



Lewes District Council

Cabinet

Minutes of a meeting of the **Cabinet** held in the **Ditchling Room, Southover House, Southover Road, Lewes** on **Monday, 29 September 2014** at 2.30pm

Present:

Councillor R Blackman (Chair)

Councillors P L Franklin, P A Howson, A T Jones, E C Merry 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 and made comments at the meeting.

Ms D Twitchen (Tenants’ Representative).

Apologies received:

Councillor R K Maskell

Ms S Neels (Tenants’ Representative).

Minutes

23 Minutes

The Minutes of the meeting held on 7 July 2014 were approved as a correct record and signed by the Chair.

Action

The Chair welcomed to the meeting Ms D Twitchen who, together with Ms S Neels, had recently been appointed as the representatives of the Tenants Of Lewes District (TOLD) organisation on Cabinet to succeed Mr D Forsdike and Mr J Sinclair who had been TOLD's previous representatives. On behalf of Cabinet, the Chair thanked Mr Forsdike and Mr Sinclair for their valuable input to previous Cabinet meetings.

24 Finance Update

The Cabinet considered Report No 134/14 which provided an update on financial matters that affected the General Fund Revenue Account, the Housing Revenue Account (HRA) and the approved Capital Programme.

Appendix 1 to the Report provided details of the Treasury Management activity between 19 June and 12 September 2014 all of which was consistent with the Council's approved Treasury and Investment Strategies for 2014/2015.

As part of the Council's management of risk and key controls, the Head of Audit and Performance made an independent appraisal of the overall position each year. Such opinion was subsequently reported to Cabinet and was set out in paragraph 4 of the Report.

The Council last undertook stock condition surveys of its housing stock in 2000 and 2006. The surveys were of 15% of such stock from which the results were extrapolated across the rest of the properties. The information gained was used in the formation of planned programmes of maintenance and improvements. Therefore, it was clear that the Council had not physically assessed a large proportion of its stock.

Details relating to the purposes of undertaking a stock survey were set out in paragraph 7.2 of the Report.

The information the Council had was stored on Excel spreadsheets which were difficult to manipulate and were limited in the way they could be used as they were dependent on data collected on paper forms. There was no link between records of current improvements or planned maintenance and the spreadsheets where the historical data was stored.

Officers and residents had a wealth of knowledge about the stock. The Council wanted to supplement such knowledge with external expertise to create an effective stock condition survey which provided accurate detail about all properties.

The Council planned to create and procure a survey that made best use of its existing resources at the same time as procuring an asset management software system that would interface with whichever management system the Council decided to work with.

The HRA working balance included an allocation of £0.907m for 'special projects'. When approving the HRA budget for 2014/2015 it was recognised that, of such allocation, £0.457m could be made available to provide funding for a condition survey and associated data analysis. Cabinet was

therefore requested to confirm that such amount be released as funding for the project.

Paragraph 9 of the Report stated that the Council's Financial Procedure rules required Cabinet to approve all fees and charges.

In light of the increase in supplying electronic copies of documents in relation to house purchases, Officers believed that the Council's copying fees for such documents needed to be revised, further details of which were set out in paragraphs 9.2 and 9.3 of the Report.

Resolved:

- 24.1** 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 134/14;
- 24.2** That the opinion of the Head of Audit and Performance on the internal control environment at the Council for the year ended 31 March 2014, be noted;
- 24.3** That the release of £0.457m from the Housing Revenue Account working balance as funding for a stock condition survey and housing asset management system, be approved; DF
- 24.4** That the copying fees for Planning and Building Control documents, as set out in paragraph 9 of the Report, be approved; and DF
- 24.5** That the remainder of the Report be noted.

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.

25 Local Business Rate Discretionary Relief Scheme

The Cabinet considered Report No 135/14 relating to a proposal to approve a Local Business Rate Discretionary Relief Scheme for the Council, a copy of which was set out at Appendix B thereto, and to adopt the national Retail

Relief Scheme.

At its meeting on 24 April 2014, Cabinet had considered a Report relating to the introduction of a Local Business Rate Relief Scheme upon which it had taken several decisions, details of which were set out in paragraph 2.2 of Report No 135/14. One of those decisions had requested the Scrutiny Committee to consider the proposed introduction of a Local Scheme in accordance with some suggestions which had been made by Councillor Gardiner and be further requested to prepare a Report thereon for consideration at a future meeting of Cabinet at a time prior to Cabinet's consideration of a proposed Scheme at its meeting in September 2014.

The Scrutiny Committee had met on 25 July 2014 and had considered the outline scheme that Cabinet had received at its meeting on 24 April 2014. The appropriate Minute Extract of the Scrutiny Committee was set out with the Cabinet Agenda papers for this meeting.

The recommendations of the Scrutiny Committee had been incorporated within the scheme documentation which was set out at Appendix B to Report No 135/14.

Members of the Scrutiny Committee had reviewed and contributed towards the draft scheme outline and application form prior to the start of a consultation thereon.

