



## Lewes District Council

### Cabinet

**Minutes** of a meeting of the **Cabinet** held in the **Ditchling Room, Southover House, Southover Road, Lewes** on **Monday, 7 July 2014** at 2.30pm

#### **Present:**

Councillor R Blackman (Chair)

Councillors P L Franklin, P A Howson, A T Jones, R K Maskell and A X Smith.

#### **In Attendance:**

Councillor S J Osborne (Leader of the Liberal Democrat Group).

Councillor I Eiloart (Chair of the Audit and Standards Committee).

Councillor C R O’Keeffe who, with the agreement of the Chair, asked questions at the meeting.

Mr J Sinclair (Tenants’ Representative).

#### **Apologies received:**

Councillor E C Merry

Mr D Forsdike (Tenants’ Representative).

### Minutes

#### **12 Chair’s Announcements**

##### **(a) Alan Osborne and Graham Cook**

The Chair introduced to the meeting Alan Osborne who was the Chief Finance Officer at Eastbourne Borough Council and who had been appointed by the Council to work in a part-time capacity as its Director of Corporate Services to replace Julian Osgathorpe who had recently left his

#### **Action**

employment with the Council.

The Chair further introduced Graham Cook who was the retiring Deputy Chief Executive at Reigate and Banstead Borough Council who was working with the Council two days each week in order to give extra support to the work associated with transformational change.

**(b) New Funding from Local Enterprise Partnerships**

The Chair reported that close partnership working between local councils had secured £10 million for a new port access road in Newhaven and £9 million for flood defences which included a promise of £6 million from the Environment Agency.

Funding for the schemes would come from the Local Enterprise Partnerships (LEP) following an announcement of a government "growth deal". The LEP funding was in addition to some confirmed funding from East Sussex County Council following which the Coast to Capital LEP would invest a further £10 million on the port access road and the South East LEP would contribute £3 million towards improving flood defences.

Resolved:

- 12.2** That the announcements made by the Chair in respect of the appointment of two new Officers and new funding from Local Enterprise Partnerships, be received and noted; and
- 12.3** That the Chief Executive and the Officers be thanked for their work which had resulted in the award of funding from the Local Enterprise Partnerships.

CMT

Reasons for the Decisions:

To be introduced to two new Officers and to be informed of the award of funding from the Local Enterprise Partnerships.

**13 Minutes**

The Minutes of the meeting held on 2 June 2014 were approved as a correct record and signed by the Chair.

**14 Reporting Back on Meetings of Outside Bodies**

Councillor Jones provided feedback on a meeting of the Coastal West Sussex and Greater Brighton Strategic Planning Board which he had attended as the Council's representative thereon as follows:

CouncillorOutside Body

Councillor Jones

Coastal West Sussex and Greater Brighton Strategic Planning Board

Councillor Jones reported that the Council, together with its partner authorities on the Board, had been awarded the Royal Town Planning Institute Planning Excellence Award for innovative planning practice in plan making.

The Board had met on 3 July 2014 at which the member authorities had agreed to engage in dialogue with the Greater London Authority, on an on-going basis, regarding its housing need.

At that meeting, it was also agreed that Southern Water be invited to subsequent meetings of the Board in order to provide input.

Councillor Jones felt that the Board was fulfilling an important role and was working well.

Resolved:

- 14.1** That the Report of Councillor Jones in respect of a meeting of the Coastal West Sussex and Greater Brighton Strategic Planning Board, which he had attended as the Council's representative thereon, be received and noted.

Reason for the Decision:

To note the Report of Councillor Jones who represented the Council at meetings of the Coastal West Sussex and Greater Brighton Strategic Planning Board.

**15 Finance Update**

The Cabinet considered Report No 95/14 which provided an update on financial matters that affected the General Fund Revenue Account, the Housing Revenue Account and the approved Capital Programme.

Appendix 1 to the Report set out details of Treasury Management activity between 1 May and 18 June 2014, all of which was consistent with the Council's approved Treasury and Investment Strategies for 2014/2015.

