

Cabinet

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

Present:

Councillor Isabelle Linington (Chair)

Councillors Phil Davis, Tom Jones, Jim Lord and Ron Maskell

Officers in attendance:

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

Bryn Mabey (Customer, Communications and Engagement Lead), Brian Mew (Interim Deputy Chief Finance Officer), Peter Sharp (Head of Regeneration) and Tondra Thom (Planning Policy Lead)

Also in attendance:

Councillors Robert Banks, Johnny Denis (Chair of Scrutiny Committee), Stephen Gauntlett (Chair of Audit and Standards Committee), Zoe Nicholson (Leader of the Green Group), Emily O'Brien and Steve Saunders (Joint Leader of the Independent Group),

Mr John Langley (Tenants' Representative)

7 Minutes of the meeting held on 10 June 2019

The minutes of the meeting held on 10 June 2019 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 Boorman and Miller.

9 Declarations of interest

Councillor Davis declared a prejudicial interest in agenda item 15 (Lewes District Local Plan Part 2 - Publication of main modifications for consultation) and withdrew from the room whilst the item was considered.

Visiting member, Councillor Saunders declared a personal interest in agenda item 19 (Waiver of Contract Procedure Rules - 3G All-Weather Pitch Surface Replacement, Downs Leisure Centre) and remained in the room whilst the item was considered.

10 Portfolio progress and performance report quarter 4 - 2018-2019

The Cabinet considered the report of the Director of Regeneration and Planning considering the Council's progress and performance in respect of key projects and targets for the fourth quarter of the year (January to March 2019) and annual out-turn as shown at appendix 1 to the report.

Good news for the quarter and annual out-turn included new bungalows delivered in Peacehaven as part of the modular accommodation project, series of high profile event events associated with Vote 100, implementation of co-mingled recycling and single-use plastics project. 14 of the 18 key projects were on track. Further details were contained in the report.

Issues during the quarter four period where targets had been missed included emergency accommodation figures, time taken to re-let housing accommodation and call answering times. Intervention work had taken place and improvements had been made in those areas. Further commentary was detailed in the report.

Visiting member, Councillor Denis, Chair of Scrutiny Committee addressed the Cabinet and outlined the comments of Scrutiny Committee at its meeting on 27 June 2019. In response to a question about waste collection staff sickness figures, it was advised that future quarters would include a comparison between Eastbourne and Lewes.

It was also confirmed that in terms of Newhaven Enterprise Zone, there would be no impact on the project or any current programmes due to the transition to South East Local Enterprise Partnership (LEP). This follows the implementation of central government's requirement that there would be no overlapping LEP boundaries. Successful negotiations had taken place between Coast to Capital LEP and South East LEP over a two year period of transition.

The Cabinet agreed that the performance and project measures detailed at appendix 2 to the report were not final and would be subject to review and amendments at a future date.

The Director of Service Delivery advised that performance on the number of days taken to process new housing/council tax benefit claims was on target

for the first few months of 2019/20, building on the tremendous improvement since quarter two of 2018/19 period. Addressing the call answering times, the Director of Service Delivery added that the Customer Contact Team were now fully resourced and on a current trajectory to match the target associated with the relevant key performance indicators. These were in response to questions by visiting member, Councillor Nicholson.

In response to a question from visiting member, Councillor Banks on the local knowledge of the Customer Advisors when answering calls, the Director of Service Delivery confirmed that a report could be run that could identify how many calls were responded to and resolved without the customer being transferred to another officer.

Visiting member, Councillor Saunders remained concerned about the call answering times and automated messages. He suggested that improvements could be made to the options for customers who call the main Council number.

Resolved (Non-key decision):

(1) To note progress and performance for quarter 4 as well as the overall performance for 2018/19 and to note the comments made by the Scrutiny Committee at its meeting on 27 June 2019.

(2) To agree the 2019/20 performance measures.

Reason for decisions:

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

11 Finance update - performance quarter 4 - 2018-2019

The Chair reported that the finance update report for quarter 4 would now be considered at the next meeting on 11 September 2019.

