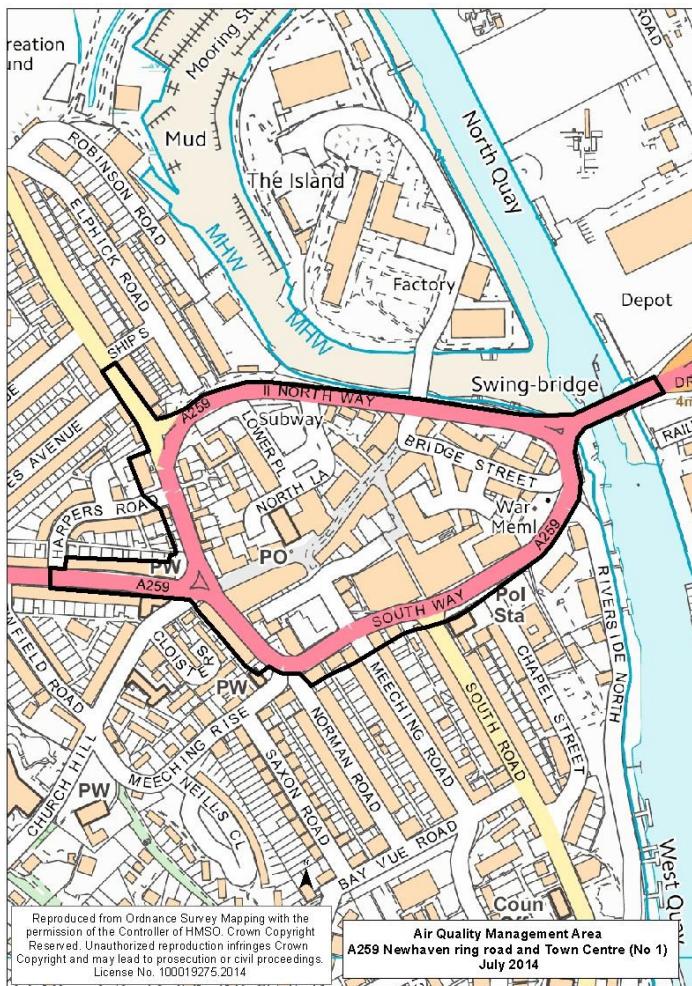


Figure 2: Newhaven AQMA

Source apportionment

- 2.3 The overall contribution made by emissions of nitrogen oxides from motor vehicles, which includes both nitric oxide and NO₂, to measured NO₂ concentrations depends on a number of factors, including how the emissions react in the atmosphere; in particular the reaction of nitric oxide with ozone, and the amount that is emitted directly as NO₂ (primary NO₂). Figure 2 shows the contribution from different vehicle types to NO₂ concentrations including background. Diesel cars and diesel light goods vehicles make the largest contribution from traffic.
- 2.4 At the 2011 Census the population of Newhaven was 12,232, made up of 4678 households, with 26% of these households not owning a car. However of those who work 62.5% travel to work by car, 13.6% use public transport, 13.4% walk or cycle and 10.5% work at home. There are

approximately 178 residential dwellings situated within the Air Quality Management Area with the majority of these being on or close to the Ring Road itself.

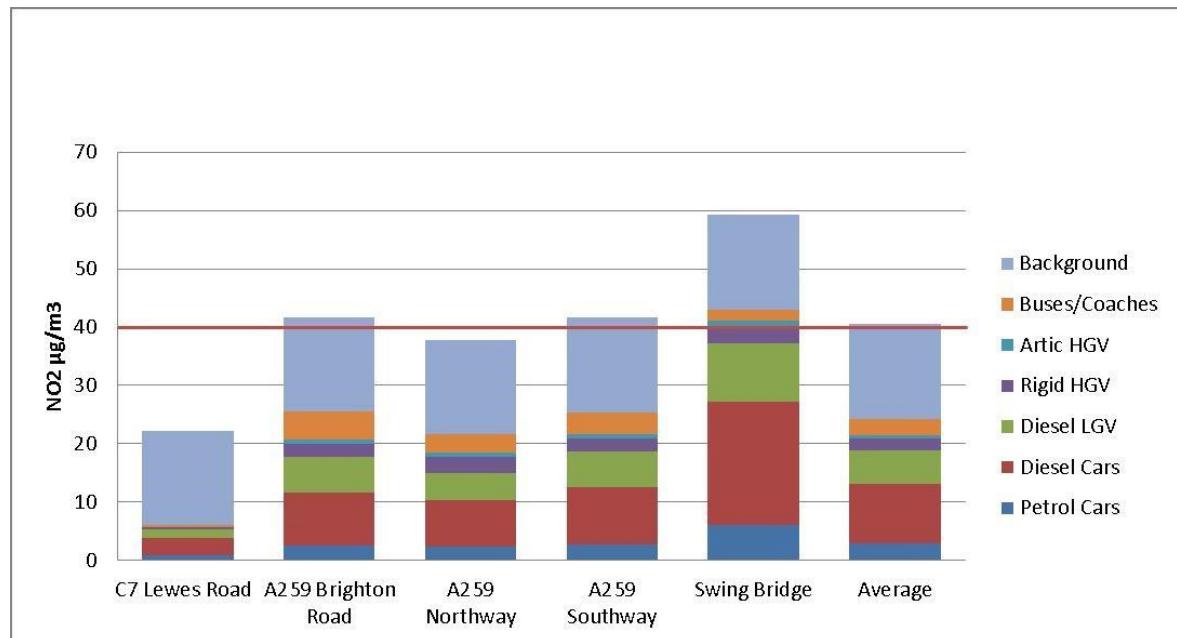


Figure 3: Apportionment NO₂ Concentrations by Source including Background within Newhaven AQMA

Newhaven AQMA NO₂ Concentrations

- 2.5 The Newhaven AQMA was declared in July 2014, the map of Newhaven in Figure 2 illustrates the size and location of the AQMA. This area was based upon evidence collected from our NO₂ diffusion tubes situated at strategic points around Newhaven. LDC has been monitoring in Newhaven for many years with a number of locations at or near the Ring Road currently exceeding the air quality limits for NO₂ when measured as an annual mean.

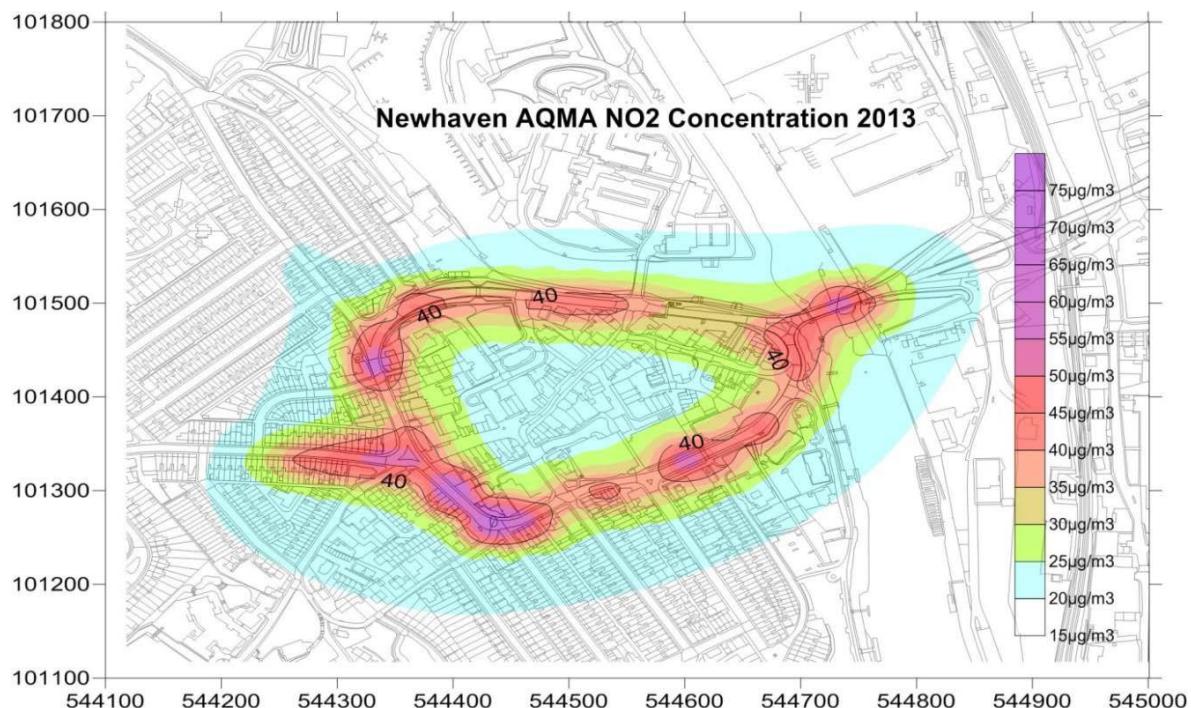


Figure 4: Newhaven AQMA NO₂ Concentration 2013

Annual Average Daily Traffic

2.6 Traffic flows and vehicle composition data have been provided by East Sussex County Council, who provided weekday counts used to derive Annual Average Daily Traffic (AADT) flows for the Newhaven Ring Road and its main tributaries.

Road Link	2014 AADT	HGV %
A259	28,582	3.3
Southway	16,960	4.4
Southway to Lewes Road Slip	7,793	3.8
Lewes Road	18,595	4.3
Lewes Road to Northway Slip	13,129	4.3
Northway	19,076	3.9
South Road	6,654	3.5

Southway to A259 Brighton Road	9,167	4.8
A259 Brighton Road to Lewes Road	10,802	4.7
A259 Brighton Road	19,970	4.7
Lewes Road to C7	5,236	2.7
C7 to Northway	5,947	3.0
C7	11,184	2.9

Figure 5: Annual Average Daily Traffic Summary 2014

Transport

- 2.7 Newhaven is one of the County's priority areas for economic growth, with significant investment being made in the area to achieve this particularly through Local Growth Fund monies being secured through the Local Enterprise Partnerships and the recently announced Enterprise Zone status for a number of key sites in the town. The 'Newhaven Clean Tech and Maritime Growth Area' is included in the South East & Coast 2 Capital Local Enterprise Partnership's Strategic Economic Plans and Growth Deals, along with the Greater Brighton City Region Growth Deal area. Funding has been secured through these mechanisms to deliver flood defence works and the Newhaven Port Access Road which will support future viability of new and existing employment sites within and around the port area.
- 2.8 Newhaven experiences a number of transport challenges, particularly around severance issues in relation to the High Street and congestion, both along the A259, which runs east-west through the town, and along the town centre Ring Road. As highlighted in paragraph 2.7 above, a key element of the economic life of the town is the port, which provides cross-channel ferries to Dieppe. A master plan has been developed for the port, which considers options for expansion of the port related activities. The five key strategic objectives are to maintain the ferry route; invest in infrastructure to enable a clean technology and renewable energy cluster; increase the volume of international trade through the port; invest in infrastructure for continued development of fishing and leisure marine sectors; and enhance the natural marine environment.
- 2.9 The town has two railway stations offering direct train services to Lewes, Seaford and Brighton. A significant number of people use rail to access employment, although there is the potential to increase the number of people using these stations. The town also has very good access to bus services with a high frequency route between Brighton – Newhaven – Seaford – Eastbourne; journey time reliability on

this service has been enhanced through the delivery of a bus corridor between Brighton and Peacehaven. In addition, the National Cycle Route NCN2 passes through Newhaven and forms part of the Avenue Verte London to Paris cycle route. There has been significant investment in the route towards Seaford in recent years, with investment in other routes serving the town including towards Peacehaven and this platform offers considerable potential to encourage more cycling within the town, for both utility purposes and leisure.

- 2.10 A commitment in ESCC Local Transport Plan (LTP) 2011 – 2026, outlined that the Ring Road in Newhaven would be reviewed, due to the impact it has on the town centre, particularly inhibiting access from the south. Consultants were commissioned to undertake modelling of options for improvements to the Ring Road; the modelling also included the transport demand generated by the planned housing and employment growth identified for Newhaven and Peacehaven in the emerging Lewes District Local Plan. These options included making the Ring Road two-way, but the results of the modelling demonstrated that this would cause major capacity issues at the junctions and beyond the Ring Road area, which would have further implications for air quality. Therefore consultants were commissioned to undertake a stage 2 study to look at improving traffic flow through junctions, potentially by linking the signals. The outcome of this study, completed in March 2016 will be made known once it has been reviewed by ESCC. Funding for these improvements may not be available in the short to medium term but if taken forward as part of a package of measures within the LTP Implementation Plan for the period 2016/17 to 2020/21; this will form a major element of the traffic management measures within this Action Plan.
- 2.11 ESCC is putting forward a Movement Access and Resilience Package for the A259 corridor focussed around Newhaven to both Coast to Capital and the South East Local Enterprise Partnerships for inclusion in their Local Growth Fund Round 3 submissions in July 2016. The package is seeking funding through both LEPs towards a number of elements including the Newhaven Ring Road improvements, public transport improvements on the A259 and a walking/cycling element for the Newhaven, Seaford and Peacehaven area.

New development

- 2.12 The LDC Joint Core Strategy (Local Plan Part 1) was adopted in May 2016 and nearly 20 sites have been identified as having potential for housing within the Strategic Housing Land Availability Assessment (SHLAA) for Newhaven, for which the traffic generated would need to enter the Air Quality Management Area. As at the 1st April 2015, 786 residential units were committed for delivery (in that they either had planning permission, or were an extant allocation), a further 400 units were proposed on a strategic housing allocation at Harbour Heights and a further 425

residential units were planned to be delivered on as yet allocated sites. Modelling of the effects of these increases in traffic on air quality within the AQMA has been undertaken to inform the planning process. This has shown that substantial increases in concentrations of NO₂ would occur around the Ring Road with these additional vehicle movements.

3 Existing Policies and Strategies

Local Enterprise Partnerships – Strategic Economic Plan – Local Growth Deals

- 3.1 As part of the Coast 2 Capital Local Enterprise Partnership Strategic Economic Plan, a Growth Deal was negotiated with government that allocated £10m to deliver Phase 1a of the Newhaven Port Access Road. This is subject to the approval of a robust business case by C2C and the Department of Transport. In addition £1.5m was allocated towards the Newhaven flood defence works scheme, through the C2C Growth Deal, which is being delivered by the Environment Agency, along with a further £1.5m allocated for this scheme through the South East Local Enterprise Partnerships' Growth Deal. This will capitalise on proposed investments including from E.ON on the Rampion Offshore Wind Farm and the new University Technical College (UTC) specialising in marine and environmental engineering. It will also assist in re-establishing Newhaven as an important gateway to mainland Europe.
- 3.2 The first phase of the Port Access Road has been completed and will unlock nearly 200 new homes and employment floor space as part of the Eastside development. The second phase, which will take the Port Access Road from the Parget Roundabout across the railway and Mill Creek closer to the harbour mouth, will enable the relocation of existing Port activities within the Port, and potentially unlock employment space to the north of the Port. There is also significant investment in the Port following planning approval to introduce a deep water berth at the harbour mouth, and ongoing support for the growing ferry service for both freight and passenger travel between Newhaven and Dieppe.
- 3.3 The plan also recognises the importance in supporting the need to support people's ability in accessing locations they need to get to for jobs and education. Therefore when opportunities arise, funding will be sought for delivering integrated transport packages that support high network resilience and local improvements in access to public transport and measures that support walking and cycling.

East Sussex Growth Strategy

- 3.4 The most significant recent policy document that demonstrates the commitment to driving economic development across the county is the East Sussex Growth Strategy. It aspires to easy movement around East Sussex, being well served by road and rail infrastructure and sustainable travel providing good access to all markets. In alignment with the Strategic Economic Plan it recognises the 'Newhaven Clean Tech and Maritime Corridor', stating that whilst investment has been undertaken, as with other growth corridors in the County further investment is required to sustain the momentum and ensure access is secured for key employment and housing areas.

3.5 ESCC Local Transport Plan (LTP) 2011 – 2026 sets out how local transport will be improved and how the roads will be maintained. The longer-term strategy document is supported by a series of short-term Implementation Plans showing how the strategy will be delivered. The vision for the LTP strategy is '*to make East Sussex a prosperous county where an effective, well managed transport infrastructure and improved travel choices help businesses to thrive and deliver better access to jobs and services, safer, healthier, sustainable and inclusive communities and a high quality environment*'. Specific transport objectives include:

- Reduce congestion by improving the efficiency of the transport network and encouraging greater use of sustainable modes of transport;
- Reduce greenhouse gas emissions, local air pollution and noise from transport; and
- Improve personal health and well-being by encouraging and enabling increased physical activity through active travel (i.e. walking and cycling).

The transport approach for Newhaven identifies that the challenge for the area is to focus on improving the environment and conditions for sustainable modes of travel and for general traffic, to support and grow the economy of the town. To this end and specifically for Newhaven, the LTP aims to improve the area around Newhaven Town Station, with walking and cycling routes that link housing and employment locations, education facilities, health services and shops. Improving conditions for bus travel on the A259 between Newhaven, Seaford and Eastbourne in the east and Peacehaven in the west is also prioritised, in order that priority bus measures already established on the A259 out of Brighton are connected with Newhaven.

