



Lewes District Council

Cabinet

Minutes of a meeting of the **Cabinet** held in the **Ditchling Room, Southover House, Southover Road, Lewes** on **Thursday, 7 January 2016** at 2.30pm

Present:

Councillor A Smith (Chair)

Councillors P Franklin, B Giles, T Jones, R Maskell, E Merry and T Nicholson

In Attendance:

Councillor M Chartier (Chair of the Audit and Standards Committee)

Councillor P Gardiner (Chair of the Scrutiny Committee)

Ms D Twitchen (Tenants' Representative)

Apology received:

Councillor S Osborne (Leader of the Liberal Democrat Group)

Minutes

42 Minutes

The Minutes of the meeting held on 23 November 2015 were approved as a correct record and signed by the Chair.

43 Declarations of Interest

Councillor Gardiner declared his personal, non-prejudicial interest in Agenda Item 9.2 (Adoption 'Making' of the Ringmer Neighbourhood Plan).

Councillor Jones declared his personal interest in Agenda Item 9.4 (North Street Quarter Joint Venture Agreement).

Action

44 Written Questions from Councillors

Councillor Ient asked questions of the Leader of the Council, Councillor Smith, relating to:

- (a)** Ensuring that the Relocation Strategy in respect of the proposed development of the North Street Quarter, Lewes, that was being drawn up, be undertaken as a matter of urgency and that, in the process, the Council's Officers fully consult the businesses on the site during the course of January 2016 such that jobs and businesses were not lost to the town of Lewes; and
- (b)** Consideration being given to implementing a 'programme of renewable energy provision' in the properties which the Council was developing on the North Street Quarter development site, Lewes, and the Council using its best endeavours to encourage its development partner, Santon, to do the same. Such measures could be embodied within the joint-venture agreement,

copies of which were circulated to Councillors at the meeting and made available to the public attending the meeting (copies of which are contained in the Minute Book).

Oral replies to the questions were given at the meeting by Councillor Smith.

45 Reporting Back on Meetings of Outside Bodies

(a) Community Safety Partnership – Councillor Nicholson

Councillor Nicholson reported that he had attended a meeting of the Community Safety Partnership on 8 December 2015 at which discussions had been undertaken relating to the possible merger of the Eastbourne, Lewes and Wealden Partnerships and the Partnership's Business Plan.

(b) Sussex Police and Crime Panel – Councillor Nicholson

Councillor Nicholson report that he had attended a meeting of the Sussex Police and Crime Panel on 21 December 2015 at which the Sussex Police precept had been discussed which, it was thought, would be increased from the level that had been set for 2015/16. The Panel's future Plan had also been discussed.

46 Finance Update – Including 2016/17 Budget Overview and Tax Base Setting

The Cabinet considered Report No 1/16 which provided an update on financial matters that affected the General Fund Revenue Account, the Housing

Revenue Account and the approved Capital Programme; and recommended the setting of the council tax base for 2016/17.

The Cabinet Member for Finance reported that, since the preparation of the Report, the Council had been advised that the Government Revenue Support Grant was going to be at a lower level than had been anticipated and that, consequently, the Council's budget was going to be reduced by £200,000 net.

Details relating to the national context to the 2016/17 budget were set out in paragraphs 8.1 to 8.9 of the Report whilst paragraphs 8.10 to 8.21 thereto set out details relating to the local context.

The Government's "stability" budget in July 2015 and the ensuing comprehensive spending review had set the scene for the funding of local government primarily via the Department of Communities and Local Government (DCLG), although some grants such as the Housing Benefit Administration Grant were via the Department of Work and Pensions. Overall the Government had agreed a reduction of 30% in funding to DCLG for the remainder of the current parliament. The actual effect on Local Government could be in the region of 40% depending on the split between local government and the department's own spending.

There were various effects on the Council's general fund budget from existing policies that needed to be factored into the budget setting process for 2016/17. The Council had a good track record of delivering against budget and had a healthy level of reserves which were used for investment as well as contingency.