The Scrutiny Committee supported the approach of an initial targeted consultation to ensure that Cabinet could consider a proposal at this meeting. Research had identified a similar approach by other Councils which then followed up with further reviews and consultations over time, an approach which was supported by the Scrutiny Committee.

The initial consultation period ran from 22 August 2014 to 19 September 2014. However, part of the way through that period, it became apparent that the level of response was likely to be low. Consequently, it was decided to invite all those businesses registered on the Council's business database to give their comments via an on-line questionnaire, with a closing date of 25 September 2014. The Cabinet Member for Corporate Services, Councillor Smith, reported that the consultation had resulted in an approximately two per cent response rate from the invited businesses. Those responses provided overwhelming support for the draft scheme.

The Scrutiny Committee reviewed how national reliefs and discounts interacted with local schemes which involved looking at the National Retail Relief Discount Scheme introduced for the current year and for 2015/2016 which was fully funded by government. Councils awarded discounts as part of the main billing run at the start of the current year. Cabinet was requested to formally adopt the Scheme as recommended in the Scheme guidance notes.

The Cabinet Member for Corporate Services suggested that it was necessary for the Council to further refine the detail and application form associated with the scheme in order to take account of the responses to the consultation.

Resolved:

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| 25.1 | That the consultation responses to the draft Local Business Rate Discretionary Relief Scheme, as referred to in Report No 135/14 and as reported at the meeting by the Cabinet Member for Corporate Services, Councillor Smith, be noted; | |
| 25.2 | That the draft Local Business Rate Discretionary Relief Scheme for Lewes District Council, as set out at Appendix B to the Report, be approved subject to the Director of Business Strategy and Development, in consultation with the Leader of the Council, making final changes to the Scheme detail and application form so as to take account of the responses to the consultation in respect of the scheme; | DBSD/DF |
| 25.3 | That a scheme budget in the sum of £300,000 be approved which will require a budget allocation in the sum of £210,000 from the Strategic Priority Reserve Fund with the balance being met from the Spending Power Element (New Homes Bonus) of the Change Management and Spending Power Reserve; | DF/DBSD |
| 25.4 | That adoption of the Government Retail Relief Scheme for 2014/2015 and 2015/2016, be approved; and | DF/DBSD |
| 25.5 | That the remainder of the Report be noted. | |

Reason for the Decisions:

Cabinet requested the Scrutiny Committee's input towards the proposal to implement a Local Business Rate Discretionary Relief Scheme.

26 Local Business Rate Discretionary Relief Scheme

The Cabinet was advised that the recommendations of the Scrutiny Committee at its meeting held on 25 July 2014 relating to the Local Business Rate Discretionary Relief Scheme were incorporated within the scheme documentation which was set out at Appendix B to Report No 135/14 entitled "Local Business Rate Discretionary Relief Scheme".

Resolved:

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| 26.1 | That it be noted that the recommendations of the Scrutiny Committee at its meeting held on 25 July 2014 relating to the Local Business Rate Discretionary Relief Scheme were incorporated within the scheme documentation which was set out at Appendix B to Report No 135/14 entitled "Local Business Rate Discretionary Relief Scheme"; and | |
| 26.2 | That the Scrutiny Committee be thanked for its input in respect of the Scheme. | DBSD
(Scrut &
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Reason for the Decisions:

To take account of the recommendations of the Scrutiny Committee at its meeting held on 25 July 2014 relating to the Local Business Rate Discretionary Relief Scheme.

27 Business Rate Pooling

The Cabinet considered Report No 136/14 relating to a proposal to submit an application on behalf of East Sussex County, Borough, and District Councils and the East Sussex Fire Authority in October 2014, to enter into a Business Rates Pool, subject to it being financially advantageous to do so.

A new funding regime had been introduced on 1 April 2013 whereby local authorities effectively retained a proportion of any additional business rate income collected above inflation or, conversely, would experience a reduction in resources if the business rate base declined.

Under the scheme, 50% of business rates was localised through a system of top-ups and tariffs that fixed an amount to be paid by high yield authorities and distributed to low yield authorities, such amount being increased annually by inflation namely, the Retail Price Index. The proportion retained by individual collection authorities, before application of levy deductions, in East Sussex was 40%, 9% was payable to East Sussex County Council, and 1% to East Sussex Fire and Rescue Authority. The Government received 50%.

The 50% central government share was distributed through the formula grant process, currently termed Settlement Funding Assessment, which enabled the government to control the overall amount received by local authorities. Where there was disproportionate growth it was used to provide a safety net for those authorities that experienced little or negative growth and allowed the treasury to top slice business rates income. A reset mechanism would be in place with the first reset in 2020 and periods of 10 years between resets thereafter.

Top ups and tariffs were set that on average an authority would have started with the same resources under the new system as it had under the old. Therefore, if a local authority collected £20m in non domestic rates and received £8m in formula grant, it would pay a tariff of £12m.

