



## Lewes District Council

### Cabinet

**Minutes** of a Meeting of the **Cabinet** held in the **Ditchling Room, Southover House, Southover Road, Lewes** on **Monday, 5 January 2015** at 2.30pm

**Present:**

Councillor R Blackman (Chair)

Councillors P A Howson, A T Jones, R K Maskell, 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 J Stockdale

**Apologies received:**

Councillor P L Franklin

Ms D Twitchen (Tenants' Representative)

Mr A Hill (substitute for Ms D Twitchen (Tenants' Representative))

### Minutes

**55 Minutes**

The Minutes of the Special Meeting held on 8 December 2014 were approved as a correct record and signed by the Chair.

**56 Finance Update**

The Cabinet considered Report No 1/15 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 November 2014 and 10 December 2014 all of which was

**Action**

consistent with the Council's approved Treasury and Investment Strategies for 2014/2015.

The Council was required by law to set the Council Tax Base before 31 January each year so as to enable East Sussex County Council, Sussex Police and Crime Commissioner and East Sussex Fire and Rescue Service to apportion their precepts between the billing authorities in East Sussex on the basis of their tax bases.

The Tax Base would be used in the calculation of:

- The Council's council tax for 2015/2016;
- The amount of Special Expenses which would be charged to taxpayers in each area of the District in 2015/2016; and
- The council tax of each Town and Parish Council in 2015/2016.

The Council had delegated to Cabinet the authority to approve the Council Tax Base. The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012 set out the basis of calculating that Tax Base, further details of which were set out in paragraph 5 of the Report.

The Tax Base needed to be expressed in terms of equivalent "Band D" properties. The Government's Valuation Office Agency assessed the relative value of every property within the District and placed it in one of eight bands A to H. A conversion factor was then applied to each band in order to obtain the equivalent number of "Band D" properties, as set out in paragraph 5.4 of the Report.

Appendix 2 to the Report set out details of the Tax Base for the whole District. The total number of dwellings in the District on 30 November 2014, which was the prescribed date of the calculation, was 44,065, which represented an increase of 183 since the previous year. The total Tax Base, net of the collection rate adjustment, had increased by 309.1 from 34,670.7 to 34,979.8 Band D Equivalent dwellings.

Cabinet was recommended to approve the constituent parts of the total tax base relating to Towns and Parishes, as set out in Appendix 3 to the Report, which would be used to calculate the Special Expenses council tax amounts for 2015/2016, as well as the council tax requirement of each Town and Parish Council to meet their own budget (precept) requirements.

Paragraph 7 of the Report set out details relating to negotiation of the final development agreement of the Lewes Property Portfolio (LPP) which was making good progress. It was an innovative regeneration scheme that would see the Council working together with private sector and Registered Provider partners on a package of council owned sites across the District.

The LPP would be delivered in a number of key phases one of which would see the delivery of new Council owned housing on a site that would remain in council ownership. The costs for the development, including the planning application, rested with the Council. At its meeting in November 2014, Cabinet had agreed expenditure of up to £300,000 associated with working up and submitting the planning application, including the planning

application fee and associated professional advice.

The Leader of the Council had agreed to the direct appointment, without going through a full procurement process, of architects and consulting engineers on a proposed development scheme for the site, taking the scheme through to planning with an option to appoint them to work through to practical completion. Such decision was taken in accordance with Contract Procedure Rule 2.1(b) and was reported to Cabinet as required.

Other professional advisors needed to be appointed to get through to the planning stage for which the Report proposed that they be made to mirror those that were appointed by the development partners on other phases of the LPP for the reason set out in paragraph 7.5 of the Report. In accordance with Contract Procedure Rule 2.2, Cabinet was recommended to delegate authority to the Director of Service Delivery and Director of Finance, in consultation with the Lead Member, to appoint professional advisors necessary to complete that element of the LPP project.

Resolved:

- |             |   |        |
|-------------|---|--------|
| <b>56.1</b> | 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 1/15;  |        |
| <b>56.2</b> | That Report No 1/15 be approved for the calculation of the Council Tax Base for 2015/2016;  | DF     |
| <b>56.3</b> | That, in accordance with The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, the 2015/2016 Council Tax Base for the whole of the area shall be 34,979.8 and that the Council Tax Base for each of the Town and Parish areas of the District shall be as set out in the final column of Appendix 3 to Report No 1/15;  | DF     |
| <b>56.4</b> | That the direct appointment of architects and consulting engineers on a proposed development scheme for a site within the Lewes Property Portfolio, be noted;   |        |
| <b>56.5</b> | That delegated authority be awarded to the Director of Service Delivery and Director of Finance, in consultation with the Lead Member, to appoint professional advisors (such as, but not limited to: mechanical & electrical engineers, sustainability advisors, landscape architects and planning consultants) necessary to complete the project element of the Lewes Property Portfolio as referred to in paragraph 7 of the Report; and | DSD/DF |
| <b>56.6</b> | 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.

