

## **Cabinet**

**Minutes of meeting held in Ditchling Room at Southover House, Southover Road, Lewes, BN7 1AB on 27 March 2019 at 2.30 pm**

### **Present:**

Councillor Andy Smith (Chair)

Councillors Elayne Merry (Deputy-Chair), Paul Franklin, Bill Giles, Tom Jones, Isabelle Linington, Ron Maskell and Tony Nicholson

### **Officers in attendance:**

Robert Cottrill (Chief Executive), Homira Javadi (Chief Finance Officer), Philip Evans (Director of Tourism & Enterprise), Ian Fitzpatrick (Director of Regeneration and Planning), Tim Whelan (Director of Service Delivery), Becky Cooke (Assistant Director for Human Resources and Transformation), Catherine Knight (Assistant Director of Legal and Democratic Services) and Simon Russell (Committee and Civic Services Manager)

### **Also in attendance:**

Councillors Stephen Catlin (Leader of Independent Group), Mike Chartier (Chair of Audit and Standards Committee) Johnny Denis (Vice Chair of the Council), Peter Gardiner (Chair of Scrutiny Committee), and Sarah Osborne (Leader of Liberal Democrat Group)

## **82 Minutes of the meeting held on 8 March 2019**

The minutes of the meeting held on 8 March 2019 were submitted and approved and the chair was authorised to sign them as a correct record.

## **83 Apologies for absence**

None were reported.

## **84 Declarations of interest**

Visiting member Councillor Chartier, declared an interest in agenda item 11 (Devolution of open spaces to Town and Parish Councils) as a Lewes Town Councillor.

**85 Question from councillors**

Visiting member, Councillor Catlin enquired about the transfer of Market Tower to Lewes Town Council. The matter was not within the remit of the Devolution Committee and Councillor Catlin was advised that a future report was scheduled to be considered at the June Cabinet meeting subject to valuation and other condition surveys. The Chief Executive confirmed that a letter would be sent on behalf of the Cabinet to Lewes Town Council, updating them on progress of the matter.

**86 Order of business**

As Duncan Kerr, CEO of Wave Leisure Trust Ltd was present at the meeting, the Chair and Cabinet agreed to take agenda item 10 (Wave Leisure annual service delivery plans 2019/20) first.

**87 Wave Leisure annual service delivery plans 2019/20**

The Cabinet considered the report of the Director of Tourism and Enterprise seeking their approval for the 2019/2020 Annual Service Delivery Plans for Leisure and Newhaven Fort proposed by Wave Leisure Trust.

Duncan Kerr addressed the Cabinet and advised that the plan would continue to be refined subject to success of previous programmes and to reflect changes in the landscape with partners.

Councillor Merry thanked Mr Kerr for the informative presentation given at the Equality and Fairness Stakeholder Forum.

Visiting member, Councillor Gardiner expressed thanks to Mr Kerr and Wave Leisure for their fantastic work. He suggested that Wave Leisure continue to tackle health problems such as childhood obesity and elderly inactivity, particularly in rural areas.

It was clarified that the swimming pool at Ringmer and Seaford was owned by East Sussex County Council and was not part of the contract with Lewes District Council.

**Resolved (Non-key decision):**

(1) To approve the Annual Service Delivery Plan for Leisure as set out in the report.

(2) To approve the Annual Service Delivery Plan for Newhaven Fort as set out in the report.

**Reason for decisions:**

The management agreement between the Council and Wave Leisure requires Cabinet to approve the Annual Service Delivery Plans.

**88 Portfolio progress and performance report quarter 3 - 2018-2019**

The Cabinet considered the report of the Director of Regeneration and Planning regarding the Council's progress and performance in respect of key projects and targets for the third quarter of the year (1 October – 31 December 2018), detailed at appendix 1 to the report.

Good news for the quarter 3 included demolition beginning on site for the North Street Quarter, footprint agreed for Downs Leisure Centre, planning going ahead for the Blue Services Hub and improvement to sickness absence rates. Further information was detailed in the report.

15 of the Council's 20 key project were on target for the year end and more than 75% of the council's key performance indicators (KPI) were either met, exceeded or within acceptable levels. The report did not reflect improvements that had been made since the 31 December 2018.