Paragraph 6 of the Report set out details relating to the Council Tax Base for 2016/17 which the Council was required by law to set 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 the county on the basis of their tax bases.

The Tax Base would be used in the 2016/17 calculation of the Council's own council tax demand; the amount of Special Expenses that would be charged to taxpayers in each area of the District; and the council tax of each Town and Parish Council. It needed to be expressed in terms of equivalent "Band D" properties. Further details relating to the calculation of the Tax Base were set out in the Report, Appendix 2 to which set out details of the Tax Base for the whole District.

Cabinet was recommended to approve the constituent parts of the total tax base relating to Towns and Parishes as set out at Appendix 3 to the Report.

The final estimate of business rate income for 2016/17 was being prepared which would include a provision for appeals as well as the impact of the Government's schemes for Small Business Rates Relief and Retail Relief. Any erosion of the retained rates in respect of such national measures were compensated for by Section 31 Grants direct from Government.

The income estimates would be notified to the Government in January 2016, which would set the basis for transactions to and from the East Sussex

Business Rates pool. Report No 1/16 sought delegation to the Director of Corporate Services as the Council's statutory Chief Finance Officer to determine the final demand on the business rates collection fund for 2016/17.

In accordance with the Council's approved Treasury Strategy Statement, the Audit and Standards Committee reviewed all treasury activity that took place in order to confirm that it had been undertaken in accordance with the approved Strategy. In the event that the Audit and Standards Committee had any observations, they would be recorded in its Minutes and referred to the Cabinet. All activity in the period to 30 November 2015 was in accordance with the strategy and limits set.

Resolved:

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| <p>46.1 That the emerging 2016/17 budget context and proposals, as set out in Report No 1/16, be noted;</p> <p>46.2 That the calculation of the Council Tax Base for 2016/17 be approved;</p> <p>46.3 That, in accordance with The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, the 2016/2017 Council Tax Base for the whole of the area be 35,797.1 and that the Council Tax Base for each of the Town and Parish areas of the District be as set out in Appendix 3 to Report No 1/16;</p> <p>46.4 That the setting of the business rate tax base for 2016/17 be delegated to the Director of Corporate Services in consultation with the Cabinet Member for Finance; and</p> <p>46.5 That it be noted that the Council has operated within its limits set for treasury management activity for the period up to 30 November 2015.</p> | <p></p> <p>DCS</p> <p>DCS</p> <p>DCS</p> |
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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.

The Council's budget setting process is well underway for 2016/17 and Report No 1/16 sets out some of the national and local context as well as some of the main assumptions that are being made. It will act as part of the consultation process with stakeholders including the Scrutiny Committee.

The Council's Treasury Management function deals with high value transactions on a daily basis as well as monitoring the limits set by the Council under the prudential code.

Cabinet is required to approve the Tax Base which will be used for the purposes of calculating the 2016/17 Council Tax in respect of Town and Parish Councils and Special Expenses.

47 Adoption 'Making' of the Ringmer Neighbourhood Plan

The Cabinet considered Report No 2/16 which related to the proposed adoption of the Ringmer Neighbourhood Plan as part of the statutory development plan.

The Localism Act 2011 allowed local communities to shape their areas by enabling town and parish councils to prepare neighbourhood development plans, a detailed legislative framework for which was set out in the Neighbourhood Planning (general) Regulations 2012. Neighbourhood planning had been enthusiastically taken up by many of the towns and parishes in the District, with 10 plans at various stages of preparation.

Once adopted, a neighbourhood plan formed part of the statutory development plan and sat alongside the Local Plan that had been prepared by the Local Planning Authority. Part of Ringmer parish was within the South Downs National Park for which the South Downs National Park Authority was preparing a Local Plan that covered the entire National Park. Once adopted, that would replace the Lewes District Local Plan (or Core Strategy which was currently at an advanced stage) in the areas within the National Park. In the event that planning permission was sought in areas that were covered by an adopted neighbourhood plan, the application needed to be determined in accordance with both the neighbourhood plan and the Local Plan.

