

## Cabinet

**Minutes** of a meeting of the **Cabinet** held in the **Warren Room, Lewes House, 32 High Street, Lewes** on **Monday, 23 July 2007** at 2.30pm.

### Present:

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

### In Attendance:

Mr D Cannings (Tenants' Representative)

### Apologies Received:

Councillor J V S Page, and Ms D Twitchen (Tenants' Representative) and Mr A Hill (substitute Tenants' Representative)

## Minutes

### 34 Variation in the Order of the Agenda

#### Resolved:

- 34.1** That Agenda Item 8.8 entitled "South Downs National Park (SDNP): To Consider the SDNP Inquiry Inspector's Report, and Related Material, Published for Consideration by DEFRA" be taken immediately after Agenda Item 5 (Public Question Time).

#### Reason for the Decision:

In order that discussion on matters relating to the proposed South Downs National Park could be undertaken without unduly delaying members of the public who were attending the meeting for that item.

### 35 Minutes

The Minutes of the meeting held on 6 June 2007 were approved as a correct record and signed by the Chair subject to the deletion of the word "former" in the first paragraph of the preamble to Minute No 18 (Shared Services: 37 Church Street, Seaford); and in Resolution 18.1; and to the amendment of "3.7" to read "4.7" in Resolution 18.2.

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**36 Declarations of Interest**

Councillor De Vecchi declared her prejudicial interest in Agenda Item 8.7 (The Tom Paine Festival 2009).

The Chief Executive declared his non-prejudicial interest in Agenda Item 8.13 (Proposed Extension of the Sussex Downs College Site at Denton Island, Newhaven).

**37 Urgent Item**

The Chair advised that she had agreed, in accordance with Section 100B(4)(b) of the Local Government Act 1972, that Report No 138/07 entitled "Fit for the Future' – Consultation Response to East Sussex Downs and Weald Primary Care Trust", which had been circulated to all Members of the Cabinet on 17 July 2007, be considered as a matter of urgency in order that the Cabinet could take its decisions based on the most recent information which was available.

**38 Public Question Time**

A question had been received from a member of the public on the following subject, a copy of which was circulated to all councillors at the meeting and made available to the public attending the meeting:

Questioner

John Foxley

Question Concerning

The importance of the land south of Chyngton Way, Seaford, and its re-instatement within the proposed South Downs National Park.

## Action

Following discussion of the above it was:

Resolved:

- 38.1** That the Director of Planning and Environmental Services be authorised to write to the Department for Environment, Food and Rural Affairs to object to the deletion, from the proposed South Downs National Park, of the land south of Chyngton Way, Seaford, and to request its re-instatement within the boundary of the proposed Park.

DPES

## Action

**39 South Downs National Park (SDNP): To Consider the SDNP Inquiry Inspector's Report, and Related Material, Published for Consideration by DEFRA**

The Cabinet considered Report No 136/07 relating to the South Downs National Park (SDNP) Inquiry Inspector's Report, and related material, which had been published, for consideration, by the Department for Environment, Food and Rural Affairs (DEFRA). The deadline for responses to be received by DEFRA was 13 August 2007. Appended to the Report was a schedule of recommended boundary changes and maps relating to the District.

The Countryside Agency had made a Designation Order for the Park in December 2002. Representations on the proposed Order had been the subject of a Public Inquiry, which had been presided over by a Government Inspector, between November 2003 and March 2005. The focus of discussion at the Inquiry had been:

- Did the South Downs warrant formal designation as a National Park, having regard to purpose of national parks set out in legislation?;
- If designated, what should the detailed boundaries of the National Park be?;
- Was it justified to revoke all the land in the East Hampshire and Sussex Downs Areas of Outstanding Natural Beauty?; and
- Was a National Park Authority appropriate to the South Downs and, if so, how might it best be established and operated?

The Designation process had been on-hold for a year, but had since been re-started. The Inspector's report had been published by DEFRA on 2 July 2007, together with several related documents, details of which were set out in paragraph 1.2 of the Report. Details relating to the Inspector's main conclusions/recommendations were set out in paragraph 1.4 of the Report.

The key issues which needed to be considered related to:

- the Inspectors recommended deletions from the proposed SDNP;
- the Inspectors recommended additions to the proposed SDNP\*;
- proposals for a major reduction in the proposed SDNP north of the Downs in Hampshire/West Sussex (Petersfield to Pulborough)\*;
- The Meyrick case\*, which challenged the designation principles of the National Park; and

**Action**

- revised legislation relating to National parks in the Natural Environment and Rural Communities Act 2006\*,

further details of which were set out in Appendix A to the Report.

(\*However, DEFRA was only inviting objections and representations on the matters which were marked above with an asterisk).

The areas which were recommended for deletion by the Inspector were for information only as they fell within the Designation Order boundary that was the subject of the Public Inquiry.

Following receipt of the very bulky set of documents from DEFRA, the officers had only a few days to prepare the Report and, therefore, it had not been possible for them to produce a detailed set of recommendations for consideration by the Cabinet. Instead, the Appendix identified the deletions/additions that had been recommended by the Inspector and invited the Cabinet to provide any comments it might have thereon, and to authorise the Director of Planning & Environmental Services, in consultation with the Lead Councillor for Planning, to prepare a detailed response relating to the latest stage of the SDNP Designation process.

Resolved:

- 39.1** That the proposed deletions from, and additions to, the proposed South Downs National Park, as recommended by the Inspector following the Public Inquiry held between November 2003 and March 2005 and as detailed in Report No 136/07, be received and noted; and
- 39.2** That the Director of Planning & Environmental Services, in consultation with the Lead Councillor for Planning, be authorised to prepare a detailed response to the recommendations on behalf of the Council by the deadline date of 13 August 2007, such response to also take account of the decision, in Minute No 38.1 above (Public Question Time), that the Council objects to the deletion, from the proposed South Downs National Park, of the land south of Chyngton Way, Seaford, and requests its re-instatement within the boundary of the proposed Park. .

