



**Lewes District Council**

### **To all Members of the Cabinet**

A meeting of the **Cabinet** will be held in the **Ditchling Room, Southover House, Southover Road, Lewes Southover House, Southover Road, Lewes** on **Wednesday, 04 January 2017** at **14:30** which you are requested to attend.

Please note the venue for this meeting which is wheelchair accessible and has an induction loop to help people who are hearing impaired.

This meeting may be filmed, recorded or broadcast by any person or organisation. Anyone wishing to film or record must notify the Chair prior to the start of the meeting. Members of the public attending the meeting are deemed to have consented to be filmed or recorded, as liability for this is not within the Council's control.

16/12/2016

Catherine Knight  
Assistant Director of Legal and Democratic Services

## **Agenda**

- 1 Minutes**  
To approve the Minutes of the meeting held on 16 November 2016 (copy previously circulated).
- 2 Apologies for Absence**
- 3 Declarations of Interest**  
Disclosure by councillors of personal interests in matters on the agenda, the nature of any interest and whether the councillor regards the interest as prejudicial under the terms of the Code of Conduct.
- 4 Urgent Items**  
Items not on the agenda which the Chair of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstances as defined in Section 100B(4)(b) of the Local Government Act 1972.
- 5 Public Question Time**

To deal with any questions received from members of the public in accordance with Council Procedure Rule 11 (if any).

**6 Written Questions from Councillors**

To deal with written questions which councillors may wish to put to the Chair of the Cabinet in accordance with Council Procedure Rule 12 (if any).

**7 Matters Referred to the Cabinet**

Matters referred to the Cabinet (whether by the Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of the Council's Constitution.

None.

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

To receive feedback from the Council's representatives who serve on outside bodies in respect of meetings they have attended (if any).

**9 Reports from Officers**

**- Key Decisions**

**9.1 2017-18 Budget Overview and Tax Base Setting**

*Cabinet Member: Councillor Giles*

To consider the Report of the Deputy Chief Executive (Report No 1/17 herewith – page 4).

**9.2 Regulatory Services Enforcement Policy and Services Standards - Report**

*Cabinet Member: Councillor Franklin*

To consider the Report of the Director of Service Delivery (Report No 2/17 herewith – page 16).

**9.3 Joint Venture on Energy & Sustainability - Report and Appendices A and B**

*Cabinet Member: Councillor Giles*

To consider the Report of the Director of Regeneration and Planning (Report No 3/17 herewith – page 51).

**9.4 Consideration of Private Housing Policies - Report**

*Cabinet Member: Councillor Maskell*

To consider the Report of the Director of Service Delivery Report No 4/17

herewith – page 86).

**- Non-Key Decisions**

**9.5 Updated Policy on Use of Powers under the Regulation of Investigatory Powers Act 2000 - Report**

*Cabinet Member: Councillor Smith*

To consider the Report of the Assistant Director of Legal and Democratic Services (Report No 5/17 herewith – page 97).

**9.6 Fees and Charges - Report**

*Cabinet Member: Councillor Giles*

To consider the Report of the Deputy Chief Executive (Report No 6/17 herewith – page 104).

**9.7 Meetings Timetable 2017-2018 - Report**

*Cabinet Member: Councillor Smith*

To consider the Report of the Assistant Director of Legal and Democratic Services (Report No 7/17 herewith – page 121).

**9.8 Appointment to Serve on an Outside Body**

To confirm that Councillor N Enever has been appointed as the Outside Body member representative to serve on the East Sussex Health Overview and Scrutiny Committee in place of Councillor S Adeniji.

For further information about items appearing on this Agenda, please contact Trevor Hayward at Southover House, Southover Road, Lewes, East Sussex BN7 1AB. Telephone 01273 471600

**Distribution:**

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

**Agenda Item No:** 9.1 **Report No:** 1/17  
**Report Title:** 2017/18 Budget Overview and Tax Base Setting.  
**Report To:** Cabinet **Date:** 4 January 2017  
**Cabinet Member:** Councillor Bill Giles  
**Ward(s) Affected:** All  
**Report By:** Alan Osborne, Deputy Chief Executive  
**Contact Officer(s)-**  
**Name(s):** Alan Osborne  
**Post Title(s):** Deputy Chief Executive  
**E-mail(s):** alan.osborne@lewes.gov.uk  
**Tel No(s):** 01273 471600

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**Purpose of Report:**

To provide an update on financial matters affecting the General Fund Revenue Account and the Housing Revenue Account. The report also recommends the setting of the council tax base for 2017/18.