There were some legally prescribed stages that needed to be undertaken in the preparation of a neighbourhood plan, namely:

It needed to be subject to examination by an independent examiner;

Subject to a positive outcome from such an examination, it then proceeded to a referendum; and

Where it was subject to a successful referendum, and the local planning authority was satisfied that European Union and human rights obligations had been met, then it was a legal requirement to bring the plan into force as soon as was reasonably practicable.

Paragraph 3 of the Report set out details relating to progress of the Ringmer Neighbourhood Plan which had been the subject of a referendum on 12 November 2015 at which the following question had been posed to eligible voters:

"Do you want Lewes District Council and the South Downs National Park Authority to use the Neighbourhood Plan for Ringmer Parish to help it decide planning applications in the neighbourhood area?"

42% of registered electors had recorded votes, 1444 votes of which were cast in favour of 'yes'; against 128 in favour of 'No'. It was declared that more than half of those who had voted had done so in favour of the Ringmer Neighbourhood Plan.

In accordance with the Neighbourhood Planning Regulations, following the outcome of the referendum it was for the Council to 'make' the neighbourhood plan so that it formally became part of the development plan for Lewes District.

The South Downs National Park Authority would also formally adopt the neighbourhood plan.

Resolved:

- 47.1** That the Officers be congratulated for the work that they had undertaken in respect of the process associated with the Ringmer Neighbourhood Plan.

DBSD

It was further

Recommended:

- 47.2** That the Ringmer Neighbourhood Plan be formally adopted as part of the statutory development plan for the district, as set out in Report No 2/16.

DBSD
(to
note)

Reasons for the Decision:

The Ringmer Neighbourhood Plan has undergone a successful examination and received a majority vote in favour at a referendum.

To comply with the Localism Act which requires local planning authorities to 'make' a neighbourhood development plan as soon as reasonably practicable following a successful referendum.

(Note: Councillor Gardiner declared his personal, non-prejudicial interest in this item as he had participated in the drafting process associated with the Neighbourhood Plan. However, he was not a voting Member of the Cabinet).

48 Wave Leisure Annual Service Delivery Plans 2016/17

The Cabinet considered Report No 3/16 which sought approval for the 2016/2017 Annual Service Delivery Plans for Leisure and Newhaven Fort that were proposed by Wave Leisure Trust (WLT). A copy of the Plan in respect of the leisure service was set out at Appendix A to the Report and the one which related to Newhaven Fort was set out at Appendix B thereto.

The priorities for 2016/2017 continued to build upon those set out in previous years. WLT was encouraged to augment existing networks and partnerships and to seek to establish new relationships to deliver services that would be of benefit to the local community. The plan underpinned the Council's strategic aims and objectives and was aligned with three core objectives, details of which were set out in paragraph 2.3 of the Report.

Emphasis was placed upon encouraging participation in rural communities and for families on a low income, particularly among Council tenants. WLT was encouraged to provide activities that were aimed at opportunities for increasing physical activity for older people in order to reflect the District's ageing population which was above the national average in every band over 50.

The Council's Client Officer would monitor and evaluate WLT's performance against the Plan in respect of which there would be a quarterly review of

performance along with monitoring of the agreed performance indicators.

Paragraphs 2.11 to 2.13 of the Report set out details relating to the Annual Service Delivery Objectives in respect of Newhaven Fort for 2016 to 2017.

On 1 May 2015, WLT had been granted operational management responsibility for the Fort, in respect of which the four priorities for 2016/2017 were for the Trust to:-

- 1) Enhance the regeneration opportunities in Newhaven by increasing the number of visitors to the Fort and generating local job opportunities;
- 2) Maintain and grow the heritage and educational potential of the Fort in a way which was accessible to the general public;
- 3) Improve the current facilities on offer; and
- 4) Minimise the ongoing liabilities of the Council and potentially produce a revenue stream for the Council.