12 Financial procedure rules

The Cabinet considered the report of the Chief Finance Officer presenting updated financial procedure rules.

Ahead of its submission to Full Council, the updated rules would be considered by the Audit and Standards Committee on 16 July 2019 and would include an appendix that would detail the changes made.

Recommended to Council (Budget and policy framework):

To review the draft Financial Procedure Rules before they are submitted to Council for approval.

Reason for decision:

It is the duty of the Chief Finance Officer (CFO) to maintain an up to date set of Financial Procedure Rules to ensure the Council has effective governance of finances in place.

13 Medium term financial strategy

The Cabinet considered the report of the Chief Finance Officer providing an update on the process and approach to the Council's Medium Term Financial Strategy for the period 2019/20 to 2024/25.

Resolved (Key decision):

To note the background to the medium term financial strategy for 2019/20 and approve the approach outlined in the report.

Reason for decision:

To progress the medium term financial strategy process and to update Cabinet on the background to this.

14 Update on tourism activities for Lewes District

The Cabinet considered the report of the Director of Tourism and Enterprise updating them on the progress of the Strategic Tourism Vision and Action Plan (2018 to 2021) and activities that had taken place in 2018-19.

The report was in response to a request from the Chair of Audit and Standards Committee in December 2018.

In response to a question regarding how the tourism data was collected, the Director of Tourism and Enterprise reported that a new data collection method called "T-Stats" had been commissioned. This method would provide greater accuracy and timely visitor statistics when interpreting local and national tourism data.

A further update was given on the sustainability initiatives contained within the tourism strategy such as the promotion of local public transport provision and encouragement of visitors to not use their cars to explore the area but to walk, cycle and use buses and trains as part of a more enjoyable experience. As Lewes was now part of the Biosphere Project, this would explore ways to develop tourism in sensitive natural areas that might otherwise be under threat through attracting more visitors. Work is also underway with national and international partners to improve visitor management policies that could mitigate the damage that could occur through tourism.

Visiting member Councillor Gauntlett, clarified in response to a comment by visiting member Councillor Saunders that in his capacity as Chair of the

Council, a written reference was submitted in support of Egrets Way grant application to the South Downs National Park Authority.

It was clarified that whilst the Visit Lewes website was currently only available in English, a translation system was available at the Tourist Information Centre. Further accessibility improvements would be made to the site over time.

Resolved (Non-key decision):

(1) To approve continued implementation of the Strategic Tourism Vision and Action Plan (2018-2021).

(2) To approve the activities carried out to date.

Reason for decisions:

To build on the success of the former three year Strategic Tourism Vision and Action Plan (2015-2018), the 2018-2021 Plan has been implemented for its first year, including a range of new activities supported by additional funding of £100K pa.

15 Recommendations from Climate Action Group

The Cabinet considered the report of the Director of Service Delivery regarding the role of the Climate Action Group. The Group was formed to “conduct a review of council services with regards to climate change adaptation and mitigation” following a resolution to that effect at the Full Council meeting on 26 November 2018. The report outlined the recommendations made by the Group.

Visiting member, Councillor Nicholson commended the report as a good start to tackling the issues of climate change. She suggested that steps be taken to ensure that the recommendations were SMART (Smart Measurable, Assignable, Relevant, Time-based). The Chief Executive advised that before a report was considered by Scrutiny Committee, the recommendations made by the Climate Action Group would be analysed in greater detail to identify how they could be measured and potential to influence external organisations. Greater detail around the anti-idling campaign would also be part of the report to Scrutiny Committee.

Following a suggestion by visiting member, Councillor Denis, it was unanimously agreed to amend the wording of resolution three and this was reflected below.

Resolved (Key decision):

(1) To agree the proposed recommendations set out at appendix one to the report.

(2) To agree funding of £5,000 for the provision of a drinking water tap at Lewes skate park subject to final design being signed off by the Leader of the Council.

(3) To request that the Scrutiny Committee set up a Panel to scrutinise the implementation of the recommendations set out at appendix one to the report.