Lewes District Local Plan

3.6 Lewes District Council adopted the Joint Core Strategy (Local Plan Part 1) in May 2016. This sets out the current planning strategy for the District. The council has retained a number of saved policies including the Protection of Air and Land Quality (ST30) as follows:

ST30 When considering planning applications for potentially polluting development, the Council will need to be satisfied on the following matters:

- (a) that the location is appropriate in terms of land use in relation to the uses in the surrounding area
- (b) that the development will have an acceptable impact on the surrounding area in terms of its effect on health, the natural environment, or general amenity, resulting from releases to water land or air, or noise, dust, vibration, light or heat
- (c) that the development will not have an adverse effect on the use of other land
- (d) that, where relevant, the appropriate after-use of land can be secured
- (e) that the developer will comply with other relevant policies in the Plan

- 3.7 The Joint Core Strategy is the main document that guides development in the district until 2030. The policy on air quality has been strengthened in Core Policy 9 to reflect current legislation and guidance and the requirements of the current Air Quality Action Plan. Along with Policy ST30, Core Policy 9 is already being applied by the District Council for decision making purposes.

Core Policy 9: Air Quality The local planning authority will seek to improve air quality throughout the district, having particular regard to any Air Quality Management Area (AQMA) designations. Applications for development that by virtue of their location, nature or scale could impact on an AQMA will be required to:

1. Have regard to any relevant Air Quality Action Plans (AQAP) and to seek improvements in air quality through implementation of measures in the AQAP.
2. Provide mitigation measures where the development and/or associated traffic would adversely affect any declared AQMA. All applications for development will be required to:
3. Provide mitigation measures where the development and/or its associated traffic could lead to a declaration of a new or extended AQMA.
4. Ensure that the development will not have a negative impact on the surrounding area in terms of its effect on health, the natural environment or general amenity, taking into account cumulative impacts.
5. Promote opportunities for walking, cycling and public transport and congestion management to reduce traffic levels in areas of reduced air quality, particularly in town centre locations, and promote the opportunity for cycling through the provision of cycleways.
6. Secure best practice methods to reduce levels of dust and other pollutants arising from the construction of development and/or from the use of the completed development.

As well as setting policies on issues such as air quality, the Core Strategy also identifies the level of housing and employment growth that is planned for Newhaven. Linked to this is the Council's Infrastructure Delivery Plan, which identifies the infrastructure needs associated with this development. Of relevance to this Action Plan is the need for junction improvements on the Ring Road and the junction with the A26 and improving demand management measures along the A259 to encourage greater use of public transport.

Strategic Housing Land Availability Assessment (SHLAA)

- 3.8 The SHLAA is being undertaken to show that the Council has a rolling five year supply of deliverable and developable land for housing. The findings are being used to inform planning policy work.
- 3.9 The purpose of the SHLAA is to assess potential housing land, within the district, to ensure a sufficient supply of housing sites. The conclusions of the SHLAA have informed the housing distribution, and strategic housing allocations, within the Core Strategy Proposed Submission document. It will also inform future housing sites within the Site Allocations Development Plan Document and Neighbourhood Plans. The SHLAA is an important technical piece of evidence. The study is not a statement of Council policy and does not in itself determine whether a site should be allocated for housing development.

Emerging Newhaven Neighbourhood Plan

- 3.10 Newhaven Town Council has begun the process of preparing a Neighbourhood Plan for the town. This will need to be in accordance with the strategic policies from the Local Plan and will identify the allocated housing sites that are required by the Lewes District Core Strategy. Further information on the Neighbourhood Plan can be found at: <http://www.newhaventowncouncil.gov.uk/neighbourhood-plan>

Sussex Air Quality Partnership

- 3.11 The Sussex Air Quality Partnership (Sussex-air) aims to drive improvements in air quality (and carbon reduction) for the benefit of the County's citizens and the environment. The partnership provides technical advice and support, and develops and implements projects that improve air quality and understanding of the health and environmental effects of poor air quality.

Air Quality and Emissions Mitigation Guidance for Sussex Authorities

- 3.12 This document (Sussex Air Quality Partnership, 2013) has been developed by the Sussex Air Quality Partnership to provide guidance on the assessment of air quality and the mitigation of potential impacts from proposed developments across Sussex. The guidance supports the principles of the partnership to improve air quality across Sussex and encourage emissions reductions to improve the environment and health of the population. The purpose of this guidance is to:

Provide a Sussex-wide approach for assessing potential air quality impacts from development and transport related emissions and provide a consistent approach to mitigating those impacts.

Provide technical advice to local planning authorities on how to deal with planning applications that could have an impact on air quality.

Air Alert Service

- 3.13 AirAlert is a service, provided by the Sussex Air Quality Partnership (SAQP) that sends alert messages to vulnerable people in Sussex informing them that poor air quality is predicted in their area. The alerts are sent to home phones via voice message, to mobile phones via text and via email.

Sussex LEZ Feasibility Study

- 3.14 A Low Emission Zone (LEZ) feasibility study has been undertaken in Sussex, with a wider remit to investigate measures for a low emission strategy. The aim of the project was to assess emission reduction options for Sussex AQMAs and develop implementation strategies, on a regional basis, with the ultimate aim being to develop a low emission strategy. A number of measures were looked at for each AQMA in Sussex including low emission buses, re-routing of HGVs, low emission local deliveries, car clubs and implementing the Ecostars scheme. Emissions modelling was undertaken of specific AQMAs, looking at specific measures in order to prioritise measures for a particular location. The Newhaven AQMA was not included in the study as it had not been declared at the time.

East Sussex Health and Wellbeing Strategy

- 3.15 The first Health and Wellbeing Strategy for East Sussex was published in October 2012 and identifies the health and wellbeing needs of East Sussex now and in the future. The strategy focuses on a small number of big issues where a more joined up approach will help improve outcomes and reduce inequalities. These issues include enabling people of all ages to live healthy lives and have healthy lifestyles, which complements the aims of this Action Plan in particular, with regard to active travel.
- 3.16 Sussex Community Development Association works across East Sussex developing community based initiatives aimed at addressing the needs of those most vulnerable in the community. The organisation has a healthy lifestyles team. The team delivers a range of programmes, some of which are funded by East Sussex County Council's Public Health department. The team is also involved in the Healthy Newhaven Network, which works alongside GP practices and aims to provide access to healthy activities. This may be a useful network to liaise with to ensure communication relating to behaviour change around active travel is implemented and well targeted.

Climate Change

- 3.17 'Your Energy Sussex' works with householders and businesses through investment in renewable energy, delivering a range of projects including large scale building refits, solar Photo Voltaic programmes and support to residents and communities. In addition, Lewes District Council is investing in Photo Voltaic panels on its own housing stock

Emerging ESCC Cycling and Walking Investment Strategy

- 3.18 The Infrastructure Bill became an Act in February 2015, and following considerable national lobbying, cycling and walking was included, alongside road infrastructure. Therefore the government is required to develop a National Cycling and Walking Investment Strategy (CWIS) to outline how any future funding associated with this will be allocated. As a result of the emerging national CWIS and to ensure that the County Council is prepared to bid for any funding associated with this, the County Council is developing a county wide Cycling & Walking Investment Strategy. This will include a cycling and walking investment plan for the Newhaven growth area, and the measures identified for inclusion will be reflected in the Newhaven Air Quality Action Plan.

Energise Network

- 3.19 The Energise Network was developed from Government grant funding from the Office of Low Emission Vehicles (OLEV) which has supported the installation of 18eV rapid electric vehicle chargers across sites in the South East, including one in Lewes and one in Newhaven. The Energise Network is a public and private sector partnership established to develop the electric vehicle network in the Southeast of England linking new and existing eV charge points. The network will link existing publicly accessible eV charge points across the Southeast to enable eV drivers' ease of access through Pay-As-You-Go systems or network RFID card operation. The Energise Network has been in operation since September 2015 and promotion of the sites to eV drivers is continuing through Sussex-air to increase usage of the new eV rapid chargers

Enterprise Zone

- 3.20 With the approval of the Secretary of State, Lewes District Council in partnership with Coast to Capital Local Enterprise Partnership (LEP) has been successful in bidding to establish an Enterprise Zone on eight key sites across Newhaven to facilitate inward investment, create new employment and sustain local economic growth, in line with the Government's key assessment criteria for new Enterprise Zones.
- 3.21 Newhaven's Enterprise Zone officially commences in April 2017. The primary benefit of Enterprise Zone (EZ) status is the ability to offer new businesses locating to the EZ a discount on their business rates of up to approximately £250,000 per business over a five-year period. An Implementation & Investment Plan will be completed by the end of 2016, which will set out key benefits in more detail.

- 3.22 The LEP has agreed that 100% of the uplift in business rates as a result of Enterprise Zone designation will be re-invested in the local Newhaven area to support delivery, including site-specific issues and wider infrastructure constraints.
- 3.23 This funding will emerge gradually as EZ sites are developed / occupied, with the primary objectives being to unlock the remaining sites and address existing barriers to development / redevelopment. Nonetheless, this funding could potentially assist businesses in sustainable practices and help develop transport plans for businesses to ensure they do not contribute to the incremental worsening of NOX depositions in already sensitive areas.
- 3.24 Commencing in April 2017, the Enterprise Zone is forecast to create around 55,000m² of new commercial floor space, refurbish a further 15,000m² of commercial floor space and create / sustain around 2,000 jobs over the zone's 25-year lifespan.
- 3.25 Currently there is a substantial net outflow of commuters due to paucity of employment opportunities with the majority of these travelling by car; the development of new business opportunities in the town, creating local jobs for local people, will have a positive effect on air quality.

4 Actions for Improving Air Quality

4.1 Some of the following actions are already underway, but this Action Plan will ensure they will continue to be improved upon. Others are in the early planning stages, or do not have funding associated with them yet. The actions therefore have different likely implementation times. There are 7 broad actions and for each of them, specific measures have been included. The actions are evaluated in relation to their expected impact on:

- Air quality (i.e. reduction in emissions or concentrations);
- Cost;
- Feasibility or practicability of option (including the wider non-air quality impacts); and
- Timescale for implementation.

Air Quality Impact

4.2 Air quality impacts have been classified on a scale of 'low' to 'high' impact. The higher the impact, the greater the improvement in air quality, i.e. the greater the reduction in NO₂ concentrations. For each Action, the expected reduction in annual mean NO₂ concentrations has been determined based on professional judgement, drawing, wherever possible, on experience gained from other studies. It should be noted that the impacts on air quality are judged in relation to the impacts within the AQMA(s). So, for example, an action may have wide reaching benefits, but only be slightly beneficial within the AQMA(s). The following classification scheme has been used:

Low: imperceptible (a step in the right direction). Improvements unlikely to be detected within the uncertainties of monitoring and modelling;

Medium: perceptible (a demonstrable improvement in air quality). An improvement of up to 2µg/m³ NO₂, which could be shown by a modelling scenario. Improvement is not likely to be shown by monitoring due to confounding factors of the weather; and

High: significant. Improvement of more than 2µg/m³ NO₂. Can be clearly demonstrated by modelling or monitoring (a significant improvement is likely to be delivered by a package of options rather than by a single intervention).

Cost

4.3 The implementation of the measures set out in this Action Plan are dependent on securing a sufficient and consistent level of funding both to support any additional staff that may be required, and to deliver the programme. In line with current Government guidance, it is not necessary to carry out a detailed cost-benefit analysis. Rather the aim is to provide a broad

indication of costs so that the proposed measures can be ranked according to the cost and the expected improvement to air quality. Costs are ‘very high’ to ‘very low,’ as follows:

‘Very Low’ cost is taken to be £10K and under;

‘Low’ cost is taken to be £10 - £50K;

‘Medium’ cost is £50 - 500K;

‘High’ cost is £500K - £2 million; and

‘Very High’ cost is over £2 million.

Further information on the types of funding that will be sought to deliver the proposed actions is outlined in section 6.

Feasibility

4.4 The feasibility of individual measures is not straightforward to quantify. The following factors have been taken into consideration:

- Alignment / synergies with Lewes District and other key partners’ strategic documents, to support future bids for funding to deliver the measures in the action plan; these include the Lewes Local Plan, C2C and SE Local Enterprise Partnership Strategic Economic Plan, East Sussex Growth Strategy, ESCC Local Transport Plan 2011-2026, ESCC Health & Wellbeing Strategy and Newhaven Neighbourhood Plan
- Wider non-air quality impacts (social, environmental or economic)
- Stakeholder acceptance / “political” feasibility; and
- Source of funding available or possible.

The Feasibility has been classified as ‘**low**’, ‘**medium**’ and ‘**high**’.

Timescale

4.5 The timescale for the implementation of measures has also been considered, and will be largely dependent on the ability to secure future funding. The following classifications have been used: **Short-term** relates to those measures that can be implemented within the 2016/17 financial year; **Medium-term** relates to those implemented within 2-5 years; **Long-term** options are those which are 6+ years.

Action 1

Enable the use of sustainable travel choices through the delivery of transport infrastructure and initiatives

- 4.6 Many of the measures focussed on enabling people to choose sustainable travel choices are already being implemented through ESCC Local Sustainable Transport Funding Programme 2015-16. Some measures are identified in the ESCC Local Transport Plan (LTP) Implementation Plan 2016/17 to 2020/21 (this is the second LTP Implementation Plan) but the delivery of these measures will be subject to the prioritisation and the availability of funding either through ESCC Local Transport Capital Programme, development contributions or through specific bids for external funding. It is suggested that sustainable travel measures could be focussed at some locations (such as the University Technical College (UTC), Sainsbury's, the Retail Park in Newhaven, etc.), but further work to identify these will be undertaken through the development of the Cycling & Walking Investment Plan for the Newhaven growth area.
- 4.7 In order to enable more people to choose sustainable travel for everyday journeys, a complementary package of transport infrastructure and initiatives will be required. The specific measures will include:
- Further expansion of Real Time Passenger Information System ;
 - Promotion of Real Time Passenger Information System;
 - Bus waiting facilities improvements;
 - Pedestrian links to public transport and key trip attractors;
 - Cycle route and cycle parking infrastructure;
 - Consistent signing of walking and cycling routes from residential areas to employment and education sites;
 - New or upgraded pedestrian / cyclist crossing facilities;
 - Van club feasibility work (for SMEs);
 - Publicising CarShare;
 - Investigating the delivery of a car club scheme;
 - Sustainable travel engagement programmes with schools, organisations and businesses;
 - Smart ticketing systems on buses;
 - Lewes District Council Travel Plan;
 - Additional bus services on A259 and serving new development sites; and
 - Travel plans for industrial estates.

Table 1: Evaluation of Action 1

Action 1	Enable the use of sustainable travel choices through the delivery of transport infrastructure and initiatives
Air Quality Impact	Emissions from transport form the biggest single contributor to NO ₂ concentrations in Newhaven. Increasing the use of public transport and active travel, such as walking and cycling, as well as car sharing, should reduce single occupancy car use and hence improve air quality, as well as mitigate against climate change. It is judged that initially benefits to air quality would be Low , but should progressively increase over time depending on the level of investment and take up. Medium impact should be achievable.
Cost	The cost of implementing sustainable travel choices options as an overall package would be High to Very High , although the costs of individual options would be Low to Medium .
Feasibility	High feasibility as politically acceptable. Aligns with Lewes District Council and East Sussex County Council policies. Positive impacts for health, climate change gas emissions and potentially noise.
Ownership	Mainly implemented by East Sussex County Council, but subject to funding, and will require support from other key partners, LDC, SDNPA.
Partners	Public Health, Public Transport Operators, Employers, Co-wheels, Lewes Wanderers, Cycle Seahaven
Funding	Subject to funding – potential funding include ESCC LTP, Development Contributions, European Funding and Local Growth Funding.
Timescale	Short to Long term.

Action 2

Actively Promote Low Emission Vehicles and Supporting Infrastructure

- 4.8 Lewes District Council, in partnership with other local authorities in Sussex is already promoting Electric Vehicles², in part through the Air Quality and Emissions Mitigation Guidance for Sussex authorities, which sets out requirements for developers for electric vehicle recharging provision, but also through the installation of an electric charging point in Newhaven, where drivers can recharge at no cost. This Action Plan will enhance the promotion of Electric Vehicles in particular and Low Emission Vehicles more widely. There is currently one eV charger in Newhaven in Lower Place Car Park.

²<http://www.energisenetwork.co.uk/>

4.9 Specific Actions will include:

- Use of the planning system to ensure a more widespread infrastructure for low emission vehicles;
- Further electric charging points in Newhaven at key sites including supermarkets and retail parks;
- Ecostars;
- Encouraging lower emission buses within the AQMA;
- A larger proportion of Low Emission Vehicles in the Lewes District Council Fleet; and
- A parking strategy with differential charges based on emissions.

