

## **Cabinet**

**Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 17 July 2024 at 6.00 pm.**

### **Present:**

Councillor Stephen Holt (Chair).

Councillors Margaret Bannister (Deputy-Chair), Peter Diplock, Colin Swansborough and Jenny Williams.

### **Officers in attendance:**

Ian Fitzpatrick (Deputy Chief Executive and Director of Regeneration and Planning), Homira Javadi (Director of Finance and Performance (Section 151 Officer)), Becky Cooke (Director of Tourism, Culture and Organisational Development), Simon Russell (Head of Democratic Services and Monitoring Officer), Kate Slattery (Head of Legal Services), Luke Dreeling (Performance Lead), Linda Farley (Assistant Director, Customer Service and Delivery), Nathan Haffenden (Assistant Director, Property and Development), Matt Hitchen (Senior Planning Policy Officer), Jo Harper (Head of Business Planning and Performance), Emily Horne (Committee Officer), Steven Houchin (Deputy Chief Finance Officer), Lynn Ingram (Interim Head of Financial Planning), Lisa Rawlinson (Head of Regeneration), Sean Towey (Head of Environment First) and Rebecca Wynn (Regulatory Services Lead (Operational Lead - Emergency Planning)).

### **Also in attendance:**

Councillor Penny di Cara (Opposition Deputy Leader), Councillor Kshama Shore OBE (Shadow Cabinet member and Chair of Scrutiny Committee), Councillor David Small (Shadow Cabinet member) and Councillor Robert Smart (Opposition Leader).

## **7 Minutes of the meeting held on 12 June 2024**

The minutes of the meeting held on 12 June 2024 were submitted and approved and the Chair was authorised to sign them as a correct record.

## **8 Apologies for absence**

Apologies for absence were reported from Councillors Butcher and Murray.

## **9 Declaration of members' interests**

Councillors Bannister and Williams declared a personal interest in agenda item 8 (Levelling Up Fund Projects and Long-Term Plan for Towns) as trustees of Towner Eastbourne. They remained in the room and voted on the item.

Councillor Holt declared a personal interest in agenda item 8 (Levelling Up Fund Projects and Long-Term Plan for Towns) as his employer, Your Eastbourne Bid was referenced in the report. He remained in the room and

voted on the item.

Councillor Holt and Swansborough declared a personal interest in agenda item 9 (Preparations for the introduction of Weekly Food Waste Collections in Eastbourne – managing capital transitional funding) as directors of South East Environmental Services Ltd (SEESL). They remained in the room and voted on the item.

## **10 Questions by members of the public**

The Cabinet received a written question from Steve Hansen, in relation to the continued promotion of tourism in light of the Council's declaration of a climate emergency and carbon neutral plans.

In accordance with Council Procedure Rules, a supplementary question was asked to the Cabinet. The written question was verbally responded to at the meeting by Councillor Bannister. A further written response to the supplementary question would be sent following the meeting.

## **11 Stability and Growth Update**

The Cabinet considered the report of the Chief Executive, providing an update on the delivery of the Stability and Growth programme and to seek its agreement to submission of a Productivity Plan to Government.

The Stability and Growth Programme (S&G) was designed to support the council's work to deliver significant savings for the council, helping to address the financial challenges currently being faced.

Following central government's agreement to Exceptional Financial Support being offered to the council for 2023/24 and 2024/25, one of the conditions of the loan was that the council was required to establish an Independent Panel to oversee and drive progress towards implementation of the Assurance Review recommendations from Chartered Institute of Public Finance and Accountancy (CIPFA) in the summer of 2023. Three members had now been appointed and they would augment with the already established Stability and Growth Member Board. A further condition of the loan was that an additional Assurance Review would be undertaken with CIPFA and that was due to start shortly.

Cabinet members gave due regard to the Equality and Fairness Analysis in relation to this report and it had been circulated to them in advance of the meeting.

### **Resolved (Key decision):**

(1) To note progress made with delivery of the Stability and Growth programme.

(2) To agree a Productivity Plan for submission to Government by 19 July 2024.

**Reason for decision:**

The Stability and Growth programme works to drive improvement and efficiency, in line with the needs of the organisation, and also the recommendations made by the Assurance Reviews and the Local Government Association Peer Challenge.

**12 Levelling Up Fund Projects and Long-Term Plan for Towns**

The Cabinet considered the report of the Deputy Chief Executive and Director of Regeneration and Planning, providing an update on the Levelling Up Fund Projects and the Long-Term plan for Towns and to secure the necessary delegations to enable the various projects to be delivered.

**Resolved (Key decision):**

(1) To note the updates on the Levelling Up Fund Projects and the Long-Term Plan for Towns.