In order to achieve the above priorities, the Trust had identified three separate but interlinked areas for the Fort's Management and Operational Team to focus on, namely:

- Experience;
- Education; and
- Events,

for which the proposed Plan detailed how the Council's priorities and the Trust's three pillars interlinked.

The Chair introduced to the meeting Mr Duncan Kerr, Chief Executive, WLT, who, at the invitation of the Chair, reported details of the main aims that the Trust was working to achieve and answered Councillor's questions in respect thereof.

Resolved:

48.1 That the Annual Service Delivery Plans for Leisure and for Newhaven Fort, as set out in Report No 3/16, be approved.

DSD

Reason for the Decision:

The management agreement between the Council and Wave Leisure requires Cabinet to approve the Annual Service Delivery Plans.

49 North Street Quarter Joint Venture Agreement

The Cabinet considered Report No 4/16 which related to the proposed Joint Venture (JV) Agreement between the Council and Santon North Street Ltd

(SNS) in respect of the proposed project at the North Street Quarter, Lewes; the necessary compulsory purchase powers; representation on the Joint Venture Board; and the allocation of capital funding that was necessary to deliver the project.

Cabinet had received a number of Reports relating to the North Street development of which the one on 24 April 2014 had set out the objectives that the Council, as landowner, wanted to achieve from the redevelopment of the site. It had stated:

“the Council approves the following as its prioritised list of objectives as landowner:

Essential – a balance of:

- Achievement of the policy target of 40% affordable housing as far as possible, to meet local needs in partnership with a Registered Provider e.g. a housing association; and
- Maximisation of a return on assets through a recurring revenue stream (as described above).

Desirable

- Up to 40,000 sq ft of commercial floor space, including a cultural quarter, leisure, retail and a health facility
- Extra care housing; and
- Improved public realm and improved connectivity with the town”

At that meeting, Cabinet had also agreed to the Council entering into an Interim Agreement with SNS to govern the process and apportionment of costs for submitting a planning application. It set up a shadow Joint Venture Board to mutually agree the submission of the application.

The next step in the commercial partnership between the Council and SNS was to enter into a full JV agreement for the North Street Quarter which outlined the working relationship between the parties, the proposed Heads of Terms for which were set out at Appendix 1 to the Report. It was recommended that they be approved and that the Director of Business, Strategy and Development and the Director of Corporate Services be authorised to conclude negotiations and authorise the execution of the final JV Agreement and any associated documentation based on the Heads of Terms.

The JV Agreement was not a sales or development agreement, and as such did not specify the exact return that the Council would receive. Instead, it set out a process for each party to put their land into the proposed scheme when required with vacant possession; to acquire any third party land that was necessary to complete the regeneration of the area and meet the planning policy requirements of policy SP3 in the Joint Core Strategy; appointment of a development partner to take forward elements of the scheme; and to then split any profits from the scheme.

The sharing of benefits was achieved through a process of ‘equalization’ through land ownership.

As part of the JV arrangements, SNS would be granted exclusivity to

undertake all works and services necessary to implement and deliver the planning permission and the development. It was anticipated that SNS would not directly develop any of the site but that, instead, it would be undertaken through third party developers who would be procured by SNS via competition and would enter into commercial agreements as necessary. Such process would be overseen by a Joint Venture Board that would comprise equal officer representation from the Council and SNS.

It was recommended that the Council issue a voluntary ex ante transparency notice (VEAT) in the Official Journal of the European Union (OJEU) before it entered the JV arrangements and to observe the standstill period to allow for objections to the approach taken. The Cabinet was invited to note and agree the procurement approach that was outlined in Report No 4/16 and to waive any requirement in the Council's Contract Procedure Rules which might otherwise require a different approach. The Cabinet was also asked to authorise the Council's representatives on the JV Board to agree the procurement approach to the selection of partners that were nominated by SNS that could most closely deliver the priorities set out above, such authorisation to include delegation for them to approve any further exceptions to the Council's Contract Procedure Rules in the event that it became necessary.