Treasury management in local government was governed by the Chartered Institute of Public Finance and Accountancy Code of Practice on Treasury Management in the Public Services. The Council had adopted the Code and complied with its requirements, one of which was that the Council should receive an Annual Treasury Management Report following the end

of each financial year. Such Report also included the results of the various indicators which the Council set each year in accordance with the Prudential Code for Capital Finance in Local Authorities.

Appendix 2 to Report No 95/14 set out the Annual Treasury Management Report for 2013/2014 which had been considered by the Audit and Standards Committee at its meeting on 23 June 2014 which followed the preparation of Report No 95/14. The Cabinet Member for Corporate Services reported that the Committee had not made any comments in respect of the Annual Treasury Management Report for 2013/2014 following which Cabinet was invited to recommend to Council that it be approved.

Paragraph 4.3 of Report No 95/14 set out information relating to the General Fund for which the year end position for 2013/2014 was in line with the budget and remained sufficiently robust to support the Medium Term Financial Strategy. The table in paragraph 4.3.2 provided a high level summary of the changes during the year.

The total movement and year end position on each of the General Fund Reserves was set out at Appendix 3 to the Report which incorporated transfers between reserves that had been agreed by Cabinet in June 2014. In total, £10.014m was held in the General Fund at 31 March 2014 with a further £1.424m held in the Housing Revenue Account Housing Repairs Reserve. That Appendix also showed the projected balance held by each of the Reserves at 31 March 2015, after taking into account approved contributions to, and the use of reserves, in 2014/2015.

Paragraphs 4.5 and 4.6 of the Report set out details relating to the Housing Revenue Account and the Collection Fund Balance respectively.

Paragraph 4.7 of the Report related to the Capital Programme which was an allocation of resources (principally capital receipts from the sale of assets, grants or contributions received with specific conditions attached, and reserves) to projects in respect of the major repair, enhancement or purchase of long-term assets. In many cases such projects would span financial years.

The 2013/2014 detailed Capital Programme outturn position was shown at Appendix 6 and was summarised in the table in paragraph 4.7.2 to the Report. In some cases, further variations to the allocations previously agreed during 2013/2014 were necessary. Details of the most significant changes noted at Appendix 6 were set out in the table in paragraph 4.7.3 of the Report. The Capital Programme for 2014/2015 was shown at Appendix 7 which had been updated to include the amounts brought forward from 2013/2014. Other recommended variations thereto were set out in the table in paragraph 4.7.4 of the Report.

At its meeting on 6 January 2014, Cabinet had agreed that, following the decision of the Cooperative Bank to withdraw from the local authority market sector, the Council should join with a procurement exercise with other East Sussex District and Borough Councils and Crawley Borough Council to appoint a common bank.

The East Sussex Procurement Hub that was based at Wealden District Council had managed the tender exercise which had taken into account the requirements of each authority. At the time Report No 95/14 was written, the tenders had been evaluated and the outcome was to be notified to the competing banks which triggered the required 10 day 'standstill' period.

The Cabinet Member for Corporate Services reported that, following expiry of the 'standstill' period, Lloyds Bank was the Council's preferred new banker to which it was anticipated that its banking arrangements would transfer during summer/autumn 2014.

Resolved:

- 15.1 That it be noted that Treasury Management activity since the last Report to Cabinet has been consistent with the Council's approved Treasury and Investment Strategy, as detailed in Report No 95/14;
- 15.2 That the final position on the General Fund, Housing Revenue Account and Collection Fund accounts for 2013/2014, be noted;
- 15.3 That the allocation of Reserves shown in Appendix 3 to the Report, be confirmed; DF
- 15.4 That the Capital Programme outturn for 2013/2014, as shown in Appendix 6 to the Report, be noted;
- 15.5 That the updated 2014/2015 Capital Programme set out in Appendix 7 to the Report, be approved; DF
- 15.6 That the outcome of the procurement of Banking arrangements as explained in paragraph **Error! Reference source not found.** of the Report, which confirms the appointment of a new Bank, be noted and that Lloyds Bank be appointed as the Council's new banker; and DF
- 15.7 That the remainder of the Report be received and noted.

