

# Cabinet



## Minutes of meeting held on Wednesday, 23 October 2013 at 6.00 pm.

Present:-

Councillors **David Tutt** (Chairman and Leader of the Council), **Gill Mattock** ((Deputy Chairman and Deputy Leader of the Council), **Margaret Bannister**, **Carolyn Heaps**, **Troy Tester** and **Steve Wallis**.

### 39 Minutes of of the meeting held on 4 September 2013

The minutes of the meeting held on 4 September 2013 were submitted and approved and the Chairman was authorised to sign them as a correct record.

### 40 Declarations of interest by members (please see note at end of agenda).

Declarations of disclosable pecuniary interests (DPIs) by members as required under Section 31 of the Localism Act and other interests as required by the Code of Conduct and regulation 12(2)(d) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012:

- (a) Councillor Tutt declared a personal and prejudicial interest in matters reported in minute 41 (Assets of Community Value) in view of a family connection with one of the petitioners and withdrew from the meeting.
- (b) Councillor Tester declared a personal and prejudicial interest in matters reported in minute 41 (Assets of Community Value) in view of his management role in 2 pharmacies near the subject premises and withdrew from the meeting.
- (c) Councillors Mattock and West declared personal (and non-prejudicial) interests in matters reported in minute 52 (Wealden and Eastbourne Lifeline) as they were non-executive directors of the company. They chose to withdraw.
- (d) The Monitoring Officer reported that dispensations had been granted to all Councillors on 9 October 2013 to enable them to participate in discussions and in voting on all matters relating to minute 45 (Information Technology provision for elected members).

### 41 Assets of Community Value (ACV) - Localism Act 2011

41.1 Cabinet considered the report of the Deputy Chief Executive. The Localism Act 2011 provided for a scheme whereby local authorities were required to maintain a list of assets of community value which had been nominated by the local community and which in the view of the authority met detailed criteria. When listed assets came up for sale or change of ownership, a moratorium was imposed to give community groups the time to develop a bid and raise the money to buy the asset when it came

on the open market. The objective of the regime was to help local communities retain relevant sites in public use as part of local life. Regulations prescribed in detail how the Council should operate the scheme. A summary of the requirements was set out in the report.

41.2 The Council's first application for listing as an asset of community value had been received in relation to the Drive Public House, 153 Victoria Drive. A copy of the application was appended to the report. Taking into account all of the evidence available, Cabinet was recommended to enter the property into the Council's list of Assets of Community Value. The grounds for this recommendation were as follows:

- The asset lay within the administrative boundaries of Eastbourne Borough Council.
- The Save the Drive group was considered to be a community body with a local connection and is entitled under 89(2)b(iii) of the Act to make a community nomination in respect of the Asset.
- The nomination made by the community body included the matters required under Regulation 6 of the Regulations.
- The Asset did not fall within a description of land which might not be listed as specified in Schedule 1 of the Regulations.
- The nomination form sets out the reasons for nominating the asset, explaining why the nominator believed the Asset met the definition in the Act.

And, in addition, in the opinion of the Authority,

(a) there was a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, and

(b) it was realistic to think that there would be a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

41.3 Under the legislation, the decision-making process was circumscribed by the Regulations. These set strict criteria for decision-making and left minimal scope for creative interpretation. For these reasons it would be appropriate to agree delegated arrangements to allow officers to deal with future applications. These were summarised in Appendix 2 to the report.

**41.4 Resolved:** (1) That 153 Victoria Drive be listed as an asset of community value pursuant to regulations made under the Localism Act 2011 and that the reasons as set out above be confirmed

(2) That the arrangements for the determination of future nominations to list assets as asset of community value outlined in the officer's report, together with the specific delegations to officers outlined in Appendix 2 to the report, be approved.

*Note: See minute 40(a)-(b) above as to disclosures of interest by Councillors Tester and Tutt. Councillor Mattock took the chair for this item.*

**42 \* Eastbourne Community Safety Plan**

42.1 Cabinet considered the report of the Senior Head of Community inviting consideration of the achievements and future risks and opportunities to performance in relation to the 2011/14 Community Safety Plan. Bob Gough, Eastbourne Crime Reduction Officer and Chief Inspector Steve Biglands, District Police Commander, were invited to address the Cabinet.