**Officers Recommendation(s):**

**That Cabinet:**

- 1 Notes the emerging 2017/18 budget context and proposals.
  - 2 Approves the calculation of the Council Tax Base for 2017/18.
  - 3 Approves that, in accordance with The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, the 2017/18 Council Tax Base for the whole of the area shall be 36,345.6 and that the Council Tax Base for each of the Town and Parish areas of the District shall be as set out in Appendix 2 of this report.
  - 4 Delegates the setting of the final demand on the business rates collection fund for 2017/18 to the Deputy Chief Executive.
  - 5 Notes that the Council has operated within its limits set for treasury management activity for the period up to 30 November 2016.
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## Reasons for Recommendations

- 1 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.
- 2 The Council's budget setting process is well underway for 2017/18 and the report 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.
- 3 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.
- 4 Cabinet is required to approve the Tax Base which will be used for the purposes of calculating the 2017/18 Council Tax in respect of Town and Parish Councils and Special Expenses.

## Information

### 5 Treasury Management

- 5.1 In accordance with the Council's approved Treasury Strategy Statement, the Audit and Standards Committee reviews all treasury activity that takes place in order to confirm that it has been undertaken in accordance with the approved Strategy. Should the Audit and Standards Committee have any observations they would be recorded in its minutes and referred to the Cabinet.
- 5.2 All activity in the period to 30 November 2016 is in accordance with the strategy and limits set.

### 6 Council Tax Base 2017/18

- 6.1 The Council is required by law to set the Council Tax Base before 31 January each year. This will 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.
- 6.2 The Tax Base will be used in the 2017/18 calculation of:
  - Lewes District Council's own council tax demand.
  - The amount of Special Expenses which will be charged to taxpayers in each area of the District.
  - The council tax of each Town and Parish Council.
- 6.3 Council has 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 the Council Tax Base.
- 6.4 The Council Tax Base must be expressed in terms of equivalent "Band D" properties. The Government's Valuation Office Agency assesses the relative

value of every property within the district and places it in one of eight bands A to H. A conversion factor is then applied to each of the Bands A to H in order to obtain the equivalent number of “Band D” properties as set out below.

| Valuation (at 1 April 1991) | Band | Conversion Factor |
|-----------------------------|------|-------------------|
| Less than £40,000           | A    | 6/9 of Band D     |
| Less than £52,000           | B    | 7/9 of Band D     |
| Less than £68,000           | C    | 8/9 of Band D     |
| Less than £88,000           | D    | 9/9 of Band D     |
| Less than £120,000          | E    | 11/9 of Band D    |
| Less than £160,000          | F    | 13/9 of Band D    |
| Less than £320,000          | G    | 15/9 of Band D    |
| Greater than £320,000       | H    | 18/9 of Band D    |

- 6.5** Occupiers qualifying for disabled relief who are in properties above Band A move down a band for Council Tax purposes. Occupiers qualifying for disabled relief in Band A properties receive relief equivalent to 1/9th of a Band D tax.
- 6.6** Deductions are made from the aggregate number of properties in each band in respect of exempt properties and single person discounts. As agreed by the Council, no discount is given for second homes and long-term empty properties attract a 50% premium. An adjustment is also made to reflect the potential impact of the Council Tax Reduction Scheme.
- 6.7** In setting the Tax Base, an assessment is made of the anticipated in-year collection rate of the Council Tax. It is considered appropriate to set the anticipated collection rate at 98.2%, an increase of 0.2% compared with the current year. This reflects current collection performance, which is closely monitored throughout the year.
- 6.8** **Appendix 1** sets out details of the Tax Base for the whole District. The total number of dwellings in the District (line 2) on 30 November 2016 (the prescribed date of this calculation) was 44,580 an increase of 312 on the previous year.
- 6.9** The Tax Base calculation includes an estimate for the number of new properties which will be subject to the council tax for the first time in 2017/18 (line 34). A number of data sources including Planning records have been used to project the number of dwellings which are considered likely to be constructed or converted in the year.
- 6.10** The total Tax Base, net of the collection rate adjustment, increases by 548.5 from 35,797.1 to 36,345.6 Band D Equivalents. The increase can be analysed as follows:

|                                   | Band D equivalents |
|-----------------------------------|--------------------|
| Increase in chargeable properties | 474.5              |
| Increase in collection rate       | 74.0               |
| Net increase                      | <b>548.5</b>       |

The increase in chargeable properties exceeds the prudent projection of 0.5% recurring annual growth used over the duration of the Council's Medium Term

Finance Strategy (MTFS), which equated to 179 additional Band D equivalent dwellings in 2017/18.

- 6.11** Cabinet is recommended to approve the constituent parts of the total tax base relating to Towns and Parishes shown at **Appendix 2**. These will be used to calculate the Special Expenses council tax amounts for 2017/18, as well as the council tax requirement of each Town and Parish Council to meet their own budget (precept) requirements. The Towns and Parishes have been provisionally advised of these individual tax bases in order that each can assess the impact of the precept in its area.
- 6.12** In 2013/14 the Council introduced a system of grant payments to the local Town and Parish Councils to offset increases in their council tax amounts which would otherwise arise as a result of reductions in their tax bases following the introduction of the Council Tax Reduction Scheme. The Government had made funding available to district councils for such grant schemes through the Revenue Support Grant and Business Rates Retention mechanism. In response to reductions in Government funding, the Council has reduced the grants that it pays to the Town and Parish Councils by 15% each year, and this will continue in 2017/18. Payment of grant to Lewes Town Council is expected to be adjusted for the unbudgeted cost of LDC continuing to manage and maintain open spaces which were not devolved to the Town Council as intended.

## **7 Retained Business Rates Income**

- 7.1** Following a national revaluation exercise, a new 'Rating List' will come into effect from 1 April 2017. As a result, the amounts paid by individual business ratepayers will vary compared with 2016/17, subject to a transitional relief scheme which will mitigate significant increases or decreases. A large number of appeals against the new Rating List can be expected. The Government has noted that the impact on local authorities of the new Rating List should be broadly neutral.
- 7.2** On 1 April 2017, an Enterprise Zone (EZ) will be established for a defined area of Newhaven. Non-domestic properties within the EZ will be eligible for business rates discounts, the cost of which will be reimbursed to the Council by government grant. The Council will also be able to retain the benefit of growth in the business rates base arising from businesses expanding within or relocating to the EZ.
- 7.3** The final estimate of business rate income for 2017/18, taking account of both the significant changes noted above, is currently being prepared. The income estimates will be notified to the Government in January 2017, setting the basis for transactions to and from the East Sussex Business Rates pool. The report seeks delegation to the Deputy Chief Executive as the Council's statutory Chief Finance Officer to determine the final demand on the business rates collection fund for 2017/18.

## 8 National and Local Context to the 2017/18 Budget

### National

- 8.1** The Department for Communities and Local Government (DCLG) has confirmed that the Council is now part of the multi-year finance settlement following publication of an efficiency plan in October 2016. 97% of councils applied to be part of the multi-year settlement.
- 8.2** The Government will need to take account of future events such as the transfer of functions to local government, transfers of responsibility for functions between local authorities, mergers between authorities and any other unforeseen events. However, barring exceptional circumstances, the Council can expect the following core funding allocations:

|                       | 2017/2018<br>£'000 | 2018/2019<br>£'000 | 2019/2020<br>£'000 |
|-----------------------|--------------------|--------------------|--------------------|
| Revenue Support Grant | 375                | 2                  | 0                  |
| Transition Grant      | 84                 | 0                  | 0                  |

- 8.3** As reported to the last meeting of Cabinet, the Government intends that district councils will be allowed to increase council tax in 2017/18 by less than 2% or up to and including £5 whichever is higher. An increase above this level would trigger a referendum of local taxpayers. The MTFS assumes an increase of 1.9%.

