

Lewes District Council



Council Agenda

Monday, 17 July 2017

Southover House, Lewes

Robert Cottrill
Chief Executive

Lewes District Council



Council Meeting

Councillors are kindly requested to switch off their mobile 'phones and other mobile devices prior to the commencement of the meeting.

Note: At the commencement of the meeting the Chair will ask for a period of silence to enable councillors to focus their thoughts on the meeting or to pray silently.

To all Members of the Council

A meeting of the **Council** will be held in the **Council Chamber, County Hall, St Annes Crescent, Lewes BN7 1UE** on **Monday, 17 July 2017** at **18:00** which you are requested to attend. Please note the start time and that the venue for this meeting 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.

Agenda

1 Minutes

To confirm and sign the Minutes of the Annual Meeting of the Council dated 10 May 2017 (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 Announcements

To receive any announcements from the Chair of the Council, Leader of the Council, Members of the Cabinet or the Chief Executive.

A list of the Chair of the Council's engagements since the Annual Meeting of the Council on 10 May 2017 is enclosed page 5.

5 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.

6 Questions from Members of the Public

To deal with questions which members of the public may wish to put to members of the Cabinet in accordance with Council Procedure Rule 11 (if any).

7 Petitions

To receive petitions from councillors or members of the public in accordance with Council Procedure Rule 13 (if any).

8 Response to Petition – A259

To consider the Report of the Director of Regeneration and Planning (Report No 107/17 herewith - page 7).

9 Written Questions from Councillors

To deal with written questions which councillors may wish to put to the Chair of the Council, a Lead Councillor on the Cabinet or the Chair of any committee or sub-committee in accordance with Council Procedure Rule 12 (if any).

10 Questions to the Leader of the Council

To deal with questions (if any) which councillors may wish to put to the Leader of the Council. It will be at the Leader's discretion to re-direct questions to relevant Members of the Cabinet. A councillor wishing to raise a question must notify the Chair of the Council of the text of the question prior to the commencement of the meeting. *(NB This item is limited to a maximum of 5 questions, with no more than 1 question being asked per councillor. If a question requires a detailed or technical response, the Leader may decide that a written response is more appropriate).*

11 Ward Issues

To deal with ward issues which councillors wish to raise. A councillor wishing to raise a ward issue must notify the Chair of the Council prior to the commencement of the meeting in accordance with Council Procedure Rule 12.8 (if any).

12 Urgent Decisions taken by the Cabinet or Cabinet Members

In accordance with Scrutiny Procedure Rule 17, to receive details of any urgent decisions taken by the Cabinet or Cabinet Members since the Annual Meeting of the Council on 10 May 2017.

13 Recommendations from Cabinet - 26 June 2017

To consider the recommendation from the meeting of the Cabinet held on 26 June 2017 (Minute Extract herewith - page 12).

14 Memberships

To note the appointments to the following Committee, Advisory Boards and outside bodies:

- Licensing Committee - Councillor L Boorman;
- CIL Management Board - Councillor L Boorman;

- Strategic Property Board - Councillors B Giles (Chair), A Smith and S Osborne;
- Wave Leisure Trust Board - Councillor L Boorman; and
- East Sussex Health Overview and Scrutiny Committee - Councillor S Murray.

15 Appointment of Co-opted, Non-voting Town/Parish Council Members to the Audit and Standards Committee for Standards Matters Only

To note that the Sussex and Surrey Associations of Local Councils have appointed the following three Councillors to serve as co-opted, non-voting Town/Parish Council Members on the Audit and Standards Committee for Standards matters only:

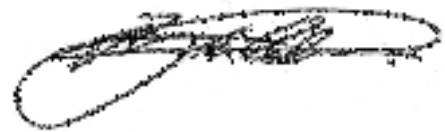
Councillor Johnny Denis (Glynde and Beddingham Parish Council and Ringmer Parish Council);

Councillor Penny Lower (Seaford Town Council); and

Councillor Susan Murray (Lewes Town Council).

16 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). A councillor wishing to provide feedback must notify the Chair of the Council prior to the commencement of the meeting.