42.2 Cabinet had previously endorsed the successful performance of the Eastbourne Community Safety Partnership. In 2005/2006 Eastbourne was subject to around 11,000 crimes. For the performance year 2010/2011 this had dropped to approximately 7,500 crimes. For the current rolling year up to the end of June 2013, this had reduced to around 6,000 crimes, a further reduction of 9% compared with the same period last year. A copy of the 3-year plan (2011/14) and final year refresh (2013/14) along with the 2013/14 action plan were appended to the report.

42.3 Concerns were raised at the possibility that the Partnership's budget could be reduced in future and that this could impact on performance in 2014/15.

**42.4 \* Resolved (Budget and Policy Framework):** (1) That Cabinet notes the CSP's achievements and future risks/opportunities to performance and endorses the updated 2011/2014 Community Safety Plan with continued delegated implementation authority to Senior Head of Community.

(2) That full Council be asked to approve the updated Plan.

**43 \* Eastbourne Town Centre Local Plan**

43.1 Cabinet considered the report of the Senior Head of Development. The Eastbourne Town Centre Local Plan (TCLP) had been shaped over the last 4 years by close consultation with the community and stakeholders. The Local Plan set out a strategy and proposals for the future development and regeneration of the Town Centre up to 2027.

43.2 The TCLP had been prepared in accordance with the relevant government regulations and had been submitted to the government on 31 January 2012. Following some concerns the Inspector had with the content of the submitted Plan, the Council made changes to strengthen the policy base of the document, to ensure it demonstrated how and when Town Centre proposals would be delivered. These modifications to the TCLP were approved by Cabinet on 6 February 2013 and consulted on between 22 February and 5 April 2013.

43.3 The Examination in Public for the TCLP took place on 16/17 May 2013 and the focus of the examination sessions included discussions on the following key issues:

Matter 4: Quantum and Type of Development

Matter 5: Development Opportunity Sites – General Matters

Matter 6: Development Opportunity Sites – Site Specific Matters  
Matter 7: Public Realm Projects/Initiatives

43.4 During the hearing sessions, the Planning Inspector sought additional information and clarification from the Council on a number of matters. The Council was invited to put forward suggested amendments to address or clarify these issues. The Council published a list of proposed Main Modifications to the TCLP and stakeholders and the local community were invited to make representations on the 'soundness' of these proposed Main Modifications between 14 June and 26 July 2013. Seven representations were received and these had been forwarded to the Inspector along with the Council's response (which had been formulated in liaison with the Local Plan Steering Group).

43.5 The Final Inspector's Report, together with the Inspector's Appendix of proposed Main Modifications was received on 11 September 2013 and had been made available for public to view in person and on the Council's website.

43.6 The Inspector's report had concluded that the TCLP provided an appropriate basis for the planning of the Town Centre over the next 15 years providing a number of modifications are made to the Plan. Most of the modifications to address this were proposed by the Council, and the Inspector recommended their inclusion after full consideration of the representations from other parties on these issues.

43.7 The modifications were summarised as follows:

- Amend references to planning for housing and office space to ensure consistency with the Eastbourne Core Strategy Local Plan (adopted February 2013).
- Make a range of changes to the development opportunity sites to clarify their status as site allocations, set out a clear programme and strategy for delivery and demonstrate that project planning has commenced.
- Make changes to ensure that the public realm projects, including the arts trail, are positively planned and deliverable.
- Clarify the methodology and timing for taking forward the potential areas of change.
- Update development management policies to take account of recent developments and strategies, especially the cycling strategy.
- Re-draft the building heights/ tall buildings policy to ensure that it is justified and coherent.
- Re-draft the implementation and monitoring section to ensure that it is effective and supports delivery of the Plan.

43.8 After adoption, the Local Plan policies would be material considerations in the determination of planning applications for development in the Town Centre, along with the Eastbourne Core Strategy Local Plan and the saved policies from the Eastbourne Borough Plan (2003).