Section 4 of the report detailed areas of work where the Council had missed their targets including housing, benefits processing and calls. Councillor Merry reported that performance on processing benefits claims were improving to be within target for quarter 4. Significant improvements had been made for call handling times and abandonment figures and were scheduled to be within target for quarter 4.

As it would be their last meeting of the Cabinet, Councillor Merry expressed her thanks to officers for their effort and achievements during significant change and the support given to her as portfolio holder.

Visiting member and Chair of Scrutiny Committee, Councillor Gardiner echoed Councillor Merry's comments and asked that staff be commended for their extraordinary achievement in difficult circumstances. The Chief Executive confirmed that this would be relayed to staff through the monthly newsletters.

Visiting member, Councillor Osborne and the Cabinet discussed the issue of fly-tipping around the District. Base line data had indicated a startling increase in fly-tipping and it was agreed that significant engagement with the County Council needed to take place to tackle the issues. Data would also be collected from other district councils to assist with the engagement.

Visiting member, Councillor Catlin commented on staff feedback to the joint transformation programme and increasing councillor awareness that in accordance with section 8 of the Scrutiny Procedure Rules, they can submit an agenda item to the Committee and Civic Services Manager for inclusion on the next available agenda of the Scrutiny Committee. It was confirmed that this would be included as part of the 2019/20 member induction programme.

In response to a question from Councillor Catlin, the Director of Service Delivery confirmed that a KPI would be created for speed of Mears Group repairs.

Visiting member, Councillor Chartier, commented on the KPI for the average number of days to re-let LDC Council homes. It was suggested that information in the report to explain why certain properties were unable to be re-let immediately be relayed through the tenant's newsletter in future editions.

**Resolved (Non-key decision):**

(1) That the council's progress and performance for quarter 3 be received and noted.

(2) That the recommendations made by Scrutiny Committee at its meeting on the 7 February 2018 be considered.

**Reason for decision:**

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

**89 Finance update - performance quarter 3 - 2018-2019**

The Cabinet considered the report of the Chief Finance Officer updating members on the Council's financial performance for quarter 3 2018/19.

The general fund was currently predicting an adverse variance of £1,001k at the outturn and would require some injection from reserves to produce a balanced position for year end. The main variances were due to additional expenditure in managing the increased demand relating to homelessness and expenditure incurred from unlet properties. On the other hand, the Council has been successful in securing grant income of about £600k. This together with use of available budget contingency has reduced the required use of reserve to £487k. The housing revenue account (HRA) budget was on target and capital expenditure was in line with expectations. Treasury management performance was on target and all activities were within the treasury and prudential limits.

Thanks were expressed to the Chief Finance Officer and finance team for ensuring a healthy financial situation.

In response to a question from visiting member, Councillor Gardiner, the Director of Regeneration and Planning confirmed that a report around short term lettings for vacant properties was scheduled for a future Cabinet meeting.

**Resolved (Non-key decision):**

- (1) To agree the General Fund, HRA and Collection Fund financial performance for the quarter ended December 2018.
- (2) To agree the amended capital programme as set out at appendix 3 to the report.
- (3) To agree the Treasury Management performance.

**Reason for decisions:**

To enable Cabinet members to consider specific aspects of the Council's financial performance.

**90 Devolution of open spaces to Town and Parish Councils**

The Cabinet considered the report of the Director of Regeneration and Planning to note progress and consider recommendations from Devolution Committee regarding the next steps in the process for devolution of open spaces.

In response to a question from Councillor Nicholson, the Assistant Director for Legal and Democratic Services advised that officer recommendation 3 was site specific and an exception to the typical overage rules that would apply to future applications.

The Cabinet were given a verbal update on Valley Road Play Area and East Side Recreation Ground. They were advised that the transfer of Valley Road Play Area had been completed and the transfer of East Side Recreation Ground was imminent.

The Cabinet agreed a slight revision to officer recommendation 5 to reflect the whole Hollycroft Field site and this was detailed below.

Councillor Smith stated the importance of monitoring costs to the Council for future devolutions.