Robert Cottrill
Chief Executive

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



Lewes District Council

Southover House
Southover Road
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East Sussex BN7 1AB

Civic Officer: 01273 085030

CHAIR
Councillor STEPHEN GAUNTLETT

civic.office@lewes.gov.uk

CHAIR'S ENGAGEMENTS 10 May 2017 – 17 July 2017

Friday 12 May	2pm	Chair: To attend the High Sheriff of East Sussex Judges' Service (St Anne's Church, Lewes) and Summer Reception (Glyndebourne).
Thursday 18 May	7pm	Chair: To attend Lewes Town Council's Annual Council and ceremony of Mayor Making at Lewes Town Hall, Lewes.
Thursday 1 June	2.30pm	Chair: To attend a meeting for newly appointed Mayors/Chairs with the Lord Lieutenant at the Mayor's Parlour, Brighton Town Hall.
Friday 2 June	6.45pm	Chair: To attend the Newhaven and Seaford Sea Cadets Royal Navy Parade and celebration at 80 Chapel Street, Newhaven.
Wednesday 14 June	1.30pm	Chair: To attend a Royal visit by HRH The Duchess of Gloucester to Chailey Heritage Foundation to the official opening of Patchwork Farm.
Thursday 15 June	6pm	Chair: To attend the SERFCA Armed Forces Briefing for the Counties of East and West Sussex at the Army Reserve Centre, Brighton.
Saturday 17 June	1.30pm	Chair: To attend the Newhaven Cricket Club celebration of 17 years of sponsorship from local accountants Tasker Osman & Co at Fort Recreation Ground, Newhaven.
Saturday 17 June	7pm	Chair: To attend the The Royal Society of St George – Seahaven Branch's Commemoration of the Official Birthday of HM The Queen, Royal Patron at The View, Seaford Head Golf Club.

Sunday 18 June	11am	Chair: To attend the Railway Land Summer Festival at Lewes Railway Land, Lewes.
Thursday 22 June	10am	Chair: To meet with Reverend Dr Mark Betson, Rural and Environment Officer, Diocese of Chichester, to discuss the Chair's theme of office for 2017-18 at Southover House, Lewes.
Saturday 24 June	11am	Chair: To attend Seaford Town Council's Veterans and Armed Forces Day at the Martello Fields in Seaford.
Saturday 24 June	7pm	Chair: To attend the Rotary Club of Lewes's annual skittle event and to present the prizes at Grange Gardens, Lewes.
Monday 26 June	6.30pm	Chair and Consort: To attend the Chair o ESCC's Summer Reception at Ashburnham Place, Battle.
Wednesday 28 June	7.30pm	Chair and Consort: To attend the East Sussex Academy of Music Summer Concert at Sussex Downs College.
Friday 30 June	11am	Chair: To attend a meeting with Tony Whitbread, Sussex Wildlife Trust, to discuss the Chair's theme of office for 2017-18 at Southover House, Lewes.
Saturday 1 July	10.30am	Chair and Consort: To attend the 'Marine and Clean' event at West Beach, Newhaven.
Sunday 9 July	5pm	Chair and Consort: To attend the ABF The Soldiers' Charity Reception, Band Concert and Beating Retreat at Herstmonceaux Castle.
Thursday 13 July	6.30pm	Chair: To attend the Lewes District Business Awards at Lewes Town Hall.

Agenda Item No: 8 **Report No:** 107/17
Report Title: Response to Petition – A259
Report To: Council **Date:** 17 July 2017
Cabinet Member: Cllr Tom Jones
Ward(s) Affected: All
Report By: Nazeya Hussain, Director of Regeneration and Planning
Contact Officer(s)-
Name(s): Robert King
Post Title(s): Senior Planning Policy Officer
E-mail(s): robert.king@lewes.gov.uk
Tel No(s): 01273 085455/01323 415455

Purpose of Report:

To respond to the petition submitted to the Council on 10 May 2017 regarding traffic levels on the A259 between Newhaven and Brighton Marina.

Officers Recommendation(s):

- 1 To note the petition in accordance with the Council's petition scheme.
- 2 To continue to work in close partnership with East Sussex County Council and Brighton & Hove City Council to fully address the impact of future housing development on the capacity and operation of the A259 between Newhaven and Brighton and on the Air Quality Management Areas at Newhaven and Rottingdean.

Reasons for Recommendations

- 1 At its meeting on 10 May 2017, the Council received a petition from Councillor Enever containing a combined total of 4462 signatures. The petition stated:

"We call upon Lewes District Council together with East Sussex County Council and Brighton & Hove City Council to carry out new and joint traffic evaluation studies on the A259 South Coast Road between Newhaven and Brighton Marina.

We also call upon Lewes District Council together with East Sussex County Council and Brighton & Hove City Council to carry out an economic impact study on the detrimental effects caused by traffic congestion on the A259 from

Newhaven to the Brighton Marina (particularly at peak times) on the local economy for this area as well as looking at air quality and the quality of life for the residents in this whole area.

