

## **Cabinet**

**Minutes** of a meeting of the **Cabinet** held in the **Warren Room, Lewes House, 32 High Street, Lewes** on **Wednesday, 6 June 2007** at 2.30pm.

### **Present:**

Councillor A C De Vecchi (Chair)  
Councillors E N Collict, J H Freeman, P F Gardiner, D M Gray, I A Nicholson,  
J V S Page, S Saunders and I J White

### **In Attendance:**

Mr A Hill (substitute Tenants' Representative)

### **Apologies Received:**

Ms D Twitchen and Mr D Cannings (Tenants' Representatives)

## **Minutes**

### **13 Minutes**

The Minutes of the meeting held on 17 April 2007 were approved as a correct record and signed by the Chair.

### **14 Declarations of Interest**

Councillors Collict, Freeman and White declared their non-prejudicial interest in Agenda Item 8.3 (Shared Services: 37 Church Street, Seaford).

Councillor Freeman declared his non-prejudicial interest in Agenda Item 8.7 (Joint Municipal Waste Management Strategy for East Sussex).

Councillor Saunders declared his non-prejudicial interest in Agenda Item 8.9 (Update of Tariff for Developer Contributions).

### **15 The Health Act 2006 – Smoke-free Premises and Vehicles**

The Cabinet considered the comments of the Council at its meeting held on 25 April 2007 which had been made in response to the Cabinet's request at its meeting on 28 March 2007 relating to The Health Act 2006 – Smoke-free

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Premises and Vehicles.

At that Cabinet meeting, the Council had been requested to make its comments on several suggestions relating to the Act, namely:

- (a) That the Council work towards the situation that no smoking takes place in any buildings or on any land that it owns or controls, excluding its housing stock;
- (b) That as a further step towards implementing the provisions in the Health Act 2006 relating to smoking in the workplace, the following arrangements be introduced, subject to the normal staff consultation procedures:
  - (i) No member of staff may absent themselves from their place of work during working hours for the purpose of taking a smoking break;
  - (ii) No councillor may take a smoking break at any time during any Council, Cabinet or Committee meeting, or at any other time whilst on the business of the Council; and
  - (iii) No councillor, or member of staff, may smoke in any buildings, or on any land, that the Council owns or controls.

Prior to the Council's consideration of the suggestions, the issue had been considered by the Employment Committee at its meeting on 23 April 2007, the comments from which had been reported to the Council at its meeting on 25 April 2007.

At its meeting on 25 April 2007, the Council had supported the Cabinet's suggestions set out in (a) and (b) above.

The appropriate Minutes of the Cabinet meeting held on 28 March 2007, the Employment Committee meeting held on 23 April 2007 and the Council meeting held on 25 April 2007, were set out in the Cabinet's papers for this meeting.

Resolved:

- |             |   |                                   |
|-------------|---|-----------------------------------|
| <b>15.1</b> | That the comments of the Council at its meeting on 25 April 2007 made in response to the suggestions of the Cabinet at its meeting on 28 March 2007 relating to The Health Act 2006 – Smoke-free Premises and Vehicles, be received and noted; and  | DPES/<br>HBS<br>(both to<br>note) |
| <b>15.2</b> | That the Lead Councillor for Staff and Corporate Services be requested to prepare a Report for consideration at a future meeting of the Cabinet proposing how the Council can work towards introducing the arrangements set out in the agreed comments of the Council, as detailed in Minute No 211 of its meeting held on 25 April | CE/DSol/<br>HBS                   |

2007.

Reason for the Decisions:

To support the creation of a smoke-free environment for the health and benefit of people who live and work in the District.

Alternative Option Considered and Rejected:

That no further action be taken in respect of the comments of the Council at its meeting held on 25 April 2007 relating to The Health Act 2006 – Smoke-free Premises and Vehicles.

## 16 Finance Update

The Cabinet considered Report No 93/07 which provided an update on financial matters affecting the General Fund Revenue Account, the Housing Revenue Account and the approved Capital Programme. Appendix 1 to the Report set out details of the Medium Term Budget Outlook for 2007/08 to 2010/11.

Work was well under way to close the Council's accounts for 2006/2007. The Audit Committee would formally approve the Annual Statement of Accounts at its meeting on 27 June 2007 and a summary of the financial out-turn for the year would be made to the next meeting of the Cabinet.

It was necessary for the Cabinet to approve the key principles which were to be adopted in respect of surpluses or deficits incurred in 2006/2007 by the General Fund or Housing Revenue Account. That would enable the appropriate accounting entries to be made in the accounts before they were presented to the Audit Committee for approval. Details relating to those principles were set out in paragraph 1.3 of the Report.

At its meeting in July 2007, the Cabinet would be asked to review the position on all of the Council's reserves in the light of the 2006/2007 financial out-turn and future spending projections.