In addition to the JV Board, it was recommended that Councillors retain an oversight of the scheme and the work of the JV through a North Street Member Board which would receive updates on the progress of the scheme and have an advisory input into the decisions of the JV Board. Membership of the North Street Member Board would be determined by the Leader of the Council, in consultation with the leader of the main opposition group.

In addition to the development site, it was also necessary to acquire the site at Springman House, North Street, which was shown bounded in blue on the plan at Appendix 2 to the Report, which the Council might need to do so by compulsory purchase. Relocation of the fire station was referenced in the Infrastructure Position Statement, and Springman House had been identified as an appropriate site to relocate it. The relocation of the fire station was also necessary to facilitate the carrying out of re-development of the North Street site in line with policy SP3. However, attempts to purchase the site on a commercial basis had not been successful thus far, and it was therefore expedient to investigate and prepare the case for making a Compulsory Purchase Order (CPO). Any recommendation to authorise the making of a CPO in relation to that particular site would be considered at a future meeting of Cabinet.

In addition to, or in place of, CPO, the Council might need to use its powers under section 122 of the Local Government Act 1972 to appropriate the land for planning purposes, further details of which were set out in paragraph 2.14 of the Report.

The Chair reported details of a letter which had been sent to the Council shortly before the commencement of the meeting from the Regional Head of Asset Management, South, NHS Property Services, which related to the proposal that was set out in the Report for the Council to undertake work to investigate and prepare a case for exercising its compulsory purchase powers

in respect of land at Springman House.

Delivery of the project required an allocation of funding to cover both project costs and the costs associated with achieving vacant possession, further details of which were set out in paragraph 3 of the Report and was expected to require a total allocation of £1.7m. In the event that the costs came in at a higher level than the amounts set out in paragraph 3 of the Report, then a further authorisation by Cabinet would be sought.

Resolved:

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| 49.1 | That the Director of Business, Strategy and Development, in consultation with the Leader of the Council, be authorised to agree the Heads of Terms for the proposed Joint Venture Agreement between the Council and Santon North Street Ltd ('SNS'), the proposed version of which was set out at Appendix 1 to Report No 4/16; | DBSD |
| 49.2 | <p>That, with regard to paragraph 7.11 of the Heads of Terms which read:</p> <p style="padding-left: 40px;">“Once a recommendation is made by the Board the decision must be referred back to LDC and SNS. If the parties are unable to agree then the matter is escalated to the more senior offices of each entity and ultimately to dispute resolution.”,</p> <p>in instances when such disputes required escalation, it be by way of a Report to the Cabinet;</p> | DBSD/
ADCS |
| 49.3 | That the Director of Business, Strategy and Development and the Director of Corporate Services, in consultation with the Leader of the Council, be authorised to conclude negotiations and authorise the execution of the final Joint Venture Agreement based on the Heads of Terms and any necessary associated documentation and collateral agreements; | DBSD/
DCS |
| 49.4 | That the publication of a Voluntary Ex Ante Transparency Notice in relation to the appointment of Santon North Street Ltd, be authorised; | DBSD |
| 49.5 | That the Chief Executive, the Director of Business, Strategy and Development; and the Director of Corporate Services (or other such senior officer as they put forward as substitutes), be authorised to sit on the Joint Venture Board; | CE/
DBSD/
DCS |
| 49.6 | That the procurement approach outlined in Report No 4/16 be noted and agreed and that any requirement in the Council's Contract Procedure Rules which might otherwise require a different approach, be waived. Further, that the Council's representatives on the Joint Venture Board be authorised to agree the procurement approach to the selection of partners nominated by SNS to deliver the development, such authorisation to include delegation for them to approve any further exceptions to the Council's Contract Procedure Rules should that become necessary; | CE/
DBSD/
DCS |
| 49.7 | That the Assistant Director of Corporate Services be authorised to exercise the Council's powers of appropriation under section 122 of the | ADCS/ |