It was further

Recommended:

- 15.8 That the Annual Treasury Management Report for 2013/2014 be approved. DF (to note)

Reasons 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. It is essential to ensure that the Council has a sound financial base from which to respond to changing activity levels and demand for statutory services and to ensure that, when appropriate, its finances are adjusted in response to reducing income levels and inflationary pressures on expenditure.

The Council's Treasury Management function deals with very large value transactions on a daily basis. It is essential that the Council is satisfied that appropriate controls are in place and in accordance with the Code of Practice on Treasury Management in the Public Services prepared by the Chartered Institute of Public Finance and Accountancy and adopted by the Council.

## 16 East Sussex Joint Waste Strategy 2014 - 2025

The Cabinet considered Report No 96/14 relating to a proposal to adopt the East Sussex Joint Waste Strategy 2014 to 2025, a copy of which was appended thereto.

In 2006 the East Sussex Waste Resource Partnership which comprised the Borough, District and County Councils working together, had published a Joint Waste Strategy for 2006 to 2020, to set out how the County's waste would be managed in a sustainable way. The targets that were set in 2006 had already been exceeded which led to a review of the previous Waste Strategy and looked at the potential for managing waste more sustainably, reducing costs, and maximising the value of waste materials.

The revised Joint Waste Strategy for East Sussex summarised the waste management arrangements and set out new aims, objectives and targets from 2014 to 2025. It reiterated the continued focus on the nationally accepted waste hierarchy and gave an overview of achievements since 2006. The waste hierarchy was;

- **To reduce** (produce less waste in the first instance - the preferred option);
- **To reuse** (without re-processing);
- **To recycle** (re-processing into the same type of product or something new);
- **To recover energy** – (waste converted to energy which was undertaken at Newhaven); and
- **To dispose** (to landfill and incineration - the least preferred option).

The Strategy set five main targets for 2020 namely:

- To work to limit the total amount of household waste generated to 995kg per household per year;
- To reuse 15% of the household waste generated;
- To recycle and compost 50% of the household waste generated;
- To recover energy from at least 95% of the rubbish that was not reused, recycled or composted; and

- To divert at least 95% of waste from landfill; and
- one target for 2025 namely:

- To recycle and compost 60% of the household waste generated.

Additionally, the Strategy had some other aims including those which were outlined in paragraph 8 of the Report.

The Joint Waste Strategy sets high level targets with work which was currently being undertaken, or was due to be undertaken, by each district and borough council and East Sussex County Council.

The Council had responsibility for the collection end of the waste service and would need to consider how it would deliver further reductions in waste levels and increases in recycling to meet the Strategy targets. It was the only district to implement food waste recycling which diverted an additional 6% of waste further up the waste hierarchy towards recycling.

Public consultation on the draft Joint Waste Strategy had taken place between 30 October and 11 December 2013 which included information on the Household Waste Recycling Site (HWRS) service review and the proposed closures at Forest Row, Wadhurst and Seaford in order to make efficiency savings.

The online consultation questionnaire found 40% of respondents agreed with the broad aims of the Strategy, 31% agreed with its targets but only 13% thought that they would be met which were low percentages of agreement for a strategy review. The majority of the comments related to people's views on the proposed HWRS closures. Overall, the consultation feedback suggested that, apart from the HWRS closure proposals, people were broadly in agreement with the Strategy's aims and objectives.

Subsequently, details of the proposed changes to the HWRS were removed from the Strategy and were considered separately by East Sussex County Council's Cabinet at its meeting on 28 January 2014 which decided to:

- Keep the Seaford, Wadhurst and Forest Row HWRS open Friday to Sunday and to close them Monday to Thursday; and
- Instruct Communities, Economy and Transport to develop additional proposals for finding further savings in the HWRS network.