DPES

Reasons for the Decisions:

To ensure that the Council's views continue to influence the South Downs National Park Designation process and that such views are submitted to the Department for Environment, Food and Rural Affairs by the required deadline.

## Action

**40 Recommendation From the Travellers Working Group**

The Cabinet considered the recommendation, as set out in Minute 6 of the Travellers Working Group at its meeting held on 5 June 2007, relating to the Draft Protocol for Responding to Gypsy and Traveller Encampments. The Minute had been prepared in respect of the Groups consideration of Report No 91/07.

The East Sussex Traveller Strategy had replaced the Council's Strategy for Gypsies and Travellers last year. The Working Group had requested that a revised protocol be prepared which set out how the Council would respond to Gypsy and Traveller encampments, including an approach for managing or evicting unauthorised encampments in the District.

Explanatory notes which detailed changes that would be made to the Council's existing policy following the introduction of the proposed Protocol, were appended to the Minute Extract.

Resolved:

- 40.1** That the Protocol for Responding to Gypsy and Traveller Encampments, as set out at Appendix 1 to Report No 91/07, be adopted for use by the Council when responding to Gypsy and Traveller encampments within the District, subject to the inclusion of "Lead Councillor for Communities" as a consultee in the second sentence of paragraph 1(iii), and to the redrafting of the term "adjudged necessary" in paragraph 3(i) of the draft Protocol, in order to make it more clearly understandable.

DPES

Reason for the Decision:

To adopt a protocol which details ways in which the Council can respond to Gypsy and Traveller encampments, including an approach for managing or evicting unauthorised encampments in the District.

**41 Annual Treasury Management Report 2006/2007**

The Cabinet received Report No 129/07 relating to the Council's Treasury Management activities for the year 2006/2007.

Resolved:

- 41.1** That the Annual Treasury Management Report 2006/2007, as detailed in Report No 129/07, be received and noted.

Reason for the Decision:

Treasury Management is a key control for the Council and, in accordance

with the Code of Practice on Treasury Management in the Public Services, the Cabinet receives a Report on each year's activities.

#### 42 Finance Update

The Cabinet considered Report No 130/07 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 Reserves and Balances which were held at 31 March 2007 and their projected use in 2007/2008. Appendix 2 set out an Analysis of the Revenue Equalisation and Asset Maintenance Reserve.

At its meeting on 27 June 2007, the Audit Committee had approved the Council's Statement of Accounts for 2006/2007, subject to audit. The covering Report to that meeting had set out extensive details relating to the Council's outturn income and expenditure position for the year, a summary of which was set out in paragraphs 1.2 to 1.5 of Report No 130/07.

A summary of the variations which had arisen in 2006/2007, compared with the revised estimate and analysed by Lead Councillor portfolio, was set out in the table in paragraph 1.2.1 of the Report.

Line 18 column 8 in the table indicated that total spending was £0.56m less than the level that had been included within the revised estimate for the year, further details of which were set out in the Report. Shortly after the close of the financial year, a 2007/2008 overpayment had been identified which would have meant that the Council did not receive any grant had it been attributable to 2006/2007. Following discussion between the Director of Finance and Community Services and the Leader of the Council, the value of the grant had been added to the Housing Benefit Standards and Improvement Reserve at the year end because the Housing Benefit service was an area that had been identified by the last Comprehensive Performance Assessment as being in need of service improvement. It was also the subject of a major review relating to shared service provision within East Sussex.

At its meeting in March 2007, the Cabinet had approved the formal Medium Term Financial Strategy (MTFS) document which covered the period 2007/2008 to 2009/2010. It was good practice for the Cabinet to consider whether any changes needed to be made to the Strategy following the closure of the 2006/2007 accounts.

The difference between budgeted and actual net expenditure in 2006/2007 could be explained by variations in Government grants and several minor variances which were spread across a wide range of General Fund services – there was no reason to believe that such variations were indicative of a trend that would continue through to 2007/2008. The General Fund working

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balance at 31 March 2007 was at the level projected when the 2007/2008 level was set, and reserves also remained in-line with the levels which had been forecast. The Report therefore suggested that, currently, no formal change to the overall MTFs be implemented.

Work would shortly commence on the preparation of the Council's budgets for 2008/2009. It was possible that there would be no increase in the level of general grant support from the Government next year.

In-line with the Council's MTFs, the Cabinet was recommended to approve the guidelines for preparation of the 2008/2009 budgets, details of which were set out in paragraph 4 of the Report.

The Council was required to undertake a Private Sector House Condition Survey every 5 years, the next one of which was due in 2008/2009. Eastbourne Borough Council, Hastings Borough Council and Rother District Council were currently undertaking a Private Sector Housing Modelling exercise and had asked whether the Council wished to participate in order to obtain Countywide Private Sector Housing data. Such information could form the basis of a submission to the Government Office for the South East (GOSE) for additional Private Sector renewal funding.

The cost of participation was £5,000 which would provide an update to the Council's existing survey and would be directly applicable to the forthcoming Survey. Such cost could be directly offset against the cost of the Survey in 2008/2009. The Report recommended that such sum be allocated in the current financial year from the Revenue Equalisation and Asset Maintenance Reserve to provide a saving against the cost of the Survey which was planned for 2008/2009.