Table 2: Evaluation of Action 2

Action 2	Actively promote low emission vehicles and supporting infrastructure
Air Quality Impact	As the proportion of Ultra Low Emission Vehicles such as electric vehicles increases, emissions of NOx and PM ₁₀ will decrease and concentrations will reduce. There will need to be a large swing towards electric vehicles before improvements are measurable. Therefore initially benefits to air quality would be Low , but should progressively increase over time depending on the level of investment.
Cost	Costs will largely be dependent on the level of investment gained. In order to make a difference to the vehicle park, it is considered that the overall investment would need to be High or Very High . As for the previous Action, the costs of individual options (such as Ecostars, improvements to the Lewes District Council Fleet) would be Low to Medium .
Feasibility	Medium feasibility. Some measures are very feasible (such as including infrastructure for electric vehicles within the planning system and inclusion of electric charging point in Newhaven), with others being less feasible and dependent on achieving funding (such as Ecostars and ensuring a larger proportion of Low Emission Vehicles in the Lewes District Council Fleet).
Ownership	Lewes District Council.
Partners	East Sussex County Council, developers, public transport operators.
Funding	Section 106, CIL, Air Quality Grants, OLEV Grants.
Timescale	Short to Long term.

Action 3

Using the planning system to ensure that air quality is fully considered for new development

- 4.10 Due to the large number of sites around Newhaven which have been identified for housing and the associated potential growth in traffic that this is likely to generate, this action is critical to ensure not only that air quality improvements come to fruition, but that the status quo is maintained. Modelling of air quality using relatively crude assumptions relating to traffic growth have shown a potentially significant worsening of air quality around the Ring Road in future years in relation to the baseline scenario of no growth. It is therefore imperative that the planning system is utilised to ensure that new development can support the Air Quality Action Plan, rather than hinder its implementation.
- 4.11 The Air Quality and Emissions Mitigation Guidance for Sussex Authorities will continue to be used to assess the impacts of specific developments and negotiate the levels of mitigation required. The issue which is more difficult to resolve is that of cumulative development within Newhaven. Each development assesses the impact of increased emissions associated with its own development, but the cumulative impact, in particular of increased traffic on the Ring Road system, will be more difficult to assess and mitigate.
- 4.12 Specific actions will include:
- Ensuring that the Sussex Mitigation Strategy Guidance for Developers is kept up to date, and implemented (particularly in relation to updates of national guidance etc.)
 - A review of East Sussex County Councils guidance on car parking provision
 - Ensuring that planning applications with potential air quality impacts are fully assessed for their impacts, at relevant locations using appropriate methodologies (as specified in the Air Quality and Emissions Mitigation Guidance for Sussex Authorities)
 - A strategy for ensuring that cumulative impacts are taken into account whereby appropriate mitigation is not only proposed but implemented where any relevant impacts are identified
 - Providing information re: sustainable transport for residents of new developments;
 - Integration of public transport at the planning stage and
 - Delivery of walking and cycling routes and measures that support access from new developments to key services.

Table 3: Evaluation of Action 3

Action 3	Using the planning system to ensure that air quality is fully considered for new development
Air Quality Impact	In the longer term, the air quality impact of siting new development in the locations which take air quality into consideration is likely to have a High impact on air quality, particularly where it takes place in locations that are particularly sensitive. In the shorter term, the impact will be Low .
Cost	Low cost for Lewes District Council.
Feasibility	High feasibility assuming political will.
Ownership	Lewes District Council.
Partners	East Sussex County Council, South Downs National Park Authority, developers.
Funding	Section 106 Agreements and Community Infrastructure Levy.
Timescale	Ongoing over the timescale of the Local Plan (and beyond).

Action 4

Traffic management to reduce emissions in locations within the AQMA

- 4.13 In 2014 Parsons Brinckerhoff was commissioned by East Sussex County Council to undertake a study to assess the future performance of the A259 through Newhaven to establish the potential impacts of further development planned in the town as identified in the emerging Lewes District Local Plan and to identify and test potential improvement options. The study focussed on two main highway options: a) capacity improvements to reduce existing congestion and accommodate the forecast demand; and b) to make North Way two-way (to improve town centre connectivity with the wider residential areas reducing the perceived severance issues). The study determined that forecast residential and employment growth up to 2030 could potentially be accommodated within the existing highway network; with improvement works however the modelling did indicate that increased congestion and traffic reassignment would inevitably be experienced. The study also assessed the impacts of a two-way A259 North Way option with a downgraded South Way. Modelling work indicated that this would result in significant capacity reductions making this option unviable.
- 4.14 A stage 2 study has recently been undertaken to produce preliminary designs for a number of highway improvements designed to improve existing conditions including upgrades to pedestrian crossings, linking existing traffic signals throughout the Ring Road to improve traffic flow, and modifications to the layout of a number of existing junctions to improve capacity. The benefits of these potential improvements have been tested using local

modelling. It is suggested that the outcomes of this work will be used to identify some of the specific traffic management measures that could be implemented should funding become available. It should also be noted that the impacts of some traffic management options may be negative for air quality. It should therefore be ensured that the impacts on air quality are fully considered.

4.15 Specific actions will include:

- LDC to support ESCC in bids for funding for Ring Road improvements.
- Improved signage on leaving Newhaven Port to aid HGVs in locating the A26.
- Anti-idling signage at key points in Newhaven; specifically on the A259 leading to the swing bridge and near local schools.

Table 4: Evaluation of Action 4

Action 4	Traffic management to reduce emissions in locations within AQMAs
Air Quality Impact	Medium to High impact.
Cost	Difficult to estimate at this stage, but a package of measures likely to be Medium to High.
Feasibility	Likely to be feasible as outcome of detailed study.
Ownership	East Sussex County Council.
Partners	Lewes District Council.
Funding	LTP, CIL and Section 106. DfT if any relevant funding streams.
Timescale	Medium to Long term.

Action 5

Work with Public Health colleagues to inform the public about health impacts of air pollution and how they can change behaviour to reduce emissions and reduce exposure

4.16 Air quality is a key issue for Public Health as exposure to high levels of air pollution can have adverse effects on the health of the population. This is because pollutants can exacerbate conditions such as asthma, and contribute to the risk of developing respiratory and cardiovascular disease, as well as lung cancer. These conditions are more likely to be present in people living in areas of deprivation, and nationally, evidence highlights linkages between the most deprived areas experiencing the worst air quality, thereby exacerbating health inequalities.

- 4.17 Active travel would lessen these health inequalities, as well as improve the health and wellbeing of people and achieve positive public health outcomes. For example, if people choose to walk and cycle more there would be a reduction in transport pollution, as well as an increase in physical activity. Not only will this increased activity lead to a reduction in obesity levels, and health conditions associated with obesity, evidence shows that exercise improves mental wellbeing, leading to greater feelings of revitalisation and a reduction in depression and anxiety.
- 4.18 Specific measures will include:
- Working closely with Public Health colleagues, through the Public Health Improvement Specialists
 - Walking and Cycling Challenges (at key workplaces and schools in Newhaven)
 - Adult Cycle Training (Bikeability)
 - Installation of cycle parking at key services
 - A cycle maintenance Initiative
 - Promotion of Existing walking and cycling routes
 - Working with Sussex Community Development Association to ensure that active travel is promoted for short journeys
 - Continuation of the Air Alert Service
 - Investigation of the feasibility of a real-time air quality monitoring station in Newhaven to use as a public information opportunity.

Table 5: Evaluation of Action 5

Action 5	Work with Public Health colleagues to inform the public about health impacts of Air Pollution and how they can change behaviour to reduce emissions and reduce exposure
Air Quality Impact	Low over the AQMAs as a whole, but required as a complimentary measure to traffic management, Smarter Travel and Low Emission Vehicles.
Cost	Low cost for each of the elements of this measure. As a whole the Action is likely to be Medium cost.
Feasibility	Highly feasible option as fits well with Lewes District Council policy and East Sussex Health and Wellbeing Strategy.
Ownership	Lewes District Council

Action 5	Work with Public Health colleagues to inform the public about health impacts of Air Pollution and how they can change behaviour to reduce emissions and reduce exposure
Partners	East Sussex County Council's Public Health department & ESCC Road Safety
Funding	Defra Air Quality Grants and Public Health funding.
Timescale	Short to Medium term.

Action 6

Continue to monitor and assess air quality in line with Government guidance on Local Air Quality Management

- 4.19 Lewes District Council currently monitors extensively for NO₂ and this Action Plan will retain this commitment. The existing air quality monitoring network should therefore be maintained, and a budget set aside for replacing real time analysers. The monitoring will assist in assessing the impacts of this Air Quality Action Plan, as well as ensuring that new development does not cause exceedances of the air quality objectives.
- 4.20 Specific measures will include:
- Continuation of monitoring within Lewes District Council, focussed on AQMAs, but also in other strategic locations
 - Regular assessment of air quality against air quality objectives, as specified by the LAQM process, with reports to Defra and the public; and
 - A review of measures set out in this Action Plan on a regular basis, to ensure they are up to date and being implemented

Table 6: Evaluation of Action 6

Action 6	Continue to monitor and assess air quality in line with Government guidance on Local Air Quality Management
Air Quality Impact	None directly in relation to LAQM, but acts as evidence base for measures
Cost	Low cost (per annum) to Lewes District Council
Feasibility	High Feasibility
Ownership	Lewes District Council
Partners	East Sussex County Council
Funding	Internal budget (LAQM) and LTP
Timescale	Ongoing

Action 7

Target Point Sources in Newhaven Town Centre

- 4.21 Gas boilers, combined heat and power plant, biomass plant all have associated emissions of NOx, which will add to the emissions from the transport sources targeted in the actions set out above and increase NO₂ concentrations. This action will target any point sources which may have detrimental impacts locally and which also add to general background levels of pollutants in Newhaven.
- 4.22 Specific measures include:
- Undertaking a feasibility study for a Department for Energy and Climate Change (DECC) district-heating system (from an incinerator); and
 - Support for SMEs for innovative low NOx heating systems (through Local Enterprise Partnership grant funding).

Table 7: Evaluation of Action 7

Action 7		Target Point Sources in Newhaven Town Centre
Air Quality Impact		Low
Cost		Low cost (per annum) to Lewes District Council depending on level of grants through LEP.
Feasibility		Medium to High Feasibility (to undertake study)
Ownership		Lewes District Council
Partners		Newhaven Town Council
Funding		Town Council currently funding feasibility study for a DECC District heating System. Potential for LEP funding for Small and Medium Enterprises
Timescale		Short to Medium term

5 Consultation

- 5.1 Under Schedule 11 of the Environment Act, local authorities are required to consult on their Air Quality Action Plan. It is important to have involvement of all local stakeholders to ensure the success of the Action Plan. This Action Plan has been drafted through a partnership approach in particular with East Sussex County Council (transport and public health), planners, Newhaven Town Council, Highways England and the Southdowns National Park.
- 5.2 The Newhaven AQAP is intended to be an evolving plan that will develop in time and, as a result will be subject to ongoing consultation. Effective action plans require consensus and co-operation of as many stakeholders as possible such as local communities and business organisations, as well as those bodies responsible for implementing solutions. Any action requires backing and support of stakeholders who need to take ownership of the action planning process and feel part of the overall decision making process.
- 5.3 External stakeholders include:
- The Secretary of State;
- The Environment Agency;
- Lewes District Council and East Sussex County Council councillors and officers;
- Newhaven Port Authority;
- Neighbouring local authorities;
- Local residents within and bordering the AQMA;
- Relevant local businesses, community groups and forums;
- Network Rail, Public Transport Operators (bus and rail);
- South Downs National Park Authority;
- Highways England (A26 and A259); and
- The Director of Public Health.
- 5.4 Internal consultation was carried out through:
- Meetings with Officers from Environmental Health and ESCC transport Team; and
 - Ad-hoc meetings between Officers and relevant Council Departments such as Taxi licensing, Regeneration, Planning Policy and Councillors.
- 5.5 External Consultation and engagement was carried out through:

- An article in 'Newhaven Matters', a newsletter that is distributed to every household in Newhaven;
- An online survey accessible through the LDC website; this ran from mid-February to 30th April 2016;
- Paper survey forms being available for collection and return at the local Newhaven community café;
- A press release to launch the consultation period. This was accompanied by an interview of the Lead Member to discuss air quality in Newhaven on local radio;
- A public event that included an exhibition of display boards on the AQMA and AQAP, distribution of leaflets and questionnaires and Officers from various Departments of the Council on hand to answer questions.

6 Implementation Plan

Partnership Working

- 6.1 To implement the Action Plan, Lewes District Council recognises the importance of working in partnership with all key stakeholders, to support the delivery of the identified measures, particularly District planners and transport planners and operators. To secure the necessary air quality improvements, all local stakeholders must be involved.
- 6.2 To support partnership working and the securing of future funding, LDC has established an Air Quality Action Plan Steering Group, which will meet biannually from September 2016.

Potential Funding Sources

- 6.3 Ultimately the delivery of this Action Plan is dependent on adequate levels of resourcing, both for capital costs and revenue costs for staff and initiatives. Funding sources have been highlighted in the evaluation tables, but the potential types of funding that will be sought by working in partnership with our key partners include:-
- Developer Contributions – either through Section 106 or through Community Infrastructure Levy (CIL). S106 will be secured for site specific requirements such as access. CIL is a planning charge placed on a development to help fund supporting infrastructure across the whole planning authority area. LDC will be responsible for deciding how CIL funds are spent;
 - ESCC Local Transport Plan (LTP) Capital Programme – There is the potential for measures identified in the action plan to be assessed and prioritised for inclusion in ESCC's Annual Local Transport Plan Capital Programme, which is approved by the ESCC Lead Member for Transport & Environment; and
 - External Funding – LDC will work with key partners to support them in securing external funding at both a strategic and local level.

Monitoring

- 6.4 The implementation and effectiveness of the Action Plan will be carefully monitored through the monitoring of NO₂ concentrations at relevant locations within Newhaven. In addition, other indicators such as traffic flow, proportions of different categories of vehicles, use of public transport and levels of cycling will be incorporated. There will be regular reviews of the action planning proposals by the Air Quality Action Plan Steering Group, which will be reported on an annual basis to Defra. These reviews will include both direct air quality monitoring information, as well as information on proxy measures for monitoring specific proposals. The following tables include a more refined timescale for implementation.

Table 8: Measures to be Included in the Air Quality Action Plan

Action 1	Enable the use of sustainable travel choices through the delivery of transport infrastructure and initiatives		
	Proposed Measure	Timescale	Potential Funding Sources
	Upgrade existing Real Time Passenger Information System;	Ongoing since Autumn/Winter 2015	Development contributions, LTP Capital Programme
	Promotion of Real Time Passenger Information System	Ongoing since Autumn/Winter 2015.	LSTF
	Bus waiting facilities improvements	Ongoing.	Development contributions, LTP Capital Programme
	Cycling – Develop and implement a cycling network for Newhaven and Seaford towns Walking – develop and implement measures to enable walking between key destinations, residential areas, town centre services, schools, employment Develop walking and cycling links to the South Downs National Park	Cycling & Walking Investment Strategy is being developed by ESCC to be approved within 2016/17	Development contributions, LTP Capital Programme Other External Funding
	Consistent signing of walking and cycling routes from residential areas to employment and education sites	Initial design work has been undertaken for a signing strategy in Lewes	Development contributions, LTP Capital Programme DfT Other External Funding
	New or upgraded pedestrian / cyclist crossing facilities	Ongoing	Development contributions, LTP Capital Programme Other External Funding
	Van club feasibility work (for SMEs)	Short	
	Publicising CarShare	Ongoing	Internal budgets
	Sustainable travel engagement programme with schools and businesses	Ongoing	Other External Funding

	Smart ticketing systems on buses	TBC	TBC
Action 1	Enable the use of sustainable travel choices through the delivery of transport infrastructure and initiatives		
	Proposed Measure	Timescale	Potential Funding Sources
	LDC Travel Plan	Short	Internal LDC budgets
	Additional bus services on A259 and serving new development sites	Medium: Dependent on timing for delivery of major housing sites in Newhaven and Peacehaven	Development Contributions
	Travel Plans for industrial estates	Ongoing	Businesses Other External Funding
Action 2	Actively promote low emission vehicles and supporting infrastructure		
	Electric Charging Point in Newhaven Lower Place Car Park;	July 2015	OLEV
	Use of the planning system to ensure a more widespread infrastructure for low emission vehicles	Ongoing	n/a
	Ecostars	n/a	Funding needs to be sought, potentially from Defra Air Quality Grant
	Encouraging lower emission buses within AQMAs	TBC	ESCC / businesses
	Larger proportion of Low Emission Vehicles in the LDC Fleet	2017	LDC
Action 3	Use the planning system to ensure that air quality is fully considered for new development		
	Ensuring that the Sussex Mitigation Strategy Guidance for Developers is kept up to date, and implemented (particularly in relation to updates of national guidance etc); .	Ongoing in partnership with other Sussex authorities	Internal budgets
	Working with planning policy colleagues to ensure that the forthcoming Core Strategy fully addresses air quality issues with appropriate policies included, including a review of East Sussex County Councils guidance on car parking	Ongoing to fit with Core Strategy timescales	n/a

