

Decisions taken by the Cabinet On 11 July 2018

Notice dated: 13 July 2018

Issued to the chairman, members of the Scrutiny Committee and other councillors for information.

Key decisions will be implemented after the expiry of 5 working days from the date of this notice unless “called-in” under the provisions of the council’s scrutiny procedure rules (see end of document for call-in procedure) or implemented sooner by reason of urgency.

Please refer to the relevant cabinet agenda and reports when reading this notice. The minutes of the meeting of the cabinet containing a full record of the proceedings will be published in due course. To view on-line follow this link to the relevant pages on the council’s website:- <http://democracy.eastbourne.gov.uk/mgCommitteeDetails.aspx?ID=125>

DECISIONS:

| Item No | Matter: | Decision: | Reasons for decision: |
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| 7 | Corporate plan refresh | (Key decision): (1) That the progress made in the second year of delivery of the Corporate Plan (paragraphs 3.2 – 3.4 of the report) be noted. (2) To approve the design changes to the Corporate Plan, set out at appendix A to the report. | During the period of a four year Corporate Plan adjustments and refinements may need to be made to respond to changed circumstances and emerging opportunities. In acknowledgement of this an annual review is a helpful way of ensuring that the Plan remains focused on delivery of the organisations overall |

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| | | <p>Recommended to Council (budget and policy framework):</p> <p>(3) To recommend that Council agree the Council Plan contents.</p> | strategic objectives. |
| 8 | Corporate performance 2017/18 | <p>(Key decision):</p> <p>(1) To note the achievements and progress against Corporate Plan priorities for 2017/18, as set out in part A of the report.</p> <p>(2) To agree the General Fund, HRA and Collection Fund financial performance for 2017/18, as set out in part B of the report.</p> <p>(4) To approve the transfer from/to reserves, as set out at appendix 3 to the report.</p> <p>(5) To approve the amended capital programme, as set out at appendix 5 to the report.</p> <p>(6) To note the key elements of the Statement of Accounts 2017/18, as set out in section 6 of part B of the report.</p> | To enable Cabinet members to consider specific aspects of the Council's progress and performance. |
| 9 | Medium term financial strategy | <p>(Key decision):</p> <p>(1) To approve the updated medium term financial strategy and associated plan 2019-22 as summarised at appendix 2 to the report.</p> <p>(2) To agree the balance of assumptions made in the strategy.</p> | The Council is required to set out a medium term financial outlook which sets financial policy as well as taking account of other major policies and its corporate plan. The strategy is refreshed annually to take account of changes in the external environment as well as performance. |

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| | | <p>(3) To request that the emerging budget proposals for 2019/20 be brought to Cabinet in December, prior to detailed consultation and that the medium term financial strategy be represented if material changes arise in the interim.</p> <p>(4) To agree the principal risks of the strategy, set out at appendix 1 to the report.</p> | |
| 10 | Annual treasury management report 2017/18 | <p>Recommended to Council (budget and policy framework):</p> <p>(1) To agree the annual Treasury Management report for 2017/18.</p> <p>(2) To approve the 2017/18 prudential and treasury indicators included in the report.</p> <p>(3) To approve the re-profiling of the Authorised Limit and Operational Boundary.</p> | Requirement of CIPFA Treasury Management in the Public Sector Code of Practice (the Code) and this has to be reported to Full Council. |
| 11 | Equality monitoring policy | <p>(Key decision):</p> <p>(1) To approve the joint equality monitoring policy, set out at appendix A to the report.</p> <p>(2) To delegate authority to the Director of Regeneration and Planning, in consultation with the Cabinet member for Core Support and Strategic Services to make any amendments to the approved text set out in the appendices to the Policy to align with the Census 2021 questions when these are published.</p> | An Equality Monitoring Policy is required to ensure the Council meets its legal duties under Equality Act 2010 and collects the information required to fulfil its Public Sector Equality Duty (PSED) whilst complying with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. |