East Sussex County Council proposed to start a process of engagement with boroughs, districts, and town and parish councils to explore a range of options on how further savings could be met from the HWRS budget in order to make up the savings gap from the partial closures.

Resolved:

- 16.1** That the East Sussex Joint Waste Strategy 2014 to 2025, as detailed in Report No 96/14, be adopted.

DSD

Reasons for the Decision:

Responsibility for the management of waste is divided between collection authorities namely, the district and borough councils, and the waste disposal authority namely, East Sussex County Council, and it is necessary that the disposal and collection authorities work together to manage waste sustainably and effectively. This is achieved through the East Sussex Waste Resource Partnership and the development of a broad strategy whereby parties agree the 'direction of travel' at a high level.

## 17 Cashless Parking

The Cabinet considered Report No 97/14 relating to the proposed introduction of cashless and incremental charging for parking across the District and to proposed minor amendments to the Traffic Regulation Order which was in place for Lewes.

In November 2012, Cabinet had authorised the undertaking of a feasibility study to broaden parking payment options to include payment by telephone or mobile phone.

East Sussex County Council (ESCC) had researched options and had narrowed the field down to one provider namely, RingGo, which could provide a cashless parking option and a virtual permit solution. In order to obtain the best price from the RingGo contract, the Council would need to sign up to a five year contract on the same terms as that for ESCC.

In March 2014, ESCC had received approval from its Lead Member to introduce a Cashless Parking scheme across the County which would offer greater flexibility and choice. Motorists would have the ability to top up their payment to increase their period of stay to the limit of the car park without needing to return to their vehicle. Furthermore, motorists would no longer need to have the correct change for the parking machines, an issue which had been a source of frustration for residents and visitors.

There was a cost per transaction to cover the associated operational costs which would be passed onto the customer for which ESCC had proposed a charge of 20p plus VAT. Brighton & Hove City Council had received many comments when it had introduced cashless parking and a transaction fee. Motorists viewed the transaction fee as either a stealth tax or an alternative way of increasing parking charges. However, the Council could mitigate motorist's concerns by offering the choice of continuing to use coin operated machines or to pay electronically. The matter of transaction cost recovery would be reviewed annually.

The ESCC Lead Member Report in March 2014 had also dealt with the introduction of incremental charging, a matter which the Council had not previously considered. Such regime represented better value for the motorist in that, in instances when parking meters did not provide the motorist with change when paying to park then, instead, the customer would receive additional parking time Page 6 of 16



the maximum stay time for the car park.

Report No 97/14 suggested that it was likely that the introduction of both cashless parking and incremental charging would reduce the number of Penalty Charge Notices issued, a matter which the Council aimed to achieve through a fair and reasonable parking operation.

The Report recommended that cashless parking and incremental charging be introduced at the pay and display car parks in Lewes, Seaford and Newhaven. However, the cashless parking service would only be accessible in the parts of those towns where mobile telephone network coverage existed.

In July 2013, some changes to the Traffic Regulation Order (TRO) had been implemented following Cabinet approval in November 2012 and April 2013 which included altering the length of stay in some of the car parks. The changes had been largely successful but the loss of long stay parking in Pinwell Road, Lewes, and The Maltings, Lewes, had been problematic for residents, businesses and visitors.

Both car parks were limited to a maximum stay of 4 hours under the changes but there was sufficient evidence to show that there was a need for longer stay parking at both locations, and that income had dropped significantly at those car parks since the changes were introduced. The Report therefore recommended that a further amendment be made to the TRO to reinstate both sites as long stay car parks.

Residents in the area of Brook Street, Lewes, had found it more difficult to park close to their homes since the introduction of the new tariff at Brook Street car park as commuters were parking on-street. There was a private car park at Corporation Wharf which had a lower tariff than the Brook Street car park but with fewer spaces. The Report therefore recommended that the tariff at Brook Street car park be brought in line with the private car park so that motorists were encouraged to park their vehicles in the Brook Street car park rather than on-street.