In February 2004 the Cabinet had approved a three year grant of £27,000 to the Lewes and Seaford Citizens Advice Bureau (CAB) namely £9,000 per year from 2004/05 to 2006/07 to fund 50 % of a Money Advice Service post. Such Service was additional to the core CAB service grant, details of which were set out in the Report.

The main demand for the Service was from the Newhaven/Peacehaven area for which Newhaven, in particular, had been the focus of attention for the Council's regeneration work across a broad service base.

The Lead Councillor for Community had met the Town Clerks of Peacehaven and Telscombe Town Councils in November 2006, and had requested them to consider making contributions in order to maintain the Service for a further three years. The annual service cost was currently £21,000. No commitment had been made by either of those Town Councils in their budgets for 2007/2008, but Newhaven Town Council was considering a funding request of £4,200.

The CAB had therefore requested the Council to consider awarding a grant



in the sum of £10,500 for 2007/2008 in order that, combined with an anticipated grant of £4,200 from Newhaven Town Council for 2007/08, the Service could continue.

The CAB had also requested the Council to consider making a three year funding commitment from 2008/2009 and whether it would be able to indicate its willingness to do so, in principle, in order that it could plan for the future of such a specialist Service.

With the rise in the base rate from 5.5% to 5.75% from 5 July 2007, and the possibility of further increases in the future, there would be a growing demand for the Service. The CAB had advised that the amount of new debt reported by clients during 2006/07 amounted to £1.7m compared to £1.2m the previous year. Just under half of the 992 clients that had been assisted, resided in Newhaven.

Resolved:

- |   | <b>Action</b> |
|---|---------------|
| <p><b>42.1</b> That the transfer of the additional target related Housing Benefit Grant in 2006/2007 to the Housing Benefit Reserve, as detailed in Report No 130/07, be approved;</p>  | DFCS          |
| <p><b>42.2</b> That no changes be required to the Council's Medium Term Finance Strategy following the closure of the Council's 2006/2007 accounts;</p>   | DFCS          |
| <p><b>42.3</b> That the Budget Framework for 2008/2009, as set out in paragraph 4 of the Report, be approved;</p>   | DFCS          |
| <p><b>42.4</b> That the sum of £5,000 from the Revenue Equalisation and Asset Maintenance Reserve be used to fund Private Sector House Condition Survey work in 2007/2008;</p>  | DFCS          |
| <p><b>42.5</b> That a grant in the sum of £10,500 for 2007/2008 be approved from the Partnership Fund to continue the Money Advice Service provided by the Lewes and Seaford Citizens Advice Bureau and that it be advised that the Cabinet will consider making a three year award from April 2008, subject to availability of resources in the next budget round;</p>                                     | DFCS          |
| <p><b>42.6</b> That the Director of Finance and Community Services be authorised to:</p> <p style="margin-left: 20px;"><b>(a)</b> contact Newhaven, Peacehaven and Telscombe Town Councils requesting them to commit to a three-year funding solution for the Citizens Advice Bureau Money Advice Service provision along the coastal strip of the District, to the west of Newhaven, from 2008/09; and</p> | DFCS          |



## Action

- (b) consider ways in which a more cohesive Money Advice Service could be provided by the Citizens Advice Bureau in the area referred to in 42.6(a) above; and

**42.7** That the remainder of the Report be received and noted.

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.

**43 Resources in the Benefits Section of Revenues Division**

The Cabinet considered Report No 131/07 relating to proposed changes to the staffing structure of the Benefits Section of the Revenues Division.

At its meeting in February 2007, the Cabinet had agreed that, following some work which had been undertaken by the Scrutiny Committee and a service review by the Benefit Fraud Inspectorate, there would be an extra £27,000 allocated to the Benefit Service in order to help sustain improved performance in that area of the Council's work. The Annual Audit and Inspection Letter which had been considered by the Audit Committee at its meeting on 27 June 2007, had highlighted the need to sustain the improved performance that was being achieved.

The proposals set out in paragraph 7 of the Report would, if implemented, assist with ensuring that the improved processing times were maintained and that the service which was provided to customers was further improved. Such proposals included the amendment of two existing Assessor posts to become Technical Assessor posts and the increase to the establishment of one Assessor post.

The increase in the establishment was justifiable in terms of the increase in the number of benefit claims on file, further details of which were set out in paragraph 4 of the Report. Such increase had been achieved mainly through the Council's efforts in encouraging take-up of benefits through various advertising campaigns which was a target in the Countywide Local Area Agreement.

Resolved:

- 43.1** That the change to the structure within the Benefits Section of the Revenues Division, as detailed in Report No 131/07, be approved.

DFCS/  
HBS

Reason for the Decision:

To sustain improved performance in the Benefits Section through use of the additional funding of £27,000 which had been approved by the Cabinet at its meeting in February 2007.

#### 44 Recycling Credits

The Cabinet considered Report No 132/07 relating to the payment of Recycling Credits. Appendix A to the Report explained what was meant by the term "Recycling Credit" and its relevance to waste collection and disposal.

Such Credits were payments made by East Sussex County Council to the District Councils of East Sussex for each tonne of waste the District Councils diverted from the waste stream. East Sussex County Council must, by law, make a payment to a District Council for each tonne of recycled material diverted from landfill. In 2006, new Regulations had been issued by the Government which stipulated how recycling credits were to be calculated. The effect of those Regulations was explained in Appendix A to the Report.

The Regulations provided that the Recycling Credit rate was to be the highest cost of disposal incurred by East Sussex County Council per tonne of waste material. That Council had stated that, because it had entered into an "integrated waste management contract" with its contractor Onyx (now Veolia), it could not calculate the cost of disposal per tonne and therefore was entitled to rely on the default figure which was set out in the Regulations. It had further stated that, because it did not incur transport costs, it was entitled to apply the lower default figure of £31.53 per tonne.