Resolved:

- 16.1** That the General Fund Budget Outlook Statement, as set out at Appendix 1 to Report No 93/07, be received and noted;
- 16.2** That the principles for closure of the 2006/2007 accounts, as set out in paragraph 1.3 of the Report, be approved; and
- 16.3** That the remainder of the Report be received and noted.

DFCS

Reason for the Decisions:

A Report on funding issues in relation to the Council's General Fund Revenue Account, Housing Revenue Account and Capital Programme is made to each meeting of the Cabinet to ensure that the Council's financial health is kept under continual review.

**17 Capital Programmes 2006/2007 and 2007/2008**

The Cabinet considered Report No 94/07 relating to the Capital Programme 2006/2007 and an update of the Programme for 2007/2008, further details of which were appended to the Report.

Production of the Council's formal accounts for 2006/2007 was nearing completion and Appendix A to the Report showed the final position in respect of the Capital Programme for the year. Total expenditure on the Programme amounted to £7,002,060 (line 115 column g), which included the accrued expenditure for the value of work which had been completed by 31 March 2007 but where invoices were awaited or were not yet due for payment. A summary of the expenditure was set out in paragraph 2 of the Report.

The Capital Finance regulations required that 75% of receipts which were generated from the sale of council dwellings be paid into a national pool. However, a three year transitional arrangement applied to those authorities, including the Council, which were debt free on 31 March 2004. That had reduced the Council's payment to the national pool from £1.436m to £1.077m, which had increased the balance of usable receipts by £0.359m. Over the three year transitional period, the Council had benefited by a total of £2.085m, which had been made available to finance capital projects.

The Capital Programme out-turn and financing were provisional until the accounts were closed. The Audit Committee would approve the accounts at its meeting on 27 June 2007. Any changes which were made to the out-turn and funding, as explained in the Report, would be reported to the next meeting of the Cabinet.

Paragraph 2 of the Report also explained the reasons for the main variances in the Programme, the majority of which were beyond the Council's direct control including, for example, delays in the completion of projects which the Council was grant funding.

Paragraph 3 and Appendix B to the Report set out details of the Capital Programme for 2007/2008 which had been approved by the Cabinet in February 2007 and revised in order to take into account the amounts that had been carried forward from 2006/07. Details relating to further revisions that had been made to the 2007/08 Programme, were set out in paragraphs

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3.2 to 3.4 of the Report.	
<u>Resolved:</u>	
17.1 That the Capital Programme Out-turn for 2006/2007, as detailed in Report No 94/07, be approved;	DFCS
17.2 That the sum of £5,129,300, as shown in column 'e' of Appendix A to the Report, remain allocated to the respective projects, as detailed therein, in 2007/2008; and	DFCS
17.3 That the amendments to the 2007/2008 Capital Programme, as set out in paragraphs 3.1 to 3.4 of the Report, be approved.	DFCS
<u>Reason for the Decisions:</u>	
A Report on the prospects for the Capital Programme is made to each meeting of the Cabinet to ensure that the Council's financial health is kept under continual review.	
<b>18 Shared Services: 37 Church Street, Seaford</b>	
The Cabinet considered Report No 95/07 which detailed the progress that had been made in respect of the project to provide a shared services facility for Seaford Town Council, Sussex Police, the Citizens Advice Bureau (CAB) and the Tourist Information Centre (TIC) at the former Police Station, 37 Church Street, Seaford.	
Existing data showed that of the 5,825 face to face enquiries which had been handled by Seaford Town Council during 2006/2007, 50% were referred on to East Sussex County Council and 30% on to the Council. Combining existing resources would mean that more enquiries could be dealt with at the point of contact, rather than being referred onwards, particularly if East Sussex County Council could be represented in the Church Street Centre.	
In 2006/2007, Seaford TIC had handled 3,000 telephone/email enquiries and 20,500 face to face enquiries. The aim of having a raised profile of the new Centre was to attract an additional 10% of visitor enquiries.	
By pooling resources, the Centre would be open longer due to better reception cover within the building.	
Having one Centre with greater capacity, would also enable consistent levels of service to be provided during holiday periods. It should also be able to cope with additional enquiries about the national bus pass scheme which was due to be implemented from April 2008.	
The Council's policy was to use tourism as a catalyst to support the local	

## Action

economy. The opportunity to make greater use of the nearby Crypt building as a community and arts venue would help to maintain and attract greater visitor numbers to support businesses which was essential to maintain a vital and viable town centre.

The shared services project would secure the provision of a multi agency information point and public meeting place for the citizens of Seaford through improved working arrangements between public sector bodies and the voluntary sector. It would bring together the first multi agency service point in the UK to combine the local Policing team, three tiers of local authority, a TIC, the local CAB and the Towns Neighbourhood Watch coordinator. It would enable the partners to share resources and achieve better value for money than could be secured from existing arrangements.

Details relating to the key terms of the agreement in respect of the project were set out in paragraph 3 of the Report.