The top ups and tariffs were automatically updated for inflation. Therefore, top-up authorities such as East Sussex County Council, were given a guaranteed increase in part of their resources and meant that a tariff authority, whose retained Non Domestic Rating (NDR) income failed to keep up with inflation, would lose resources. Since the new system, the Council's retained NDR income had kept ahead of inflation.

At the outset of the system, each NDR collection authority was set a baseline collection target. Where targets were exceeded, tariff paying councils such as the Council were allocated a 40% share of the additional income, which was then subject to a levy payment of 50% of that share to

the Government. In instances in which a NDR pool was formed, the levy payments were no longer payable to the Government but, instead, were retained by the pool members.

A company called LG Futures had been engaged to collate and advise on the financial viability of the scheme, modelling the key risks and identifying appropriate governance arrangements. It advised over half of the 18 authorities which ran a pool in the current financial year and would also help draft and coordinate the submission of an application on behalf of the seven authorities referred to in the Report.

The next opportunity for pooling was 2015/16, with a deadline for submission of an application to the Department for Communities and Local Government by 31 October 2014.

A lead authority needed to be named in the application. In the event that an application was successful, it had already been agreed that LG Futures would be contracted to advise the pool in 2015/16 which would also provide a degree of objectivity and impartiality for all parties with the very limited costs being shared equally between the seven authorities. Wealden District Council had indicated that it would be prepared to undertake the role of lead authority. The Report recommended that it be agreed that, basically, no authority would receive a lower level of funding than they would have received without the pool.

Paragraphs 23 to 26 of the Report set out details relating to the splitting of gains/losses from Pooling and suggested that the resources gained be split on the basis of the levy amount that was saved by individual authorities. The basis of the split being 40% to East Sussex County Council, 10% to the East Sussex Fire and Rescue Authority and the remaining 50% split amongst the district/borough Councils.

The submission needed to be authorised by the Chief Financial Officer of each authority. In the event that the application was successful, the pool would continue to operate for a minimum of one year. It was proposed that, where it was not explicit within Financial Rules and Regulations or delegated authorities, the Chief Finance Officer be required to review membership of the pool annually and be given the authority to withdraw from the pool where it was not financially advantageous to retain membership.

Resolved:

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| <p>27.1 That Wealden District Council be nominated as the lead authority to enter into a Business Rates Pool, as detailed in Report No 136/14;</p> | <p>DF</p> |
| <p>27.2 That the basic principle be that no authority will receive a lower level of funding than they would have received without the pool;</p> | <p>DF</p> |
| <p>27.3 That the resources gained be split on the basis of the levy amount that was saved by individual authorities. The basis of the split being 40% to East Sussex County Council, 10% to East Sussex Fire and Rescue Authority and the remaining 50% split amongst the</p> | <p>DF</p> |

District/Borough Councils;

27.4 That the finalisation of the submission, agreement of the Memorandum of Understanding, and the final decision on whether to partake in the pool, along with the annual review, be delegated to respective Chief Finance Officers for the reasons outlined in the Report; and

DF

27.5 That Chief Finance Officers review membership of the Pool on an annual basis. Should an authority decide to withdraw membership, notification of intent to do so be given to the remaining authorities at the earliest opportunity.

DF

Reasons for the Decisions:

Local authorities are free to come together to form pools for Non Domestic Rating purposes. In such cases tariffs and top-ups can be combined – and this can result in more money retained locally to support economic development objectives because lower payments will be made to the government than would be the case without a pool. Authorities within such arrangements need to agree how risks and benefits are shared. A pooling arrangement could result in additional resources being retained within East Sussex. The estimates identify sums of £1.8m in 2015/16, £2m in 2016/17 and £2.2m in 2017/18 which would be shared between authorities and used for economic development purposes.

28 Strategic Tourism Vision & Action Plan 2015 - 2018

The Cabinet considered Report No 137/14 which set out details of a new approach to delivering visitor information services across the District in line with changing visitor expectations. The Report also sought approval of a three year Strategic Tourism Vision and Action Plan which set out the Council's plans to ensure it remained a vibrant and attractive destination for future visitors. A copy of the Vision and Action Plan was appended to the Report.

Tourism was a key component of the economy of the District in which there had been an estimated 240,000 overnight trips in 2012 that resulted in 941,000 visitor nights and visitor spending in excess of £50 million which represented an increase of 4% compared to 2011.

In 2012 the Council had produced "Building a Brighter Future", its regeneration strategy for 2012 to 2015 that highlighted its five priorities for achieving growth. The 'Welcoming Visitors' priority with three broad targets provided the foundation for the Vision and Action Plan. Furthermore, in 2012, Matthews Associates had been commissioned to undertake a Visitor Service Review which also supported the Vision.

The Vision built on the Council's 'One District, One Council' approach and reviewed the current Tourist Information Centre provision in Lewes, Seaford and Peacehaven into a pro-active and more comprehensive district-wide

approach.

The Vision explored whether the Council's fixed Visitor Information provision and service could be re-located to the reception at Southover House, Lewes, which would embed such Information within the Council's aim of offering better, speedier and more efficient service where its residents and visitors would be able to undertake all their business with the Council in one go.