Paragraph 2.2 of Appendix B to the Report explained why East Sussex County Council had decided to pay slightly more than the lower default figure. By coincidence, that rate corresponded to the higher default rate which applied from April 2006 where transport costs were incurred. It had been established that such costs had been incurred in 2006/2007.

Paragraph 2.4 of the Report set out details of a consultation exercise which had been undertaken by East Sussex County Council with the Borough and District Councils of East Sussex, on its proposal to set a rate of £43 per tonne for 2006/07. The District Councils had responded to that consultation by questioning why East Sussex County Council proposed to use the default figure to justify its calculation of a recycling credit. The Borough/District Councils had suggested that East Sussex County Council should calculate its actual saving at the highest cost per tonne of waste diverted from landfill.

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At its meeting on 13 March 2007, East Sussex County Council's Cabinet had decided to approve a Recycling Credit rate of £43 per tonne for 2006/07, back dated to 1 April 2006. Details of its response to the District Councils' argument were set out in paragraph 2.6 of the Report.

Following that decision, the Borough/District Councils had asked East Sussex County Council if they could see the parts of the contract that had not been made public to verify whether or not the contract enabled East Sussex County Council to calculate the cost per tonne of waste diverted from landfill.

East Sussex County Council had declined to give the District Councils copies of the relevant parts of the contract, but had said that it was prepared to allow two officers, drawn from the Boroughs/Districts, to go to County Hall and look at those parts of the contract under supervision, further details of which were set out in the Report.

Subsequent to that visit, it had been concluded that East Sussex County Council was able to calculate the cost per tonne of diverting waste from landfill.

The Report therefore outlined details of the suggestion that the best way forward was for East Sussex County Council to agree to an independent auditor being appointed by the Audit Commission in order to look at the parts of the contract that had not been made public and give the Borough and District Councils a definitive answer in respect of the matter. However, the Chief Executive stated that, since the publication of the Report, East Sussex County Council had indicated that it was not prepared to agree to such suggestion.

**Resolved:**

- 44.1** That the information set out in Report No 132/07, and as reported by the Chief Executive at the meeting, relating to the payment of Recycling Credits, be received and noted; and.
- 44.2** That the Council continue to pursue, with East Sussex County Council, the suggestion that an independent auditor be appointed by the Audit Commission in order to look at the parts of the contract relating to the repayment of Recycling Credits that had not been made public, and give the Borough and District Councils a definitive answer to the issues in respect thereof, as detailed in the Report.

CE

**Reason for the Decision:**

To enable the Cabinet to keep the situation relating to the payment of Recycling Credits under review because such payment has an impact on the Council's financial ability to extend recycling.

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**45 Lewes District Play Strategy**

The Cabinet considered Report No 133/07 which provided an update on the Children's Play Programme and proposals to adopt the Lewes District Play Strategy, a copy of which was set out at Appendix 1 to the Report.

In 2004, the Government had published a report relating to children's play entitled "Getting Serious About Play – a Review of Children's Play in England". It recommended that National Lottery funding be used to "Improve Children's Play Opportunities" in England and had led to the development of the Children's Play Initiative.

The Children's Play Council had received funding to set up Play England – a 5-year project to help local agencies in planning for play across their area through the setting up of a national support and development infrastructure across the regions. The Big Lottery had allocated funding to all single tier and District Councils across England from which the Lewes District area had been allocated £200,000.

Wide-ranging consultation had taken place in order to develop the Lewes District Play Strategy, further details of which were set out in paragraphs 2.4 to 2.9 of the Report.

Following the initial consultation, a Play Partnership had been established which was currently in the process of selecting several projects to take forward for inclusion in the final portfolio which was being submitted to the Big Lottery in September 2007.

The Partnership was taking the lead in selecting those projects which met the criteria for the funding, and deciding which projects should go through to the final bidding process for which The Play Strategy formed a vital part.

Resolved:

- 45.1** That the Lewes District Play Strategy, as set out at Appendix 1 to Report No 133/07, be approved and adopted;
- 45.2** That the progress made in developing a bid for funding through the Big Lottery Children's Play Programme, be noted; and
- 45.3** That the submission of a bid to the Big Lottery Fund in September 2007, based on projects to be selected by the Lewes Play Partnership, be approved.

DFCS

DFCS

Reason for the Decisions:

The Big Lottery Fund has allocated funding to create "Children's Play Opportunities" across the District. In order to secure the funding, a District-

wide Play Strategy is required which needs to be submitted with the funding application. The Cabinet had approved the process for preparing the Play Strategy at its meeting on 13 September 2006.

#### **46 East Sussex Economic Development Strategy Consultation**

The Cabinet considered Report No 134/07 relating to the Council's comments to the East Sussex Economic Partnership (ESEP) in respect of its consultation on the new East Sussex Economic Development Strategy, a copy of which was appended thereto.

The ESEP had refreshed the Strategy which had been originally published in 2002. A new Strategy had been published for consultation upon which the Report outlined the proposed responses to the ESEP.

The Report set out a commentary on individual parts of the Strategy together with proposed responses to the three questions which the Strategy raised in its Foreword.

##### Resolved:

**46.1** That the comments in set out in paragraphs 3.1 to 3.10 of Report No 134/07, together with requests that:

- (a) the role of the rural economy be strengthened;
- (b) improvements be made to transport links including the A26, A27 and A259 roads, and the ferry link between Newhaven and Dieppe; and
- (c) further consideration be given to the provision of a rail link between Lewes and Uckfield,

be submitted to the East Sussex Economic Partnership in response to its consultation on the new East Sussex Economic Development Strategy.