Paragraph 4 of the Report set out details of the Financial Appraisal relating to the proposal which identified a funding shortfall in the sum of £85,500 which had mainly arisen from the complexity of converting the former cell blocks into office accommodation for the CAB.

A funding application had been made to the Sussex Innovation Fund towards the balance, but had not been successful.

Seaford Town Council was scheduled to meet in June 2007 in order to consider how much of the shortfall it could meet and the Council had been asked to reconsider its contribution.

The Report suggested that, if the Cabinet was minded to consider a further contribution, it might wish to link it to a devolution opportunity for Seaford Town Council to assume ownership of The Crypt on a broadly cost neutral basis for the next three years, further details of which were set out in the Report.

The Director of Finance and Community Services drew councillors attention to paragraph 4.1 of the Report and stated that the total capital cost of the project had increased to £241,000 which included provision of a new shared services Reception Area.

Resolved:

- 18.1** That a further sum of £40,000 be allocated towards the shared services project cost at the former Police Station, 37 Church Street, Seaford, as detailed in Report No 95/07, subject to Seaford Town Council confirming that it will agree to accept the devolution of the ground floor of the Crypt building for use as a community arts and events venue on the basis outlined in the Report; and

DFCS

**Action**

- 18.2** That the Devolution Committee be requested to take forward the outline proposal for devolution of The Crypt to Seaford Town Council as set out in paragraph 3.7 of the Report and to report back to the Cabinet on matters relating to a detailed analysis and proposal of how that can be achieved.

DFCS/  
David  
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**Reason for the Decisions:**

Cabinet has identified this innovative project with Seaford Town Council, Sussex Police, the Citizens Advice Bureau and the Tourist Information Centre as a priority for service improvement in Seaford.

*(Note: Councillors Collict, Freeman and White declared their prejudicial interest in this item as members of Seaford Town Council which was one of the Council's partners in the proposal and, therefore, did not take part in the consideration, discussion and voting thereon.)*

**19 Safeguarding Vulnerable Adults**

The Cabinet considered Report No 96/07 which provided an update on the latest guidelines which aimed to protect vulnerable adults.

An officer based multi-agency steering group had been established in 1993 to produce guidelines for the Protection of Vulnerable Adults. The group was led by East Sussex Social Services and included representatives from the police, National Health Service Trusts, housing authorities, General Practitioners services and voluntary organisations.

There was a recognition that many vulnerable adults suffered from various forms of abuse including, for example, physical, sexual, financial and psychological, and that the statutory and voluntary organisations had a duty to recognise when abuse was occurring and to alert, record and investigate such matters.

As a result of the steering group, a Multi Agency practice guide had been published in 1996 which had been adopted by all the relevant agencies and which had been reviewed in 2001.

The work of central government in modernising public services had resulted in new structures and legislation, which had an important bearing on work relating to the protection of vulnerable adults. In October 2005 the Association of Directors of Social Services, with the support of, amongst others, the Department of Health and Association of Chief Police Officers, had published 'Safeguarding Adults', a National Framework document, based on the collective experience of professionals and organisations involved in such work. The document set new standards for best practice with regard to adult protection and led organisations in Sussex to look again at their collective responsibilities and the systems which were used to



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safeguard vulnerable adults and their carers.

Those procedures represented a continuing and shared commitment to ensuring that people with a range of disabilities and illnesses could live in communities in greater safety. They set out reporting mechanisms, dealt with issues of confidentiality as well as methods of prevention and investigations, and were the local code of practice for East Sussex and West Sussex County Councils and Brighton & Hove City Council.

The Cabinet was therefore invited to adopt the Sussex Multi-Agency Policy and Procedures for Safeguarding Vulnerable Adults as far as it could be applied to the Council's service provision. A copy of the document was available on East Sussex County Council's website, details of which were set out in the Report.

Resolved:

- 19.1** That the Sussex Multi-Agency Policy & Procedures for Safeguarding Vulnerable Adults, in so far as they can be applied to the Council's services, be adopted.

DFCS

Reason for the Decision:

To ensure that the relevant parts of the Sussex Multi-Agency Policy & Procedures for Safeguarding Vulnerable Adults were applied to the Council's service provision.

**20 Woods Ground, Wivelsfield**

The Cabinet considered Report No 97/07 which updated councillors on a change of housing association partner in respect of Woods Ground, Wivelsfield, and to the proposed transfer of the site to Hastoe Housing Association.

At its meeting on 30 March 2006, the Cabinet had approved the transfer of a plot of land and six Council owned bungalows at Woods Ground, to the Affinity/Sutton Group (housing association), subject to that Group obtaining planning consent for the demolition of the bungalows and for their replacement with eight two bedroom homes to which the Council would receive nomination rights.

At that time, three of the bungalows had been vacated due to subsidence and it had been feared that the other three would suffer the same fate. However, since then, all of the Council's tenants had been decanted.