Once the results of these studies have been reviewed we call upon Lewes District Council together with East Sussex County Council and Brighton & Hove City Council to clearly identify what new physical road infrastructure improvements will be required to meet any identified capacity shortfall, along with a schedule of works for when those improvements will need to be implemented before any further development takes place.”

In the light of the number of signatures and in accordance with the Council's petition scheme, it was agreed that the petition would be debated by the Council as an individual agenda item at the Council meeting on 17 July 2017.

Information

2

- 2.1 Lewes District Local Plan Part 1: Joint Core Strategy (JCS), adopted in May 2016, sets out the number and distribution of new homes within the district over the period to 2030. The identification of the necessary transport approaches and measures required to support this housing growth involved the District Council and the South Downs National Park Authority working in partnership with East Sussex County Council (ESCC). This work including the commissioning of a number of transport studies to test the impact of future development on the local road network.
- 2.2 Many of the new homes proposed in the JCS will be delivered on two sites allocated for development at Harbour Heights in Newhaven and Lower Hoddern Farm in Peacehaven. The allocation of these sites was recommended by the Inspector of the JCS Examination in Public in order to make the plan sound. In making his recommendations, the Inspector relied upon advice from ESCC that was based upon the findings of the Newhaven Transport Study and subsequent technical assessment work, including transport modelling, carried out in the period up to 2015.
- 2.3 The capacity of the local road network to accommodate the additional transport demands arising from new development, and the potential to mitigate the impact of these demands, is a key influence on the amount of housing growth that can be delivered within the district. ESCC has advised that the proposed development in Newhaven and Peacehaven is contingent on a package of transport measures to mitigate congestion and increase network capacity, including:
 - Junction improvements on the Newhaven town centre ring road
 - Improvements to the junctions of the A259 with Sutton Avenue and Telscombe Cliffs Way

- Effective enhancements to bus service levels and infrastructure along the A259 and serving the residential areas of Newhaven and Peacehaven
- Improvements to the walking and cycling network

- 2.4** This advice was accepted by the Inspector who found the JCS sound last year. The petitioners claim in their submission that ESCC's advice relied upon base data which failed to take account of the cumulative impact of development in Brighton & Hove, as well as in Lewes district. This is incorrect. The Newhaven Transport Study and subsequent traffic modelling both incorporated forecast traffic growth external to Newhaven and Peacehaven using TEMPRO, a software programme that is nationally accepted for transport planning purposes.
- 2.5** The transport measures required to support the proposed new homes in Newhaven and Peacehaven, together with the time-frame for their delivery, are set out in the Lewes District Infrastructure Delivery Plan May 2016. They are also addressed in JCS Spatial Policy 7 (Land at Harbour Heights, Newhaven) and JCS Spatial Policy 8 (Land at Lower Hoddern Farm, Peacehaven). The latter requires the identification and delivery of a co-ordinated package of multi-modal transport measures to mitigate the impact of the development on the A259.
- 2.6** The multi-modal transport measures required by Spatial Policy 8 are currently being considered as part of a planning application for 450 homes at Lower Hoddern Farm (LW/17/0226). The applicant's transport consultants are working with ESCC to review and update baseline studies, impact assessments, and possible mitigation measures along the A259 coast road between Newhaven and Rottingdean. Any future decision on this application will be based on the most up-to-date information available and will take into account the transport impact of development from other sites.
- 2.7** Whilst a planning application has yet to be submitted for the proposed 400 homes on land at Harbour Heights, Newhaven, the site promoters have also been working with ESCC on potential measures to mitigate congestion and increase highway capacity on the A259. In the light of this ongoing work, it is considered unnecessary at this time for the District Council to commit additional funding to commission a further transport study to assess the impact of the proposed housing development in the coastal settlements over the JCS period.
- 2.8** In respect of concerns raised about air quality, the District Council regularly monitors nitrogen dioxide levels at strategic locations along the A259 in accordance with its duties under Part IV of the Environment Act 1995. It has declared an Air Quality Management Area (AQMA) in Newhaven, where a number of locations exceed the annual mean nitrogen dioxide objective, and an Air Quality Action Plan for the AQMA was published in 2016.