##### Reason for the Decision:

To respond to the consultation within the deadline of 31 August 2007.

#### **Councillor Freeman in the Chair**

#### **47 The Tom Paine Festival 2009**

The Cabinet considered Report No 135/07 relating to a proposal to enter

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into a contract with the company which was the proposed Project Manager for the Tom Paine Festival 2009, on behalf of the Town Council and other interested organisations. The proposed Heads of Terms in respect of the contract were set out in Appendix A to the Report.

The bi-centenary of Tom Paine's death was due to occur in June 2009. During the past five years, a group of local people working under the title 'The Tom Paine Project' had organised events to commemorate the six years that Tom Paine had spent working on his ideas in Lewes. The group had produced a range of activities each year comprising lectures and small exhibitions to create interest in the fact that Tom Paine was a significant part of the towns' heritage. However, the potential of his time in Lewes as a tourism attraction had not, until recently, been seriously explored. His birthplace and schoolroom at Thetford, Norfolk, had been promoted as part of that towns tourism package for several years and the amount of interest which had been generated by tourists, particularly Americans, was significant.

Earlier in 2007, a Steering Group had been formed comprising representatives of several organisations namely:

- Lewes Town Council;
- Lewes Chamber of Commerce;
- The Headstrong Club (a voluntary society that celebrated Tom Paine's life and ideas);
- The Tom Paine Project Limited (a non profit making company that the group of local people had formed to produce events concerning Tom Paine); and
- the Council (in its tourism role).

The Steering Group had decided that if the festival in 2009 was to be taken seriously, it required a committed Project Manager with a good track record of creating and managing cultural and tourism attractions. Following a recruitment process, the Group had decided to appoint Mr Paul Myles, who had previously helped to produce the Lewes Town Festival and had acted as entrepreneur and Manager for four substantial sculpture exhibitions at Lewes Town Hall.

Mr Myles proposed to form a company, limited by guarantee, as the vehicle for managing the event and would seek sponsorship and external funding to help support the exhibition. The Steering Group had agreed with that proposal, but, due to it having no legal personality, it was necessary for one of the Group's organisations to enter into a contract with the company.

The choice of such organisation fell between the Council and Lewes Town

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Council. However, Lewes Town Council had asked the Council if it would take responsibility for the contract because Lewes Town Council did not have the necessary staff resources to create or deal with a commercial contract of that nature.

The Cabinet had previously authorised a budget of £10,000 to support cultural and tourism events in 2009 relating to the Festival. The proposed contract would limit the Council's financial liability to that sum, or to any further sum which the Council might specifically allocate for cultural or tourism events relating to the project.

Resolved:

- 47.1** That the Heads of Terms relating to The Tom Paine Festival 2009, as set out in Appendix A to Report No 135/07, be approved, subject to any final amendments by the District Solicitor when the contract is drafted.

CE/DSol

Reason for the Decision:

To enter into a contract with the company that is the proposed Project Manager for the Tom Paine Festival 2009 on behalf of Lewes Town Council and other interested organisations.

*(Note: Councillor De Vecchi declared her prejudicial interest in this item as Chair of the Tom Paine Project and, therefore, did not take part in the consideration, discussion and voting thereon).*

**Councillor De Vecchi in the Chair**

**48 Wave Leisure - Annual Service Statement, Resource and Performance Requirement 2008/2009**

The Cabinet considered Report No 137/07 relating to the 2008/2009 Annual Service Statement, Service Fee and Performance Indicators in respect of the Wave Leisure Trust.

The Trust had completed its first year of operation at the end of March 2007 and its Accounts and Annual Report had been duly audited without qualification.

The year had been successful for the Trust, the Council and, of greater importance, for Leisure Centre users and Council taxpayers generally. The new arrangements had generated resources of £634,000 over the two year period 2006 to 2008 which had been entirely reinvested in the Leisure Centres. Additionally, the Council had allocated £207,465 from its own reserves towards the cost of an All Weather Pitch at the Downs Leisure



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Centre, Seaford.

The arrangements between the Council and the Trust required the Council to prepare and approve an Annual Service Statement by 31 July each year in order that Wave Leisure could produce an Annual Service Plan which demonstrated how it proposed to meet the Council's objectives as set out in the Statement.

The proposed Statement was set out at Appendix A to the Report which was based upon an amalgamation of the aims and objectives of the Council, as set out in the Council Plan, and the priorities set by the Crime Reduction Partnership (CRP) and the Local Strategic Partnership (LSP), further details of which were set out in the Report.

In return for Wave Leisure providing services and undertaking activities that met the Council's stated objectives, the Council provided the Trust with an Annual Service Fee which, for 2008/2009, was £812,630 plus an indexed inflation allowance. When the agreement was signed, the Council outlined that it would provide additional service fees of £540,500 over the first five years of operation, 2006 to 2011. By the end of 2008 all such fees would have been paid and utilised.

The Trust was required to report on its performance against a series of performance indicators that were set by the Council. The current indicators and associated targets were set out in Appendix B to the Report. The suggested targets shown against each Indicator for 2008/2009 and beyond had been considered carefully against the aims and objectives, as articulated in the Council's Annual Service Statement.

Resolved:

- 48.1** That the Wave Leisure Trust Annual Service Statement, Service Fee and Performance Indicators, as set out in Report No 137/07, be approved.

DFCS

Reason for the Decision:

The agreement between the Council and the Wave Leisure Trust requires the Cabinet to approve, on an annual basis, a Service Statement, proposed Resource Allocation (service fees) and set appropriate Performance Indicators and associated targets.