The Vision highlighted the way the Council could work more efficiently and effectively over the next 3 to 4 years using available resources to modernise the service in line with visitor demand and expectation. The Report suggested that web-based digital marketing should be the prominent visitor destination, event and attractions vehicle, complemented by a limited and targeted printing of maps, visitor guides and event information.

Paragraphs 2.9 to 2.14 of the Report set out further details relating to the Vision and paragraphs 2.15 to 2.17 set out information relating to the Thematic Action Plan.

Resolved:

28.1 That the Strategic Tourism Vision and Action Plan 2015 – 2018, as set out at Appendix 1 to Report No 137/14, be approved; and

DBSD

28.2 That the Officers be authorised to develop a more detailed and phased action programme and report back to Cabinet at its meeting in March 2015.

DBSD

Reasons for the Decisions:

Paragraphs 1.1 to 1.9 of the Report set out details of several reasons for the decisions which related to Drivers for Change; Technology; Mobile Devices; Social Media; Opportunities for Growth; and Working in Partnership: the South Downs National Park Authority.

29 Corporate Services Review

The Cabinet considered Report No 138/14 which set out the findings of a Corporate Services review undertaken by iESE and recommended the next steps.

The purpose of the review was to develop a strategic vision for Corporate Services in order to help them deliver cost-effective, high quality and resilient services that met future customer requirements. Five areas of Corporate Services had been covered namely: Human Resources; Legal Services; Financial Services; Information Technology Services and Property Services.

The review had included detailed discussions with managers from the Council and Eastbourne Borough Council to consider whether there was a business case for sharing services, or a roadmap of steps that were

required to align them in preparation for future consideration of the value of sharing. The outcomes of the review were set out in five business cases and road maps which were appended to the Report.

Appendix A to the Report set out the case for a merged Human Resources service in which Eastbourne Borough Council was the employing authority. There were financial and non-financial benefits in providing a resilient service which could extend its strategic value to both authorities.

Appendix B set out the case for a merged Legal Service, with the Council as employing authority. Benefits of a shared service were in the establishment of a resilient body which could build and maintain specialist expertise in order to support both organisations.

Appendix C provided a roadmap relating to Financial Services which recognised the challenge presented by the use of different financial systems but set out a plan to align procedures and ways of working and the sharing of specialist resources.

Appendix D provided a roadmap relating to Information Technology Services which identified the key actions and decisions that were needed to coordinate the gradual alignment of Information Technology infrastructures and systems. The contractual nature of such functions meant that the alignment needed to progress into the medium-term.

Appendix E set out details relating to the Property, Contracts and Facilities team which provided Property Services at the Council and was responsible for asset management; managing budgets for day-to-day maintenance; delivering capital investment and ensuring surveys for statutory compliance were undertaken and monitored.

The Report suggested that Property Services had a high potential for collaboration between the two authorities. However, in the first instance, significant decisions needed to be made with regard to opportunities for efficiency and the alignment of 'Corporate Landlord' models of working. The roadmap at Appendix E set out the steps that were required for that process.

Additionally, the Report recognised that ad hoc opportunities might arise to align systems or posts between the two authorities. In such circumstances, the Chief Executives would use delegated powers where applicable to capture the opportunities to generate benefits in terms of quality, savings or resilience, in consultation with their respective Council Leaders. There were several principles that could be established to help govern the process of aligning and sharing Corporate Services at the two Councils, details of which were set out in paragraph 4 of the Report.

Some powers that were exercised by Officers arose from Acts of Parliament which required the Council to appoint holders of particular posts or named Officers to undertake a particular function or work of the Council. Such statutory posts were the Head of Paid Service, Monitoring Officer and Section 151 Officer who was responsible for proper accounting and financial issues. Paragraphs 5 and 5.4 of the Report considered whether changes were currently required to the arrangements for the Section 151

Officer (at the Council only) and the Monitoring Officer (for both authorities).

In March 2013 Cabinet was made aware that the Council's Chief Finance Officer would be retiring at the end of March 2015 and noted that some councils had embarked upon, or were considering, the engagement of a shared Chief Finance Officer.

Eastbourne Borough Council's Chief Finance Officer was currently seconded on a part-time basis to the role of Director of Corporate Services at the Council. Both Chief Finance Officers had worked alongside each other which had demonstrated that the proposal to share a Chief Finance Officer was workable and would benefit both Councils.

Both the Council and Eastbourne Borough Council had designated Monitoring Officers, as required by the Local Government and Housing Act 1989. The future arrangements for designation under the proposed new shared service would be reviewed and any proposals for changes would be subject to a future Report to the Council.

There might be a future review to explore the business case for alignment or sharing of the remaining corporate services and leadership teams of both authorities, further details of which were set out in paragraph 6 of the Report.