As part of the consideration, it had been agreed that the Group would demolish the bungalows and replace them with eight houses, four of which would be for rent and the remaining four for shared ownership, for which the Council would receive 100% nomination rights. Planning consent for the



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proposal had been granted.

There has been a history of drainage problems at the site and in the surrounding area and, at a recent board meeting of Downland Housing Association, which was a subsidiary of the Affinity/Sutton Group, the decision had been taken by the Group to withdraw from the agreement

Instead, Hastoe Housing Association had been approached and had agreed to take over the project on the same terms as those which had previously been agreed by the Cabinet, a proposal which had the support of Wivelsfield Parish Council.

Resolved:

- 20.1** That the site containing six Council owned bungalows at Woods Ground, Wivelsfield, be transferred to Hastoe Housing Association for the sum of £40,000, and that such Association demolish them and build eight houses to which the Council will receive nomination rights, as detailed in Report No 97/07.

DFCS

Reason for the Decision:

Cabinet has already agreed that it is not financially viable for the Council to repair the six bungalows on this site and that the best way forward would be for a housing association to demolish and replace them. Originally, Affinity/Sutton Group (housing association) was the chosen partner but it has withdrawn and Hastoe Housing Association has agreed to take over the project. Planning consent has already been granted and the Housing Corporation has agreed to transfer its grant funding to Hastoe Housing Association.

**21 Private Sector Housing Renewal Strategy – Amendments to Financial Assistance Policy**

The Cabinet considered Report No 98/07 relating to proposed amendments to the Private Sector Housing Renewal Financial Assistance Policy.

At its meeting in July 2004, the Cabinet had approved the Council's Private Sector Housing Renewal Strategy 2004-2007, which had been subsequently amended in July 2006.

It was a Statutory requirement that the Strategy must include the Council's Financial Assistance Policy in respect of grant aid and other forms of assistance.

For the second consecutive year, the resources available to the Council had been increased following a windfall from the Private Sector Renewal Fund that had been issued by the South East England Regional Assembly. Such resources has boosted total finances available for Private Sector Renewal

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by an additional £218,100. Consequently, it was necessary to reassess the eligibility criteria for Minor Repair Grants, introduce new grants and review the Financial Assistance Policy generally in order to ensure that assistance was granted most effectively to meet the Council's private sector renewal targets.

Appendix A to the Report set out details of the revised Policy in which the amendments were shown in italics.

The majority of grant provisions were recommended to continue as before. Details relating to the significant differences were set out in paragraph 2.5 of the Report the main effect of which was to help people adapt their homes to climate change with an improved grant system for energy efficiency and renewable energy projects. The changes would assist disadvantaged groups in making their homes warmer with improved energy efficiency.

Resolved:

- 21.1** That the amendments to the Private Sector Housing Renewal Financial Assistance Policy 2007, as shown in italics in Appendix A to Report No 98/07, be approved.

DPES

Reason for the Decision:

To update the financial assistance available for Private Sector Housing Renewal in line with the capital resources available for the year 2007/08.

**22 Joint Municipal Waste Management Strategy for East Sussex**

The Cabinet considered Report No 99/07 relating to the Joint Municipal Waste Management Strategy (JMWMS) for East Sussex.

Work had been undertaken over one and a half years in preparing, developing and consulting on such a Strategy for East Sussex. Lead councillors and officers had been meeting to consider the issue throughout that period and a consultant, ERM, had been appointed to co-ordinate the work through funding from the Department for Environment, Food and Rural Affairs.

The draft Strategy document had been agreed by the East Sussex Local Government Association Waste Group at its meeting on 7 March 2007 in order that it could be forwarded to the relevant local authorities for formal approval. A copy of the full document could be seen on East Sussex County Council's website, details of which were set out in the Report. A copy of the Headline Summary was set out at Appendix A to the Report.

The draft Strategy reflected the proposals which were contained in the Sustainable Waste Management Strategy that had previously been agreed by the Cabinet. The only difference was that the draft Strategy proposed

that the introduction of compulsory kerbside recycling should be deferred from 2007/8 to 2008/9. A specific proposal on which still needed to be considered by the Cabinet.

Paragraph 1.4 of the Report drew councillors attention to several specific issues relating to the draft document including:

- (a) the level of recycling credits that should be paid to the District/Boroughs by East Sussex County Council;
- (b) the proposal, in the document, relating to the adoption of incineration as a waste disposal method (page 12 of the summary document referred);
- (c) the draft Strategy did not encompass a full review of all the possible waste management options for East Sussex and excluded any consideration of the terms of the Private Finance Initiative Agreement between East Sussex County Council/Brighton and Hove City Council and Veolia, which was the waste management contractor for the area. Some significant aspects of that contract had not been made public and were not known to the five District/Borough Councils; and
- (d) the inadequacies in the nature of, and the response to, the public consultation, further details of which were set out in the Report.