**49 'Fit for the Future' – Consultation Response to East Sussex Downs and Weald Primary Care Trust**

The Cabinet considered Report No 138/07 relating to proposals, by the East Sussex Primary Care Trust (PCT), for the future shape of health services

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across East Sussex and the Council's proposed response to the consultation exercise that was being undertaken in respect thereof.

Residents of the District received several services from a range of National Health Service (NHS) organisations, the context of which was detailed in Appendix A to the Report.

Throughout the past year, the East Sussex PCTs had been undertaking a review of local health services with the intention of developing proposals for changing the configuration of such services where they considered it was necessary. Progress reports had been received by the East Sussex Health Overview and Scrutiny Committee (HOSC), which was part-funded by the Council, in order that it could undertake a statutory scrutiny of county-wide NHS services.

The PCT's proposals had been developed in-line with a Strategic Health Authority Programme "Creating an NHS Fit for the Future", which was designed to ensure that health services were capable of meeting the challenges and increasing demands of the 21<sup>st</sup> century,

The PCTs had confirmed to the HOSC that any proposals had taken account of national policies and local needs and that the key drivers for change were:

- (a) clinical quality and safety;
- (b) meeting patients' needs;
- (c) accessibility; and
- (d) making the best use of finite resources.

The PCTs had identified those services for which they believed change was needed and a range of options had been developed for the future structure of such services. Following a meeting of the joint boards of the East Sussex PCTs, a period of consultation was underway. Details relating to the proposals were set out in paragraphs 1.7 to 1.15 of the Report.

Appendix C to the Report set out details of the Council's draft response to the consultation which had been prepared by the Lead Councillor for Environment. However, the document needed to take into account:

- (a) the views of the Cabinet;
- (b) the views of the Council at its meeting to be held on 25 July 2007; and
- (c) any updated information which was received from HOSC before the close of the consultation period on 27 July 2007.

**Action**Resolved:

- 49.1** That consideration of Report No 138/07 relating to proposals, by the East Sussex Primary Care Trust, for the future shape of health services across East Sussex and the Council's response to the consultation exercise which is being undertaken in respect thereof, be deferred for consideration by the Council at its meeting on 25 July 2007.

DPES &  
T Hayward  
(both to  
note)

Reason for the Decision:

To enable discussion relating to proposals by the East Sussex Primary Care Trust for the future shape of health services across East Sussex, and the Council's response thereto, to be undertaken by the Council at its meeting on 25 July 2007 in the light of the Council's consideration, at that meeting, of two Notices of Motion that have been received.

**50 Badgers Close, Newhaven**

The Cabinet considered Report No 139/07 relating to the situation in respect of an incomplete development at Badgers Close, Newhaven.

On 20 July 1998, Planning Permission No LW/98/0676 had been granted for the 'Erection of one detached and 14 pairs of semi-detached houses (total 29) including road works and site works' at 'Land at rear of 67-89 Hillcrest Road', Newhaven for which the houses and access road had since been constructed and the development had been occupied for over five years. Such Permission had been granted subject to several conditions including some relating to landscaping and screen and boundary walls, details of which were set out in paragraph 1.2 of the Report. A plan of the site was appended to the Report.

Details of proposals for landscaping, boundary treatment and a retaining wall along the southern boundary of the site, which backed onto houses at a lower level in Gibbon Road, had been approved by the Council in 2000. However, such matters had not been implemented when the development was constructed. The site was therefore incomplete in those respects and the southern boundary was untidy, unkempt and overgrown.

The Council's Legal Section had advised that enforcement action was not feasible, particularly since the company which carried out the development no longer existed and responsibility for the site had, in effect, been passed to the residential occupiers.

Earlier in 2007, the Directors of Badgers Close (Newhaven) Ltd (BCNL), which was a residents group formed to carry out the ongoing maintenance of the site, had contacted the Council to advise that the National House

**Action**

Building Council had accepted responsibility under the warranty agreement for the “stabilisation and protection” of the southern boundary and that they had “agreed to adopt whatever method their engineer decides to adopt for this work”, including any retaining wall.

BCNL had asked the Council to “fully co-operate in any matter involving fences, land, approvals, etc”, and that the Council undertake to do the landscaping itself in order that it fulfilled what BCNL regarded as “its duty of care to the residents of Badgers Close” as planning authority. The Association had indicated that it was “not looking for extensive planting but just clearing, levelling and seeding so that we can maintain the site in a tidy condition.”

The Council’s Community Services Department had subsequently advised that to clear, level, topsoil and seed the land required to be landscaped, with some planting if desired, was estimated to cost up to about £5000. Given the difficulties of taking enforcement action against the developer and the continued adverse affect on the amenities of residents from the condition of the southern boundary, the Report recommended that the Council finance and undertake the works required to landscape the site, in consultation with the Directors of BCNL, in order to bring the matter to a conclusion.

Resolved:

**50.1** That, having regard to the considerations set out in Report No 139/07, as an exceptional case, the financing of landscaping works at Badgers Close, Newhaven, be agreed; and

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**50.2** That the Director of Planning and Environmental Services be authorised to seek an agreement from the Directors of Badgers Close (Newhaven) Ltd that, provided the Council carries out the landscaping works referred to in 50.1 above, the Directors of Badgers Close (Newhaven) Ltd will maintain the landscaped areas in perpetuity at no further cost to the Council.

DPES

Reason for the Decisions:

To ensure a satisfactory development for the benefit of local residents.

**51 Best Value Survey 2006/07**

The Cabinet considered Report No 140/07 relating to the results of the three yearly Best Value General Survey in respect of public satisfaction with Council Services and other matters which people felt affected the quality of local life.