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| Local Government Act 1972 so that the land at the North Street site, as identified by being edged green on the plan at Appendix 2 to Report No 4/16, may be appropriated for planning purposes at such time as it comes under the Council's control; | DBSD |
| 49.8 That the Director of Business Strategy and Development and Assistant Director of Corporate Services be authorised to undertake work to investigate and prepare a case for exercising the Council's compulsory purchase powers on all land at the North Street site, as identified by being edged green on the plan at Appendix 2 to Report No 4/16; | DBSD/
ADCS |
| 49.9 That details of the letter which had been sent to the Council shortly before the commencement of the meeting from the Regional Head of Asset Management, South, NHS Property Services, which related to the proposal that was set out in the Report for the Council to undertake work to investigate and prepare a case for exercising its compulsory purchase powers in respect of land at Springman House, be received and noted; | |
| 49.10 That the Director of Business Strategy and Development and Assistant Director of Corporate Services be authorised to undertake work to investigate and prepare a case for exercising the Council's compulsory purchase powers on land at Springman House, North Street, Lewes, as identified by being edged blue on the plan at Appendix 2 to Report No 4/16; | DBSD/
ADCS |
| 49.11 That with regard to the reference in paragraph 2.9 of the Report to the 'North Street Member Board', such Board be renamed as the 'North Street Member Oversight Board'; | DBSD |
| 49.12 That an allocation of £1.7m be made for the delivery of the project to be financed from a combination of the Unallocated Reserve and capital receipts; and | DBSD |
| 49.13 That the Director of Business, Strategy and Development be requested to prepare Reports periodically for consideration by the Cabinet on matters relating to the progress of the project. | DBSD |

Reason for the Decisions:

The North Street Quarter development is making good progress with the South Downs National Park Authority's Planning Committee resolving to grant planning permission for the scheme subject to the completion of a section 106 agreement at its meeting on 10 December 2015. The recommendations in Report No 4/16 enable the Council to complete the commercial negotiations and manage the delivery of a scheme that meets both the planning policy for the North Street area and the landowner's priorities set by Cabinet at its meeting on 24 April 2014.

(Note: Councillor Jones declared his personal interest in this item as he was the Council's appointed representative to serve on the South Downs National Park Authority and was a Member of its Planning Committee which had considered a Planning Application in respect of the North Street Quarter site at its meeting on Thursday, 10 December 2015. Therefore, he chose to abstain

from voting thereon).

50 Equalities Annual Report

The Cabinet considered Report No 5/16 which set out progress against the 2014/15 Equalities Action Plan and sought approval of the current year's planned activities. The Equalities Action Plan 2014/15 was set out at Appendix A to the Report whilst the Draft Equalities Action Plan 2016 was set out at Appendix B.

The Equality Act 2010 protected 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 applied to employment rights, service provision, and the provision of goods and facilities.

Councils were under a duty to assess their services and any new policy developments to ensure that they eliminated discrimination and promoted equality of opportunity and access. At the Council, that was done by carrying out an Equality Analysis (EA), which prompted officers to consider whether their service unreasonably discriminated against people who had one or more of the protected characteristics as set out in the Act. It also assessed how the service or policy met the duties of the Act, and what positive impacts it could have for equalities.

In 2014/15 a thorough review of the EA process had been undertaken, the result of which was that it was restructured in order to make it more robust and focused on achieving tangible outcomes. Wider staff consultation was introduced, with EAs currently being reviewed by members of the staff Equalities Working Group. The new format ensured that any recommendations that were identified as a result of EAs were signed off by a senior officer, and were turned into actions which could then be monitored and reported on.

Further details relating to the EA of the Council's services were set out in the Report.

Paragraph 3 of the Report set out details relating to progress towards meeting the Council's Equality Objectives.

The proposed Equalities Action Plan for 2016 was set out at Appendix B to the Report. In addition to a number of actions which continued to be progressed from previous plans, it also set out a number of new areas of focus for the Council. As the Council continued with its change programme, there would be a focus on ensuring that no inadvertent adverse impacts were created on any protected groups.