Resolved:

- |             |   |        |
|-------------|---|--------|
| <b>17.1</b> | That cashless parking be introduced at the Council's pay and display car parks across the District, as detailed in Report No 97/14, subject to details agreed by the Lead Member for Parking Management and the Director of Finance;          | DSD/DF |
| <b>17.2</b> | That incremental charging be introduced in pay and display car parks across the District;   | DSD    |
| <b>17.3</b> | That (a) long stay parking be reinstated at the car parks at Pinwell Road, Lewes, and The Maltings, Lewes; and (b) that the reduction of the tariff at Brook Street, Lewes, car park be approved as detailed in paragraph 2.22 of the Report; | DSD    |
| <b>17.4</b> | That initial funding for such schemes be approved from the 2014/2015 Service Priorities Budget with future years funding to be  | DSD    |

found from future year savings; and

- 17.5** That the proposed amendments to The East Sussex (Lewes District)(Off-Street Parking Places) Traffic Regulation Order, be approved, subject to consultation and completion of all necessary statutory procedures.

DSD

Reasons for the Decisions:

The introduction of cashless parking and virtual permits using new technology gives greater choice for the customer and allows for a more flexible process of paying for parking and applying for permits. Additionally, re-programming the parking machines to allow for incremental charging represents better value for the customer as the machines currently do not give change or additional time to people who do not have the correct coins.

To recognise and respond to problems caused to residents, businesses and visitors through the loss of long stay parking at Pinwell Road, Lewes, and The Maltings, Lewes, car parks.

**18 Local Air Quality Management: Air Quality Management Area in Newhaven, Part IV Environment Act 1995**

The Cabinet considered Report No 98/14 relating to the proposed declaration of an Air Quality Management Area (AQMA) at the A259 Newhaven ring road.

Part IV of the Environment Act 1995 (section 82), placed a statutory duty on all local authorities to periodically review and assess the quality of air within their boundaries, both currently and for the future, and to report against objectives for specified pollutants of concern to the Department of Environment Food and Rural Affairs (DEFRA).

The Local Air Quality Framework was the policy and technical framework that guided councils in tackling air quality issues. The Council, like all local authorities in England, continuously monitored air pollution against national standards, the results of which were submitted to DEFRA on a regular basis. In instances where results indicated that air quality standards were at risk of being reached or exceeded, DEFRA required local authorities to undertake a more detailed assessment of the levels of pollution in that area. A Detailed Assessment in Newhaven had identified the need to declare an AQMA in areas adjacent to the A259 gyratory.

Further to a Report to Cabinet in February 2013 relating to the detailed assessment of air quality in Newhaven, DEFRA's acceptance of the Assessment in April 2013 and the Council's consultation on the findings thereof in September 2013, the Council then consulted on the geographical extent of the Newhaven AQMA, further details of which were set out at Appendix 1 to Report No 98/14. Subsequently, the Council needed to declare an AQMA by way of issuing a formal order.

The consultation consisted of an online survey which had attracted 40 responses. The highest percentage of participants described themselves as residents, followed by commuters, others and then business owners. The participants had been presented with 4 options, each detailing the proposed size of the AQMA and the associated pros and cons of each. The four options were detailed in Appendix 1 to the Report together with accompanying maps. Options 3 and 4 were by far the two most popular choices, demonstrating that there was a keen interest in protecting and improving air quality in Newhaven.

Option 3 focussed on the areas of exceedence, ensured that any development in the area of influence would consider air quality as a material planning condition and captured the key transport links that were the source of the air quality hotspots.

The presence of an AQMA could be a useful tool in influencing the kind of development that was allowed in an area, promoting low pollution developments. A blanket declaration of a town that was proposed in Option 4 was likely to dilute such effect. Furthermore, Option 4 included large areas that were not currently exceeding the air quality objective or were not likely to do so in the future.

Wherever the boundaries of the AQMA were drawn, then an Action Plan would need to cover a wider area if it was to be successful. The map of Newhaven which was set out at Appendix 4 to the Report illustrated the size and location of the proposed AQMA.