	Ensuring that planning applications with potential air quality impacts are fully assessed for their impacts, at relevant locations using appropriate methodologies (as specified in the Air Quality and Emissions Mitigation Guidance for Sussex Authorities)	Ongoing	n/a
Action 3	Use the planning system to ensure that air quality is fully considered for new development		
	Proposed Measure	Timescale	Potential Funding sources
	Strategy for ensuring that cumulative impacts are taken into account. Any committed developments should be included within a given air quality assessment	Ongoing	n/a
	Ensure appropriate mitigation is implemented where any relevant impacts are identified	Ongoing	n/a
	Information re: sustainable transport for residents of new developments	Short to medium	S106
	Integration of public transport at planning stage	Short to medium	S106
	Delivery of walking and cycling routes that support access from new developments to key services	Identified in ESCC Cycling & Walking Investment Strategy for LDC	S106
Action 4	Traffic management to reduce emissions in locations within AQMAs		
	Identification of traffic management options from the Stage 2 study of the A259 and lobbying for implementation of the outcomes	March 2016	Funding to be sought
	Improve signage on leaving Newhaven Port	Short	ESCC
	Introduce anti-idling signs at key locations	Short	ESCC
Action 5	Work with Public Health colleagues to inform the public about health impacts of Air Pollution and how they can change behaviour to reduce emissions and reduce exposure		
	Work closely with Public Health colleagues, through Public Health Specialist Advisors	Ongoing	
	Walking and Cycling Challenges (at key workplaces and schools in Newhaven)	Until March 2016 then dependent on future funding	Funding to be sought
	Adult Cycle Training (Bikeability)	Ongoing, but not specifically in Newhaven	DfT or other external funding sources

	Encourage the delivery of cycle parking at key services	Ongoing	Development contributions, LTP, Other External Funding Provided as part of development
Action 5	Work with Public Health colleagues to inform the public about health impacts of Air Pollution and how they can change behaviour to reduce emissions and reduce exposure	Proposed Measure	Timescale
	Cycle maintenance initiative	Ongoing	Funding to be sought
	Promotion of Existing walking and cycling routes	Cycling leaflets will be updated and republished by March 2016, and made available	Other External Funding
	Work with Sussex Community Development Association to ensure that healthy travel modes are promoted for short journeys	Ongoing	ESCC Public Health
	Continue Air Alert Service	Ongoing	Sussex Air
	Investigate feasibility of a real time air quality monitoring station in Newhaven to use as public information opportunity	Short	LDC Internal Budgets
Action 6	Continue to monitor and assess air quality in line with Government guidance on Local air Quality Management		
	continuation of monitoring within Lewes District Council, focussed on AQMAs, but also in other strategic locations	Ongoing	LDC internal Budgets
	regular assessment of air quality against air quality objectives as specified by the LAQM process with reports to Defra and the public	Ongoing	LDC internal Budgets
	review of measures set out in this Air Quality Action Plan on a regular basis to ensure they are up to date and being implemented	Ongoing	LDC internal Budgets
Action 7	Target point sources in Newhaven town centre		
	Undertake a feasibility study for a Department for Energy and Climate Change (DECC) District heating System (from incinerator)	Short	Newhaven Town Council/ DECC
	Support for SMEs for innovative low NOx heating systems (through Local Enterprise Partnership grant funding)	November 2015	LEP

7 Summary of Responses to Online Survey

- 7.1 Our survey attracted 125 responses in total, of which 97% (121) were from residents. This was extremely positive as the Council would usually expect no more than around 20 or so responses to a survey of this type.
- 7.2 Overall, support for a 20mph zone on the swing bridge was relatively lukewarm with 44% of respondents being in favour, 43% against and 13% 'don't know'. However, 83% of respondents would be supportive of a Low Emission Zone around the Ring Road and 65% would like Lewes District Council to promote alternative modes of transport such as walking and cycling although it was noted that the majority of respondents already walked and cycled frequently.
- 7.3 57% of respondents would be more likely to walk or cycle around Newhaven if pedestrian and cycle access routes were to be improved whilst somewhat surprisingly, 62% said they would not join a car share scheme if the opportunity arose.
- 7.4 Only 24% of respondents would be supportive of making new developments car free with 55% saying no and the remaining 21% undecided. Comments made suggest that residents are quite understandably concerned that incomers to new developments will simply park their vehicles in the surrounding area potentially exacerbating parking problems there.
- 7.5 62% of respondents would like Lewes District Council to actively promote incentives for the purchase/lease of Ultra Low Emission Vehicles and the location of charging points.
- 7.6 The complete survey results are summarised at Appendix A below.

8 Actions Considered but Not Taken Forward

8.1 Actions considered but not taken forward include:

- Park and Ride facilities; the impact on local air quality would be minimal unless these facilities could be based at Newhaven Town train station;
- A feasibility study to investigate the impacts of car free developments in Newhaven; there is currently an insufficiently robust transport infrastructure to support these types of developments;
- Bus lanes on the A259 due to limited road space on the Ring Road;
- Investigation of a 20 mph zone around the Ring Road (with the aim to smooth traffic flow); at peak times the traffic generally travels at less than 20mph anyway and at other times, the cost of implementing the scheme would outweigh the debatable benefits to local air quality;
- Footbridges and subways instead of pedestrian crossings – because in accessibility terms they are not suitable and from a personal security perspective pedestrians prefer to cross at grade; and
- NOx-absorbing paint; as a whole there is little current evidence to suggest that the widespread use of photocatalytic surfaces will reduce ambient concentrations of nitrogen dioxide.

9 Actions Requiring Further Research

9.1 The following actions require further investigation and will be reviewed at the next Stakeholder meeting in September 2016:

- A Relief Road from the A26 north of Newhaven to the A259.
- A Low Emission Zone in Newhaven;
- The feasibility of capping of rail and/or bus fares for local travel;
- A reviewed parking strategy offering free parking for ULEVs and paid for parking based on vehicle engine size and emissions for long term parking along with free parking for all vehicles for up to one hour in the Town Centre car parks;
- Roadside Emissions Testing: This may be used by local authorities in England and Wales that have declared a traffic-related air quality management area under S.83 of the Environment Act 1995;
- Remote Sensing Technology: Following the Volkswagen emissions scandal, it is now well documented that the MOT does not reflect a vehicle's true emission performance in everyday use on the road. It is now possible to remotely detect vehicle emissions alongside number plate recognition without having to stop drivers;
- Enforcing idling vehicles legislation; it is an offence under Regulation 98 of the Road Vehicles (Construction and Use) Act 1986 to leave an engine running unnecessarily whilst the vehicle is stationary. Lewes DC intends to introduce 'anti-idling' signage at relevant hot spots such as the swing bridge and local schools. Should this not prove to be effective, the Council will consider enforcing the legislation by issuing fixed penalty notices under The Road Traffic (Vehicles Emissions) (Fixed Penalty) (England) Regulations 2002. It would however be preferable to raise public awareness of the impact of idling engines and to promote eco-driving;
- A re-allocation of bus stops on the A259 heading west out of Newhaven just off the Ring Road in order to reduce congestion and aid traffic flow; and
- A feasibility study into buses utilising the High Street rather than the Ring Road. This would reduce the need for members of the public to wait for buses in areas known to be of poor outdoor air quality.

10 Summary and Conclusions

- 10.1 This Air Quality Action Plan sets out 7 broad Actions as detailed below. For each action, specific measures have been included.
- Action 1: Enable the use of sustainable travel choices through the delivery of transport infrastructure and initiatives;
 - Action 2: Actively promote low emission vehicles and supporting infrastructure;
 - Action 3: Using the planning system to ensure that air quality is fully considered for new development;
 - Action 4: Traffic management to reduce emissions in locations within the AQMA;
 - Action 5: Work with Public Health colleagues to inform the public about health impacts of Air Pollution and how they can change behaviour to reduce emissions and reduce exposure;
 - Action 6: Continue to monitor and assess air quality in line with Government guidance on LAQM; and
 - Action 7: Target Point Sources in Newhaven Town Centre.
- 10.2 At this stage, it has not been possible to quantify emissions reductions for specific actions. It is considered that the measure with the greatest potential reduce NO₂ concentrations within the AQMA is Action 1, and in the longer term Actions 3 and 4.
- 10.3 Increases in traffic around the Ring Road system are very likely to rise given the planned development that is being taken forward. Any improvements resulting from this Action Plan in terms of reducing vehicle movements, or in reducing emissions directly, may therefore be counter to an increasing number of vehicles due to new developments although it recognised that new planned developments will need to make/contribute towards improvements in sustainable travel in the area.
- 10.4 The measures highlighted in this Air Quality Action Plan should reduce concentrations of NO₂ at the relevant sensitive receptors, although it is too early to say exactly what impacts they will have on improving air quality, especially against the increasing traffic levels on the Ring Road due to new developments coming on line. The Council is continuing to monitor air quality at several locations within the AQMAs. The results of the monitoring will be made available through the annual review and assessment reports along with proxy measures for quantifying improvements.
- 10.5 This Action Plan should be treated as a living document and as such will be updated as and when required. The Air Quality Action Plan supports the Draft Core Policy 9 of the Local Plan.

- 10.6 The Defra Draft Action Plan Appraisal Report recommended that the final Action Plan incorporate 'more accurate timescales for implementation of individual actions and sets clear and quantifiable indicators for tracking progress of the measures.' 'The likely availability and timeframes for securing funds should be considered and updated within the final Action Plan as this is likely to be one of the key factors in determining the overall effectiveness of the Action Plan.'
- 10.7 ESCC, the highway authority has identified possible transport measures and initiatives to improve air quality within the Newhaven AQMA however positive action on the ground is required if the County Council is to achieve its specific transport objective to reduce local air pollution through both its own Local Transport Plan and through collaborative working with Lewes District Council and other key stakeholders on the Newhaven Air Quality Action Plan.
- 10.8 Lewes District Council aims to maintain the current high profile of the Newhaven AQAP with residents and councillors; to this end the Council will hold biannual public stakeholder meetings reporting on the progress of the AQAP. Only with a unified and sustained approach can the Council lobby both ESCC and central government to prioritise action and funding in Newhaven.

11 References

Committee on the Medical Effects of Air Pollution (2015)

Statement on the Evidence of the Effects of Nitrogen Dioxide on Health. COMEAP

Sussex Air Quality Partnership. (2013).

Air Quality and Emissions Mitigation Guidance for Sussex Authorities. www.sussex-air.net

DEFRA Technical Guidance Note LAQM TG(16).

<http://laqm.defra.gov.uk>

eV South East Network Partnership

www.evsoutheast.net

12 Glossary

AQAP	Air Quality Action Plan
AQMA	Air Quality Management Area
CIL	Community Infrastructure Levy
COMEAP	Committee On the Medical Effects of Air Pollution
DECC	Department for Energy and Climate Change
Defra	Department for Environment, Food and Rural Affairs
DfT	Department for Transport
ESCC	East Sussex County Council
Exceedance	A period of time when the concentration of a pollutant is greater than the appropriate air quality objective. This applies to specified locations with relevant exposure
HGV	Heavy Goods Vehicle
IAQM	Institute of Air Quality Management
LAQM	Local Air Quality Management
LEP	Local Enterprise Partnership
LEZ	Low Emission Zone
LSTF	Local Sustainable Transport Fund
LTP	Local Transport Plan
µg/m³	Microgrammes per cubic metre
NO	Nitric oxide
NO₂	Nitrogen dioxide
NOx	Nitrogen oxides (taken to be NO ₂ + NO)
OLEV	Office for Low Emission Vehicles
Objectives	A nationally defined set of health-based concentrations for a number of pollutants setting out the extent to which the standards should be achieved by a defined date.
PM₁₀	Small airborne particles, more specifically particulate matter less than 10 micrometres in aerodynamic diameter
PM_{2.5}	Small airborne particles less than 2.5 micrometres in aerodynamic diameter

Section 106	Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as s106 agreements, are a mechanism which make a development proposal acceptable in planning terms, that would not otherwise be acceptable
SHLAA	Strategic Housing Land Availability Assessment
SME	Small and Medium Enterprise
Standards	A nationally defined set of concentrations for nine pollutants below which health effects do not occur or are minimal

13 Appendix A

Newhaven Air Quality Action Plan consultation survey results

Total respondents: 125

Survey opening date: 19 February 2016

Survey closing date: 30 April 2016

Q1. Are you responding as a resident or a member of the public?

A resident / member of the public: 97% (121)

On behalf of an organisation: 3% (4)

Q2. If responding on behalf of an organisation, please state which one

- Both a resident and as a Newhaven Town Councillor
- The Woodland Trust
- Not stated: 2

Q3. Would you be supportive of a 20mph zone introduced on the Newhaven swing bridge?

Yes: 44% (55)

No: 43% (54)

Don't know: 13% (16)

Q4. Please tell us if you have any comments on this suggestion

Comment summary	Instances
Traffic is often too slow to reach 20mph	23
Slower speeds cause more congestion / pollution	24
Lights at pedestrian crossings slow the traffic down	9
20 mph limit it would need to be properly enforced	8
Would support if this reduces actual pollution	3
20mph would help relieve congestion	2
Put the road back through the town to bring the centre of Newhaven back to life	2

Other comments

- Need an alternative route on the A259 to avoid the swing bridge
- Don't slow us up ever more!
- I would support it but do not think it would have any effect.
- Ring road needs to be redesigned to let traffic flow
- Install a speed camera to deter boy racers
- Need needed - fast enough on the bridge
- Should have 20mph in all towns in the district
- The issues only started when the one way system was changed
- This would encourage dangerous tailgating
- This will not be successful in ensuring air quality is safe as a lone measure.

Q5. Would you be supportive of a Low Emission Zone around the Ring Road?

This would require us to ensure all commercial vehicles using this road meet vehicle emissions levels

Yes: 83% (104)

No: 14% (17)

Don't know: 3% (4)

Q6. Please tell us if you have any comments on this suggestion

Comment summary	Instances
Must be properly monitored / enforced	7
Large freight should be stopped from using the A259 / ring road and sent via the A 26/27	5
Too hard to enforce	4
Pedestrian crossings cause the congestion - they should change faster	3
Of course vehicles should meet the required standard.	2

Unfair on owners of older vehicles	2
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Other comments

- This could result in more commercial vehicles using the A259
- This seems like a good idea, particularly for buses
- It should stretch the whole length of the a259 from Brighton to Eastbourne
- How and where would the testing be done?
- As long as it's only applied to commercial vehicles.
- The amount of large vehicles using the A 26 and coming into Newhaven is unacceptable - we need another alternative route.
- Need to clarify the zone you intend to include
- The cause of the pollution is the constant holdups caused by pedestrian crossing ring road
- Get vehicle drivers to switch off engines in the endless queues when the bridge is open
- I would like to see far lower or zero emissions nationwide
- Ridiculous as some vehicles would have to go via Lewes and Rottingdean to reach Peacehaven.
- Wouldn't make sufficient difference.
- Many measures are urgently required.

Q7. Would you like us to promote alternative modes of transport such as walking and cycling?

Yes: 65% (82)

No: 22% (27)

Don t know: 13% (16)

Q8. Please tell us if you have any comments on this idea

Comment summary	Instances
More cycle paths / infrastructure needed	12
Existing cycle paths are underused (e.g. A259)	6
Pollution makes walking/cycling dangerous	4
Most traffic not local	3
Better / cheaper public transport needed	3
More cycle lanes will cause more traffic congestion	3
This would be a waste of money	3
Improve links between cycle paths and signage	2
More shared paths / cycle paths	2

Other comments

- As a keen cyclist and member of cycle sea haven I would love to see this.
- Encourage public transport by reducing cost
- Better public transport around town
- Maintain park and ride in Peacehaven
- Better to invest funds in a another link road or improvement to the C6
- Need a new road linking the C6 to the incinerator (paid by Veolia)
- improve the Newhaven side of the walking/cycle path out of Peacehaven.
- Consider visually-impaired and disabled people in the planning of this to ensure their safety through accessibility.
- Need to consult cyclists before building cycle paths
- I don't think this will be effective until the town centre becomes a thriving place
- Alternative methods are already promoted

Q9: Would you be more likely to walk or cycle if pedestrian and cycle access routes in and around Newhaven were improved

Yes: 57% (71)

No: 34% (43)

Don t know: 9% (11)

Q10: Please tell us if you have any comments on this idea

Comment summary	Instances
I already walk much of the time	10
I cycle already	5
I'd cycle more if there were more paths / they were better maintained	5
The poor air quality puts me off walking / cycling	4
Cycling is too dangerous currently	3
Good for those mobile enough to walk/cycle	2
I'd walk more if Newhaven offered more.	2
Too many pedestrian crossings has caused congestion	2

Other comments

- Improvements needed to the crossing near the Job Centre
- Need a pedestrian crossing on Lewes Road
- Improvements to Peacehaven to Newhaven section needed
- Paving over more land for cycle ways or taking already congested road

space is a nonsense.

- Some pavements would benefit from being widened in certain areas as they are quite narrow
- Mark them more clearly and maintain by keeping the cycling parts clear of litter and weeds
- Not enough people doing it to warrant it.
- The new bus loop at the station requires cyclists to cross to many junctions
- There are already perfectly good pedestrian routes all around town.
- Not relevant to the issue of pollution.
- Lighting / cleaning up pavements would encourage walking
- Cyclist don't use existing cycle paths

Q11: Would you take join a car share scheme if this was promoted within the area

Yes: 22% (27)

No: 62% (78)

Don t know: 16% (20)

Q12: Please tell us if you have any comments on this suggestion

Comment summary	Instances
Care sharing not right for my needs / circumstances	16
I would be interested in this	3
I already car share	3
Difficult for people to match their journey times.	3
I use public transport	2
I wouldn't want to share with a stranger	2
This would have a negative effect on the pollution.	2

Other comments

- Along the coast road towards Brighton in the mornings I see so many cars with only one person. I think this is a fantastic idea.
- A committee of trusted volunteer car-sharers could be established.
- The issue is traffic flow not traffic levels
- I prefer to cycle
- Agree but it but need to be well promoted
- Only use my car when I have to.