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| 12 | Housing development update | <p>(Key decision):</p> <p>(1) To note the Council's housing development pipeline of homes to be delivered through the Housing Revenue Account ("HRA"), Aspiration Homes ("AHLLP") and Eastbourne Housing Investment Company ("EHICL") by a mix of purchasing land for new development and acquisitions of existing properties.</p> <p>(2) To give delegated authority to the Director of Regeneration and Planning, in consultation with the Cabinet member for Direct Assistance Services, to dispose of land currently held in the HRA as listed in the programmes set out in the report and identified as held within the HRA to Aspiration Homes or EHICL pending due diligence. This delegation was to include authorisation not to dispose by auction or invitation of tenders following public advertisements is usually required by the Council's Contract Procedure Rules (paragraph 18.1). To further give delegated authority to the Director of Regeneration and Planning in consultation with the Lead member for Housing to determine the terms for the disposals that may be below market value.</p> <p>(3) In relation to loans from the Council:</p> <p>(a) To note the loan amounts associated with the delegation at paragraph 2 above as follows:</p> <p style="padding-left: 40px;">(i) A loan amount of up to £6,900,000 required to develop or acquire the homes set out under the AHLLP programme that would be covered by £10m loan facility approved in the 2017/21 capital programme; and</p> <p style="padding-left: 40px;">(ii) A loan amount of up to £6,600,000 required to</p> | <p>(1) The pipeline shows the scale and detail of the Council's current housing development programme.</p> <p>(2) The locations listed in the report have a variety of preconstruction issues to resolve, and may be brought forward in a number of different phases. By giving delegation to the Director of Regeneration and Planning, disposal and delivery of housing can take place as site issues are resolved.</p> <p>(3) In order for either entity (AHLLP or EHICL) to purchase land from the Council and develop them for housing they will require access to up front capital investment. To continue the street acquisitions programme under EHICL and purchase further property.</p> <p>(4) Sites require significant assessment before establishing viability. This feasibility budget will allow assessments to take place earlier and speed up housing delivery.</p> <p>(5) For Aspiration Homes to use Right to Buy receipts to fund new affordable housing the necessary legal agreements need to be in place to allow this and these must be used in accordance with the terms of our right to buy receipt retention agreement</p> |
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develop or acquire the homes set out under the EHICL programme that would be covered by £20m loan facility approved in the 2017/21 capital programme;

(b) To agree that the Council makes a further loan facility available of up to £10m on market terms to Eastbourne Housing Investment Company Ltd (EHICL) for the purpose of enabling the company to purchase residential accommodation under the existing programme relating to the purchase of such accommodation; and

(c) To authorise the Deputy Chief Executive, in consultation with the Cabinet member for Finance, to determine the terms of any loan which would be offered.

(4) To approve a housing strategy feasibility budget of £200,000 for site assessments related to housing development. This budget would be spent on emerging development opportunities within the programme.

(5) To authorise the Assistant Director for Legal and Democratic Services to ensure that a “Funding Agreement” pursuant to the existing “Deed of Entrustment” is entered into by Aspiration Homes with the Council so that right to buy receipts were appropriated in accordance with legislative requirements and the retention agreement with Government in relation to “social housing”. To give delegated authority to the Director of Regeneration and Planning to determine the terms of such agreements.

(6) To delegate authority to the Director of Regeneration and Planning and the Cabinet member for Direct Assistance Services (and where appropriate the Deputy Chief Executive and Assistant Director – Legal and Democratic Services) to progress the projects through the

(6) The involvement of Clear Futures may sometimes significantly improve a range of efficiencies in the delivery of the projects.

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| | | <p>Clear Futures Energy & Sustainability Joint Venture if they consider it appropriate, and at an appropriate future stages to decide if the projects should be put forward to the Clear Futures Steering Board for inclusion as part 1 and/or part 2 projects.</p> | |
| 13 | Leisure services options | <p>(Key decision):</p> <p>(1) To approve measures to create new agreements with Wave Leisure to operate the four Leisure Centres (Eastbourne Sports Park; Hampden Park; Shinewater; Cavendish) and Motcombe Pool as of 1st April 2019. To delegate authority to the Director of Tourism and Enterprise, in consultation with the Cabinet Member for Tourism & Enterprise, to negotiate and conclude any lease, contract, grant and other arrangements to allow for the operation of these Centres in the most efficient structure to achieve this outcome ensuring compliance with all legal requirements.</p> <p>(2) To approve future monitoring of the agreement provided by Wave in the form of an annual report to Cabinet.</p> <p>(3) To approve measures for Wave to operate Regency Community Centre. To delegate authority to the Director of Tourism and Enterprise, in consultation with the Cabinet member for Tourism & Enterprise, to negotiate and conclude any lease, contract, grant and other arrangements to allow for the operation of Regency Community Centre in the most efficient structure to achieve this outcome ensuring compliance with all legal requirements.</p> <p>(4) To agree that the delegations at 1 and 3 above include</p> | <p>To enable improved management and investment opportunities for the existing four 'dry' leisure sites and Motcombe Pool with an emphasis on improving community participation in sports activities and improving the well-being of the local community through a more active lifestyle.</p> |