### Local

- 8.4** In addition to the effects of the above, there are various effects on the LDC general fund budget from existing policies that need to be factored into the budget setting process for 2017/18.
- 8.5** The Council has a good track record of delivering against budget and has a healthy level of reserves which are used for investment as well as contingency.
- 8.6** 2017/18 will be the second year of the Council's medium term savings and income programme which the MTFS identified to reduce the annual net General Fund budget by £2.8m by 2019/20 compared with the 2015/16 base year. As previously explained to Cabinet in quarterly financial performance reports, progress on the savings measures in 2016/17 has been positive. There continue to be three primary sources for the remaining three year period :
- Leisure savings via Wave Leisure (£0.3m)
  - New income generation (£0.5m)
  - Joint Transformation Programme (£1.2m plus any unmet target deferred from 2016/17 as a result of timing of activity).



- 8.7 The Council applies inflation to its fees and charges and a detailed report can be found elsewhere on this agenda. In total the Council's income budgets will reduce by £1,900 per annum should the fees and charges recommended be accepted, reflecting changes in demand for charged services. This contrast with an increase of £50,000 projected within the MTFs.
- 8.8 In keeping with most Councils inflation on goods and services is only budgeted for where there is a contractual liability to apply. The grounds maintenance budget and the Council's own business rates liabilities are examples. Overall this requires estimated growth of £30k per annum.
- 8.9 Pay awards and contractual increments add approximately £235k per annum to the cost of staff engaged on LDC activity in 2017/18, shared by the General Fund (£160k) and Housing Revenue Account (£75k). This represents the baseline figure, ahead of reductions to be achieved through the Joint Transformation Programme. As previously reported, LDC will no longer be a direct employer of staff in 2017/18, with all current employees expected to transfer to Eastbourne Borough Council (EBC) on 1 February 2017. The Government is introducing a national Apprenticeship Levy from 6 April 2017 on all employers with an annual pay bill in excess of £3m. With the change of employer, LDC will not pay this levy (estimated to be £34k) directly but may be required to reimburse EBC with a share of any additional cost that it incurs.
- 8.10 A summary of the estimated main movements in the emerging budget between 2016/17 and 2017/18 is shown at **Appendix 3**. At this point in the budget setting cycle although there are many detailed figures to be applied as they become available, the Council should be able to produce a budget for 2017/18 with no draw on reserves for recurring expenditure.
- 8.11 The overall budget has the ability to finance one off service investments directly from reserves, although it should be noted that the opportunity to use reserves is available at any time as the budget requirement and level of council tax is not affected.

## 9 The Housing Revenue Account (HRA) 2017/18

### National Factors

- 9.1 The Council keeps a separate HRA which statutorily contains all transactions that appertain to its landlord role with tenants as well as leaseholders that have exercised the right to buy.
- 9.2 2017/18 will be the second year in which rents reduce by 1% as required by Government regulation. The estimated effect of this change is a reduction in rents of £150k per annum from the existing budget level.
- 9.3 The Government has clarified its intentions on two proposed legislative measures:
- levy on local housing authorities based on the sale potential of 'high value' properties, which is intended to provide funding for the extension of Right to Buy to housing association tenants. The Government remains

committed to delivering this commitment, but local authorities will not be required to make levy payments in 2017/18.

- a mandatory scheme requiring local authorities to set higher rents for higher income council tenants will not now proceed, although local authorities will continue to have the discretion to implement the policy for tenants with incomes over £60,000.