Resolved:

- 29.1** That the recommendations of the iESE Review of Corporate Services be endorsed and their implementation be authorised. This will result in alignment of Finance, Information Technology and Property Services; a shared Human Resources service for the two authorities provided by Eastbourne Borough Council and a shared Legal service provided by Lewes District Council, as detailed in Report No 138/14;
- 29.2** That principles to govern the alignment and sharing of Corporate Services between Lewes District Council and Eastbourne Borough Council, as set out in paragraph 4 of the Report, be agreed;
- 29.3** That it be noted that the Chief Executives of Eastbourne Borough Council and Lewes District Council will use their delegated powers, in consultation with their respective Council Leaders, to take advantage of opportunities as and when they arise to align systems or posts within the two authorities in order to generate benefits in terms of quality, savings or resilience;
- 29.4** That the aspiration of service managers to explore the potential to undertake work for a commercial purpose, in order to generate efficiencies and reduce the net cost of their service to tax payers, be noted; and
- 29.5** That it be noted that both Eastbourne Borough Council and Lewes District Council have designated Monitoring Officers, as required by the Local Government and Housing Act 1989. The future arrangements for designation under the proposed new shared

DCS

DCS

service will be reviewed and any proposals for changes will be subject to a future Report to Council.

It was further

Recommended:

29.6 That the Director of Corporate Services be appointed as Proper Officer with responsibility for the proper administration of the Council's financial affairs, under Section 151 of the Local Government Act 1972 (with effect from 27 February 2015) and consequential amendments be made to the Constitution's Scheme of Delegation.

DCS/
ADCS
(HDS) (to
note)

Reasons for the Decisions:

The review of Corporate Services has been undertaken under Lewes District Council's Nexus Transformation Programme and Eastbourne Borough Council's Future Model Phase 2.

The Nexus Transformation Programme is intended to make Lewes District Council a more flexible, customer focussed organisation, delivering local efficient services in a cost effective and sustainable way, against a backdrop of a challenging savings requirement of £2.9 million by 2020. It was in this context that Cabinet agreed on 7 June 2014 (Minute 7.2d refers) to commission iESE to report on the costs, benefits and challenges of working in partnership with Eastbourne Borough Council and/or other public sector partners with regard to the Corporate Services unit.

30 LDC Office Accommodation Cleaning Contract

The Cabinet considered Report No 139/14 relating to the options for the future procurement of the Council's office cleaning contract.

At its meeting on 13 February 2014, Cabinet had agreed the award of the office cleaning contract for the period 1 April 2014 to 31 March 2015 at a cost of £72,120 per annum. Such award followed a competitive tendering exercise.

The current contract was on track to deliver a reduction of 27% in costs compared to the previous annual contract value. Some of those savings had been achieved due to a change in the office accommodation footprint. However, it was expected that the contract value could reduce further when a new contract was let for a longer term commencing on 1 April 2015.

The current contract was tendered for one year so as to enable a review of in-sourcing the activity. The review had demonstrated that cost savings in the region of £6,500 per annum could be achieved compared to the current contract, however the risk and potential impact to the Council for Officers managing the activity was likely to exceed the value of the savings.

It was possible that the cost savings referred to above would be realised in

any case through economies of scale via a longer contract, particularly if the contract was sufficiently flexible to include sites of potential partners within its scope.

The Report recommended that the Council's office cleaning contract be tendered for 4 years on the basis of 2 years plus 2 separate 1 year extension periods at the Council's sole discretion. That would give the Council maximum flexibility in terms of renewal and offered the opportunity to allow both the office cleaning contract and the public convenience cleaning contract (which was due to expire on 31 March 2017) to run co-terminus in the future.

Resolved:

- 30.1** That the Director of Corporate Services be authorised to go out to tender for the Council's office accommodation cleaning contract which was due to end in March 2015, as detailed in Report No 139/14.

DCS

Reasons for the Decision:

The current office accommodation cleaning contract is due to expire on 31 March 2015 and has no options for extension.

31 Annual Equalities Report 2013/14

The Cabinet considered Report No 140/14 which provided an update on the 2012-2014 Equality Action Plan, sought approval of the current year's planned activities and endorsement of the proposed new community leaflet. Appendix 1 to the Report set out a summary of the Equalities Action Plan 2014-15 and Appendix 2 was a draft copy of the leaflet entitled "One District, One Council: Valuing Diversity, Promoting Equality".

During 2011-12 the Council had undertaken a detailed self-assessment against the Equality Framework for Local Government which was an assessment and improvement tool developed by the Local Government Association that was used to help check that the Council was meeting its statutory duties and operating according to good practice.

In order to gain an independent and external view on how the Council was doing, it had commissioned The Equality Academy to undertake a Diversity Health Check.

Such assessments helped to identify where the Council was doing well and where improvements could be made and so helped shape the equality objectives for the period 2012-16. Furthermore, the assessments identified actions that could be taken to improve the Council's performance on equalities which informed the Equality Action Plan for the period 2012-14.

Paragraph 2.4 of the Report set out details of some key activities that were undertaken during 2013-15 towards achieving the Council's equality

objectives.