(2) To authorise the Deputy Chief Executive and Director of Regeneration and Planning in consultation with the Chief Finance Officer and Leader of the Council to carry out all necessary actions to facilitate the delivery of the Levelling Up Fund Projects and the Long-Term Plan for Towns programme of works including feasibility, financing, appointment of professional services, development, contract award(s), lettings, grant agreements, and determining the terms of and authorising the execution of all necessary documentation in accordance with the funding parameters, including authority to submit the three year Investment Plan and authorise all Grant Funding Agreements. The Council is anticipating that DLUHC will require either a Memorandum of Understanding or a Grant Funding Agreement to be signed between the Council and DLUHC in respect of the Long-Term Plan for Towns.

**Reason for decisions:**

To enable Officers to deliver in an effective and timely manner, the necessary delegations to Lead Members and Executive Officers are required to ensure that the Council can deliver the projects and programmes in accordance with the funding parameters.

**13 Preparations for the introduction of Weekly Food Waste Collections in Eastbourne - managing capital transitional funding.**

The Cabinet considered the report of the Deputy Chief Executive and Director of Regeneration and Planning, covering preparations for the introduction of weekly food waste collections and setting out how capital funding for food waste collections would be deployed.

The Head of Environment First addressed Cabinet, updating it on the implementation of food waste collections at Lewes District Council and experience gained.

**Resolved (Key decision):**

That Cabinet acknowledges the receipt of new government capital transitional funding to meet the requirements of the Environment Act relating to weekly food waste collections, approves the plans presented and authorises the Chief Executive:

(1) To undertake an assessment of the most effective and efficient way to structure the use of the funding and to implement the chosen route or routes, working with SEESL.

(2) To work with SEESL Board to commission the delivery of weekly food waste collections from April 2026.

(3) To work with the SEESL Board to begin procurement of vehicles and receptacles as required.

(4) To carry out all acts and to enter into or authorise the signature or sealing of all documents, necessary for the delivery of items (1) to (3) above.

**Reason for decisions:**

The Department for Environment Food & Rural Affairs (Defra) has provided Eastbourne Borough Council (EBC) with capital transitional costs for vehicles and receptacles to assist preparations for the introduction of weekly food waste collections in 2026. EBC will work with SEESL to make arrangements for the appropriate use of the funds to support the acquisition of vehicles and receptacles, as the procurement timeline requires.

**14 Eastbourne Houses in Multiple Occupation - Options for Interventions**

The Cabinet considered the report of the Deputy Chief Executive and Director of Regeneration and Planning, updating it on the findings of the Eastbourne Houses in Multiple Occupation (HMO) Study and asking it to consider options to address impacts relating to HMOs.

Visiting members, Councillors Smart and Di Cara, addressed the Cabinet on this item. Councillor Smart applauded officers for progressing the matter since the Full Council motion in February 2024. He further referenced the Article 4 direction to remove permitted development rights relating to HMOs and potential exploration for other permitted development rights and a wider remit in the Borough. Councillor Di Cara echoed comments made by Councillor Smart and added concerns around implementation and enforcement and the need for clearer interaction between planning and licensing departments as part of any enforcement action.

The Senior Planning Policy Officer addressed comments that had been made. The Aecom study confirmed that HMOs played an important part in the local housing market but acknowledged the impact that some were having on local communities.

The Cabinet commended the report, with the aim of improving the experience of HMOs for all concerned.

**Resolved (Key decision):**

(1) That an HMO Development Plan Document be prepared to provide new planning policy relating to HMOs.

(2) That Article 4 Direction be introduced through Planning Committee to remove permitted development rights relating to HMOs

(3) That proactive investigation into quantity and location of small HMOs be undertaken, including a pilot scheme to target private rented properties within a geographical area, particularly those HMOs that fall below the threshold for mandatory licensing

(4) That the Regulatory Services Enforcement Policy and the 'Prescribed Standards for Houses in Multiple Occupation' documents are reviewed and updated where necessary

(5) That all complaints regarding HMOs are captured and reporting procedures in relation to HMOs be updated

**Reason for decisions:**

To enable appropriate intervention to take place to mitigate the negative impacts of HMOs on residents and local communities.

## **15 Complaints Management Policy**

The Cabinet considered the report of the Chief Executive, asking it to agree a corporate complaints policy.

**Resolved (Key decision):**

(1) To agree the draft Complaints Management Policy as set out at appendix 1 to the report.

(2) To agree to a period of consultation being undertaken on the draft policy with residents, tenants and other stakeholders.

(3) To give delegated authority to the Assistant Director for Customer Service and Delivery, in conjunction with the relevant Cabinet Member, to undertake

any final minor amendments to the Policy in light of the consultation.

**Reason for decisions:**

To enable the public to have a clear understanding of the way complaints are dealt with by the council.

**16 Corporate performance - quarter 4 - 2023/24**

The Cabinet considered the report of the Director of Finance and Performance, considering the council's progress and performance in respect of service areas for the fourth quarter of the year (January-March 2024), as shown at Appendix 1 to the report.

Visiting member, Councillors Shore, addressed the Cabinet on this item. She raised concerns that only 13 of the 23 key performance indicators achieved its target during the quarter and its impact on the council's overall financial position. Further comments were made on call response time and customer complaints and the resourcing of staff. It was agreed that the Head of Customer First would respond to Councillor Shore's detailed comments following the meeting.