### Local Factors

- 9.4** The HRA has been setting aside funds to repay debt each year, leading to a reduction in debt costs of approximately £25k per annum from 2017/18. However, with rent income reducing it may no longer be possible to sustain these repayments.
- 9.5** A 30 year business plan was first put together in 2012 and adopted by the Council following the introduction of “self-financing” when the Government ended the housing subsidy regime that had been used to redistribute resources between Councils depending on local rent levels. This business plan is currently being refreshed to take account of updated housing stock condition information following the completion of a detailed survey in autumn 2016. It will be used to inform the revenue budgets in 2017/18 and the medium term.
- 9.6** The HRA has and will continue to receive benefits of efficiencies made in costs through the Joint Transformation Programme and other initiatives, for example the procurement of the contract for responsive housing repairs.

## **10 Legal Implications**

As noted above, the Tax Base must be calculated as required by the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012.

## **11 Risks**

- 11.1** The Council maintains an overview of its policy programme, its Medium Term Financial Strategy and the external factors that affect them. Without this constant analysis and review there is a risk that the underlying recurring revenue budgets will grow at a faster rate than the resources available to fund them. This risk is mitigated through regular reports to Cabinet on the Council’s overall revenue and capital position and Cabinet’s correcting actions taken in accordance with the objectives and principles it set for management of the Council’s finances.
- 11.2** This Council, East Sussex County Council, the Sussex Police and Crime Commissioner, and East Sussex Fire and Rescue Service will all use the Council Tax Base to calculate their individual council tax requirements for 2017/18. If the tax base is overestimated, a shortfall in actual tax collected would arise, which would need to be recovered by an increase in the council tax in future years. Conversely, if the tax base is underestimated, council tax amounts will be higher than necessary in 2017/18. The Council has a track record in producing a small surplus each year as a product of the approach to setting the tax base.

**11.3** Delivery of savings through the JTP is key to both the General Fund Medium Term Financial Strategy and the HRA Business Plan. Regular reports will be made to Cabinet on the progress of the JTP.

## **12 Equality Screening**

This Finance Update is a routine report for which detailed Equality Analysis is not required to be undertaken. It gives an overview of the national and local context to the budget setting process for 2017/18 which will be concluded at the meetings of Cabinet and Council in February 2017. The equality implications of individual decisions relating to the projects/services covered in this report are addressed within other relevant Council reports.