- To make it work, employers need to encourage / offer incentives for employees to get involved.

Q13: Would you be supportive of making new residential developments car free

Yes: 24% (30)

No: 55% (69)

Don't know: 21% (26)

Q14: Please tell us if you have any comments on this suggestion

Comment summary	Instances
Don't see this as a good / practical idea. People need cars.	21
People will simply park in surrounding area	16
Would need big investment in public transport	4
Would work for developments in town centre	3
This would be unfair on people with a physical disability	2

Other comments

- This will only exacerbate the existing parking problems.
- All new developments should have at least one parking space per property with a further 'visitor space' for each half a dozen properties.
- Only relevant for old people's developments
- Newhaven's infrastructure needs improving both any more housing is considered.
- The car has had its day and we should be preparing for forthcoming driverless technology where vehicles are pooled and parking demand will fall sharply.
- Promote door-to-door cycle routes, especially for kids to get to school.
- Nice idea but where do you put all the cars? They have to go somewhere.
- The carless development on London Road in Brighton has issues.
- If you want less congestion stop building houses.

Q15: Would you like us to promote grants toward the purchase of Ultra Low Emission Vehicles and location of charging points?

Yes: 62% (78)

No: 18% (22)

Don't know: 22% (25)

Q16: What improvements would you like to see made to the Newhaven industrial zone to improve air quality

Comment summary	Instances
Close / reduce emissions from the incinerator	22
Better monitoring of the emissions from these businesses	11
Better flowing traffic	9
Don't allow lorries on A259	3
Better public transport	2
Plant more trees	2
Encourage motorists to drive fuel-efficiently	2
Better access to parking	2

Other comments

- Redirect the traffic to go around Newhaven
- Repair all the roads affected then drivers can keep to an even speed
- Rethink the gyratory system that has killed Newhaven town centre.
- Build a bridge over the river and do away with the opening it
- Improvements to the A26 are essential.
- Emissions control particularly at times when the town will be snarled up with traffic queuing for the railway bridge and the swing bridge.
- Encourage government to build a coastal motorway
- Removal of scrap processing plant on North Quay
- A new access road from the a26 with bridge over the railway line to the incinerator and waste plant
- Encourage local businesses to invest in green technology.

Q17: If an alternative to the Ring Road could be implemented, where do you think this should be?

Comment summary	Instances
A fly-over Newhaven / the swing bridge	5
Crossing over the river north of Newhaven	5
Make the ring road two-way with better synced pedestrian lights.	3
Bridge over the river at Southease	2

Other comments

- Another route across the water
- A relief road from Peacehaven linking directly to A26, so bypassing Newhaven.
- Up round South Hepton and over to Piddington
- A by-pass to join near Kingston
- Make the southern side access only to/from that part of the town, and the northern side two-way
- Close southern portion of the Ring Road and reconnect the town centre to the areas to the south and West Quay
- Build a northern relief road
- Build a second swing bridge in Newhaven
- Large traffic via A26/27
- Reopen High Street and widen to facilitate traffic with parking options off-road.
- Roundabout on the A27 at Tarring Nevil linking across to the C7 and then another link to Peacehaven
- At the back of Peacehaven, near the valley, north quay to A26
- New motorway along coast
- Would like to see South Way made 2 way with North Way acting to filter east and west bound traffic from the C7.
- There should be a proper set of lights at the top and bottom of the town that run on traffic density/timers to allow traffic to at least flow fairly.
- A lot of traffic comes onto the ring road from the C7 and circles the town before heading west to Peacehaven if a way could be found to remove that necessity that would reduce traffic at peak times
- A by-pass somewhere North of the incinerator would be good. The Beddingham road should be dual carriageway in both directions right from Polegate through to the Lewes roundabout.
- Saltdean to Beddingham roundabout and Seaford to Beddingham
- Open up the old straight through town centre road and keep the traffic constantly moving with no pedestrian crossings in the main street.
- I think that we need to make good what we have, and that will have to be radical in order to manage the current problems.

Q18: What other improvements would you like to see made to Newhaven town centre?

Comment summary	Instances
More / better shops	31
Free / cheaper parking	16
Encourage new shops e.g. lower rents	10
Re-open the high street	8
Re-develop town centre	8
More restaurants / cafes	8
Tidy up town centre	6

Relocate town centre	6
More flower beds / trees	5
Better access, security and facilities for cyclists	4
Reopen the central road to buses only.	3
Remove / multi-story car park	2
Re-build the multi-story car-park.	2
More for teenagers	2
More disabled parking spaces	2
Park and ride	2

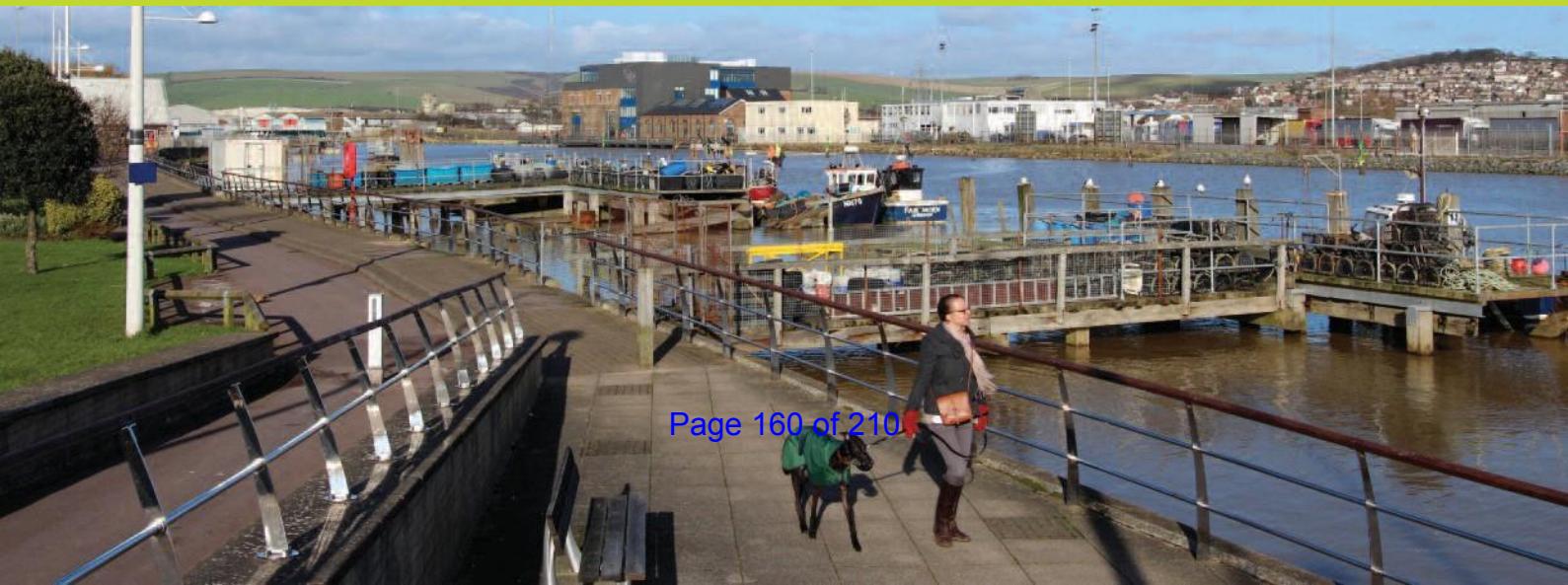
- Other comments
- Definition of the pavement kerbs for visually-impaired pedestrians to avoid unintentionally straying into the road.
- More housing, e.g on Lower Place car park
- Widen roads and remove unnecessary grass verges.
- Remove swing bridge and provide alternative in order to avoid congestion when the bridge is opened.
- Fewer traffic lights
- Keep passing/through traffic away from the ring road.
- Make accessible to vehicles
- Invest in train station to encourage people to use the train
- Close the high street and extend the pavement from post office to the Ship pub
- The swing bridge should only be opened during night hours
- Reopen the beach
- Crack down on street drinking
- New leisure facilities e.g. swimming pool, bowling, cinema.
- Improvement to public spaces
- Remove some traffic lights

Q19: Do you have any other comments about the draft Newhaven Air Quality Action Plan

End of Survey



Newhaven Air Quality Action Plan June 2016



Agenda Item No: 9.7 **Report No:** 122/16
Report Title: Asset Management: Relocation of CAB to Newhaven Square
Report To: Cabinet **Date:** 28th September 2016
Cabinet Member: Cllr Bill Giles
Ward(s) Affected: Newhaven Valley
Report By: Director of Regeneration and Planning – Nazeya Hussain

Contact Officer(s)-

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Purpose of Report:

1. To set out the business case for Cabinet to consider additional investment at Newhaven Square.

Officers Recommendation(s):

1. To approve capital investment of up to £175,000 at Newhaven Square, Newhaven, to refurbish premises to that they are suitable for the provision of an advice centre, enabling the relocation of the Citizen's Advice Bureau from Lewes to Newhaven.
 2. To fund the capital investment from the Strategic Change Reserve.
-

Reasons for Recommendations

- 1 To enable the CAB to achieve the objective shared with the Council to relocate their main office to Newhaven, in line with service demand and to increase the services on offer to residents along the coastal strip.

Background

2

- 2.1** The Lewes District Citizen's Advice Bureau (CAB) is a long established voluntary organisation for the Lewes District, which provides free, confidential, impartial and independent advice to enable local residents to deal with a wide range of issues, including benefits, housing, money advice, employment, consumer, relationships, taxation and many more. The nature of the assistance provided will depend on a client's needs and ranges from the provision of information to formal representation.
- 2.2** The Council has provided substantial funding to the CAB for many years. A Service Level Agreement (SLA) sets out the service requirements expected in return for the grant given, together with clear monitoring arrangements. The current SLA runs from 2015 – 2018. The total grant funding paid by LDC to the CAB in the current year is £167,205.
- 2.3** In April 2016, the Council purchased the headlease of Newhaven Square. The square comprises of a number of retail and office premises, many of which have been empty for more than 5 years and which are badly run down.

Information

3

- 3.1** The CAB currently operates from two main offices – in Lewes and Seaford. In addition they currently provide a minor presence in Newhaven and Peacehaven, and from LDC offices in Southover House.
- 3.2** When the CAB's three year SLA with LDC was renegotiated in 2014, the Council stressed the importance of the CAB being located where need was greatest for their service. As a result, it was stated in the SLA that that the CAB would provide:
 - (a)** a revised accommodation / service configuration in Lewes where services are delivered through shared accommodation with the Council at Southover House or other public buildings within the District; and
 - (b)** a full service in Newhaven, delivered out of a shared facility with Lewes District Council or other public buildings within the District.
- 3.3** Over the past two years, Council officers have worked closely with the CAB to investigate a range of options to enable these accommodation changes to be achieved. Despite numerous attempts, it has not been possible to find suitable accommodation for the CAB in Newhaven. Initial discussions have discounted both Saxon House, the shared facility owned by ESFRS, and the space above the library owned by East Sussex County Council.

Lewes Accommodation

- 3.4** The current accommodation in Lewes occupied by the CAB is very cramped and its location is not ideal. The rent charged is £13,500 per annum and the CAB have indicated for some time that they would like to move to more suitable premises.
- 3.5** Since the renovation of Southover House, the main reception area has been offered as a shared space for use by local voluntary organisations which provide help, advice and information services. A number of different organisations have taken up this offer, including the CAB on one day a week, and the shared arrangements are working well.
- 3.6** Negotiations are now taking place to enable the CAB to offer a greater presence at Southover reception, which would become their main point of delivery in the town, once the proposed relocation to Newhaven (see below) is achieved.

Newhaven Accommodation

- 3.7** Demographic and service usage data shows that the coastal strip contains the highest proportion of residents likely to benefit from CAB services. The CAB have delivered their specialist benefits and money advice services from a shared facility in Newhaven for a couple of years, and this has proved to be a popular service. However, the current facility does not have good access, and other partners located there are seeking alternate accommodation. Thus there is an ideal opportunity to bring the core CAB main office and specialists together in one location in Newhaven.
- 3.8** At an early stage, co-location at Saxon House was ruled out due to the particular special requirements of the CAB – such as dedicated storage and confidential sound-proofed interview rooms. A range of other accommodation options in Newhaven have been fully explored, but these have either not proved to be suitable, or could not be made available to the CAB.
- 3.9** Following the Council's purchase of properties at Newhaven Square, discussions have again taken place with the CAB regarding relocation. A suitable property has been identified at units 15-19 Chapel Street, Newhaven. The property requires refurbishment works prior to letting. The Council's property team would expect to budget in the region of £30k to undertake such refurbishment works, prior to a commercial letting of a shell and core unit, where the tenant undertakes to fit the unit out.
- 3.10** Units 15-19 have a combined total of 1,825 sq ft. Initial discussions with the CAB, prior to the refurbishment and fit-out proposals received by the Council, centred around a rent of £9,500 per annum, which is equivalent to £5.20 per square foot, in recognition of the costs that CAB will incur to

move and to kick-start interest and footfall in the area. However, the scheme put forward by CAB exceeds the initial budget set aside for a shell and core unit.

- 3.11** Rent at £9,500 per annum would be considered an undervalue. The Local Government Act 1972: General Disposal Consent (England) 2003, allows for a disposal (in this instance by way of a lease) where the specified circumstances are:
- (a) the local authority considers that the purpose for which the land is to be disposed is likely to contribute to the achievement of any one or more of the following objects in respect of the whole or any part of its area, or of all or any persons resident or present in its area;
- i. the promotion or improvement of economic well-being;
- ii. the promotion or improvement of social well-being;
- iii. the promotion or improvement of environmental well-being; and
- (b) the difference between the unrestricted value of the land to be disposed of and the consideration for the disposal does not exceed £2,000,000 (two million pounds).
- 3.12** Due to the specialist and confidential nature of their work, CAB require the accommodation to be sub-divided into multiple, sound-proofed interview rooms. Because of the nature of the building, these rooms would then require air conditioning and ventilation in order to provide a conducive environment in which staff can work and which meets Building Regulations. The estimated costs of the refurbishment works are in the region of £175k plus fees.
- 3.13** With additional investment, the Council could undertake to provide fully refurbished offices, but the rent would have to increase accordingly to recognise the additional investment. It is therefore proposed that the rent for the accommodation, refurbished to the standard required by CAB, would be £13,500 per annum. This is the equivalent of £7.39 per sq ft.
- 3.14** Achieving a rent of £13,500 per annum on the property would not be seen as an undervalue as the rent per sq ft would be competitive with the open market rents currently being achieved in Newhaven.
- 3.15** The yield outlined in paragraph 3.12 does not take into account the capital cost of the existing building. However, improving the asset would have a positive effect on the overall asset value and the difference could be offset.
- 3.16** There are other possible sources of funding available to assist with relocation of businesses. CAB will be encouraged to apply for other sources of funding and LDC will ensure they are supported to do that.

The level of additional investment required to refurbish the offices is therefore variable. If CAB were to access a grant of £50,000 from ESCC,

the additional investment required from LDC would be £125,000. Combined with the £30,000 already set aside for refurbishment, the total investment from LDC would be £155,000.

- 3.17** The new lease will be offered for a period of 10 years, at a rent of £13,500 pa on an internal insuring and repairing basis. There will also be a service charge payable by CAB, estimated to be £1,500 per annum.
- 3.18** Newhaven Square is in one of the designated Enterprise Zone areas. A study is underway to determine regeneration options for the area. However, it would be possible to exclude the block comprising of units 15-19 from any potential plans for the area without significantly impeding or impacting on future development plans.
- 3.19** It is therefore recommended that LDC invests up to £175,000 in addition at Newhaven Square to ensure that the CAB can relocate to an area where they will be able to more easily serve the coastal strip, thus meeting the shared objective to locate services where they are most needed.

Financial Appraisal

4

- 4.1** The potential cost to the council, and the rent income that will be generated, associated with the relocation of the CAB into Newhaven Square are set out in the body of the report.
- 4.2** The Strategic Change Reserve holds an uncommitted balance of £278,000 which could be used to finance this project.

Legal Implications

5

- 5.1** The legal implications are covered within the body of the report.

Risk Management Implications

6

- 6.1** There are no additional risk management implications arising from this report.

Equality Screening

7 See attached Appendix A

Background Papers

8

Appendices

9 Appendix A: Equality Assessment

Appendix 1: Equality Analysis Report Template

Title:	Lewes District Citizen's Advice Bureau (CAB) - Accommodation
EA Lead :	Jo Harper
EA Team:	
Date Commenced:	1 August 2016
Target Completion Date:	1 March 2017
Reason for assessment:	Cabinet Member Decision

Context and Scope

1. What are the main purposes and aims of the service/project/decision?

The purpose of this decision is to enable Lewes District CAB to move to premises in Newhaven where they will be able to better serve the needs of their clientele.