2.9 Core Policy 9 of the JCS seeks to address air quality issues and requires all planning applications for development that could impact on an existing AQMA to:

- Have regard to any relevant Air Quality Action Plans (AQAP) and to seek improvements in air quality through implementation of measures in the AQAP
- Provide mitigation measures where the development and/or associated traffic would adversely affect any declared AQMA (both within and outside of the district)

2.10 Core Policy 9 also requires all applications to provide mitigation measures where the proposed development and/or associated traffic could lead to the declaration of a new or extended AQMA, and to ensure that the development will not have a negative impact on the surrounding area in terms of its effect on health, taking into account cumulative impacts. This policy approach was extensively debated at the JCS Examination in Public and found sound by the Inspector.

2.11 Notwithstanding, the petitioners concerns are acknowledged, and officers will continue to work in close partnership with ESCC and Brighton & Hove City Council to fully address the impact of future housing development both on the capacity and operation of the A259 between Newhaven and Brighton and on the Air Quality Management Areas at Newhaven and Rottingdean. The strategic transport infrastructure required to support housing growth across the wider area will be addressed through our participation in the West Sussex & Greater Brighton Strategic Planning Board and other bodies.

Financial Appraisal

3 There are no direct financial implications of approving the recommendations in this report.

Legal Implications

4 The Council has a duty to co-operate under the Localism Act 2011 and although we have the duty to engage constructively, actively and on an ongoing basis with our neighbours it is a matter for each individual council to determine the most effective way of dealing with requests to engage and undertake joint studies with neighbouring Councils.

Legal Implications Provided 26.06.17 006465-LDC-JCS

Risk Management Implications

5 The risk assessment checklist has been completed; no new risks will arise if the recommendation is implemented

Equality Screening

- 6** Equality scoping has been undertaken and there is no requirement for an equality analysis report

Background Papers

- Lewes District Local Plan Part 1: Joint Core Strategy
<http://www.lewes.gov.uk/corestrategy/index.asp>
- Inspector's Report to Lewes District Council and the South Downs National Park Authority <http://www.lewes.gov.uk/planning/22277.asp>
- Newhaven Transport Study
http://www.lewes.gov.uk/Files/plan_Newhaven_transport_study_report.pdf
- Infrastructure Delivery Plan
[http://www.lewes.gov.uk/Files/plan_Infrastructure_Delivery_Plan_May_2016.p
df](http://www.lewes.gov.uk/Files/plan_Infrastructure_Delivery_Plan_May_2016.pdf)

Agenda Item No: 13



Cabinet recommendations for consideration by Council at the Meeting of the Council on Monday, 17 July 2017

Cabinet – 26 June 2017

3 Finance Update – Performance Report - 2016/2017

The Cabinet considered Report No 89/17 which provided an update on the Council's financial performance in 2016/2017 and explained the impact on the Council's current financial position.

The Council's 2016/2017 Accounts had been closed and at the time of preparing the Report, the Deputy Chief Executive was expected to approve the draft Statement of Accounts during the week beginning 26 June 2017, immediately following which they would be released to the Council's external auditor, BDO, and made available to the public for inspection.

The General Fund year end position for 2016/2017 was in line with the forecast made when the Medium Term Financial Strategy was updated at the time that the 2017/2018 budget was prepared, and with the quarterly performance reports made to Cabinet during the course of the year.

Table 1 in the Report showed the final net expenditure/income for 2016/2017 analysed by management area which was the format used in the quarterly financial performance Reports to Cabinet during the year. It indicated that net spending on services was £171,000 less than budgeted. Details of each service were set out at Appendix 1 to the Report.

Table 5 listed the contributions to and use of each General Fund Reserve in 2016/2017, and the balance held at the end of the year. It also identified the

anticipated movement on each Reserve in 2017/2018 which reflected the approved General Fund budget and the capital programme.

Table 6 showed that the Housing Revenue Account outturn for 2016/2017 (after planned specific one-off costs had been financed from the Special Projects element of the working balance) was a net surplus of £542,000 compared with a surplus of £519,000 which had been projected when the budget for the year had been set, which provided a net positive variation of £23,000. Table 7 summarised the main variations compared with that projection.

The balance on the Council Tax Collection Fund at 31 March 2017 was a surplus of £1.792m, compared with a surplus of £1.700m which had been estimated at the time of setting the Council Tax for 2017/2018. Such positive variation, at 0.1% of income, reflected growth in the taxbase, changes in entitlement to discounts and a decrease in the value of Council Tax Reduction Scheme awards compared with the projection. The variation was well within the acceptable level of tolerance given that the total annual amount of Council Tax due was £64.7m. The earliest that the additional surplus could be distributed was during 2018/2019. The distribution would be between the Council, East Sussex County Council, East Sussex Fire Authority and the Sussex Police and Crime Commissioner, based on 2017/2018 Council Tax amounts. Approximately 15% of the surplus would be returned to the Council.