The self-completion postal Survey had been conducted amongst 1,185 local

**Action**

residents between September 2006 and January 2007, the main results of which were set out in paragraph 2.1 of the Report.

It had been based on a questionnaire which had been devised by the Government which the Council was not allowed to change or modify except to insert the name of the District Council in certain places. The Government required all councils to undertake the Survey every three years. In order to reduce the costs, the five district and borough Councils in East Sussex had procured the same research company, namely BMG Research, to undertake the survey on their behalf.

The target population for the survey was the adult population (18+) of the District, and the sample had been drawn from the Postcode Address File supplied by the Audit Commission. The survey had been undertaken according to Audit Commission guidelines and had included two reminder mailings, further details of which were set out in paragraph 3.3 of the Report. A total of 1,185 usable completed questionnaires were returned which represented a response rate of 47%.

The Council's consultants had indicated to the government for several years that the questionnaire needed to be overhauled. In some places, it had not clearly defined what was meant by "your council". It had also grouped together some services that were not provided by the Council but which it was not allowed to delete.

The questionnaire had also asked people to give opinions on a wide range of life issues such as local wages, the cost of living and crime. Some of those issues were influenced directly by government policy more than matters for which councils were responsible.

The headline results of the Council's survey were set out in Appendix B to the Report. It showed a good level of satisfaction with the Council's services but indicated a lower satisfaction level in areas in which people had been asked whether things had got better or worse including the local cost of living, education, access to nature and health services.

When asked whether things had improved or deteriorated in their local area over the last three years, respondents said that, in most cases, things had deteriorated. Most notably, respondents felt things had got worse with regard to job prospects, the level of crime and wage levels. However, improvements appeared to have been made with regard to sports and leisure facilities, education and access to nature, further details of which were set out in paragraph 3.6 of the Report.

The survey was at its most reliable with regard to people's direct opinions on services that they had used. However, the issues which needed attention were:

## Action

- (a) the level of satisfaction with services was generally high but a substantial proportion of people were not satisfied with the arrangements to deal with complaints; and
- (b) the result for overall satisfaction with the Council at 51% was noticeably lower than the results for individual services. Therefore, the Council needed to test why a substantial proportion of respondents valued individual services but did not think that, overall, the Council was providing value for money.

Appendix C to the Report set out several proposals to improve the way the Council communicated with the public about the delivery of value for money.

Resolved:

- 51.1** That the positive results from the Best Value General Survey 2006/07 in respect of public satisfaction with Council Services, as detailed in Report No 140/07, be noted; and
- 51.2** That the proposals to improve communication with the public on the value for money provided by the Council, as detailed in Appendix C to the Report, be approved.

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Reason for the Decisions:

To improve the Council's services.

**52 Proposed Extension of the Sussex Downs College Site at Denton Island, Newhaven**

The Cabinet considered Report No 141/07 relating to a proposal, by Sussex Downs College, for the extension of its building onto land between its existing premises and the Newhaven Community Development Association (NCDA) building on Denton Island, Newhaven. The freehold of the proposed development land was owned by the Council. A plan relating to the proposal was appended to the Report.

Part of the proposed building land was leased to NCDA which also had a right of access over the remainder of the land.

The expansion of the College's activities was to be welcomed in principle in that it would help the regeneration of Newhaven by addressing the recognised local priority needs for education and skills development in the area. The proposal would also strengthen the regeneration of Denton Island as an integrated focus for business, skills and social development.

Details relating to the proposed legal framework and Heads of Terms for the

development were set out in paragraphs 7 to 11 of the Report.

Resolved:

- 52.1** That the Officers be authorised to enter into negotiations with :
- (a) Sussex Downs College for a building agreement, lease and deed of variation in respect of the College's proposal to extend its site at Denton Island, Newhaven, as detailed in Report No 141/07; and.
  - (b) the Newhaven Community Development Association for a deed of variation in respect of the Association's rights.

Reasons for the Decisions:

The proposed extension would assist the further expansion of Sussex Downs College, strengthen the regeneration of Newhaven and Denton Island and secure additional income for the Council.

*(Note: The Chief Executive declared his non-prejudicial interest in this item as a Governor of Sussex Downs College and, therefore, took part in the discussion thereon).*

**53 Draft Scrutiny Work Programme 2007/08**

The Cabinet considered Report No 142/07 relating to the Draft Scrutiny Committee Work Programme 2007/08, a copy of which was appended to the Report.

Scrutiny Procedure Rule 7(a) required the Programme to be reviewed annually in liaison between the Scrutiny Committee, the Cabinet and the Corporate Management Team, before being submitted to Council for approval.

Resolved:

- 53.1** That the Scrutiny Committee be advised that the Cabinet has no comments to make relating to the Draft Scrutiny Committee Work Programme 2007/08, as appended to Report No 142/07.

Reason for the Decision:

Scrutiny Procedure Rule 7(a) requires the Scrutiny Committee Work Programme to be reviewed on an annual basis in liaison between the Scrutiny Committee, the Cabinet and the Corporate Management Team before being submitted to Council for approval.

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#### 54 Outside Body Representation – Plumpton College Corporation and Joint Parking Board

The Cabinet considered Report No 143/07 relating to the Council's representatives who served on Plumpton College Corporation and the Joint Parking Board.

The Instruments and Articles of Plumpton College stipulated that former Councillor J L Carr who, in 2004, had been appointed by the Council to serve as its representative on Plumpton College Corporation for a period of 4 years, remained on the Corporation in her own right, and not in a representative capacity, until 2008, even though she was no longer a Councillor.