Cabinet is required to approve the Tax Base which will be used for the purposes of calculating the 2015/2016 Council Tax in respect of Town and Parish Councils and Special Expenses.

## **57 Fees and Charges**

The Cabinet considered Report No 2/15 which set out details of a proposed revised schedule of fees and charges to apply from 1 April 2015.

In advance of the 2009/10 budget, Cabinet had overseen a comprehensive review of the Council's charging policy in light of an Audit Commission report entitled "Positively Charged". Furthermore, a systematic review of services where the Council had the power or duty to make charges had also taken place at that time.

As a result of the comprehensive review, in January 2009 Cabinet had approved:

- Guiding Principles for setting fees and charges for inclusion within the Council's Constitution under Part 4 Financial Procedure Rules; and
- A series of recommended actions as agreed by each Lead Councillor for their respective Portfolio at that time.

The Guiding Principles and the recommended actions arising from the systematic review of services had been applied in reviewing and proposing a revised scale of fees and charges to apply from 1 April 2015.

Fees and Charges were reviewed by Cabinet at least once each year, principally during the winter prior to the next financial year which enabled Cabinet's decision to be incorporated in the coming estimate cycle. However, Cabinet was not restricted to an annual review; it could conduct further reviews at any time in the year with implementation of decisions from any point in the year.

As in previous years all of the fees and charges were covered, as far as was practicable, within a single Report in order that Cabinet was able to consider all of the fees and charges which applied to the Council's services as an overall package. However, there were two exceptions namely licensing fees and Community Infrastructure Levy charges, details of which

were set out in the Report.

Wave Leisure was responsible for setting the fees and charges applicable at the Council-owned indoor leisure facilities which it managed.

Within the Appendix to Report No 2/15 there were some significant services with significant income estimates where the Council had discretion to set the level of fees and charges, further details of which were set out in the Report.

Paragraph 4 of the Report set out details relating to Commercial Trade Waste for which the current fees for collection and disposal had been approved by Cabinet on 6 January 2014. The review had shown that the current charges were competitive which was necessary if the Council was to retain its market share. Consequently, no change in the current charges was proposed. However, given the very competitive nature of such business, and the Officers desire to grow the business, the Report recommended that the Director of Service Delivery be given delegated authority, in consultation with the Lead Cabinet Member, to vary charges upwards or downwards by up to 10% in order to respond to developing market conditions.

Resolved:

- |             |  |        |
|-------------|--|--------|
| <b>57.1</b> | That the revised scale of fees and charges proposed within the Appendix to Report No 2/15, be approved and be applied from 1 April 2015;   | DF     |
| <b>57.2</b> | That delegated authority be awarded to the Director of Service Delivery, in consultation with the Lead Cabinet Member, to vary commercial trade waste charges upwards or downwards by up to 10% in order to respond to developing market conditions; and | DSD/DF |
| <b>57.3</b> | That changes be implemented in the statutory fees and charges for services shown within the Appendix to Report No 2/15 as and when notified by Government.   | DF     |

Reason for the Decisions:

The Council's Constitution requires that all fees and charges, including nil charges, be reviewed at least annually and agreed by Cabinet.

**58 Meetings Timetable 2015/2016**

The Cabinet considered Report No 3/15 which related to the proposed meetings timetable for the 2015/2016 municipal year, a draft of which had been circulated to all Councillors and Chief Officers for comment.

Paragraphs 4 to 9 of the Report set out details of the constraints that had been taken into account when compiling the timetable.

Appendix A to the Report set out a summary of public meetings for 2015/2016 and Appendix B provided the public meetings timetable

2015/2016 by calendar month.

Recommended:

- 58.1** That the meetings timetable for the 2015/2016 municipal year, as shown in Appendices A and B to Report No 3/15, be approved and adopted.

ADCS (to note)

Reason for the Decision:

To facilitate the smooth running of the Council's business in the municipal year 2015/2016.

**59 Officer Scheme of Delegation**

The Cabinet considered Report No 4/15 which proposed the amendment of the Scheme of Delegations in respect of non-housing property matters.

In September 2014, Cabinet had approved the Property Roadmap to align the Council's property management more closely to the Corporate Landlord model which was being implemented by Eastbourne Borough Council. That decision built on the work identified within the Property Strategy adopted by the Council in May 2012.