The balance on the Business Rates Collection Fund at 31 March 2017 was a deficit of £1.598m, of which the Council's share would be £0.639m, compared with a deficit of £1.386m that had been estimated at the time of setting the 2017/2018 budget. Such increased deficit was largely the result of backdated transitional relief and an increased provision for non-collectable debt. Appeals against business rate valuations, which were beyond the Council's control, remained a key risk. At 31 March 2017, 180 appeals against the Council's rating list remained to be settled. The provision for business rates appeals was reduced by £0.100m to £1.8m at 31 March 2017.

Financial Procedure Rules authorised the Deputy Chief Executive to write-off a debt which was below £10,000 or where the amount involved was claimable in bankruptcy or liquidation proceedings. Cabinet or Council approval was required to write off a single debt in excess of £10,000 or £50,000 respectively. It was important to ensure that only those debts for which a realistic prospect of recovery existed remained active. The Council's external auditor could be expected to review such activity as part of the statutory audit of accounts. However, there was nothing to prevent the Council from reinstating a debt, following its write-off, if new information came to light about the debtor's circumstances.

In 2016/2017 the amounts set out in paragraph 4.5.2 of the Report had been written off in total when action to recover individual debts had proved to be unsuccessful or uneconomic to pursue. No individual case was in excess of £10,000. Cabinet was recommended to approve the two write-offs set out in paragraph 4.5.3 of the Report where continued recovery action was no longer

considered to be appropriate.

The Capital Programme was an allocation of resources, (principally capital receipts from the sale of assets, grants or contributions received with specific conditions attached, and reserves) to projects that related to the major repair, enhancement or purchase of long-term assets. In many cases such projects would span financial years. Table 9 summarised the final position in respect of the 2016/2017 Capital Programme and Appendix 2 to the Report set out a detailed analysis thereof.

Appendix 3 to the Report set out details relating to the Capital Programme for 2017/2018 which had been updated to include the amounts brought forward from 2016/2017. Details of the proposed variations to the 2017/18 programme were set out in paragraph 4.6.4 of the Report.

The Council had adopted the Chartered Institute of Public Finance and Accountancy's Code of Practice on Treasury Management in the Public Services and complied with its requirements, one of which was that the Council should receive an Annual Treasury Management Report following the end of each financial year. Such Report also included the results of the various indicators which the Council set each year in accordance with the Prudential Code for Capital Finance in Local Authorities.

The Annual Report for 2016/2017, which had been considered by the Audit and Standards Committee at its meeting on 19 June 2016. was set out at Appendix 4 to Report No 89/17.

Resolved:

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|------------|---|-----|
| 3.1 | That the financial position on the General Fund, Housing Revenue Account and Collection Fund accounts for 2016/2017, as detailed in Report No 89/17, be agreed; | DCE |
| 3.2 | That the allocation of Reserves at 31 March 2017 shown in paragraph 4.2.9 of the Report, be confirmed; | DCE |
| 3.3 | That the Capital Programme outturn for 2016/2017 as shown in Appendix 2 to the Report, be agreed; | DCE |
| 3.4 | That the updated 2017/2018 Capital Programme, as set out in Appendix 3 to the Report, be approved; | DCE |
| 3.5 | That the write-off of irrecoverable debts noted in paragraph 4.5 of the Report, be approved. | DCE |

It was further

Recommended:

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| 3.6 | That the Annual Treasury Management Report for 2016/2017, as set out in Appendix 4 to the Report, be approved. | DCE
(to |
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Reasons for the Decisions:

A Report on financial performance following the end of each quarter 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.

At the end of the financial year, Cabinet should review the impact of the financial performance on its current financial position, determine the level of Reserves available for use and variations, if any, which may be required to the revenue budget or capital programme.

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 (the Code) prepared by the Chartered Institute of Public Finance and Accountancy and adopted by the Council. The Code requires the Council to receive an Annual Treasury Management Report at the end of each financial year.

† *The Recommendation, and not the Resolutions, in the above Minute is for consideration by Council.*

Councillors are requested to bring with them to the meeting Report No 89/17 which was circulated with the agenda papers for the meeting of the Cabinet on 26 June 2017. If you require a further copy of the document please contact Trevor Hayward, Committee Officer, on e-mail trevor.hayward@lewes.gov.uk or telephone 01273 085429.