## **13 Background Papers**

Treasury Strategy Statement <http://www.lewes.gov.uk/council/20987.asp>

Budget 2016/17

Council Financial Plan 2016/17

## **Appendices**

Appendix 1 – Council Tax Base Calculation 2017/18 - Summary

Appendix 2 – Council Tax Base Calculation 2017/18 by Parish/Town Council area

Appendix 3 – Summary of the General Fund emerging budget proposals 2017/18

## Appendix 1

| Council Tax Base Calculation 2017/2018 – Summary                                   |              |               |               |                 |               |               |               |              |             |                  |
|--|--------------|---------------|---------------|-----------------|---------------|---------------|---------------|--------------|-------------|------------------|
| The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012 |              |               |               |                 |               |               |               |              |             |                  |
|  | DISA         | Band A        | Band B        | Band C          | Band D        | Band E        | Band F        | Band G       | Band H      | Total            |
| <b>1 Chargeable Dwellings</b>  |              |               |               |                 |               |               |               |              |             |                  |
| 2 Valuation List Totals  |              | 4,293         | 6,000         | 13,363          | 9,589         | 5,785         | 3,004         | 2,319        | 227         | 44,580.00        |
| 3 Less: Exempt Dwellings Class A - W   |              | 90            | 87            | 154             | 104           | 84            | 29            | 17           | 7           | 572.00           |
| 4 Less: Demolished Properties  |              | 1             | 0             | 0               | 2             | 0             | 0             | 1            | 1           | 5.00             |
| 5 Disabled Banding Reductions -)   |              | 5             | 22            | 83              | 78            | 57            | 35            | 28           | 13          | 321.00           |
| 6 Disabled Banding Reductions +  | 5            | 22            | 83            | 78              | 57            | 35            | 28            | 13           | 0           | 321.00           |
| <b>7 ITEM H Chargeable Dwellings</b>   | <b>5</b>     | <b>4,219</b>  | <b>5,974</b>  | <b>13,204</b>   | <b>9,462</b>  | <b>5,679</b>  | <b>2,968</b>  | <b>2,286</b> | <b>206</b>  | <b>44,003.00</b> |
| <b>8 Discounts</b>   |              |               |               |                 |               |               |               |              |             |                  |
| 9 <u>Dwellings entitled to Single Person Discount</u>                              | 75           | 2,692         | 2,748         | 4,398           | 2,754         | 1,397         | 560           | 312          | 12          | 14,948.00        |
| 10 Discount Percentage   | 25%          | 25%           | 25%           | 25%             | 25%           | 25%           | 25%           | 25%          | 25%         |                  |
| 11 <b>D1</b> Adjustment for Single Person Discount                                 | 18.75        | 673.00        | 687.00        | 1,099.50        | 688.50        | 349.25        | 140.00        | 78.00        | 3.00        | 3,737.00         |
| 12 <u>Dwellings entitled to a '2 x 25%' Discount</u>                               | 0            | 1             | 8             | 9               | 9             | 5             | 12            | 18           | 4           | 66.00            |
| 13 Discount Percentage   | 50%          | 50%           | 50%           | 50%             | 50%           | 50%           | 50%           | 50%          | 50%         |                  |
| 14 <b>D2</b> Adj for Dwellings entitled to a '2 x 25%' Discount                    | 0.00         | 0.50          | 4.00          | 4.50            | 4.50          | 2.50          | 6.00          | 9.00         | 2.00        | 33.00            |
| 15 <u>Second Homes</u>   | 0            | 28            | 48            | 82              | 77            | 47            | 19            | 20           | 5           | 326.00           |
| 16 Discount Percentage   | 0%           | 0%            | 0%            | 0%              | 0%            | 0%            | 0%            | 0%           | 0%          |                  |
| 17 <b>D3</b> Adj for Second Homes  | 0.00         | 0.00          | 0.00          | 0.00            | 0.00          | 0.00          | 0.00          | 0.00         | 0.00        | 0.00             |
| 18 <u>Prescribed Class A Empty Discounts</u>                                       | 0            | 3             | 8             | 14              | 10            | 3             | 4             | 6            | 1           | 49.00            |
| 19 Discount Percentage 50% UP TO ONE YEAR  | 50%          | 50%           | 50%           | 50%             | 50%           | 50%           | 50%           | 50%          | 50%         |                  |
| 20 <b>D4</b> Adj for Class A Exempt Dwellings                                      | 0.00         | 1.50          | 4.00          | 7.00            | 5.00          | 1.50          | 2.00          | 3.00         | 0.50        | 24.50            |
| 21 <u>Prescribed Class C Empty Dwellings</u>                                       | 0            | 26            | 21            | 28              | 11            | 7             | 2             | 1            | 0           | 96.00            |
| 22 Discount Percentage 100% for 1 month  | 100%         | 100%          | 100%          | 100%            | 100%          | 100%          | 100%          | 100%         | 100%        |                  |
| 23 <b>D5</b> Adj for Class C Empty Dwellings                                       | 0.00         | 26.00         | 21.00         | 28.00           | 11.00         | 7.00          | 2.00          | 1.00         | 0.00        | 96.00            |
| 24 <u>Annexe Discount</u>  | 0.38         | 14.64         | 1.00          | 1.00            | 0.88          | 0.00          | 0.00          | 0.50         | 0.00        | 18.40            |
| 25 Discount Percentage   | 100%         | 100%          | 100%          | 100%            | 100%          | 100%          | 100%          | 100%         | 100%        |                  |
| 26 <b>D6</b> Adj for Annexes   | 0.38         | 14.64         | 1.00          | 1.00            | 0.88          | 0.00          | 0.00          | 0.50         | 0.00        | 18.40            |
| <b>27 ITEM Q Discounts (D1+D2+D3+D4+D5+D6)</b>                                     | <b>19.13</b> | <b>715.64</b> | <b>717.00</b> | <b>1,140.00</b> | <b>709.88</b> | <b>360.25</b> | <b>150.00</b> | <b>91.50</b> | <b>5.50</b> | <b>3,908.90</b>  |