Of the issues raised, only the one which related to the range of materials targeted for kerbside recycling by Waste Collection Authorities, had resulted in any amendments to the Strategy.

The results which showed a strong opposition to incineration were defined as skewed and were dismissed on the basis that most respondents lived in the area close to the proposed incinerator, further details of which were set out in the Report.

Resolved:

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| <b>22.1</b> | That the Lead Councillor for Environment be authorised to take account of the implications of the new National Waste Strategy, undertake a review of the Council's Sustainable Waste Strategy and prepare a Report thereon for consideration at a meeting of the Cabinet in Autumn 2007; | DPES           |
| <b>22.2</b> | That any decision relating to proposals to change the arrangements for waste collection and recycling be deferred until the Cabinet has had the opportunity to consider the Report referred to in 22.1 above;  | DPES (to note) |
| <b>22.3</b> | That any decision relating to the Joint Municipal Waste Strategy for East Sussex be deferred until the following matters have been resolved:   | DPES (to note) |

**Action**

- (a) East Sussex County Council agrees to pay to the collection authorities, recycling credits at the full level allowed by Government Regulations, in order to fund improvements to the recycling service for household waste; and
- (b) The issues raised by the public consultation on the draft Joint Strategy have been fully taken into account; and
- 22.4** That the Officers be requested to prepare a Report for consideration at the next meeting of the Cabinet on matters relating to the payment of recycling credits.

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DPES

Reason for the Decision:

The Joint Municipal Waste Management Strategy should be up to date with Government Policy and should have regard to the financial arrangements provided under Government Regulations to support recycling in two tier areas.

*(Note: Councillor Freeman declared his non-prejudicial interest in this item as the Shadow Councillor for Transport and the Environment at East Sussex County Council which was the local waste disposal authority and, therefore, took part in the consideration, discussion and voting thereon.)*

**23 All Weather Pitch at the Downs Leisure Centre**

The Cabinet considered Report No 100/07 relating to the proposed construction of an all weather pitch (AWP) at the Downs Leisure Centre, Seaford.

The Cabinet had agreed to the replacement of the AWP at its meeting in April 2005. The existing pitch had reached the end of its useful life and needed to close at the end of the current season due to its surface having become unsafe to play on. Closure of the pitch would mean that there was no public operated AWP in the District and that current users would have to find alternative facilities.

The contractual arrangements established from April 2006 between the Council and Wave Leisure Trust had placed the responsibility for replacing the pitch and its funding with the Council.

The project required specialist technical assistance and a specialist company had been selected to help prepare a tender specification and to evaluate the submissions.

In September 2006 the Cabinet had increased its contribution to the project from £35,000 to £124,535, following a soft market testing of AWP suppliers.

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The project could only proceed if the Council was successful in its bids to obtain funding from the Football Foundation and the Onyx Environmental Trust. Such bids had been made before the conclusion of the tender process, as detailed in the Report.

The Director of Finance and Community Services drew councillors attention to line 21 of Appendix 1 to the Report and stated that, since the preparation of the document, the Onyx Environmental Trust had advised the Council that it would award funding in the sum of £25,000 towards the proposal.

The Football Foundation was due to consider the Council's funding application at its meeting on Friday, 8 June 2007.

Due to the critical timing of the project and in anticipation of the bids being successful, tenders had been sought for a new Third Generation (3G) AWP surface which was essentially a synthetic grass carpet laid on top of a shock pad which was then filled with sand and a rubber infill.

A 3G playing surface would provide player comfort and excellent playing conditions, particularly for football. It was used for all major football club training facilities and was suitable for rugby training and hockey practice and training.

The Football Foundation had reviewed the Council's submission and suggested that an enhanced specification would be required to help meet their stringent criteria. The enhancements included the provision of a TigerTurf Challenger 40 carpet which met the requirements of both the Football Association and the International Hockey Federation.

By enhancing the specification, the overall bid submission had been increased from £471,395 to £492,495.

The Report suggested that, subject to Cabinet approval, the proposal could commence on 2 July 2007 which would minimise disruption to users and the potential income loss to the Wave Leisure Trust, for which the Council was liable.

Resolved:

- 23.1** That Bernhards Sports Surfaces Limited be approved for the construction of an all weather pitch at the Downs Leisure Centre, Seaford, subject to the Director of Finance and Community Services being satisfied that a fully funded package has been secured for the proposal, including receipt of a grant in the sum of £225,030 from the Football Foundation, as detailed in Report No 100/07.

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In accordance with paragraph 17 of the Scrutiny Procedure Rules, the Cabinet agreed that the above Resolution was urgent in order that the proposal could be progressed at the earliest opportunity in order to minimise disruption to users of the facility and to reduce the revenue impact upon the

Council and the Wave Leisure Trust and, therefore, was not subject to the call-in procedure.

Reasons for the Decision:

Bernhards Sports Surfaces Limited provided the most competitive tender arising from a detailed tender evaluation process.