2. What effect does it have on how other organisations operate and what commitments of resources are involved?

The CAB provides information, advice and guidance to residents on a range of issues including, benefits, housing, debt, welfare rights etc. They currently operate from a main office in Lewes and a subsidiary office in Seaford. The CAB has delivered their specialist benefits and money advice services from a shared facility in Newhaven for a couple of years, and this has proved to be a popular service. However, the current facility does not have good access, and other partners located there are seeking alternate accommodation. Thus there is an ideal opportunity to bring the core CAB main office and specialists together in one location in Newhaven.

A number of other agencies providing advice and support services operate in the area, and referrals are made between agencies to ensure residents receive the most appropriate help and support. The Sussex Community Development Association (SCDA) is one such agency, and this organisation is also planning

to relocate to central Newhaven. Having both organisations in close proximity will provide a benefit to clients of both organisations.

A residual service would still be retained in Lewes, operating from the main reception in Southover House, which would bring the CAB alongside other advice and guidance providers in that location.

The proposed new accommodation in Newhaven is owned by LDC. Refurbishment costs to make the building suitable for CAB use are estimated at up to £200k. A rent of £13.5k is to be charged.

3. How does it relate to the demographics and needs of the local community?

Demographic and service usage data shows that the coastal strip contains the highest proportion of residents likely to benefit from CAB services.

In 2015/16 the CAB dealt with over 3,500 clients, with 40% being face to face visits (others being dealt with over the phone, by email or by post). 45% of clients had a disability, 7% were over 65 with the majority of clients being between 40 and 65. In terms of ethnicity, 6% of clients were categorised other than white British.

The current location of the CAB offices is in central Lewes. The offices and interview rooms are small and in a location which can be difficult for some to access.

4. How does it relate to the local and national political context?

The Council is the CAB's major funder. LDC has funded the CAB for many years because of the key role it plays in providing a core information, advice and guidance service to local residents.

5. Is there any obvious impact on particular equality groups?

Race (includes ethnic or national origins, colour, & nationality)	Disability (includes mental & physical)	Gender (includes gender reassignment)	Pregnancy (includes maternity & paternity)	Sexual Orientation (includes heterosexual, homosexual & bisexual)	Religion & Belief (includes all faiths, beliefs & agnostic)	Age (includes all age groups)
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Impact	Positive	Negative	None															
Tick if relevant	X			X				X		X			X		X		X	

6. How does it help to us meet our general duties under the Equality Act 2010?

See paragraph 2 of the guidance.

Our duties under the Equalities Act 2010 are to eliminate unlawful discrimination, advance equality of opportunity, and foster good relations. Funding the CAB, and supporting their operation through assisting their move to accommodation helps us to fulfil this duty as the service supports those experiencing all forms of disadvantage, in particular, the service is used heavily by people with disabilities (a protected characteristic under the legislation). As part of the CABs core objectives, they state that they value diversity, promote equality and challenge discrimination.

7. What is the scope of this analysis?

The scope of this analysis is those issues covered by the Cabinet Member report : 'Lewes District Citizen's Advice Bureau (CAB) – Accommodation'

Information gathering and research

8. What existing information and data was obtained and considered in the assessment?

The annual report of the CAB, which contains statistical data about the usage of the service by different socio-economic groups, was used to inform this assessment.

9. What gaps in information were identified and what action was undertaken/is planned to address them?

The assessment has identified that the move of office base of the CAB to Newhaven would be positive from an equalities perspective as it would provide a more central location for those needing the service in the district, whilst retaining a residual service in Lewes.

10. What communities and groups have been involved and what consultation has taken place as part of this assessment?

The CAB have discussed this move with their staff and volunteers, and have agreed that the move to Newhaven would be beneficial to their service and their clients.

Analysis and assessment

11. What were the main findings, trends and themes from the research and consultation undertaken?

Demographic and service usage data shows that the coastal strip contains the highest proportion of residents likely to benefit from CAB services.

12. What positive outcomes were identified?

The Newhaven location would provide good accessibility (bus and train, as well as parking) and more suitable accommodation for both staff and clients visiting the bureau. The location of Newhaven in the centre of the coastal strip, where demand for the service is highest, will make it easier and cheaper for clients to access the service.

Those living in the centre and north of the district will still be able to access the residual service operating out of Southover House, Lewes.

13. What negative outcomes were identified?

None

Action planning

14. No specific actions have been identified

Summary Statement

On 1 August 2016 an Equality Analysis was undertaken by Jo Harper on the Cabinet Member Decision regarding ‘Lewes District Citizen’s Advice Bureau (CAB) – Accommodation’.

Due regard was given to the general equalities duties and to the likely impact of the decision on people with protected characteristics, as set out in the Equality Act 2010.

The assessment identified:

The decision was found to have positive outcomes for clients of the CAB, particularly those with disabilities by locating the service closer to the key areas of need.

No major changes are required. The EA demonstrates the decision is robust, there is little potential for discrimination or adverse outcomes, and opportunities to promote equality have been taken.

Agenda Item No: 9.8 **Report No:** 123/16
Report Title: New Affordable Housing Update – Housing Revenue Account
Report To: Cabinet **Date:** 28 September 2016
Cabinet Member: Cllr. Ron Maskell, Cabinet Member for Housing
Ward(s) Affected: All
Report By: Ian Fitzpatrick, Director of Service Delivery
Contact Officer(s)-

Name(s): Leighton Rowe
Post Title(s): Housing Policy and Development Manager
E-mail(s): leighton.rowe@lewes.gov.uk
Tel No(s): Ex. 6177

Purpose of Report:

To update the Council on the existing Council programme for developing new affordable housing through the Housing Revenue Account (HRA) and to seek approval for the next stage of the programme.

Officers Recommendation(s):

- 1 To note the progress in developing 22 new affordable homes as part of the Local Growth Fund Project, predominantly upon former Council garage blocks.
 - 2 To approve the use of a Council owned amenity land site at Ashington Gardens, Peacehaven for the construction of two affordable homes designed with full disabled access.
 - 3 To approve a budget from the HRA of up to £400,000 for the design, planning, consultation and construction of the homes.
-

Reasons for Recommendations

- 1 Delivering sustainable new housing and infrastructure is a key priority within the Council Plan, and the Local Growth Fund is a key project within it.
- 2 There is a shortage of affordable homes with full disabled access and the site at Ashington Gardens has planning restrictions that would prevent the development of housing above ground floor level.
- 3 The development of the homes directly by the Council will ensure that the project comes forward promptly and within a specification set to meet the needs of our residents.

Information

Garage Site New Builds

1. The Local Growth Fund project was commenced in Summer 2015 with the aim of building new affordable homes for the Council to offer to households on the housing register for rent. The project initially included 7 small Council owned sites, where the land had been assessed as being underutilised and where new affordable homes would benefit the community.
2. The 7 sites, mainly low demand garage blocks, were assessed as having capacity for up to 30 homes, and designs were worked upon during Autumn 2015. Following consultation on the designs with local residents and town councils, it was decided that more work was required to produce two of the sites in Valley Road, Newhaven and Waldshut Road, Lewes, and both of these were consequently dropped from the programme. The remaining 5 sites went forward to the planning stage and all 5 were granted planning permission as follows:
 - Hythe Crescent, Seaford – 2 x 2-bed houses
 - Rectory Close, Newhaven – 3 x 2-bed houses, 2 x 1-bed flats
 - Headland Way, Peacehaven – 3 x 2-bed house
 - Balcombe Road, Peacehaven – 6 x 2-bed flats (including 2 flats with disabled access and facilities)
 - Grassmere Court, Telscombe Cliffs – 6 x 1-bed flats

Total = 22 homes

3. Following a tendering process the Council has commissioned construction company Thakeham to build the homes and the build programme has been set to complete build of the 5 sites on a phased approach in early summer 2017.
4. These new homes are being funded by a combination of capital receipts from the sale of council homes under the Right to Buy and additional HRA borrowing sanctioned by the Department of Communities and Local Government.
5. The sites at Valley Road, Newhaven and Waldshut Road, Lewes remain suitable sites for development of new housing and could be added to a subsequent phase of the Council's new build programme depending on finance options.

Ashington Gardens

6. There are a large number of households registered on the Council's housing register who have a need for accessible housing due to mobility issues or who are registered as disabled, and 10% of all new households joining the register require adapted properties.
7. The cost of adapting existing homes to meet the needs of tenants who cannot use the stairs is significant, and once adapted affordable homes do not become available for new tenants very often. Additionally most private landlords are very reluctant to allow their properties to be adapted for disabled tenants, and so this increases the need for the Council to meet this need. The Local Growth Fund

project includes two homes that are specifically designed to meet those with physical disabilities, but there remains a significant need for more affordable homes of this type.

8. A small site at Ashington Gardens, Peacehaven has been identified as having good potential for a development, although there are planning reasons why only single storey homes would be acceptable. The remaining capacity within the HRA to borrow to fund the construction of new homes means that this site would be an opportunity to rapidly deliver two new affordable homes for those in need of accessibility features, ahead of any larger housing delivery programmes that the Council undertakes.

Legal Implications

9. There are no legal implications beyond those covered in the body of this report.

Financial Appraisal

10. The Council is able to borrow to fund the development of new affordable homes, provided that the cost of borrowing is affordable and that the cumulative amount of outstanding borrowing does not exceed the 'HRA borrowing cap' which the Government has specified for each local housing authority.
11. This Council's HRA borrowing cap (excluding an additional allowance in respect of the Local Growth Fund project) is £72.9m. Cumulative outstanding borrowing is projected to be £65.7m at 31 March 2017, which gives £7.2m in borrowing 'headroom'.
12. Since 2012, in common with most local housing authorities, the Council has operated under an agreement with the Government whereby it has retained a portion of capital receipts generated from the sale of homes under Right to Buy in order to part-finance the development of new affordable homes. The 'retained receipts' from each home sold must be spent within 3 years of the sale and can only be used to finance 30% of the cost of a new home (the remaining cost can be financed from other capital receipts, direct from the HRA or through HRA borrowing). Any retained receipts unused at the end of the 3 year period must be repaid to the Government, with interest. The Council has retained £2.7m to date under this agreement and has incurred expenditure to a level which will require no repayment before March 2018 at the earliest.
13. The total cost of the development of 2 new homes at Ashington Gardens is expected to be a maximum of £400,000 including contingencies. With 30% (£120,000) financed from retained receipts, the HRA would incur additional borrowing of £280,000. The affordable rent income from each home would be approximately £146 per week, which would be sufficient to fund operational expenditure, including borrowing costs, repairs and maintenance, etc.

Risk Management Implications

14. A risk assessment has been completed. No new risks will arise if the recommendations are not implemented.

The following risks will arise if the recommendations are implemented, and I propose to mitigate these risks in the following ways:

- Ensure that all contractors have appropriate indemnity insurances in place.
- If the recommendations are implemented, the residual risks that cannot be mitigated fully are:
- If the project is abandoned before construction commences due to unforeseen circumstances, initial consultants' fees would not be recoverable.

Equality Screening

15. The assessment identified: The decision was found to have no impact on any of the protected groups.

Appendices

- | | |
|-------------|--------------------------|
| Appendix A: | Site plan |
| Appendix B: | Equalities Impact Report |

Appendix A – Site Plan

Ashington Gardens, Peacehaven



Appendix B: Equality Analysis Report Template

Title:	New Affordable Housing Update – Housing Revenue Account
EA Lead :	Leighton Rowe
EA Team:	Strategic Policy
Date Commenced:	August 2016
Target Completion Date:	Cabinet Decision on 28th September 2016
Reason for assessment:	Cabinet Decision

Context and Scope

1. What are the main purposes and aims of the service/project/decision?

To update the Council on the existing Council programme for developing new affordable housing through the Housing Revenue Account and to seek approval for the next stage of the programme.

2. What effect does it have on how other organisations operate and what commitments of resources are involved?

The overall project may cost up to the £400,000 – but this will be paid for over the life of the dwellings.

3. How does it relate to the demographics and needs of the local community?

The work is designed to invest in housing which could help to regenerate areas and meet local housing needs.

[Redacted]

4. How does it relate to the local and national political context?

The recommendation is aimed at delivery of increased numbers of affordable housing, which is a key political target at both local and national levels.

5. Is there any obvious impact on particular equality groups?

	Race (includes ethnic or national origins, colour, & nationality)			Disability (includes mental & physical)			Gender (includes gender reassignment)			Pregnancy (includes maternity & paternity)			Sexual Orientation (includes heterosexual, homosexual & bisexual)			Religion & Belief (includes all faiths, beliefs & agnostic)			Age (includes all age groups)		
Impact	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None
Tick if relevant			x	x					x			x			x			x	x		

6. How does it help to us meet our general duties under the Equality Act 2010?

There are no obvious impacts on people with protected characteristics; our general duties under the Equality Act 2010 are not compromised.

7. What is the scope of this analysis?

To ensure that no unlawful discrimination would result from the Cabinet's recommendation decision.

Information gathering and research

8. What existing information and data was obtained and considered in the assessment?

No further information was required.

9. What gaps in information were identified and what action was undertaken/is planned to address them?

No gaps in information were identified.

10. What communities and groups have been involved and what consultation has taken place as part of this assessment?

None

Analysis and assessment

11. What were the main findings, trends and themes from the research and consultation undertaken?

The main finding was that no unlawful discrimination would result from the Cabinets recommended decision.

12. What positive outcomes were identified?

None identified

13. What negative outcomes were identified?

None Identified

Action planning

14. The following specific actions have been identified: (see paragraph 25 of the guidance)

Issue Identified	Action Required	Lead Officer	Required Resources	Target Date	Measure of Success

Summary Statement

Between 4th August and 5th August 2016 Equality Analysis was undertaken by Leighton Rowe on the Cabinet Report to Update the Cabinet on the HRA new homes development programme.

Due regard was given to the general equalities duties and to the likely impact of the policy/service/decision/project* on people with protected characteristics, as set out in the Equality Act 2010.

The assessment identified: *(*delete as appropriate)*

*The decision was found to have no impact on any of the protected groups.

Approval

Director/Head of Service	Ian Fitzpatrick
Signed	
Dated	

Agenda Item No: 9.9 **Report No:** 124/16
Report Title: Play Streets
Report To: Cabinet **Date:** 28th September 2016
Cabinet Member: Cllr Tony Nicholson
Ward(s) Affected: All
Report By: Nazeya Hussain, Director of Regeneration and Planning

Contact Officer(s)-

Name(s): Max Woodford
Post Title(s): Head of Regeneration & Investment
E-mail(s): max.woodford@lewes.gov.uk
Tel No(s): 01273 661378

Purpose of Report:

To agree a process and criteria for agreeing regular road closure orders to enable 'Play Streets' in suitable locations and at suitable times.

Officers Recommendation(s):

- 1 To agree to use the council's existing road closure powers to enable the implementation of Play Streets where requested.
 - 2 To make the agreement to issue a regular road closure for a Play Street to be dependent on agreement from Sussex Police and East Sussex County Council, and to be subject of consultation of all affected parties. Where the proposers cannot show support of at least 60% of affected residents and businesses, or where one or more resident or business can show their interests are particularly prejudiced by the proposal then it will not be allowed to go ahead.
 - 3 To agree that if, once a Play Street is implemented, one or more resident or business shows their interests are being particularly prejudiced by the event then the regular road closure order may be rescinded.
-

Reasons for Recommendations

- 1 To enable the implementation of Play Streets to enable children to play out in a community setting, but to ensure that it occurs in safe and suitable locations with the agreement of affected neighbours and businesses.

Information

- 2 **Background**

- 2.1** LDC is responsible for road closures orders, and deals with a number of requests every year for annual or one-off events. Officers were approached by a local resident who wanted to apply for a road closure to allow a Play Street in Lewes.
- 2.2** Play Streets are temporary road closures for 2-3 hours. Starting in Bristol in 2009, they are now established in around 30 local authorities including several London Boroughs, Brighton & Hove (since 2012), and Adur & Worthing (since 2013).
- 2.3** They can take place regularly, but no more often than once a week, on a school afternoon or a weekend morning or afternoon or during school holidays. Generally they only operate during daylight hours. They are designed to allow children to claim back the streets for play. Parents or other carers supervise the play and it acts as a community-building opportunity for the grown-ups. The road is closed off to vehicular movements using signs, though access is allowed to residents to park in existing parking bays.
- 2.4** A play street has taken place in Wheatsheaf Gardens in Lewes in July and September 2016. The events were operated well and attracted positive publicity, with further ones planned in the same road. This pilot was arranged by individual road closure orders for each date, but the proposal in this report will simplify that process.
- 2.5** As with ad hoc road closures, it is up to the organisers of the Play Street to close the road and supervise the movement of traffic. There is no requirement for LDC staff to oversee the process. The organisers will need to obtain the necessary equipment, including high-vis vests etc, but LDC staff will be able to direct them towards sources of advice and suppliers.

Consultation

- 2.6** Local Authorities operating Play Streets usually require evidence of 60% of residents and/or businesses affected by the Road Closure indicating their agreement prior to the application being made. It is proposed that this is replicated for any applications to LDC. It is up to the proposers to undertake the consultation and show evidence of having obtained the support of the affected residents and businesses.
- 2.7** Whilst the test is whether 60% support the Play Street proposal, if a resident or business can show they would be particularly negatively affected by the proposal then that one objection would be given due weight and the road closure order for the Play Street would not be agreed. This also applies once the Play Street is established – so if a neighbour or business can show they have been negatively affected once the Play Street has started to regularly operate then we would be able to rescind the road closure order.
- 2.8** In addition to neighbours, as with all road closure orders LDC would consult Sussex Police and East Sussex County Council to make sure the proposed location for the play street would not affect traffic and public transport unduly. Play streets are only likely to be suitable on no through roads, or residential streets with limited traffic movements that can easily use alternative routes.