Reasons for decisions:

(1) The remit of the Climate Action Group was to make recommendations for climate change mitigation and adaptation at Lewes District Council, as resolved at Full Council on 26 November 2018.

(2) It was agreed that recommendations would go forward to Cabinet. Detail of the recommendations was included at appendix one to the report.

16 Housing finance for short term lettings development

The Cabinet considered the report of the Director of Regeneration and Planning seeking their approval for spending “Right to Buy Receipts” on a development scheme to provide 13 flats to meet the Council’s need for access to short term lettings.

Visiting member, Councillor Saunders, addressed the Cabinet and raised concerns about the suitability of the site and financially best value for money. It was requested that the development be considered at a future meeting of the Scrutiny Committee.

In response to a question from visiting member, Councillor Nicholson, the Director of Regeneration and Planning stated that the cost of the scheme reflected the site and the units installed, whilst used for temporary accommodation would be there long term. The scheme would result in direct financial savings to the Council (avoiding the cost of expensive B&B accommodation) and provide social cost savings to the individuals concerned.

Resolved (Key decision):

(1) To approve an increase in the General Fund Capital Programme budget for the scheme from £2.2m to £2.9m, with the additional £700,000 to be funded from Right to Buy Receipts.

(2) To report an amendment to a waiver previously approved to the Contract Procurement Rules (CPR), as set out in paragraph. 2.4.1(a) of CPR to allow the direct selection of a main contractor, due to the bespoke nature of the product required and time restrictions.

Reasons for decisions:

(1) In October 2018 Cabinet approved a report to spend up to £2.2m on the development of housing for temporary accommodation, following on from a £2.2m budget amendment in February 2018 at a Full Council meeting. The budget amendment was made on the basis of an appraisal for a scheme built on a flat empty site, with no specific investment in sustainability or reducing the environmental impact.

(2) The October 2018 report included a waiver to the Contract Procedure Rules (CPR) to directly select an appropriate modular housing contractor. Although the approved contractor is still due to deliver the scheme, a ground works contractor has been added to the waiver, by the Director of Regeneration and Planning in consultation with the Leader of the Council under CPR 2.4.1b.

17 Lewes District Local Plan Part 2 - Publication of main modifications for consultation

The Cabinet considered the report of the Director of Regeneration and Planning seeking their approval to publish the main modifications to the Local Plan Part 2: Site Allocations and Development Management Policies for a consultation period of 6 weeks.

The report authors were praised for their work in constructing the report and outlining the main modifications in a clear and concise way.

Councillors and local residents were urged to submit their individual representations to the Examination Inspector during the statutory six week consultation period. The Inspector's final report would be submitted to Full Council later in the year.

In response to a question from visiting member, Councillor Banks, the Planning Policy Manager confirmed that no "views" had been received from the Inspector and the only email correspondence had been through an impartial officer. Councillor Banks also requested that his concerns over the GT01 site on sustainability and planning grounds be noted.

In response to a question from visiting member, Councillor O'Brien about community engagement, the Director of Regeneration and Planning welcomed any views as part of the debrief at the conclusion of this process, to assist in identifying any adjustments required to achieve the best possible public engagement and response for future consultations.

Councillor Davis declared a prejudicial interest in this item and withdrew from the room whilst the item was considered.

Resolved (Key decision):

- (1) To publish the main modifications to Local Plan Part 2 (Appendix 1 of the report) and associated sustainability appraisal for a period of six weeks to enable public representations to be made;
- (2) To authorise the Director of Regeneration and Planning to submit the main modifications, together with any duly made representations, to the Examination Inspector following the consultation period;
- (3) To authorise the Director of Regeneration and Planning, in consultation with the Cabinet Member for Planning, to agree any minor modifications to the Local Plan Part 2 in order to aid its practical application for decision-making.

Reason for decisions:

To ensure that the concerns of the Examination Inspector are addressed so that the Local Plan Part 2 can be progressed towards adoption as soon as possible, thereby supporting the implementation and delivery of the Local Plan Part 1: Joint Core Strategy.