The works need to commence as soon as possible in order to minimise disruption to users of the facility and to reduce the revenue impact upon the Council and the Wave Leisure Trust.

## **24 Update of Tariff for Developer Contributions**

The Cabinet considered Report No 101/07 relating to proposals in respect of an updated tariff for developer contributions towards the provision of infrastructure to support housing development.

Development could not be considered in isolation from the settlement or community in which it took place. New development, in particular residential development, imported new people into an area who brought with them additional demands for education, recreation, social and community facilities. Development also generated a need for adequate transportation and physical infrastructure.

In determining planning applications, the Local Planning Authority needed to take into account all material considerations including the provision of the infrastructure necessary to support the development. Local Authorities could, therefore, seek contributions from the developer to offset the additional burden which the development generated on the local infrastructure. Such contributions could either be in the form of financial contribution to a service provider or in kind, where a developer could provide or extend a facility themselves. The contributions were secured as 'Planning Obligations', further details of which were set out in paragraphs 1.3 to 1.6 of the Report.

The Cabinet had previously agreed that the Council would use East Sussex County Council's adopted Supplementary Planning Guidance on Developer Contributions 2004 to determine contributions to infrastructure and facilities requirement.

However, such contributions were based on increasingly historic costs as the basis had been agreed in 2004, and costs of provision had subsequently increased.

Therefore, in March 2007, East Sussex County Council had agreed an updated tariff for education and accessibility which, the Report suggested, be adopted by the Council. In parallel, the Report also set out details of

proposed updated tariffs in respect of recreation and recycling.

The table in paragraph 1.11 of the Report compared the current costs with the proposed new figures which would be used where development was in an area of demonstrable shortfall, based on studies that were undertaken by the Council and East Sussex County Council for their respective services.

Paragraph 1.12 of the Report suggested that, in future the tariff could most easily be reviewed through the annual corporate review of fees and charges.

Resolved:

**24.1** That, with effect from 1 July 2007, the Council's Tariff for Developer Contributions be updated in accordance with the schedule in paragraph 11 of Report No 101/07;

**24.2** That the Director of Planning & Environmental Services be authorised to publicise the updated Tariff via the Council's web site, a press release and other measures; and

**24.3** That, in future, the Tariff be updated as part of the annual review of fees and charges.

Reason for the Decision:

To update the cost basis for the calculation of Developer Contributions.

*(Note: Councillor Saunders declared his non-prejudicial interest in this item as a General Manager for a local property and development Company and, therefore, took part in the consideration, discussion and voting thereon.)*

**25 Environmental Health Commercial Team's Service Plan 2007/08**

The Cabinet considered Report No 102/07 relating to the Environmental Health Commercial Team's proposed Service Plan for 2007/08, a copy of which was set out at Appendix 1 thereto.

As part of its statutory obligations as a Food Safety Authority (FSA), the Council was required to consider and approve a Food Service Plan.

The Health & Safety Commission (HSC) was keen to ensure that local authorities fulfilled their statutory obligations in enforcing the Health & Safety at Work etc Act 1974 and that they gave it the appropriate priority and adequate resources.

In March 2005, the Council had signed up to working in Partnership with the Health & Safety Executive (HSE) in order to assist in achieving the HSC's national targets for Health & Safety.

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The establishment of the Wave Leisure Trust in April 2006 had meant that the responsibility for health & safety enforcement at Lewes, Seaford, Peacehaven and Seahaven Leisure Centres and Seaford Head Pool, had passed from the Health and Safety Executive to the Council's Environmental Health Commercial Team.

In March 2007, the Cabinet Office's Better Regulation Executive had published the Rogers Review which recommended that local authorities prioritised environmental health enforcement in several areas of work including Hygiene of Food Businesses, Improving Health in the Workplace and Alcohol Licensing. Such priorities fell within the remit of the Commercial Team for which the 2007/08 work programme, resource allocation and current level of activity were detailed in the Service Plan.

In accordance with FSA and HSE requirements, the Cabinet and Council needed to endorse the Service Plan and consider the adequacy of resources that were required to sustain the functions.

Recommended:

- 25.1** That the Environmental Health Commercial Team's Service Plan 2007/08, as set out at Appendix 1 to Report No 102/07, be approved and adopted.

DPES (to note)

Reasons for the Decision:

To comply with the requirements of the Food Standards Agency's Framework Agreement on Local Authority Food Law Enforcement and to enable the Council to comply with its statutory obligations as a Health and Safety and Licensing Authority.

**26 Introduction of the Driving Standards Agency Taxi Test and Assessment for all new Hackney Carriage and Private Hire Drivers**

The Cabinet considered Report No 103/07 relating to the proposed adoption of the Driving Standards Agency (DSA) Driving Taxi Test and Assessment, as a requirement for all prospective Hackney Carriage and Private Hire Drivers.