Paragraphs 2.6 to 2.8 of the Report set out details relating to The Equality Framework for Local Government and paragraphs 2.9 to 2.13 related to the Equality Analysis which was undertaken as part of the Council's decision making and service review processes.

The Council had made strong progress towards achieving its equality objectives, with 87% of actions in the Equality Action Plan having been completed by April 2014.

Publishing an Annual Report "One District, One Council: Valuing Diversity, Promoting Equality" would help to show progress to staff and service users and would help to demonstrate compliance with the Public Sector Equality Duty. The 2014-15 Action Plan had been developed to ensure that progress continued and opportunities to promote equality were considered throughout the current service restructure.

Resolved:

- 31.1** That progress against the Council's equality objectives, as detailed in Report No 140/14, be noted;
- 31.2** That the actions for 2014/15 in respect of equalities, as set out at Appendix 1 to the Report, be agreed; and
- 31.3** That the content of the community update leaflet "One District, One Council: Valuing Diversity, Promoting Equality", as set out at Appendix 2 to the Report, be agreed for publication and distribution to key locations and partners.

DBSD

DBSD

Reasons for the Decisions:

The Equality Act 2010 protects people from discrimination on the basis of the protected characteristics of disability, race, sex, age, sexual orientation, religion or belief, gender reassignment, pregnancy and maternity, and marriage and civil partnership. The Act applies to employment rights, service provision, and the provision of goods and facilities.

The Act includes a public sector equality duty (PSED), which requires public authorities to proactively consider equality implications in all they do. It is made up of a general duty and specific duties. The general duty requires us to have due regard to the need to eliminate discrimination and harassment, advance equality of opportunity, and foster good relations. The specific duty requires us to:

- Every four years, prepare and publish one or more specific and measurable equality objective that helps us further the aims of the general duty.
- Annually, publish information to demonstrate compliance with the general duty that relates to both employees and service users who share protected characteristics.

The Equality and Human Rights Commission undertake regulatory work on the public sector equality duty to ensure compliance with the legal requirements.

The recommendation to agree and publish “One District, One Council: Valuing Diversity, Promoting Equality” help the Council to meet the PSED.

32 Ward Issues Raised by Councillors at Council

The Cabinet considered Report No 141/14 relating to responses to ward issues which had been raised by Councillors at the Council Meeting held on 17 July 2014.

Resolved:

32.1 That the Officer action in respect of Ward issues raised by Councillors at the Council Meeting held on 17 July 2014, as detailed in Report No 141/14, be noted and agreed.

DSD

Reason for the Decision:

To ensure that appropriate follow up action is taken in respect of Ward issues raised by Councillors at Council Meetings.

33 Members' Allowances Scheme – Independent Remuneration Panel

The Cabinet considered Report No 142/14 relating to the proposed appointment of an Independent Remuneration Panel to review the Members' Allowances Scheme.

The Local Authorities (Members' Allowances) (England) Regulations 2003 required the Council to have regard to the recommendations made to it by an Independent Remuneration Panel (IRP) before it agreed its Members' Allowances Scheme.

The IRP met and conducted its last full review of allowances in November 2010. Regulation 10.5 indicated that the rates agreed should not be relied upon for more than four years and, therefore, a review of the Council's current arrangements was due for which proposals were in place for it to be undertaken in December 2014. Details relating to the format of the IRP Review were set out in paragraph 9 of the Report.

Regulation 20.2(a) required an IRP to comprise a minimum of three members, further details of whom were set out in paragraphs 5 to 7 of the Report.

Town and Parish Councils within the District would be informed of the review dates and would be given the opportunity to raise any issues for the Panel to consider.

The adoption of an allowances scheme was a Council function. However, it was likely that Council would welcome the views of Cabinet in the first instance.

Recommended:

- 33.1** That an Independent Remuneration Panel be appointed, as detailed in Report No 142/14, to meet in December 2014 and report back to Cabinet and Council in early 2015.

ADCS
(HDS) (to
note)

Reason for the Decision:

To meet the statutory requirement for Council to have regard to the recommendations made to it by an Independent Remuneration Panel before it adopts a revised Members' Allowances Scheme in 2015.

34 Special Meeting of the Cabinet – 8 December 2014

The Cabinet received details of a Special Meeting of the Cabinet that would be held on Monday, 8 December 2014 commencing at 1.30pm, in order that consideration could be given to a Report relating to the Grounds Maintenance Contract.

Resolved:

- 34.1** That it be noted that a Special Meeting of the Cabinet will be held on Monday, 8 December 2014 commencing at 1.30pm, in order that consideration can be given to a Report relating to the Grounds Maintenance Contract.

Reason for the Decision:

To enable Cabinet to consider a Report relating to the Grounds Maintenance Contract.

35 Exclusion of the Public and Press

Resolved:

- 35.1** 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 Appendices to Report Nos 143/14 (Lewes District Property Portfolio); 144/14 (Locally Sorted – Evaluation); 145/14 (Wave Leisure Annual Review) and 146/14 (Property Report), as there are likely to be disclosures 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.