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| | | <p>authorisation not to dispose by auction or invitation of tenders following public advertisement (sought under Contract Procedure Rule 18.1).</p> <p>(5) To resolve that any leases to be granted to Wave Leisure to allow them to occupy premises outlined in this report will help the Council to secure the promotion or improvement of the social well-being of the Council's area.</p> | |
| 14 | Construction of a new Sovereign Centre | <p>(Key decision):</p> <p>(1) To approve option C for the construction of a new swimming and leisure complex.</p> <p>(2) To delegate to the Director of Tourism & Enterprise, in consultation with the Cabinet Member for Tourism & Enterprise, authority to make amendments to the design and business case which result from further analysis of option C, the planned public consultation and planning application processes.</p> <p>(3) To approve the requisite variation to the capital programme for option C.</p> <p>(4) To approve the appointment of CLEAR Sustainable Futures (CSF) to deliver this scheme.</p> <p>(5) To instruct officers to discontinue the current procurement process (OJEU Ref: 2017/S 098-194542) for the operator of the new Sovereign Centre.</p> <p>(6) To delegate to the Director of Tourism and Enterprise, in consultation with the Cabinet member for Tourism and Enterprise:</p> | To finalise the development plan for a new swimming and leisure complex in Eastbourne. |

(a) Authority to appoint a temporary operator to run the existing centre from 1st April 2019 until the new Leisure Centre is open, having regard to representations and information from both existing and potential operators.

(b) To negotiate and conclude the documentation (including any lease that is required) to allow for the delivery of these services in the most efficient structure ensuring compliance with all legal requirements. This delegation is to include authorisation i) not to dispose by auction or invitation of tenders following public advertisement (sought under Contract Procedure Rule 18.1) and ii) to waive any requirement for a competitive process to award a sub-threshold services contract (Contract Procedure Rule 2.4.1.a).

(7) To instruct officers to seek further advice on the optimal financial structure of the new operator contract and report to a future Cabinet on proposals to select an operator for the new swimming and leisure complex.

(8) To delegate to the Director of Tourism & Enterprise, in consultation with the Cabinet Members for Tourism and Enterprise and Financial Services, the Chief Finance Officer and the Lawyer to the Council authority to work on the detailed development, management and approval of the scheme and of all the documentation required to deliver the project. Such delegation to include approval to allowing exceptions to the Council's Contract Procedure Rules should that be necessary.

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| 16 | Asset investments and disposals | <p>(Key decision):</p> <p>(1) Agree to act as guarantor for a company to raise finance on an asset.</p> <p>(2) Agree to the commercial terms as set out at section 3 of the exempt report.</p> <p>(3) Delegate to the Chief Executive, the authority to finalise the transactions in consultation with the Leader, Chief Finance Officer and Assistant Director Legal Services.</p> <p>(4) Agree a budget of up to £75,000 from reserves to undertake legal and financial due diligence and finalise all necessary documentation and processes required for this purpose, to give approval to allowing exceptions to the Council's Contract Procedure Rules, should that be considered appropriate by the Chief Finance Officer and the Assistant Director - Legal & Democratic Services in the appointment of the relevant consultants.</p> <p>(5) Approve the establishment of a wholly owned council company if required for the purpose of such company providing the guarantee and in such a case agree the Council will guarantee the obligations of such wholly owned company.</p> | <p>The Council has set out income targets to assist with the reductions in Government funding as part of its medium term financial strategy. This opportunity would represent a significant low risk contribution towards those targets.</p> |
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Call-in procedure

Call-in is the procedure whereby a decision of the Cabinet, the Leader or a portfolio holder, or a member or officer with delegated authority (an executive decision), taken but not implemented, may be examined by the Scrutiny Committee prior to implementation.

In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:

- (a) Only decisions involving new operational policies or strategic initiatives, unbudgeted expenditure or reductions in service may be called in.
- (b) A recommendation of the Executive to the full Council is not a decision that may be called-in.
- (c) A minimum of three members of the Scrutiny Committee from at least two political groups must request that a decision be called in.
- (d) Substitute members of the Scrutiny Committee shall not be entitled to call-in decisions except when the call-in request is made at a meeting of the Committee and when the substitute member is taking the place of another member in accordance with Rule 4.4 of the Council Procedure Rules; and
- (e) Written notice of a request to call-in a decision shall be given to the Chief Executive and the notice shall be signed by the Councillors making the request.

Democratic Services

For any further queries regarding this document or you require any further information please contact Democratic Services.

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