The Local Government (Miscellaneous Provisions) Act 1976 stated that an applicant for a Hackney Carriage or Private Hire Drivers Licence was a 'fit and proper' person to hold a Drivers Licence. The Council needed to be satisfied that all applicants met such criteria.

All applicants were subject to a Criminal Records Bureau check which disclosed any previous convictions, including driving offences. Any offences disclosed were then taken into consideration before a licence was granted.

At present, no suitable driving test was conducted by the licensing officers

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as they were not trained or qualified to conduct such a test.

Hackney Carriage and Private Hire Drivers were the only group of professional drivers in the country who were not required to pass a further national standard driving test before being allowed to carry passengers for hire and reward.

The DSA had been conducting a dedicated driving test for Hackney Carriage and Private Hire drivers for the past five years. The test, which was described by the Agency as a mature drivers test, somewhere between the learner and advanced driver test, was conducted by a DSA examiner who had been specifically trained for that purpose. It included specific manoeuvres that were often performed by taxi's such as 'U-turns' and not stopping where passenger doors could not be opened fully. It was undertaken at Brighton/Hove, Crawley and Eastbourne DSA test centres and offered several benefits, details of which were set out in paragraph 2.5 of the Report.

As part of the consultation process, a letter and questionnaire had been sent to the Council's licenced Hackney Carriage and Private Hire Drivers asking for their comments on the proposals, further details of which were set out in paragraph 3 of the Report and in the Appendices thereto.

Resolved:

- 26.1** That the requirement that new applicants for a Hackney Carriage or Private Hire Drivers Licence pass the Driving Standards Agency Taxi Test and Assessment before their application is considered by the Council, as detailed in Report No 103/07, be adopted.

DPES

Reason for the Decision:

To assist in the process to determine whether or not an applicant for a Hackney Carriage or Private Hire Drivers Licence is a 'fit and proper' person to hold such Licence.

**27 Operational Buildings**

The Cabinet considered Report No 104/07 relating to proposals for further work to be undertaken in respect of the potential vacation and sale of the Council's offices at 3a Fisher Street, Lewes.

A feasibility study had been carried out in order to establish whether or not it was possible to reorganise accommodation within Lewes House, Lewes and Southover House, Lewes to accommodate the staff who currently worked in 3a Fisher Street. The investments which the Council had made in electronic storage allowed substantial users of space, such as Land Charges, to be relocated into a much smaller area. Details relating to the proposal were set

## Action

out in paragraph 2 of the Report.

The changes would result in a considerable tightening up of space in the Council's buildings and could not be achieved without the change from paper storage to electronic storage.

The feasibility study had shown that the staff could be accommodated in those new locations, but there would be some consequential changes in the buildings, re-routing of cables that were associated with the provision of Information Technology systems etc.

The Report suggested that the next phase was to test all of the costs involved and to balance those costs against the likely capital receipt from the sale of 3a Fisher Street or a rental income.

There had been several expressions of interest in respect of 3a Fisher Street from a variety of professional practices and it was felt that there would be a buyer for the building.

Resolved:

**27.1** That the District Valuer be instructed to give a current valuation, on the open market, of the Council's building at 3a Fisher Street, Lewes, as detailed in Report No 104/07; and

CE

**27.2** That interest in the building referred to in 27.1 above, be tested through local estate agents.

CE

Reason for the Decisions:

To enable the Council to consider the cost benefit analysis of the possibility of relocating staff out of 3a Fisher Street, Lewes, and either selling or leasing the building.

**28 Southover Grange**

The Cabinet considered Report No 105/07 relating to proposals in respect the future occupation of the ground floor of Southover Grange, Lewes.

The Grange was a listed building which formed part of the Southover Park Estate that was purchased by the former Borough of Lewes in 1948. The Council became the owner of the Grange, and all the buildings within it, on local government reorganisation in 1974.

At that time, East Sussex County Council held user rights in the upper floors which had since been converted into a 5 year lease, with the right of renewal under the Landlord and Tenant Act 1954. The current lease was due to expire on 30 November 2007.

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Despite its severe access limitations, the Registrar's service on the first floor of the building, was centrally located and was a popular venue for civil marriage ceremonies. From time to time the Council had helped the Registrar's function by making space available on the ground floor when it was not in use for other purposes.

The ground floor had, for a long time, been used as a children's nursery however, the associated security arrangements had made it difficult to use the vicinity of the nursery for any other purpose during the day.

The nursery had recently vacated the Grange following which the Council had taken the opportunity to consider the options for the future use of the ground floor, further details of which were set out in the Report. The Council could, for example, test the market to see if the private sector use would produce a substantial rental stream to offset the cost of future maintenance.

The Registrar had indicated that it was strongly interested in taking over the space on the ground floor for its function an idea which, if implemented, could be arranged so that some of that area could still be available for use by the local community for meetings and small events.