18 Greater Brighton Economic Board - Admission of New Member to the Board

The Cabinet considered the report of the Director of Regeneration and Planning seeking their approval for Arun District Council to become a member of the Greater Brighton Economic Board.

Resolved (Key decision):

- (1) To ratify the appointment of Arun District Council to the Greater Brighton Economic Board (GBEB) and Greater Brighton Economic Joint Committee (GBEJC), subject to formal agreement of Arun District Council.
- (2) To note that Arun District Council's appointment is dependent on all the local authorities represented on the Board approving its appointment.
- (3) To agree other proposed changes within the Heads of Terms of the Greater Brighton Economic Board as detailed in paragraph 2.16 of the report.

Reasons for decisions:

- (1) The Greater Brighton Economic Board was founded in April 2014 as part of the Greater Brighton City Region's City Deal with Government.
- (2) The Board comprises the Greater Brighton Economic Joint Committee (GBEJC), on which the local authorities are represented; and the Greater Brighton Business Partnership (GBBP) on which the Coast to Capital Local Enterprise Partnership, business, university and further education sectors are situated.

19 Enabling the development of Community Assets - Market Tower, Lewes and 2 Fisher Street, Lewes

The Cabinet considered the report of the Director of Regeneration and Planning seeking a decision about the future of two assets within Lewes – Market Tower and 2 Fisher Street and to outline the rationale for developing a Community Assets Policy for the Council.

A report would be considered by Cabinet in autumn 2019, outlining a community asset policy and the Council's approach to future decisions about community assets as it progressed the Asset Challenge process. The policy would provide flexibility to consider all options regarding assets and not just disposal.

In response to a question from visiting member, Councillor Nicholson, the Director of Regeneration and Planning confirmed that the resolutions below protected the assets detailed in the report against being sold for commercial use.

Resolved (Key decision):

(1) To agree in principle to the disposal of the freehold of Market Tower and 2 Fisher Street to Lewes Town Council.

(2) To delegate authority to the Director of Regeneration and Planning in consultation with the Chief Finance Officer and the Portfolio Holder for Regeneration and Growth to agree the final disposal terms subject to:

(i) a red book valuation undertaken by a qualified person for both assets, and

(ii) further legal due diligence and exploration of the potential for including restrictive covenants controlling the future use of the properties and overage clauses enabling the Council to share in any future increase in value in the properties realised after the properties have been sold.

The scope of the delegation to the Director to include the potential for disposal at an under value in accordance with circular 06/03 where it is considered that this would help to secure the promotion or improvement of the economic, social or environmental well-being of the Council's area.

(3) To authorise the Director of Regeneration and Planning, in consultation with the Chief Finance Officer and the Portfolio Holder for Regeneration and Growth to undertake all actions required to complete the disposal of the properties above including authorising completion of legal documentation.

(4) To note that a further report would be submitted to Cabinet in the autumn of 2019 setting out the Council's approach and policy towards community assets.

Reason for decisions:

To provide community groups and Town and Parish councils the ability to manage their own estate therefore enhancing the opportunity for them to achieve inward investment and development whilst relieving pressure on the Council's limited resource.

20 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.)

21 Waiver of Contract Procedure Rules - 3G All-Weather Pitch Surface Replacement, Downs Leisure Centre

The Cabinet considered the exempt report of the Director of Regeneration and Planning requesting a waiver of the contract procedure rules to allow the urgent replacement of the 3G all-weather pitch surface at Downs Leisure Centre.

Councillor Saunders declared a personal interest in this item and remained in the room whilst the item was considered.

Resolved (Key decision):

That Cabinet waive the requirement in the Council's Contract Procedure Rules to go out to tender. The reasons for the waiver are set out in paragraphs 1.1 to 1.4 of the exempt report.

Reason for decision:

To enable urgent replacement of the 3G all-weather pitch surface at Downs Leisure Centre.

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 3.49 pm

Councillor Isabelle Linington (Chair)