Resolved:

- 18.1** That the Lewes District Council Air Quality Management Area A259 Newhaven ring road (No. 1) Order 2005 be made in respect of Option 3, as detailed in Appendices 3 and 4 to Report No 98/14.

DSD

Reasons for the Decision:

In order to fulfil the Council's Local Air Quality Management duties under Part IV of the Environment Act 1995.

To enable an air quality action plan to be drafted and implemented.

To work towards improving air quality in Newhaven particularly in those areas in close proximity to the A259 ring road.

**19 Annual Performance Report 2013/14**

The Cabinet considered Report No 99/14 relating to a proposal to approve the Annual Performance Report 2013/14, a copy of which was appended thereto.

Performance management was the process of taking action, based on specific information, to improve results and achieve the Council's strategic goals for which regular monitoring and reporting of progress and

performance was a key element.

The process was reliant on good quality data/information which supported service improvement, communications/public relations, community engagement, effective scrutiny and data transparency.

The Annual Performance Report provided a high level summary of progress and performance of the Council over recent years with a particular focus on 2013/14. It highlighted many of the Council's significant improvement and regeneration projects, further details of which were set out in paragraph 2.3 of the Report.

Resolved:

- 19.1** That the Annual Performance Report 2013/14, as appended to Report No 99/14, be approved for publication both internally and on the Council's website, subject to any minor textual, design changes as agreed by the Director of Business Strategy and Development in consultation with the Cabinet Portfolio Holder.

DBSD

Reasons for the Decision:

To provide a summary of achievements and performance for the financial year 2013/14.

## 20 Appointments to Serve on Outside Bodies

The Cabinet considered a proposal to confirm the appointment of the following member representatives to serve on the respective Outside and Joint Bodies namely:

- **East Sussex Health Overview and Scrutiny Committee** – Councillor J M Harrison-Hicks (to replace Councillor E C Merry);
- **Lewes Joint Parking Board** – Councillor P A Howson (to replace Councillor R Blackman);
- **South East England Councils** – Councillor R Maskell (to replace Councillor I A Nicholson); and
- **Housing Consultative Panel** - Councillor P A Howson (to replace Councillor I A Nicholson).

Resolved:

- 20.1** That the appointment of the above member representatives to serve on the respective Outside and Joint Bodies be confirmed.

ADCS  
(HDS)

Reason for the Decision:

To confirm the appointment of the Council's member representatives to

serve on some Outside and Joint Bodies.

## 21 Exclusion of the Public and Press

Resolved:

**21.1** 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 Report No 100/14 entitled "Lease at The Maltings, Lewes" as there is likely to be a disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act (ie information relating to the financial or business affairs of any particular person (including the authority holding that information)). The public interest in maintaining the exemption outweighs the public interest in disclosing the information.

## 22 Lease at The Maltings, Lewes

The Cabinet considered Report No 100/14 relating to a proposal to grant a new lease which was excluded from the Landlord & Tenant Act 1954 for The Maltings, Lewes, to enable the Council to benefit from ongoing rent receipts.

It was anticipated that the freehold of The Maltings would transfer to the Council from East Sussex County Council by the end of June 2014 (subject to contract).

Resolved:

**22.1** That, subject to the Council acquiring The Maltings, Lewes, the Assistant Director, Corporate Services be given delegated authority to grant a lease to the company referred to in paragraph 2.8 of Report No 100/14, based on the heads of terms as detailed in that Report, together with any terms required by the Director of Finance and the Assistant Director, Corporate Services.

DCS/  
ADCS/DF

Reasons for the Decision:

It is expected that the freehold of The Maltings will transfer to the Council from East Sussex County Council by the end of June 2014 (subject to contract). There is no identified operational use for the building, but there is an opportunity to lease the building and for the Council to benefit from ongoing rent receipts from a new commercial lease of the property for the best consideration reasonably obtainable.

The meeting ended at 3.26pm.