|   | DISA          | Band A          | Band B          | Band C           | Band D          | Band E          | Band F          | Band G          | Band H        | Total            |
|---|---------------|-----------------|-----------------|------------------|-----------------|-----------------|-----------------|-----------------|---------------|------------------|
| <b>28 Premiums</b>  |               |                 |                 |                  |                 |                 |                 |                 |               |                  |
| <b>29 Dwellings (Long Term Empty)</b>                             | 0             | 18              | 11              | 20               | 14              | 4               | 4               | 7               | 0             | 78.00            |
| <b>30 Premium Percentage (50% = 150% charge)</b>                  | 50%           | 50%             | 50%             | 50%              | 50%             | 50%             | 50%             | 50%             | 50%           |                  |
| <b>31 D6 Adj for Dwellings (Long Term Empty)</b>                  | 0.00          | 9.00            | 5.50            | 10.00            | 7.00            | 2.00            | 2.00            | 3.50            | 0.00          | 39.00            |
| <b>32 ITEM E Premiums</b>   | <b>0.00</b>   | <b>9.00</b>     | <b>5.50</b>     | <b>10.00</b>     | <b>7.00</b>     | <b>2.00</b>     | <b>2.00</b>     | <b>3.50</b>     | <b>0.00</b>   | <b>39.00</b>     |
| <b>33 Dwellings - Estimated changes in year</b>                   |               |                 |                 |                  |                 |                 |                 |                 |               |                  |
| <b>34 Estimate of new dwellings</b>                               | 0             | 0               | 0               | 0                | 140             | 0               | 0               | 0               | 0             | 140.00           |
| <b>35 Less: Exempt dwellings at 0% of total</b>                   | 0.00          | 0.00            | 0.00            | 0.00             | 0.00            | 0.00            | 0.00            | 0.00            | 0.00          |                  |
| <b>36 Estimate of net new dwellings</b>                           | 0             | 0               | 0               | 0                | 140             | 0               | 0               | 0               | 0             | 140.00           |
| <b>37 Discounts - Estimated changes in year</b>                   |               |                 |                 |                  |                 |                 |                 |                 |               |                  |
| <b>38 Estimate of new discounts</b>                               | 0             | 0               | 0               | 0                | 0               | 0               | 0               | 0               | 0             | 0.00             |
| <b>39 Discount Percentage</b>                                     | 25%           | 25%             | 25%             | 25%              | 25%             | 25%             | 25%             | 25%             | 25%           |                  |
| <b>40 Estimated value of discount changes</b>                     | 0.00          | 0.00            | 0.00            | 0.00             | 0.00            | 0.00            | 0.00            | 0.00            | 0.00          | 0.00             |
| <b>41 ITEM J Adjustment for dwelling and discount changes</b>     | <b>0.00</b>   | <b>0.00</b>     | <b>0.00</b>     | <b>0.00</b>      | <b>140.00</b>   | <b>0.00</b>     | <b>0.00</b>     | <b>0.00</b>     | <b>0.00</b>   | <b>140.00</b>    |
| <b>42 ITEM Z Local Council Tax Reduction Scheme</b>               | <b>0.00</b>   | <b>1,134.76</b> | <b>1,186.71</b> | <b>1,412.43</b>  | <b>503.28</b>   | <b>149.99</b>   | <b>34.28</b>    | <b>10.99</b>    | <b>0.00</b>   | <b>4,432.44</b>  |
| <b>43 (ITEM H - ITEM Q + ITEM E + ITEM J) - ITEM Z</b>            | <b>-14.13</b> | <b>2,377.60</b> | <b>4,075.79</b> | <b>10,661.57</b> | <b>8,395.84</b> | <b>5,170.76</b> | <b>2,785.72</b> | <b>2,187.01</b> | <b>200.50</b> | <b>35,840.66</b> |
| <b>44 Ratio Item F</b>  | <u>5</u>      | <u>6</u>        | <u>7</u>        | <u>8</u>         | <u>9</u>        | <u>11</u>       | <u>13</u>       | <u>15</u>       | <u>18</u>     |                  |
| <b>45 Ratio Item G</b>  | <u>9</u>      | <u>9</u>        | <u>9</u>        | <u>9</u>         | <u>9</u>        | <u>9</u>        | <u>9</u>        | <u>9</u>        | <u>9</u>      |                  |
| <b>46 (ITEM H - ITEM Q + ITEM E + ITEM J) - ITEM Z) x( F/G) *</b> | <b>-7.9</b>   | <b>1,585.2</b>  | <b>3,170.2</b>  | <b>9,477.0</b>   | <b>8,396.0</b>  | <b>6,319.8</b>  | <b>4,024.0</b>  | <b>3,645.9</b>  | <b>401.6</b>  | <b>37,011.8</b>  |
| <b>47 ITEM A Band D Equivalentents</b>                            |               |                 |                 |                  |                 |                 |                 |                 |               | <b>37,011.8</b>  |