The Report therefore suggested that the Council's subsequent appointment of Councillor P F Gardiner to serve as its representative on the Corporation, be withdrawn.

The Joint Parking Board was organised by East Sussex County Council but had no devolved powers. It had existed since the current parking scheme was planned but had not previously been listed amongst the Outside Bodies to which the Council made appointments at its Annual Meeting.

The Lead Councillors for Policy and Financial Strategy and Planning had represented the Council on the Board since its inception and those Councillors were therefore nominated to serve as the Council's representatives thereon.

In accordance with Council Procedure Rules Appendix (Procedures for Appointments), paragraph 4.3 (Arrangements for Filling Vacancies), the Head of Democratic Services, had consulted the Leader of the Council and the Leader of the Minority Group, and had appointed the Lead Councillors for Policy and Financial Strategy and Planning namely, Councillors De Vecchi and Gardiner, to the Board, pending confirmation by the Cabinet.

#### Resolved:

- 54.1** That the Council's nomination of Councillor P F Gardiner to serve as its representative on the Plumpton College Corporation, as detailed in Report No 143/07, be withdrawn; and
- 54.2** That the appointment of the Lead Councillors for Policy and Financial Strategy and Planning be confirmed as the Council's representatives on the Joint Parking Board.

#### Reasons for the Decisions:

Plumpton College Instruments and Articles stipulate that former Councillor J L Carr, appointed by the Council for 4 years in 2004, remains on the

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Corporation in her own right, and not in a representative capacity, until 2008, even though she is no longer a Councillor.

The Joint Parking Board, organised by East Sussex County Council and with no devolved powers, has existed since the present parking scheme was planned but has not previously been listed amongst the Outside Bodies to which Council makes appointments at its Annual Meeting.

**55 Clean and Green Team - Progress Report and Future Service Provision**

The Cabinet received Report No 144/07 which provided an update on the overall progress of the Clean and Green Team that had been officially launched in August 2006 with the objective of reducing environmental crime and anti-social behaviour.

In response to a Councillors question relating to the use of income that was obtained from the seizing of untaxed vehicles, as referred to in paragraph 3.7 of the Report, the Director of Finance stated that such income was used for, amongst other things, the costs which were incurred by the Council in pursuing court cases associated with such vehicles.

Resolved:

- 55.1** That the performance, to date, of the Clean and Green Team in relation to tackling environmental crime and anti-social behaviour, as detailed in Report No 144/07, be received and noted.

Reasons for the Decision:

The establishment of the Clean and Green Team is a major commitment by the Council towards its stated objective of protecting the local environment.

The Cabinet had previously agreed to establish such a Team from August 2006 in order to take advantage of opportunities afforded by new legislation. In doing so the Cabinet has approved additional funding to support the new service until 2008.

**56 Start Time of the Meeting of the Cabinet to be Held on 17 October 2007 – Local Democracy Week**

The Cabinet considered the suggestion that the start time of its meeting scheduled to be held during Local Democracy Week on Wednesday, 17 October 2007, be changed to 9.00am, in order that it could be staged at Ringmer Community College during College time so as to provide students with an opportunity to engage in the democratic process.

**Action**Resolved:

- 56.1** That the start time of the meeting of the Cabinet scheduled to be held during Local Democracy Week on Wednesday, 17 October 2007, be changed to 9.00am.

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note)

Reason for the Decision:

In order that the meeting can be staged at Ringmer Community College during College time so as to provide students with an opportunity to engage in the democratic process.

**57 Questions From a Councillor**

Questions had been received from a Councillor on the following subject, copies of which were circulated to all councillors at the meeting and made available to the public attending the meeting:

Councillor      Question Concerning

Councillor Nicholson	The condition of the breakwater at the entrance to Newhaven harbour.
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**58 Exclusion of the Public and Press**Resolved:

- 58.1** 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 and 3 of Part 1 of Schedule 12A of the Act:

- (a) National Land and Property Gazetteer (NLPG): To Consider Future Resources to Deliver the Local Gazetteer; and
- (b) Write-Off of Irrecoverable Debts.

**59 National Land and Property Gazetteer (NLPG): To Consider Future Resources to Deliver the Local Gazetteer**

The Cabinet considered Report No 145/07 relating to progress which had

been made in respect of the Local Land and Property Gazetteer, progress towards Government targets for delivery of the National Land and Property Gazetteer and future resources for the project.

Resolved:

- 59.1** That progress relating to the Local Land and Property Gazetteer, as detailed in Report No 145/07, be received and noted;
- 59.2** That the sum of £14,000 be allocated from the Corporate Capacity and Change Management element of the General Fund Working Balance to allow the extension of the Gazetteer Officer's temporary contract to 31 March 2008; and
- 59.3** That the resources for the continuation of work on the Local Land and Property Gazetteer beyond March 2008 be reviewed when the Council considers service priorities in the light of the publication of the Government's Comprehensive Spending Review at the end of 2007.

Reasons for the Decisions:

To ensure continuation of work on the Local Land and Property Gazetteer and progress towards Government targets for delivery of the National Land and Property Gazetteer.

**60 Write-Off of Irrecoverable Debts**

The Cabinet considered Report No 146/07 relating to the writing-off of irrecoverable debts.

Resolved:

- 60.1** That the action taken by the Director of Finance and Community Services in writing-off irrecoverable debts, as set out in paragraph 2 of Report No 146/07, be received and noted; and
- 60.2** That the sum of £42,303.61 in respect of debts, as detailed in paragraphs 3.1 to 3.9 of the Report, be written-off.

Reason for the Decisions:

To write-off irrecoverable debts which are owed to the Council.

The meeting ended at 4.43pm

A C De Vecchi  
Chair

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