36 Lewes District Property Portfolio

The Cabinet considered Report No 143/14 relating to an offer proposed for the development of a range of Council-owned sites to provide community benefit, regeneration and a financial return; an indication of outstanding matters that required negotiation and resolution; and authority for the Chief Executive, in consultation with the Leader of the Council and the Leader of the Opposition Group, to conclude negotiations and proceed to contract award.

On 30 May 2012 Cabinet had approved a Report which sought authority to enter into a partnership arrangement with a private sector development partner to bring forward a range of identified Council owned sites for development.

It was envisaged that the Council would enter into agreements which required the partner to secure planning permissions, market the sites, secure sales and achieve build out of development either themselves or through a third party such as a housing association.

The Council had advertised for a partner in accordance with the European Union procurement regime. Details relating to the Council's requirements, including some key objectives that it wished to achieve, were set out in paragraphs 2.3 and 2.4 of the Report.

Two bidders had satisfied the pre-qualification questionnaire and were invited to submit an Outline Proposal. The Proposals were evaluated following which one bidder was selected to work up its proposal in negotiation with the Council and to submit its Best & Final Offer. Details of the Council's preferred bidder and their submitted offer were set out in exempt Appendix 1 to the Report.

Details of the financial implications associated with the Report were set out in paragraph 3 thereof whilst information relating to the legal implications was set out in paragraph 4.

A summary of the draft Heads of Terms and diagrams of the proposed Phases 1a and 1b of the proposal were set out in exempt appendices to the Report.

Resolved:

- 36.1** That the progress of negotiations to date in respect of the Lewes District Property Portfolio, as detailed in Report No 143/14, be noted and endorsed; CE
- 36.2** That, subject to 36.3 and 36.5 below, the Chief Executive, in consultation with the Leader of the Council and the Leader of the Opposition Group, be authorised to conclude negotiations and award the contract; CE
- 36.3** That prior to any binding contract being signed the Council's statutory officers, having taken specialist advice from appropriate valuation experts, shall have confirmed that the commercial deal as

a whole is in accord with the provisions in section 123 of the Local Government Act 1972 relating to “best consideration”;

36.4 That it be noted that any proposal to dispose of land consisting of or forming part of an open space must be advertised in accordance with provisions set out in section 123 of the Local Government Act 1972; and

36.5 That the Assistant Director of Corporate Services be authorised to draw up appropriate contract documentation to reflect such commercial proposition as is signed off.

CE/ADCS

Reasons for the Decisions:

To enable the Council to enter into a development agreement with a property developer which will enable it to achieve the following:

- Increase the value of Council owned properties prior to financially beneficial disposal;
- Make best use of assets to stimulate regeneration and realise community benefits; and
- Dispose of the maintenance liability of underperforming assets.

The Council may dispose of land which it owns in any manner it wishes. However, in doing so there are certain statutory requirements with which it must comply. These are more fully explained in the Legal Implications.

37 Locally Sorted – Evaluation

The Cabinet considered Report No 144/14 relating to the procurement process to define the costs of developing an innovative digital platform (ie Locally Sorted) to foster opportunities for community activities and encourage wider participation in democratic activities across all parts of the District and the associated community engagement work.

It was necessary for Cabinet to consider an analysis of the costs and benefits of the tenders received in order that a decision could be made on whether to proceed to award contracts.

Potential providers had been invited to bid for work specified in either or both Parts of the invitation to tender. Each Part was evaluated separately in order that there was the option to use one supplier for both Parts, or two different suppliers.

Potential providers were informed in the Invitation to Tender that:

- (i) The Council was under no obligation to accept any tender;
- (ii) Should the winning bid not meet the requirements of the cost-benefit analysis, the project would not progress and no contract

would be awarded; and

- (iii) If there was no contract awarded for Part 1 then no contract would be awarded for Part 2 either.

Whilst the invitation to tender had attracted 31 expressions of interest on the SE Business Portal, only one tender for Part 1 and two tenders for Part 2 were received. The receipt of only one tender for Part 1 made its evaluation difficult because there were no comparators.

Feedback which was received from companies that had expressed an interest but did not proceed to tender indicated that the tight timescales for the project; the combination of features specified for Locally Sorted and the aspiration to share intellectual property between the successful tenderer and the Council, might have discouraged some companies from tendering.

Evaluation of the tenders was undertaken by a panel of Officers with Councillors Eiloart, O’Keeffe and Smith, who had been asked by Cabinet to provide assistance with steering the project. Details relating to the evaluation process were set out in paragraph 4 of the Report which included a “clarification interview” that was conducted by Councillors and Officers.

Details relating to the Tender Evaluation Results and the Analysis thereof, were set out in paragraphs 5 and 6 of the Report.

All three Councillors who had provided assistance to the project had the opportunity to read the tenders and had attended the clarification interviews. Afterwards they had agreed by a majority that they did not recommend that Cabinet award the tender and, at the invitation of the Chair, reported to the meeting their reasons for so doing.