The Property Strategy would be supported by some Property Policies which were currently in draft form. Those policies set out how the Council would manage the property portfolio and landlord events, including engagement and consultation with interested parties, including Town and Parish Councils. Details relating to the landlord events which were covered by the policies were set out in paragraph 3.2 of the Report.

Furthermore, work had begun to identify inefficiencies within existing processes and ways in which the Council's property could be managed more effectively to deliver the Council's strategic priorities. An element of that work had involved the review of the Scheme of Delegations, the current version of which was set out at Appendix A to the Report.

The Officers had compared the delegated authority process which was undertaken at the Council with neighbouring authorities including Eastbourne Borough Council and East Sussex County Council, as well as neighbouring districts. The schemes were all broadly comparable, with the key differences relating to the financial limits for each transaction. If the Council was to adopt the Scheme that was operated at Wealden District Council, it would reduce some of the pinch points in service delivery but would allow for control and transparency over important or complex transactions.

The Report recommended that the text of the Council's Scheme of Delegations be amended in accordance with the proposals set out in Appendix A to the Report with delegated authority being given to the Director of Corporate Services in consultation with the Assistant Director of Corporate Services, the Director of Finance and the Directors of Business

Strategy and Service Delivery, and that the Council adopts the limits and restrictions which were operated at Wealden District Council.

Recommended:

- 59.1** That the text of the Officer Scheme of Delegation as set out in the Council's Constitution, and as shown at Appendix A to Report No 4/15, be amended so as to adopt a Scheme similar to that operating at Wealden District Council in respect of non-housing property transactions and that the associated financial or other limits, as shown at Appendix B to the Report, be approved or amended.

DCS (to note)

It was further

Resolved:

- 59.2** That, subject to the approval of Recommendation 59.1 above, the Assistant Director of Corporate Services be authorised to make the necessary revisions to the Council's Constitution.

ADCS

Reasons for the Decisions:

Report No 4/15 recommends amending the Officer Scheme of Delegation by adopting the Scheme of Delegation in operation at Wealden District Council. This will enable the Council to align more closely with property transactions managed by Eastbourne Borough Council, which in turn may generate future efficiencies for the Council.

**60 Ward Issues Raised by Councillors at Council**

The Cabinet considered Report No 5/15 which related to responses to Ward issues which had been raised by Councillors at the Council Meeting held on 3 December 2014.

Resolved:

- 60.1** That the Officer action in respect of Ward issues raised by Councillors at the Council Meeting held on 3 December 2014, as detailed in Report No 5/15, 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.

**61 Portfolio Progress and Performance Report (April to November 2014)**

The Cabinet received Report No 6/15 which related to the Council's progress and performance in respect of key projects and targets as at the end of November 2014.

As part of its new organisational arrangements and transformation strategy, the Council had recognised a need to review and improve its business planning and performance management systems and processes, a key part of which would be to make better use of performance data in order to fully understand and affect service improvement and achieve the Council's strategic objectives.

Appendix 1 to the Report provided a high level summary of the Council's plans and key projects for the year 2014/15 aligned to its three strategic priority areas.

Appendix 2 to the Report comprised individual progress and performance reports for each of the new Cabinet portfolios for the period 1 April to 30 November 2014.

Cabinet's attention was drawn to the information set out in the Service Delivery Portfolio at Appendix 2 to the Report and, in particular, to the "Current status" in respect of the "Length of stay in temporary accommodation (B&B) in days (families)" which indicated that status as being "Below target" but which should have indicated it as being "At or above target".

Resolved:

**61.1** That progress and performance in respect of key projects and targets for the period April to November 2014, as detailed in Report No 6/15, be noted.

Reason for the Decision:

To provide Cabinet with an analysis of Council progress and performance for the period 1 April to 30 November 2014.

## **62 Exclusion of the Public and Press**

Resolved:

**62.1** 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 7/15 (Land for Development at Ringmer), 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.

## **63 Land for Development at Ringmer**

The Cabinet considered Report No 7/15 which set out details of an offer for development of a number of Council-owned sites to provide community



benefit and regeneration in Ringmer and a financial return for the Council.

Resolved:

**63.1** That the Director of Corporate Services be authorised to undertake a feasibility study concerning the possible disposal of land in Ringmer, as set out in Report No 7/15; and

DCS

**63.2** That a further Report be prepared for consideration at a future meeting of Cabinet setting out options for disposal of the land, including the potential value and regeneration outputs which could be achieved from the Council's land holdings and the potential structure and terms of a joint venture.

DCS

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:

- Make best use of assets to stimulate regeneration and realise community benefits, including the provision of affordable housing; and
- Dispose of the maintenance liability of under-performing assets.

The meeting ended at 3.15pm.

R Blackman  
Chair