The Director of Finance and Performance updated Cabinet on the work of the council's income maximisation team. Following discussions, a capacity plan had been developed to respond to the immediate and urgent requirements.

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

To note progress and performance for Quarter 4 2023/24.

**Reason for decision:**

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

**17 Provisional Revenue and Capital Outturn 2023/24**

The Cabinet considered the report of the Director of Finance and Performance, updating members on the provisional outturn for 2023/24.

The provisional outturn position for 2023/24 was a net shortfall of £4.688m as shown in Table 1 of the report. As previously detailed, the overspend related to the additional costs of emergency and temporary accommodation, reduced income from tourism and culture, and additional cost of capital financing due to high interest rates. Further details were contained in the report.

The Deputy Chief Executive and Director of Regeneration and Planning updated Cabinet on the homelessness pressures and measures taken by the Council to address. The issue was affecting a number of local authorities and lobbying of central government would continue. The Council was doing

substantial work in prevention, to assist those at risk of homelessness. There was a need for a supply of new housing, and work was ongoing, including discussions with the private sector.

**Resolved (Key decision):**

(1) To note and approve the revenue and capital provisional outturn for 2023/24 subject to final accounting adjustments.

(2) To approve the funding of the General Fund provisional outturn 2023/24 of £1.688m from general fund balances.

(3) To note and approve the housing revenue account provisional outturn for 2023/24 subject to final accounting adjustments; and

(4) To give delegated authority to Cabinet member for finance, in consultation with the S151 Officer to make final accounting adjustments.

**Reason for decisions:**

To enable Cabinet members to consider the Council's financial performance for 2023/24.

**18 Treasury Management Annual Report 2023/24**

The Cabinet considered the report of the Director of Finance and Performance, covering the activities and performance of the Treasury Management service during 2023/24.

Visiting member, Councillor Smart, addressed the Cabinet on this item. Councillor Smart reiterated comments made previously, in relation to last year's treasury management report and the CIPFA Assurance Review. Commenting on this year's report, he referenced the short-term debt position of the Council, which was now reported at £80 million (£191 million overall debt). He raised concerns about the cost of the debt annually to the council, when compared to the current financial pressures and the council's overall financial sustainability.

In response, the Director of Finance and Performance advised on the significant impact of rising interest rates on the Council's borrowing and debt structure strategy over the past few years. Action taken by the council were in line with advice received from its treasury advisors. To respond to the financial challenges, the council would continue with its significant savings programme of work, as set out in the Stability and Growth programme, that also included significant controls and restrictions on further capital investments.

**Recommended to Full Council (Budget and policy framework):**

(1) To consider and approve the Annual Treasury Management report 2023/24 for publication.

(2) To approve the 2023/24 Prudential and Treasury Indicators included in the report.

**Reason for decisions:**

It is the requirement of CIPFA Treasury Management in the Public Sector Code of Practice (the Code).

**19 Bedfordwell Road Project Update**

The Cabinet considered the report of the Deputy Chief Executive and Director of Regeneration and Planning, updating it on the Bedfordwell Road Project and to seek its approval to progress delivery.

The Assistant Director for Property and Development presented the open report. Cabinet commended the work of officers in bringing the proposals together.

Following presentation and initial discussions, Cabinet resolved to exclude the public whilst discussing the exempt appendix, as otherwise there was a likelihood of disclosure to them of exempt information as defined in schedule 12A of the Local Government Act 1972, paragraph 3 – Information relating to the financial and business affairs of any particular person (including the authority holding that information).

Visiting member, Councillor Smart addressed the Cabinet whilst the meeting was in exempt session, as his comments referenced the exempt appendix.

Following the exempt discussion, the public meeting resumed and Cabinet resolved to unanimously approve the officer recommendations, as set out in the report.

**Resolved (Key decision):**

(1) To approve the updated Bedfordwell Road business case in accordance at Appendix 1 (Exempt) to the report, subject to securing the necessary funding to meet the remaining financial viability gap and the capacity of the 30-Year HRA Business Plan.

(2) To approve a pre-contract capital budget allocation within the Housing Revenue Account (HRA) of up to £100k to allow limited enabling works and surveys to be undertaken, mitigating the risk of delays to programme as/when full funding has been secured.

(3) To delegate authority to the Assistant Director – Property and Development, in consultation with the Director of Finance and Performance (S151 Officer) and the Lead Member for Housing and Homelessness, to make the necessary allocations within the HRA Capital Programme, and to take all necessary actions to deliver the project, including development, lettings, and sales, as



well as determining and executing all leases, contracts, funding agreements and other related documentation.

**Reason for decisions:**

To provide the required approvals toward the delivery of the Bedfordwell Road housing development project in readiness for future government grant funding announcements.

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

The meeting ended at 7.41 pm

Councillor Stephen Holt (Chair)