All of the Councillors had given careful consideration to the justification for the project; its scope, feasibility and potential cost, as well as the tender evaluation process, and the majority view was that the costs and risks involved in moving the project forward outweighed its potential benefits.

Details relating to the lessons learned from the Locally Sorted project proposals were set out in paragraph 8 of the Report.

Resolved:

- 37.1** That the tenders received in respect of the Locally Sorted project and the Officer recommendation not to proceed to award contracts, as detailed in Report No 144/14, be noted; and
- 37.2** That it be noted that lessons learnt from work on the Locally Sorted project will be used in future as part of the Council’s website redevelopment plans.

DBSD

Reason for the Decisions:

The work required to deliver Locally Sorted was split into two parts and tenders were invited through the SE Business Portal. The parts were:

- (i) Part 1 - developing, testing and delivering the Locally Sorted digital platform collaboratively with the community, with ongoing maintenance, support and development; and
- (ii) Part 2 – stakeholder engagement; funding; optimization/training; promotion/publicity and project evaluation.

38 Wave Leisure Annual Review

The Cabinet considered Report No 145/14 which sought approval for the Service Fee for the remainder of the contract with Wave Leisure Trust (WLT), and sought approval of the objectives stated within the Annual Service Delivery Plan.

WLT had completed eight successful years of operation during which time its partnership with the Council had matured and the arrangements in place were considered to be successful in bringing about positive outcomes for the local community.

Since taking over management of the Leisure Service for the Council, WLT had, among other things, provided savings of £2.4 million to the Council; reduced the Service Fee by £340,000 since 2010-2011; increased visitor numbers by 20% to just under 1 million per year; and increased turnover by 40% to £4.5 million per year.

The arrangements between the Council and WLT required the Council to prepare and approve an Annual Service Statement each year and to indicate the level of Service Fee to be paid for the provision of services. In return, WLT was required to produce an Annual Service Delivery Plan for submission to the Council for approval. A copy of the Annual Service Statement 2015-2016 was set out at Appendix A to the Report and details of the proposed service fee were set out at exempt Appendix C.

The Annual Service Delivery Plan set out how WLT intended to meet the Council's objectives based on the requirements of the Annual Statement which related to services that were intended to be delivered in the next financial year. The Annual Service Plan for 2015-2016 aligned with objectives of the Council as set out in the Council Plan.

WLT was required to report on its performance against a series of indicators set by the Client Officer who was responsible for monitoring the Trust. Performance targets were set taking account of the aims and objectives of the Council and were a means for encouraging the Trust to help meet the Council's overall priorities, further details of which were set out in paragraph 2.7 and at Appendix B to the Report.

Resolved:

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| 38.1 | That the Service Fee for the provision of services by Wave Leisure Trust, as set out in Report No 145/14, for the period from 2015-2016 through to 2020-2021, be approved; | DSD |
| 38.2 | That the proposed Service Fee for the management of Newhaven Fort for the period 2014-2015 to 2024-2025 be approved; and | DSD |
| 38.3 | That the objectives identified for the Annual Service Delivery Plan be approved so that Wave Leisure and the Council jointly produce the plan in line with Council objectives. | DSD |

Reasons for the Decisions:

The agreement between the Council and Wave Leisure requires Cabinet to approve a Service Statement and proposed Resource Allocation (Service Fee) on an annual basis and to receive a report on the performance of the Trust for 2013-14. Additionally, Cabinet is required to approve the joint objectives proposed for 2015-16.

39 Property Report

The Cabinet considered Report No 146/14 which set out the terms of proposed lease events between the Council and proposed or existing tenants at:

2, Malling Close, Lewes (lease renewal);
Newhaven Tennis Club, Newhaven (lease renewal); and
Thebes Annexe, Lewes (proposed lease).

Details relating to the proposed leases were set out in paragraph 3 and in the exempt Appendices to the Report.

The lease in respect of 2, Malling Close, Lewes, expired in November 2013. The tenant was protected under the Landlord and Tenants Act (1954) and had a right to a new lease under the existing terms.

The lease in respect of the tennis court at Court Farm Road, Newhaven, expired in April 2014. The tenant was protected under the Landlord and Tenants Act (1954) and had a right to a new lease under the existing terms.

It was proposed to lease Thebes Annexe, Lewes, on a short-term excluded lease with no right of renewal for a period of up to two years. As it was a wholly new lease, the Council could set the terms without regard to any previous leases that might have existed there.

Resolved:

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| 39.1 | That delegated authority be given to the Director of Corporate Services to grant leases in respect of the properties outlined in Report No 146/14 based on the heads of terms appended thereto together with any terms required by the Director of Finance and the | DCS |
|-------------|--|-----|

Assistant Director of Corporate Services.

Reason for the Decision:

Report No 146/14 deals with two outstanding lease renewals and a new short-term lease at Thebes Annexe requiring approval by Cabinet under the scheme of delegation.

The meeting ended at 4.18pm.

R Blackman
Chair