Financial Appraisal

- 3** There are no financial implications arising from this report.

Legal Implications

The Legal Services Department has made the following comments:

- 4** Local Authorities operating Play Streets use either the Road Traffic Regulation Act 1984 legislation or the Town Police Clauses Act 1847, depending upon their status as a Local Authority. LDC uses the 1847 legislation for all current Road Closure Orders.

LDC's powers of road closure are limited to those conferred by Section 21 of the Town Police Clauses Act 1847. The amendment of this provision by Section 28 East Sussex Act 1981 extends the power to prohibiting the passage of vehicles along particular streets.

Section 21 does not prevent us from making an order whose effect is to close a road on a regular basis. Therefore LDC would be acting lawfully if it made an occasional order under s 21, even if the road closures specified therein were for regular or frequent closures.

Consultation with affected parties is a must in relation to a proposed street closure occurring at regular times: this encompasses statutory service providers (police, fire, ambulance etc) as well as local residents and businesses who may be prejudiced by the proposal.

A new Order would have to be drafted to allow for Play Streets in Lewes District.

Risk Management Implications

- 5** I have completed a risk assessment. The issues covered by this report are not significant in terms of risk. No new risks will arise whether or not the recommendations are implemented or rejected.

Equality Screening

- 6** There are no equalities implications arising from this report.

Background Papers

- 7** For more information on Play Streets, including a video, see www.playingout.net

Appendices

- 8** None

Agenda Item No: 9.10 **Report No:** 125/16
Report Title: Wave Leisure Trust Annual Review 2015/2016
Report To: Cabinet **Date:** 28 September 2016
Cabinet Member: Cllr Tony Nicholson
Ward(s) Affected: All
Report By: Phillip Evans, Director of Tourism and Enterprise

Contact Officer(s)-

Name(s): Bee Lewis
Post Title(s): Head of Property & Facilities
E-mail(s): bee.lewis@lewes.gov.uk
Tel No(s): 01273 471600 ext 1101

Purpose of Report:

To seek Cabinet approval of the objectives stated within the 2017-18 Annual Service Statement between Lewes District Council and Wave Leisure Trust.

Officers Recommendation(s):

- 1 To approve the objectives identified in the 2017/2018 Annual Service Statement.
 - 2 To delegate authority to the Director of Tourism and Enterprise to enter into an agreement enabling the Council to act as Guarantor to Wave Leisure Trust in respect of an agreement to lease new gym equipment, up to a maximum liability of £500,000.
 - 3 To note Wave Leisure Trust's performance against the Annual Service Delivery Plan for 2015/2016.
-

Reasons for Recommendations

- 1** The agreement between the Council and Wave Leisure Trust requires Cabinet to approve a Service Statement on an annual basis and to receive a report on the performance of the Trust. Additionally, Cabinet is required to approve the joint objectives proposed for the forthcoming financial year.
- 2** Wave Leisure Trust requires LDC to sign a “Step-in Agreement” so that Wave may enter into a five year operating lease for new gym equipment. The Agreement is required by Investec Asset Finance plc (the leasing company) because of WLT’s large pension fund liability.

Information

3

- 3.1** Wave Leisure Trust (WLT) has now completed ten successful years of operation. The partnership between the Council and WLT has matured over this period and the arrangements in place are considered to be successful in bringing about positive outcomes for the local community.
- 3.2** Since WLT took over management of the Leisure Service for LDC, they have:
 - (a)** Reduced the Service Fee by £434,000 since 2010-2011.
 - (b)** Maintained visitor numbers at just under 1 million per year.
 - (c)** Increased turnover to £4.8 million per year.
- 3.3** Through careful control of costs, WLT have ended 2015/2016 with a surplus of £44,457 (an increase on the previous year of £3,359) and uncommitted reserves of £891,060.
- 3.4** A summary of the Chief Executive’s Annual report is attached at Appendix A.
- 3.5** WLT has developed plans for a mezzanine level in the gym at the Downs Leisure Centre in Seaford which would significantly increase the space within the gym and allow WLT to offer improved gym facilities and equipment. WLT has requested consent from LDC for these works, and Officers are waiting on a detailed submission from WLT prior to issuing consent.
- 3.6** WLT wish to replace all gym equipment across the 4 main sites (Meridian Leisure Centre, Peacehaven; Seahaven Swim and Fitness, Newhaven; Lewes Leisure Centre; and Downs Leisure Centre, Seaford) as the current lease agreement is coming to an end.

- 3.7** WLT require LDC to sign a “Step-In Agreement” (the Agreement) to enable WLT to enter in to a five year operating lease for the new equipment. The Agreement is required by Investec Asset Finance plc (the leasing company) because of WLT’s large pension fund liability. The Agreement is a form of guarantee, whereby LDC steps in, in place of WLT to service the obligations under the lease should WLT be unable to. If agreed WLT will be in a position to offer improved gym facilities which should increase usage of the gyms and membership figures.

Annual Service Statement

- 3.8** The contractual arrangements between the Council and WLT require the Council to prepare and approve an Annual Service Statement each year and to indicate the level of Service Fee to be paid for provision of services. In return, WLT Leisure is required to produce an Annual Service Delivery Plan (ASDP) and submit this to the Council for approval in January of each year.
- 3.9** The ASDP sets out how WLT intends to meet the Council's objectives based on the requirements of the Annual Statement which relates to services that are intended to be delivered in the next financial year.
- 3.10** The ASDP for the financial year 2017-18 will align with objectives of the Council as set out in the Council Plan. The specific objectives for this are set out at Appendix B. In addition, Appendix B sets out the objectives for Newhaven Fort.

Performance Against ASDP 2015/2016

- 3.11** WLT is required to report on its performance against a series of performance indicators agreed with the Client Officer responsible for monitoring the Trust. Performance targets are set taking account of the aims and objectives of the Council and are a means for encouraging the Trust to help meet the Council's overall priorities.
- 3.12** Site specific performance targets are reported by the Trust on a quarterly basis and annually for targets relating to corporate indicators. Performance monitoring is undertaken by the Client Officer throughout the year.
- 3.13** There have been slight reductions in the participation figures in 2015/2016:
- (a)** Dry side participation reduced by 13,571
 - (b)** Wet side participation reduced by 4,461
 - (c)** Total children and young person's participation decreased by 99,964
- 3.14** Service quality is assessed using the Quest methodology which has been developed for the leisure industry. It is a tool for continuous improvement, designed primarily for the management of leisure facilities.

Quest defines industry standards, identifies good practice, and encourages ongoing development and delivery within a customer focused management framework.

- 3.15** All of the centres operated by WLT retained a ‘Good’ rating against the standard, with the exception of Meridian in Peacehaven which moved from ‘Good’ to ‘Excellent.’
- 3.16** WLT continues to provide activities specifically designed to meet the needs of the aging population, including:
 - (a)** Over 60’s Swim Sessions,
 - (b)** Seniors Gym Sessions,
 - (c)** Walking Football
 - (d)** Exercise classes which support the development of Strength and Balance which supports falls prevention.
- 3.17** Working in partnership with Community Transport Lewes Area (CTLA) access to sites is made more readily available for those who would otherwise not be able to participate due to transport being a barrier to participation. Working with Action in rural Sussex (AirS), taster sessions for older people have been provided in Chailey, Wivelsfield Green, Newick and Rodmell to enable consultation about the provision of regular activities within their community.
- 3.18** WLT have also created a new post of Community Engagement and Partnership Manager. The Community Engagement Team has seen stronger links with existing partners and development of new relationships where WLT delivers receives or facilitates access to services.
- 3.19** In consultation with Tenants of Lewes District (TOLD) funding has been accessed from the Crime Reduction Partnership, to provide £1 Targeted Swims for young people who would otherwise be less likely to participate in positive activity.
- 3.20** The continued support from Seaford, Newhaven, Peacehaven and Telscombe Town Councils has enabled a varied and affordable programme of activities to be made available to children, young people and families to participate in, as part of the Summer Holiday Program.
- 3.21** Expanding development of the Active Schools Program has enabled greater reach across primary, secondary, tertiary and higher education students and the provision of activities either at low or no cost in educational settings, or through the access of subsidised activity across all sites.
- 3.22** A Multi Needs Disability Sport Group continues to provide supported participation opportunities for children and young people with additional

needs and/or disabilities with their siblings, parents or carers. The Para Games event for disabled people in the district is facilitated by WLT, with partnership support from Sainsburys and Seaford Rotary.

- 3.23** WLT's performance against the objectives for 2015-2016 was the subject of a presentation to the Lead Member by WLT's Chief Executive in July 2016. There are no concerns about the ongoing performance of the Trust.

Financial Appraisal

4

- 4.1** In return for WLT providing services and undertaking activities that meet the Council's stated objectives, the Council provides the Trust with an Annual Service Fee. The service fees for 2017/2018 are:-

Leisure Management Contract	£313,000
Newhaven Fort Contract	£104,000

- 4.2** The Service Fee for the leisure management contract will reduce in 2017/2018 by £104,000 compared with 2016/2017. The fee will continue to reduce each year so that by 2020/2021, the Council will provide no annual funding for this element of the service. The service fee for Newhaven Fort will remain fixed through to 2024-25. This represents an overall saving to the Council of £2.3m over the 10 year period 2015-16 to 2024-25.

Legal Implications

The Legal Services Department has made the following comments:

5

- 5.1** There are no legal impediments in the Council signing up to a step-in agreement, subject to the following:
- 5.2** LDC will be guaranteeing WLT's liability in the order of £500,000 plus VAT giving monthly repayments of approximately £8,500 per month should WLT not be able to honour the Agreement. As a result, the Council will wish to negotiate a few changes to the Direct Agreement (Step In Agreement) as follows:
- (a)** A side agreement with WLT for an indemnity and/or rights to go against them if they default

- (b) Rights in relation to the Finance/Lease Agreement, for example collateral warranties and the ability to step-in (in the sense of taking over the contracts to rescue the position).
- (c) Monitoring of compliance by WLT with the Finance/Lease Agreement, and whether there are any notice provisions which might allow the Council to “step-in” for the purpose of rescuing the position before default actually takes place, if that is better than simply paying under the Direct Agreement and walking away.

Risk Management Implications

6

- 6.1 There are no additional risks arising as a result of this monitoring report.

Equality Screening

7

- 7.1 Please refer to Appendix C

Background Papers

8 None

Appendices

9

Appendix A: CEO 12 month report 2015/2016 Executive Summary

Appendix B: Annual Service Statements

Appendix C: Equalities Analysis

Appendix A: CEO 12 month report 2015/2016 Executive Summary

Executive Summary

The total company accounts comprise both the Leisure and the Newhaven Fort Contracts which are subject to separate contract durations and service fee arrangements.

With an annual turnover of £4,814,313 and costs of £4,811,083 a surplus of £3,230 was achieved, falling short of budget by £111,100 (97.17%).

Leisure Contract

Income was £68,840 less than that generated over the period in the prior year (1.50%), but a reduction in expenditure of £72,199 (1.58%) resulted in an out turn surplus for the year of £44,457, a £3,359 increase over 2014/2015 (£41,098).

Although only a small positive variance was achieved, it should be noted that 2015/2016 trading performance allowed a further £70,000 contribution to be made to reserves to fund future developments and business opportunities.

Newhaven Fort Contract

With a total turnover of £268,066 and costs of £309,293 a deficit of £41,227 was returned for the 2015/16 financial year, exceeding target by £13,893. Income for the season improved in the last quarter as a result of the opening the facility in February to take advantage of the custom during the February half term holiday.

Membership

Total mean average Live DD Membership for the 12 month period (2015/16), totalled 3,509, a rise of 105 (3.1%) over the same period in the prior year (3,404).

The total mean average for Live Annual Memberships for the 12 month period (2015/16) totalled 203, a fall of 22 (9.8%) over the same period in the prior year (225).

The total mean average for Live DD Swim School Members for the 12 month period (2015/16) totalled 1,894, an increase of 63 (3.4%) over the same period in the prior year (1,831).

New DD Membership Sales for the 12 month period of 2015/16 totalled 2,301, an increase of 284 (14%) over the same period in the prior year (2,017).

Total DD Membership Income collected via Bankers' Automated Clearing Services (BACS) over the 12 month period of 2015/16 totalled £1,278,564 an increase of £35,177 (2.8%) over the same period in the prior year (£1,243,387).

Participation

With a 2015/16 total participation figure of 697,160 against 706,363 for the previous year there has been an overall decrease in dry side participation of 9,203 (-1.3%).

Total wet side participation over the 12 month period in 2015/16 totalled 322,205 compared with 332,428 in the previous year there has been an overall decrease of 10,223 visits (-3.1%).

With a 2015/16 total children and young people participation figure of 389,568 against 397,313 for the previous year there has been an overall decrease in participation of 7,745 (-1.9%).

In relation to Total Dry, Wet and Children and Young People Participation, it is disappointing to note the negative variance when comparing 2015/16 against the prior year. However, whilst there has been significant change in both the number of activities and location where activities are delivered, the method of gathering participation data has remained the same since 2006, i.e. through the till. As such it is suggested that the current method of data collation will not fully reflect participation levels. A

meeting is scheduled for April to review data collection and ultimately ensure that participation reporting accurately reflects actual activity.

Health and Safety

Accidents for 2015/16 totalled 594, an increase of 93 (50/18%) against the prior year. However as the current method of accident analysis did not commence until July 2014, the comparison period is not on a like for like basis. Moving forward into 2016/17 this will not be a problem as a full 12 months of data is available.

A total of 25 incidents/near misses were reported during 2015/16 compared to 7 in the same period last year. The reporting of incidents was implemented towards the end of 2014/15 hence the disparity between the two years.

The number of RIDDOR Reportable Accidents in 2015/16 totalled 11, compared to 14 in the same period in 2014/15.

Community Engagement

The development of the “Active Programme” and the Community Engagement Team has required the sourcing of additional funding to support the extended delivery of activity. Funding applied for and received has included grants, contracted delivery and partnership resourcing.

Although not all funding applications have been successful, Wave is now in receipt, or due to receive, £67,032, with a further £120,274 projected for new projects.

Wave has also supported applications for Newhaven Town Council, Community Transport Lewes Area (CTLA) and 3VA, which has seen a further £122,500 of funding into the Lewes District.

The Primary Schools Sport element has seen an improved service offer, delivering to the Pupil Premium requirements for six schools in the Lewes District addressing National Curriculum requirements for Key Stages 1-4.

Habourside Primary School in Newhaven has recently signed up for 8 weeks delivery of taster activities with “Wave Adventures”, outdoor and adventure programme for the summer term.

A new service offer for the 2016/17 academic year is currently being prepared for existing schools which will also be offered to new schools across the district.

**Duncan Kerr
Chief Executive**



Appendix B

Annual Service Delivery Objectives Leisure 2017/2018

Lewes District Council is required to furnish the Trust with an Annual Service Statement that will provide the Trust with a framework to produce an Annual Service Delivery Plan.

The Annual Service Delivery Plan that WLT produce should complement and support the Council's objective to promote healthy lifestyles by developing a district wide leisure strategy. The Council recognises that reducing hazards like cold houses and falls in homes could save the NHS over £1 million in treatment costs.

The Council will budget to improve the condition of both private and council homes to prevent accidents and ill health. We will continue to work with the NHS and other partners in the county to improve the health and wellbeing of Lewes District residents.

Besides the major contributions to ill-health prevention from our housing programme, we will work with local communities and companies to provide sport and recreation facilities where people need them. As a result, the Council wishes to set the following objectives for WLT in relation to the Leisure contract.

1. Increasing Participation & Reducing Health Inequality:

- Provision of activities to meet the needs of the ageing population of the District, inclusive of outreach work to provide opportunities of increasing participation and wellbeing, particularly in the rural communities, where people need them.
- Seek to develop new partners as well as enhancing existing relationships with the Council and other key partners, to increase the availability and take up of positive activities for children and young people with the aim of encouraging greater participation by young children and families on a low income.



- Provide a varied programme of activities including taster sessions that positively encourage and promote physical activity, particularly amongst those who are not currently active.
- Provision of a range of holiday activities for children and young people of all age ranges.
- Give due regard to the Equality Act 2010, particularly when there is a change to policy; project development or where new services are being provided or where existing services are discontinued.
- Provide opportunities and activities for Council tenants, which are either outreach or centre-based and which include tenants in rural communities.
- Provide opportunities to engage the rural population, increasing access to activities.

2. Improving Accessibility & Social Inclusion:

- Ensuring activities are accessible by the whole community, but working particularly with people and families on a low income, ensuring that activities are provided in such a way to meet the needs of specific groups within the community.
- Working with partners to identify appropriate funding to support sessions and activities that could be offered free to users at the point of delivery as a means of overcoming lack of income as a barrier to participation.
- Promote opportunities for workforce development to encourage training and skills development for individual staff.
- Explore opportunities to increase non centre-based activity to further reduce access barriers and to encourage participation from current non-users.
- To assist Lewes District Council with undertaking ongoing equalities assessments and monitoring.