43.9 The TCLP would also be a guide for developers and the community to show where and how the Town Centre would grow and develop in the future. Its main vision was that by 2027, 'Eastbourne Town Centre would be a place that attracted more shoppers, workers, residents and visitors to spend more time enjoying a vibrant and varied offer and mix of uses in a well connected series of attractive streets and public spaces. Increasing investment in the town would bring wide-ranging benefits and would allow Eastbourne to respond positively to climate change.

**43.10 \* Resolved (Budget and Policy Framework):** (1) That full Council be recommended to approve for adoption the Eastbourne Town Centre Local Plan along with the revised Policies Map.

(2) That any minor or technical adjustments found necessary in the Town Centre Local Plan are delegated to the Senior Head of Development in consultation with the Cabinet portfolio holder.

#### **44 Counter Fraud Prosecution Policy**

44.1 Cabinet considered the report of the Senior Head of Community. It was estimated that nationally £5.2b was lost to the public purse each year through fraud and error in the welfare benefits system. In addition, £90m was lost nationally in Council Tax revenue through Single Person Discount Fraud.

44.2 In 2010, HM Revenue and Customs and the Department for Work and Pensions produced a Fraud Strategy document which set out an approach to fraud under five themes - Prevent, Detect, Correct, Punish and Deter. The Council's Benefit team had procedures in place to prevent fraud entering the system, detect fraud that got into the system and correct claims that were found to be incorrect. The policy now before Cabinet for approval set out the Council's approach to the Punish and Deter themes.

44.3 Since the current counter fraud policy was adopted (February 2008) significant changes to legislation had occurred, including the increase in the level of administrative penalties; the introduction of a local scheme of support to replace Council Tax Benefit and the re-focussing of the fraud team on more corporate-wide issues.

44.4 Even with robust procedures in place fraud and error would enter the system. This could be through a person starting work and not telling the Council or someone claiming a Council Tax discount which they were not entitled to.

44.5 In 2012/13 the Fraud team identified £472,198 of overpaid benefit. This was made up of a combination of fraudulent activity and claimant error. The team administered 15 prosecution, 11 administrative penalties and six cautions. The activities of the fraud team prevented £418,279 in benefit being paid out where there was no, or a reduced, entitlement.

44.6 The revised policy was appended to the report and maintained many of the principles of the current policy. For example, there were no changes to sanctions limits, whilst incorporating changes to legislation; the introduction of a local scheme of support for Council Tax and taking on board comments received from the Citizens Advice Bureau during the consultation exercise.

**44.7 Resolved:** That the Counter Fraud Prosecution policy is adopted.

#### **45 \* Information Technology Provision for Elected Members**

45.1 Cabinet considered the report of the Senior Head of Infrastructure following detailed work undertaken to examine the future IT requirements of Councillors in the light of the Council's move to agile and other new working methods. Councillors had participated in a workshop event and a group of councillors were trialling the use of tablet devices. A new committee management system had recently been implemented and part of this work had also involved exploring how committee documents could be delivered electronically to the tablet devices via an app.

45.2 Councillors and officers needed access regularly to confidential information, i.e. any information that was not in the public domain, to enable them to fulfil their role. Government security requirements, mandated by the Public Services Network (PSN) Code of Connection, as well as data protection legislation, required the Council to ensure that such data and information was properly secured in accordance with a detailed set of standards.

45.3 The current IT options available to councillors were approved by Council in July 2007. Option 1 involved councillors providing their own IT equipment. Option 2 involved the council delivering a full solution including laptop and broadband. Currently 21 councillors had opted for Option 1 and six for Option 2.

45.4 As a result of the security requirements mentioned above, the Council was required to withdraw Option 1. All councillors would need to be provided with council equipment to ensure that the Council maintained its PSN accreditation. In this context, the proposed new options were as follows:

- Option 1 – a portable tablet solution enabling secure mobile access to email, council documents and committee papers.
- Option 2 – a standard council laptop, of the same model issued to council staff with a flexible work style.