Visiting member, Councillor Chartier declared an interest in this item as a Lewes Town Councillor.

**Resolved (Key decision):**

- (1) To agree to enter into a lease/management arrangement for Riverside Country Park with Newhaven Town Council on terms to be agreed and to be reported to Cabinet before completion of that lease/management agreement.
- (2) To agree to amend the existing boundary line at Lewes Road Recreation Ground, Newhaven to reflect the boundary of the previous landfill site to

enable devolution of the Lewes Road Recreation Ground to Newhaven Town Council

(3) To agree to vary the standard form of overage provision to allow a specific development, commensurate with the use of the site, to take place at Lewes Road Recreation Ground, Newhaven.

(4) To agree in principle the devolution to Lewes Town Council of Mountfield Road Pleasure Ground and Stanley Turner Recreation Ground, subject to:

(i) exploring with the Charity Commission the substitution of Lewes Town Council as sole charitable trustee in place of Lewes District Council

(ii) consideration of the future management arrangements of the car park at Mountfield Road.

(iii) officers reporting back to Cabinet for final agreement on final terms of devolution.

(5) To agree to devolve Hollycroft Field site, including play space to East Chiltington Parish Council on the basis that the whole of the site including grass verges will be transferred, subject to due diligence and associated matters on the part of the Parish Council and agreement on the future maintenance of the site

#### **Reason for decisions:**

To further progress the devolution of open spaces to Town and Parish Councils.

### **91 Equality and fairness annual report 2018 and action plan 2019**

The Cabinet considered the report of the Chief Executive setting out progress against the Council's current Equality Objectives and 2018/19 Action Plan and to seek approval of an Action Plan for 2019/20.

In a response to a question from visiting member, Councillor Chartier, the Director of Regeneration and Planning advised that the input into any outcomes from the Joint Equality and Fairness Planning Group and Joint Equality and Fairness Stakeholder Group would be outlined in future reports. The Chief Executive added that he was Chair of the internal officers working group, comprising of volunteers from different service areas and assured members that feedback from Stakeholder Groups were analysed in detail whilst reviewing policy and designing future service delivery.

**Resolved (Key decision):**

(1) That note the Annual Report of activities carried out in 2018, set out at appendix A to the report.

(2) To approve the Action Plan proposed at appendix B to the report.

**Reason for decisions:**

To promote equality and fairness and eliminate discrimination, ensuring fair access to services and opportunities and comply with the Council's duties under the Equality Act 2010.

**92 Vote of thanks**

As they would not be standing for re-election in May's District elections, Councillors Gardiner, Osborne, Nicholson, Franklin and Chartier expressed their thanks to fellow councillors and officers for their co-operation and support during their time at the Council.

Councillor Smith stated the importance of a co-operative approach to decision making and thanked fellow councillors and officers for everything they had achieved together. He wished all those councillors standing and not standing all the best for the future.

**93 Exclusion of the public****Resolved:**

That the public be excluded from the remainder of the meeting as otherwise there was a likelihood of disclosure to them of exempt information as defined in schedule 12A of the Local Government Act 1972. The relevant paragraph of schedule 12A and a description of the exempt information is shown below. (The requisite notice having been given under regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.)

**94 Public conveniences cleaning contract**

The Cabinet considered the exempt report of the Director of Regeneration and Planning to note approval to public convenience cleaning proposals for one year from 1 April 2019.

In response to a question from visiting member, Councillor Denis, the Director of Regeneration and Planning advised that the process of submitting a community bid for cleaning public conveniences would be taken into consideration going forward as part of a review of how the council operated.

Visiting member, Councillor Catlin, asked that in future, consideration be given to opening the public conveniences at Southover Grange Gardens all year round.

**Resolved (Key decision):**

To note the cancellation of the recent procurement and agreement of a one year contract with Kingdom Services Group Ltd.

**Reasons for decision:**

(1) Higher than anticipated tender returns.

(2) Alignment of future procurement with Eastbourne Borough Council.

*Notes: (1) The report remained exempt. (2) Exempt information reasons 3 – information relating to the financial or business affairs of any particular person (including the authority holding that information).*

The meeting ended at 3.35 pm

Councillor Andy Smith (Chair)