3. Reducing Environmental Impact:

- Continue to look for opportunities to increase recycling for customers and staff wherever possible.
- When planning future investment with the Council, identify opportunities to reduce energy usage and help to reduce CO2 emissions. When replacing plant and equipment, cleaner and energy efficient technology should be considered that will help to generate future efficiency savings.

The Trust is required to provide an Annual Service Plan by November 2016 that takes account of the above Council priorities. This plan will then be considered by Cabinet in January 2017, for implementation from April 2017.



Annual Service Delivery Objectives Newhaven Fort 2016-2017

Lewes District Council is required to furnish the Trust with an Annual Service Statement that will provide the Trust with a framework to produce an Annual Service Delivery Plan.

On 1st May 2015 WLT was granted operational management responsibility for the Newhaven Fort. The following sets out the key actions that WLT will focus on for the 2016/17 financial year.

The Fort procurement exercise focused on four core outcomes, namely:

1. Enhance the regeneration opportunities in Newhaven by increasing the number of visitors to Newhaven Fort and generating local job opportunities.
2. Maintain and grow the heritage and educational potential of Newhaven Fort in a way which is accessible to the general public.
3. Improve the current facilities on offer.
4. Minimise the ongoing liabilities of the Council and potentially produce a revenue stream for the Council.

In order to achieve the four LDC outcomes, WLT has identified three separate but interlinked areas for the Fort Management and Operational Team to focus on, namely:

1. Experience.
2. Education.
3. Events.



Appendix C Equality Analysis Report

Title:	Wave Leisure Trust Annual Review 2015/16 and 2017/18 Annual Leisure Service Delivery Objectives
EA Lead :	Bee Lewis, Head of Property & Facilities
EA Team:	
Date Commenced:	9th September 2016
Target Completion Date:	
Reason for assessment:	Report to Cabinet

Context and Scope

1. What are the main purposes and aims of the service/project/decision?

WLT operate 4 Leisure Centre sites across Lewes on behalf of LDC as well as providing outreach services across the community. WLT also run Newhaven Fort. In order to do this in a way which meets the community's needs, LDC are required to set WLT annual service delivery objectives. This year to improve the facilities on offer to WLT service users WLT propose to replace the gym equipment at all 4 sites. In order to do this LDC are required to act as Guarantor to WLT in respect to the lease agreement.



2. What effect does it have on how other organisations operate and what commitments of resources are involved?

Without set objectives WLT may not be able to provide services that allow the best possible participation levels from the local community. The WLT annual objectives are aligned with LDC Council Plan objectives.

Without acting as Guarantor WLT will not be able to offer market leading gym equipment which would greatly disadvantage them in terms of commercial offering. This in turn could impact on participation levels and gym membership figures.

3. How does it relate to the demographics and needs of the local community?

Objectives set for WLT are aimed at improving participation within hard to reach sectors of the community including children and young people, people on a low income, the elderly and people with disabilities. WLT objectives are also aimed at improving participation from Council tenants and rural communities through delivering outreach services.

4. How does it relate to the local and national political context?

In response to the local and national pressures, the Council recognised that there was an opportunity to close the gap between the current level of leisure provision and the anticipated need, through more a more targeted approach to programming and outreach work.

5. Is there any obvious impact on particular equality groups?

	Race (includes ethnic or national origins, colour, & nationality)			Disability (includes mental & physical)			Gender (includes gender reassignment)			Pregnancy (includes maternity & paternity)			Sexual Orientation (includes heterosexual, homosexual & bisexual)			Religion & Belief (includes all faiths, beliefs & agnostic)			Age (includes all age groups)		
Impact	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None
Tick if relevant				X															X		

6. How does it help to us meet our general duties under the Equality Act 2010?

The proposed objectives for WLT are designed to ensure that WLT deliver inclusive and accessible facilities and activities. Services delivered by WLT allow those with protected characteristics to participate in leisure activities without discrimination.

7. What is the scope of this analysis?

Adopting the recommendations would lead to positive impacts for a number of people with protected characteristics, in particular disability and age. It will also deliver opportunities to access sport and leisure provision for people on low incomes and contribute to healthier lifestyles.



Information gathering and research

8. What existing information and data was obtained and considered in the assessment?

2015 Equalities Assessment of the Leisure Service, WLT Annual Report 2015/16

9. What gaps in information were identified and what action was undertaken/is planned to address them?

None

10. What communities and groups have been involved and what consultation has taken place as part of this assessment?

Wave has ongoing dialogue with a number of groups and their feedback is considered in relation to the programme of activities on offer. The programme is adjusted accordingly.

Analysis and assessment

11. What were the main findings, trends and themes from the research and consultation undertaken?

WLT deliver services to the whole community and ensure that the Leisure programme on offer ensures equality of access and aims to remove barriers that may prevent some members of the community participating in leisure activities. This is demonstrated in the report.



12. What positive outcomes were identified?

The report outline the positive outcomes achieved by WLT during 2015/16.

13. What negative outcomes were identified?

None

Action planning

14. The following specific actions have been identified: (see paragraph 25 of the guidance)

Issue Identified	Action Required	Lead Officer	Required Resources	Target Date	Measure of Success
Approve recommendation as proposed in the report					



Summary Statement

Between **???** and 9th September 2016 Equality Analysis was undertaken by Bee Lewis, Head of Property & Facilities on the report to Wave Leisure Annual Service Review and 2017/18 Annual Leisure Service Delivery Objectives

Due regard was given to the general equalities duties and to the likely impact of the policy/service/decision/project* on people with protected characteristics, as set out in the Equality Act 2010.

The assessment identified: *(*delete as appropriate)*

*No major changes are required. The EA demonstrates the service/policy/decision/project is robust, there is little potential for discrimination or adverse outcomes, and opportunities to promote equality have been taken.

Approval

Director/Head of Service	
Signed	
Dated	

Agenda Item No: 9.11 **Report No:** 126/16

Report Title: Ward Issues Raised by Councillors at Council

Report To: Cabinet **Date:** 28 September 2016

Cabinet Members: Councillors Giles; Jones; Nicholson; and Smith

Ward(s) Affected: Kingston; Lewes Priory; Newhaven Valley; Seaford Central; Seaford East; and Seaford South

Report By: Catherine Knight, Assistant Director of Legal and Democratic Services

Contact Officer(s)-

Name(s): Trevor Hayward
Post Title(s): Committee Officer
E-mail(s): trevor.hayward@lewes.gov.uk
Tel No(s): 01273 471600

Purpose of Report:

To respond to ward issues raised by councillors at Meetings of the Council.

Officers Recommendation(s):

To note and agree the officer action detailed in the Report.

Reasons for Recommendations

To ensure that appropriate follow up action is taken.

Information

- 1 The following Ward issues were raised at the Council meeting on 21 July 2016:

<u>Councillor/Ward</u>	<u>Ward Issue Concerning</u>	
Councillor Catlin – Lewes Priory Ward	Constituents had complained that on arrival at Lewes Cemetery they had been unable to park their vehicles because of the large number of cars that were already parked there whilst, at the same time, there was no-one at the cemetery. Councillor Catlin understood from East Sussex County Council that the Council had asked for there to be a soft touch approach to parking at the Cemetery. However, it appeared to Councillor Catlin that the lax enforcement of parking restrictions was being abused.	

<u>Councillor/Ward</u>	<u>Ward Issue Concerning</u>	
	<p><u>Suggested action to be taken by the Council:</u> That a purge be undertaken by having a check, every four hours for two weeks, on unauthorised vehicles that were parked at the Cemetery and that the matter must be reviewed.</p> <p><i>(NB In response to the above Ward issue, the Leader of the Council reported that the Council would discuss the matter with East Sussex County Council which was responsible for enforcing the car parking regime at the Cemetery with the aim of seeking a solution to such a sensitive issue without upsetting grieving mourners who had legitimately parked their vehicles in the Cemetery car park).</i></p>	DCE
<u>Comment by Chief Officer (Deputy Chief Executive):</u> The Council will continue to monitor the effectiveness of measures taken by ESCC.		

Councillor lent – Kingston Ward	<p>During 2015 and 2016 Highways England had been repairing the footway bridge between the two parts of Falmer village above the A27 trunk road. Such repairs had included putting in a pedestrian slope and steps to the bus stop on the A27.</p> <p>The previous layby for the bus stop was quite small and Councillor lent and others had thought that when the barriers and screens were removed there would be a safer pull in and pull out for the buses. Sadly, that had not been the case and the existing bus stop had simply been replaced roughly on its existing dimensions.</p> <p>It appeared that the bus company had objected to using the new bus layby which simply replicated the very tight ‘pull in’ of the old bus layby that was built over forty years ago in the 1970s. Therefore the new bus stop had been closed leaving villagers with a long walking detour to catch the bus.</p> <p><u>Suggested action to be taken by the Council:</u> That the Chair or Leader of the Council write to Highways England at their south-eastern headquarters in Guildford asking it to make the rectification works a very high priority so that the bus</p>	C Hanlon
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	stop could be brought back into use as soon as possible.	
<u>Comment by the Officer:</u> The Leader of the Council has sent a letter to Highways England at its office in Guildford.		

Councillor Lent – Kingston Ward	<p>There was a window of opportunity this year to get funding for both capital and revenue projects in respect of walking and cycling.</p> <p>In the Council's area, the C7 Road between Lewes and Newhaven was in urgent need of both revenue and capital funding to improve access and safety for walking and cycling to the villages and to the main urban centres of Lewes and Newhaven.</p> <p><u>Suggested action to be taken by the Council:</u> That the Council immediately contact East Sussex County Council to request it to submit a capital and revenue funding proposal for the C7 Road as applications for capital projects to support walking and cycling needed to be submitted by 28 July 2016.</p> <p><i>(NB Subsequent to the meeting, a suitable request was sent to Officers at East Sussex County Council on the morning of Friday, 22 July 2016).</i></p>	DCE
<u>Comment by Chief Officer (Deputy Chief Executive):</u> As mentioned above, subsequent to the meeting, a suitable request was sent to Officers at East Sussex County Council on the morning of Friday, 22 July 2016.		

Councillor Adeniji – Seaford South Ward	<p>The Council had erected a sign on Seaford seafront, by the Martello Tower, which indicated that overnight parking in the vicinity was not permitted. However, during the summer months, people arrived in their mobile homes and stayed overnight in the area. Sometimes visitors camped in the area for up to a week at a time and, in doing so, often left waste materials on the side of the road which Seaford Town Council needed to clear away.</p> <p>Councillor Adeniji had contacted the Council and East Sussex County Council and had been told that</p>	
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	<p>it was difficult to enforce the conditions of the sign as it was only possible to do so by sending an enforcement Officer to the area during unsocial hours.</p> <p><u>Suggested action to be taken by the Council:</u> That the Council either arrange for the sign to be removed as the conditions thereon were not being enforced; or that it contact East Sussex County Council, which was responsible for such enforcement, in order to request that the conditions be enforced in order to prevent overnight parking in the vicinity.</p>	DCE
	<p><u>Comment by Chief Officer (Deputy Chief Executive):</u> The 'no sleeping in a vehicle overnight' sign is mainly used as a deterrent. The sign appears in all car parks. The Esplanade car park belongs to Seaford Town Council. Enforcement takes place via LDC's management contract with ESCC. The cost of enforcement is then recharged to STC. Seaford Town Council has two options:</p> <ol style="list-style-type: none"> 1. Instruct LDC not to enforce the no sleeping overnight rule at The Esplanade (and also High & Over, and South Hill Barn car parks which are under a similar management arrangement). 2. Agree to pay for additional out of hours patrols so that enforcement can take place. 	

Councillor Saunders – Newhaven Valley Ward	<p>Newhaven residents were concerned that the Council had not confirmed that Meeching Down had been devolved to Newhaven Town Council.</p> <p><u>Suggested action to be taken by the Council:</u> That the Council expedite the transfer of Meeching Down in its entirety to Newhaven Town Council so as to ensure that the well-loved open space was able to be enjoyed in perpetuity by Newhaven residents, with the added assurances of the robust covenants that had been suggested by the former Officers who had dealt with the original proposals.</p>	DCE
	<p><u>Comment by Chief Officer (Deputy Chief Executive):</u> The Council has previously set out a policy in respect of devolution to Towns and Parishes and will continue to follow that. Meeching Down is part of the special expense for Newhaven and is therefore a potential for future devolution subject to approval by Cabinet via the Devolution Committee.</p>	

Councillor Saunders – Newhaven Valley Ward	<p>The announcement which related to the withdrawal of the Crown Post Office in Newhaven.</p> <p><u>Suggested action to be taken by the Council:</u> That the Council write to the Post Office in support of Newhaven Town Council's letter which expressed that Town Council's frustration in respect of the withdrawal of the Crown Post Office.</p>	DRP
<u>Comment by Chief Officer (Director of Regeneration and Planning):</u> A letter has been sent as suggested.		

Councillor Carr – Newhaven Valley Ward	<p>Councillor Carr welcomed the news that the Council had recently taken over the lease of Newhaven Square, Newhaven, and had plans for the redevelopment of the area. However, both Councillor Carr and Councillor Saunders, who represented Newhaven Valley Ward, were not being kept informed about the plans for the development of the area. The lack of information from the Council had led to some rumours circulating in Newhaven regarding what was happening and which companies were proposing to have a presence in Newhaven.</p> <p><u>Suggested action to be taken by the Council:</u> That monthly update meetings be held between the relevant Council Officers and Councillor Carr in order that she, and Councillor Saunders, could be kept informed about issues that related to Newhaven Square and other issues that affected Newhaven such as devolution and the proposed development of the Robinson Road site and other development sites that were located in Newhaven.</p>	DRP
<u>Comment by Chief Officer (Director of Regeneration and Planning):</u> Bee Lewis has arranged to meet Councillor Carr regarding Newhaven Square.		

Councillor Carr – Newhaven Valley Ward	<p>There was a Council sign located at the Robinson Road entrance to Riverside Park, Newhaven, which indicated that no cycling was permitted in the Park.</p> <p><u>Suggested action to be taken by the Council:</u> That the Council arrange for its sign to be removed in order to encourage cycling within Riverside Park.</p>	DRP
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	<p><u>Comment by Chief Officer (Director of Regeneration and Planning):</u> The sign has been modified so as to obliterate the text which indicated that no cycling was permitted in the Park.</p>	

Councillor Gauntlett – Seaford Central Ward	<p>Brooklyn Road in Seaford was flooded, yet again, in the flash flooding on 17 June 2016.</p> <p>The resulting overflow from the drainage system of water and sewage not only polluted the road and gardens but came up through the toilets and sinks. It also displaced rats which were seen at the same time.</p> <p>Southern Water had an emergency pump which was designed to switch on automatically when the drains were full but it had failed yet again.</p> <p><u>Suggested action to be taken by the Council:</u> That the Council seek written assurance from Southern Water that the pump would be repaired or replaced and when that would happen. As residents suspected that the drainage pipes contained many years build- up of silt, that the Council seek further assurance that the pipes were either fit for purpose or would be cleaned. A substantial development was being built on the Old House Depository site at the Brooklyn Road /Claremont Road junction and the constructors had been observed hosing debris into the drainage system which had the potential to make the problem worse.</p> <p>Furthermore, that the Council request assurances that the building developments on the Newlands School site in Seaford East Ward and the Caffyns site in Seaford Central Ward had been factored into the overall capacity of the Seaford water/waste disposal system and that it would function without flooding.</p> <p>The above was necessary in order to prevent the repeated misery that the residents of Brooklyn Road continued to experience.</p>	DSD
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<p><u>Comment by Chief Officer (Director of Service Delivery):</u> The Council's Head of Planning & Revenues has contacted Southern Water to seek assurance that the water infrastructure in the Brooklyn Road Seaford area is fit for purpose and is maintained to a satisfactory standard. In addition, a</p>	
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<p>request has been made to provide assurance that the Newlands School site and Caffyns site in Seaford have been taken into account as part of the overall capacity of the water supply and foul water system.</p>	
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<p>Councillor Peterson – Seaford East Ward</p>	<p>That, with regard to the water and sewage flooding issues as referred to in Councillor Gauntlett's Ward Issue above, it appeared that Southern Water might be using out of date maps of the sewage pipe system that existed in Seaford which, if that was the case, might be causing problems with flooding in that town.</p> <p><u>Suggested action to be taken by the Council:</u> That the Council put pressure on Southern Water to provide up to date maps of the sewage pipe system in Seaford in order that Seaford residents could see them and be assured that Southern Water was working in accordance with them.</p>	<p>DSD</p>
	<p><u>Comment by Chief Officer (Director of Service Delivery):</u> The Council's Head of Planning & Revenues has contacted Southern Water requesting that they provide up to date maps of the foul water drainage system.</p>	

Financial Appraisal

2 None arising from this Report.

Legal Implications

3 None arising from this Report.

Risk Management Implications

4 I have not completed the Risk Management Checklist as there is no need to undertake a risk assessment.

Equality Screening

5 I have not completed the Equality Analysis checklist as this Report is free from the requirement to do so.

Background Papers

6 None

Appendices

7 None