45.5 As part of these changes it would be necessary to temporarily withdraw the use of Outlook Web Access, which currently enabled councillors to access their council email from non-council equipment, such as home computers, smartphones and personal tablets. It was hoped to reinstate Outlook Web Access from non-council devices following an upgrade of the email server and the installation of some additional security in 2014.

45.6 The options approved in 2007 made provision for an IT allowance to be given to councillors who selected Option 1. Councillors who selected Option 2 did not receive an allowance. Consideration was given to the impact of the new options on the IT allowance for members. Much had changed since the 2007 report. Most homes now had broadband provision, wi-fi was widely available and many people now used tablet computers instead of laptops and e-book readers or tablets instead of reading hard copy books and newspapers. The council's own agile working programme had radically reduced the use of paper across the organisation and the intention was that councillors would rely less on paper over time.

45.7 It was therefore proposed that, irrespective of the option selected, the council would not provide broadband or printing facilities at councillors' homes. Since most councillors had selected to use their own broadband anyway, the impact of this would be limited. In recognition of the fact that councillors would be using their own broadband and, if required, printing facilities, it was proposed to retain the IT allowance at the existing level for all councillors, irrespective of which option they chose. Councillors who currently did not claim the IT allowance would in future receive it, and this cost could be met from within existing budgets.

45.8 As with all members of staff, councillors would be required to adhere to the council's IT Acceptable Use Policy (AUP). Under the Agile Working Programme an 'Agile Ways of Working' handbook was developed to support staff in the transition to new ways of working. A similar guide had been developed, called 'Guidance for Councillors in an Agile Working Environment'.

45.9 The one-off costs of implementing the new policy were built into the Agile Working Phase 2 budget and would be met from existing capital funding. The annual costs would be met from existing revenue budgets.

**45.10 \* Resolved:** That full Council be recommended to:

- (a) Adopt the new options for councillors IT provision as detailed in the report.
- (b) Continue the IT allowance scheme for all councillors to contribute towards broadband and printing costs.
- (c) Adopt of the new Protocol for Councillors in an Agile Working environment and associated policy changes.

*Note: See minute 40(d) above as to dispensation granted to all councillors to enable them to participate in this matter.*

**46**

**\* Council Statement of Licensing Policy 2014 -2019 and Cumulative Impact Policy. Licensing Act 2003**

46.1 Cabinet considered the report of the Senior Specialist Adviser. The Council was required to consult, review and publish its Statement of Licensing Policy at regular intervals. The purpose of the Statement was to promote the Licensing Objectives. It set out the general approach

taken by the Authority when considering and determining applications under the Licensing Act 2003. The Licensing Objectives were:

- The prevention of crime and disorder;
- Public safety.
- The prevention of public nuisance.
- The protection of children from harm.

The scope of a Licensing Policy Statement covers the following:

- Retail sales of alcohol.
- The supply of alcohol by or on behalf of a club or to the order of a member of the club.
- The provision of regulated entertainment.
- The provision of late night refreshment.

46.2 Public consultation of the draft Statement took place for 12 weeks between the 27 June and 19 September 2013. A range of organisations and individuals were directly consulted, including 'Responsible Authorities', ward councillors, all premises licence and club premises certificate holders in the borough, neighbourhood panels and residents groups, hospitality and trade associations and various forums of representative groups. The draft was also posted on the Council's website and notices placed at council offices and the Central Library. A copy of the draft formed appendix 1 to the report. Responses were received from the Town Centre Manager (wishing to see a robust cumulative impact policy to meet the challenge of an increasing number of alcohol licensing applications in the town centre) and the Chair of the Town Centre Neighbourhood Panel (in full support of the policy) (appendix 2 to the report).

46.3 The Council's Licensing Act Committee had considered and endorsed the draft policy at their meeting on 7 October 2013. Subject to full Council approval on the 20 November 2013, the updated policy would come into effect on 1 January 2014.

46.4 It was reported verbally that following publication of the report it had been noticed that point 3.2 on page 65 of the Draft Licensing Act policy Statement (part of the cumulative impact policy) could be perceived as contradictory. It was suggested that this text should be removed prior to ratification by full Council to remove any notion of contradiction.