The Report suggested that, in the first instance, instead of offering the ground floor space on the open market to test the commercial interest, the Council could negotiate with East Sussex County Council to determine whether or not it could agree satisfactory terms for a lease of the ground floor space for use by the Registrar.

The proposal would not have any effect on the lease of the art gallery which was currently located on another part of the ground floor.

Resolved:

- 28.1** That the vacated space on the ground floor of Southover Grange, Lewes, be not offered on the market until the Council has evaluated whether satisfactory terms can be negotiated with East Sussex County Council for the Registrar's service to occupy that space; and
- 28.2** That the District Valuer be instructed to carry out the negotiations with East Sussex County Council Property Department in respect of the terms referred to in 28.1 above.

CE

CE

Reason for the Decisions:

To provide East Sussex County Council with the opportunity to improve its accommodation in Lewes for the recording of births, deaths and marriages.

## Action

**29 Date of Next Meeting of the Cabinet**

The Cabinet considered the suggestion that the date of its next meeting be changed from Wednesday, 18 July 2007 to either Monday, 23 July or Tuesday, 24 July 2007.

Resolved:

- 29.1** That the date of the next meeting of the Cabinet be changed and that, instead, it be held on Monday, 23 July 2007 commencing at 2.30pm.

All to note

Reason for the Decision:

To enable as many Members of the Cabinet to attend the meeting as possible.

**30 Exclusion of the Public and Press**Resolved:

- 30.1** That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the Public and Press be excluded from the meeting during the discussion of the following items as there is likely to be a disclosure of exempt information as defined in paragraphs 1, 2, 3 and 5 of Part 1 of Schedule 12A of the Act:

- (a) Planning Delivery Grant (PDG): Award of Staff Remuneration Package for 2006/7;
- (b) Administrative Support ; and
- (c) Units 21-24 North Street, Lewes – Proposed Assignment of Leasehold.

**31 Planning Delivery Grant (PDG): Award of Staff Remuneration Package for 2006/7**

The Cabinet considered Report No 106/07 relating to proposals for the awarding of the staff remuneration package for 2006/07, for Officers who worked in the Planning Services Department, in accordance with the arrangements that had been agreed by the Cabinet at its meeting in June 2006.

		Action
	<p><u>Resolved:</u></p> <p><b>31.1</b> That remuneration payments be made to the Officers of the Planning Services Department, as listed in Appendix A to Report No 106/07, on the basis of performance in meeting targets for 2006/7.</p> <p><u>Reasons for the Decision:</u></p> <p>To recognise continuing high levels of performance in Planning, and to assist in recruitment and retention of staff.</p>	DPES/ DFCS/ HBS
<b>32</b>	<p><b>Administrative Support</b></p> <p>The Cabinet considered Report No 107/07 relating to proposed changes in the arrangements for administrative support for the Chief Executive and the Democratic Services Department.</p> <p><u>Resolved:</u></p> <p><b>32.1</b> That the duties of the Senior Typist be changed to include administrative support for the Chief Executive, as detailed in Report No 107/07; and</p> <p><b>32.2</b> That the voluntary redundancy for the post of Personal Assistant (CE02), as detailed in the Report, be agreed.</p> <p><u>Reason for the Decisions:</u></p> <p>To enable changes to be made in the administrative support services in Lewes House, Lewes, to reflect the recent improvements in Information Technology systems.</p>	CE/HDS /HBS  CE/ DFCS/ HBS
<b>33</b>	<p><b>Units 21-24 North Street, Lewes – Proposed Assignment of Leasehold</b></p> <p>The Cabinet considered Report No 108/07 relating to a request which had been received from the current tenant of the Council owned premises at Units 21-24 North Street, Lewes, for consent to assign (i.e. sell) the leases of those Units.</p> <p><u>Resolved:</u></p> <p><b>33.1</b> That consent for the assignment of the leases in respect of Units 21-24 North Street, Lewes, be granted to Terracotta Properties Limited, as detailed in Report No 108/07;</p> <p><b>33.2</b> That the Council not dispose of any interest in any of its land holdings in the area of North Street, Lewes, for development until</p>	DSol  DSol

	Action
<p>the Local Development Framework Core Strategy is adopted and the Inspector's Report confirms the kind of development that would be suitable for the area; and</p> <p><b>33.3</b> The Council will, at the time referred to in 33.2 above, decide whether, and if so how and when, to proceed with the disposal of its land to achieve a development that is suitable for Lewes, and will follow its normal practice of using open competition to find a developer with a satisfactory track record of delivering the type of development proposed.</p> <p><u>Reasons for the Decisions:</u></p> <p>To comply with the Council's legal obligations as landlord under the terms of the leases and the statutory codes (33.1 above refers).</p> <p>To make clear the Council's policy position in respect of its landholding in the area of North Street, Lewes (33.2 and 33.3 above refer).</p>	DSol

The meeting ended at 4.03pm

A C De Vecchi  
Chair