Under the Equality Act, the Council was required to review its Equalities Objectives every 4 years. Consequently, a review of the current equalities objectives was due this year, details of which were set out in paragraph 4.6 of the Report. The Officers felt that the current objectives were still relevant and could guide the current year's programme of work. As the Council was in a period of significant change, and would continue to be so over the next 12

months, it was proposed that, subject to Cabinet's agreement, the current objectives be retained for 2016 and be reviewed again in 2017.

Resolved:

- 50.1** That progress against the Council's equality objectives, as set out in Report No 5/16, be noted;
- 50.2** That the Director of Business, Strategy and Development, in consultation with the Cabinet Member for Customers and Partners, be authorised to review and finalise the equalities actions for 2016, as set out at Appendix B to the Report;
- 50.3** That the current Equalities Objectives, as set out in paragraph 4.6 of the Report, be retained for a further year; and
- 50.4** That all Members of the Council be required to undertake compulsory equalities training and that such training be given a high priority in future Equalities Action Plans.

DBSD

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 which requires public authorities to proactively consider equality implications in all they do, taking due regard to the need to eliminate discrimination and harassment, advance equality of opportunity, and foster good relations.

Specifically, the Act also requires that local authorities set one or more 'Equality Objectives' (reviewed at least every 4 years) and publish information annually to show how they have met the provisions of the Act.

Report No 5/16 summarises the Equalities related work undertaken by the Council in 2014/15 and reports progress against its Equality Objectives. This enables Members to scrutinise the Council's work in this area, and ensures that the Council fulfils the Public Sector Equality duty as set out above.

51 Contract Procedure Rules

The Cabinet considered Report No 6/16 which related to proposed revised Contract Procedure Rules (CPRs). A copy of the proposed revised Rules was appended to the Report.

CPRs formed part of the Council's Constitution and determined how Officers contracted with external bodies. The CPRs ensured lawfulness and best practice in terms of the procurement of services, supplies or works. Clear and up-to-date CPRs played a key role in ensuring that best value was achieved

for the authority and that the Council was not exposed to risk.

Local authority procurement was an evolving area which was subject to scrutiny and challenge. The current CPRs had been approved in 2009 and needed to be revised to ensure that they reflected current law, best practice and the environment in which the Council was currently operating.

The Public Contracts Regulations 2015 implemented the 2014 EU Public Sector Procurement Directive and a range of other reforms. They largely applied to public contracts that exceeded certain value thresholds.

The Council was currently sharing a range of services with Eastbourne Borough Council in addition to shared senior management roles, and in October 2015 the Cabinets of both councils had approved the outline business case for wider integration of services and workforces.

It was clear that the future would entail staff working across multiple organisations to deliver shared and closely integrated services. It was therefore important that staff could work to a set of common policies, rules and procedures in key areas, and therefore the revised CPRs would be put forward for adoption by both councils. An equivalent Report to Report No 6/16 had been considered by Eastbourne Borough Council's Audit & Governance Committee at its meeting on 2 December 2015 and by its Cabinet on 9 December 2015, both of which had resolved to recommend the revised CPRs, as appended to Report No 6/16, with the exception of rule 18.1A, which applied only to Lewes District Council, for approval by Eastbourne Borough Council's full Council.

Paragraphs 2.9 and 2.10 of the Report set out details relating to the modernisation of CPRs whilst paragraphs 2.11 and 2.12 thereto outlined a summary of the revisions.

Recommended:

- 51.1** That, subject to the text at the beginning of paragraph 2.3.1.f being amended to read "In the case of Eastbourne Borough Council only: contracts made to.....", the revised Contract Procedure Rules, as appended to Report No 6/16, be approved.

DCS
(to
note)

Reasons for the Decision:

To reflect the Public Contracts Regulations 2015 which came into force last year.

To achieve a standard set of Contract Procedure Rules for Lewes District Council and Eastbourne Borough Council.