**46.5 \* Resolved (Budget and Policy Framework):** (1) That the response to the consultation on the draft Statement of Licensing Policy 2014 – 2019 and the proposed timetable leading up to the policy coming into force on 1st January 2014 be noted.

(2) That point 3.2 on page 65 of the policy statement be deleted as this could be perceived as contradictory.

(3) That full Council be recommended to approve the draft Statement of Licensing Policy 2014-2019, as amended.



**47 The Park Close Conservation Area Appraisal and Management Plan**

47.1 Cabinet considered the report of the Senior Head of Development. The Park Close Conservation Area and Management Appraisal was one of a rolling programme of appraisals, to cover all the conservation areas in the Borough. The Council had a duty to review, formulate and publish appraisals and management plans for the preservation and enhancement of the Borough's 12 conservation areas. The Park Close Conservation Area covered a small area of 1.255 hectares, adjacent to the west of Gildredge Park in Old Town. The Appraisal had been prepared according to English Heritage Guidance Manual (2011) and English Heritage's Guidance. It set out the special architectural and historic interest of the area and provided information on the best approach to managing change, in order to conserve or enhance the special interest of the area. The management plan included a proposal that Article 4 Directions be investigated given the special nature and visual cohesion of the dwellings, together with the quality and extent of original designs, and this would be the subject of a future report to the Council's Planning Committee. It was also recommended that the existing boundary be retained, to help maintain the special architectural and historic character of the Conservation Area.

47.2 The appraisal and management plan had been made available to the public for a period of 12 weeks, from 24 May to 16 August 2013. The appraisal was also made available on the Council's website, and paper copies on deposit at the Council's main offices and the Eastbourne Central Library. One comment only had been received from the Twentieth Century Society in relation to the Article 4 Direction proposal and this had now been included in the management plan (appendix 1 to the report). Both the Council's Conservation Area Advisory Group (on 14 May 2013) and the Planning Committee (on 21 May 2013) had considered and endorsed the proposals.

**47.3 Resolved (Key Decision):** That the Appraisal and Management Plan adopted.

**48 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 paragraphs of schedule 12A and descriptions of the exempt information are shown in the items below. *(The requisite notices had been given under regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.)*

**49 Summary of confidential proceedings for information**

The full minutes of the under-mentioned items are set out in the confidential section of these minutes. The reports remain confidential.

## 50 Alternative Employment Procedure

Cabinet noted that 3 employees were subject to the procedure at present. They noted the actions taken to manage implications of change for displaced individuals.

*Exempt information reasons 1 and 2 – Information relating to an individual or likely to reveal the identity of an individual.*

## 51 Housing Asset Management

Cabinet approved proposals for the reconfiguration and refurbishment of a council owned property into 4 new flats. The address of this terraced Victorian property was not disclosed as the self-contained flat within the premises was still occupied. The remainder of the property comprising shared bedsits was empty. The best option was considered to be conversion and sale for owner occupation. Should the flats remain unsold after 6 months they would be retained within the Council's housing stock. In addition Cabinet approved the purchase of 2 flats to provide accommodation for the Council's Homelessness Change Programme. (Key Decision)

*Exempt information reasons 1, 2, and 3. Information relating to an individual or likely to reveal the identity of an individual and information relating to the financial or business affairs of any particular person (including the authority holding that information).*

## 52 \*Wealden and Eastbourne Lifeline - Investment and Change of Governance

Cabinet recommended full Council to approve planned development proposals for the company, including governance, funding and delegation arrangements. Scrutiny Committee was also asked to consider this matter at special meeting on 6 November. The proposals were considered to provide for the future success of the company. (Budget and Policy Framework)

*Exempt information reasons: 3- Information relating to the financial or business affairs of any particular person (including the authority holding that information) and 4 - information relating to any consultations or negotiations in connection with any labour relations matter.*

The meeting closed at 7.00 pm

**Councillor David Tutt**  
**Chairman**