52 Fees and Charges

The Cabinet considered Report No 7/16 which proposed a revised schedule of fees and charges to be applied from 1 April 2016.

Following a systematic review in light of an Audit Commission report entitled “Positively Charged”, 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 previous Lead Councillors 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 be applied from 1 April 2016, further details of which were set out in paragraph 3 of the Report.

Fees and Charges were reviewed by Cabinet at least once each year, principally during the winter prior to the next financial year, which enabled its decision to be incorporated in the forthcoming estimate cycle.

As in previous years, all of the fees and charges were covered, as far as was practicable, within a single Report so as to enable Cabinet to consider all of the fees and charges which applied to the Council’s services as an overall package for which there were two exceptions namely:

licensing fees, which were set by the Licensing Committee; and

Community Infrastructure Levy charges, which Cabinet had adopted at its meeting on 24 September 2015 to take effect from 1 December 2015.

Appendix 1 to the Report set out details of some significant services, with significant income estimates, where the Council had discretion to set the level of fees and charges. Such matters were summarised in paragraphs 3.4 to 3.6 of the Report between those services where changes were proposed, those services where no changes were proposed, and those services where the fees were statutory and changes were made by Government.

The current fees for the collection and disposal of commercial trade waste had been approved by Cabinet on 6 January 2014 which, in light of commercial confidentiality they had been considered and approved in an exempt Report and were not reproduced in Report No 7/16. The recent review had shown that the current charges remained competitive which was necessary if the Council was to retain its market share, and, consequently, no change in the current charges was proposed. However, given the very competitive nature of such business, and the Officers’ desire for it to grow, it was recommended that the Director of Service Delivery be given delegated authority, in consultation with the Cabinet Member for Waste and Recycling, to vary charges upwards or downwards by up to 10% in order to respond to developing market conditions.

Resolved:

52.1 That the revised scale of fees and charges proposed within Appendix 1 to Report No 7/16, be approved and be applied from 1 April 2016;

DCS

52.2 That the Director of Service Delivery, in consultation with the Cabinet Member for Waste and Recycling, be given delegated authority to vary commercial trade waste charges upwards or downwards by up to 10% in order to respond to developing market conditions; and

DSD/
DCS

52.3 That changes in the statutory fees and charges for services shown within Appendix 1 to the Report be implemented as and when notified by Government.

DCS

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.

53 Meetings Timetable 2016/2017

The Cabinet considered Report No 8/16 which set out the proposed meetings timetable for the 2016/2017 municipal year for which the draft timetable had been circulated to all councillors and Chief Officers for comment.

Paragraphs 4 to 9 of the Report set out details relating to the constraints that had needed to be taken into account when compiling the timetable:

Recommended:

53.1 That the meetings timetable for the 2016/2017 municipal year, as shown in Appendices A and B to Report No 8/16, 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 2016/2017.

54 Ward Issues Raised by Councillors at Council

The Cabinet considered Report No 9/16 which set out responses to Ward issues that had been raised by councillors at the Meeting of the Council held on 9 December 2015.

Resolved:

54.1 That the Officer action in respect of Ward issues that had been raised by Councillors at the Meeting of the Council held on 9 December 2015, as detailed in Report No 9/16, be noted and agreed.

DBSD

Reason for the Decision:

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

55 Appointments to Serve on Outside Bodies

The Cabinet considered the proposed appointment of some Member representatives to serve on some Outside Bodies.

Resolved:

- 55.1** That the appointment of the following member representatives to serve on the following Outside Bodies be confirmed:

South East England Councils – Councillor B Giles (to replace Councillor A Smith as substitute representative);

Impact Seaford – Councillor P Franklin (to replace Councillor R Blackman); and

East Sussex Flood Risk Panel – Councillor P Franklin (to replace Councillor B Giles).

Reason for the Decisions:

To appoint some replacement Member representatives to serve on some Outside Bodies.

ADCS/
HDS

The meeting ended at 4.01pm.

A Smith
Chair