| <u>Calculation of the Tax Base</u>        |                 |
|---|-----------------|
| ITEM A Total Relevant Amounts (Band D)    | 37,011.8        |
| ITEM B Collection Rate                    | 98.2%           |
| <b>COUNCIL TAX BASE (ITEM A x ITEM B)</b> | <b>36,345.6</b> |

\*This is the aggregate of the individual Town and Parish tax bases in accordance with legislation. It is not the product of line 43 \*(line 44/line 45)

## Appendix 2

|                         | <b>Council Tax Base Calculation 2017/2018 - Band D Equivalents</b> |                |                |                |                |                |                |                |               |                 |                 |
|-------------------------|--|----------------|----------------|----------------|----------------|----------------|----------------|----------------|---------------|-----------------|-----------------|
| <b>Town/Parish Area</b> | <b>DISA</b>  | <b>Band A</b>  | <b>Band B</b>  | <b>Band C</b>  | <b>Band D</b>  | <b>Band E</b>  | <b>Band F</b>  | <b>Band G</b>  | <b>Band H</b> | <b>Total</b>    | <b>98.2%</b>    |
| Barcombe                | -  | 10.9           | 25.5           | 87.9           | 94.8           | 109.6          | 129.4          | 165.8          | 16.0          | 639.9           | 628.4           |
| Beddingham/Glynde       | -  | 4.7            | 6.9            | 64.4           | 14.2           | 23.2           | 23.0           | 30.5           | 20.0          | 186.9           | 183.5           |
| Chailey                 | 0.8  | 27.7           | 37.4           | 161.4          | 145.6          | 196.7          | 295.4          | 409.2          | 47.6          | 1,321.8         | 1,298.0         |
| Ditchling               | -  | 8.2            | 19.2           | 64.4           | 68.0           | 314.2          | 194.7          | 421.7          | 69.0          | 1,159.4         | 1,138.5         |
| East Chiltington        | -  | 0.9            | 4.5            | 54.9           | 40.8           | 9.7            | 17.0           | 52.2           | 18.0          | 198.0           | 194.4           |
| Falmer                  | -  | 0.3            | 6.4            | 15.4           | 18.2           | 15.4           | 3.6            | 10.0           | 2.0           | 71.3            | 70.0            |
| Firle                   | -  | 2.8            | 9.6            | 15.9           | 26.3           | 27.6           | 9.4            | 23.8           | 7.6           | 123.0           | 120.8           |
| Hamsey                  | -  | 12.2           | 16.6           | 50.7           | 34.1           | 39.8           | 33.1           | 51.7           | 14.0          | 252.2           | 247.7           |
| Iford                   | -  | 0.7            | 3.7            | 3.1            | 11.5           | 35.1           | 16.6           | 18.3           | 6.0           | 95.0            | 93.3            |
| Kingston                | -  | 9.8            | 4.4            | 5.8            | 13.3           | 56.6           | 184.7          | 149.7          | 11.0          | 435.3           | 427.5           |
| Lewes                   | 0.4  | 190.3          | 638.8          | 1,821.7        | 1,285.2        | 896.9          | 663.3          | 708.7          | 31.6          | 6,236.9         | 6,124.6         |
| Newhaven                | 0.4  | 306.3          | 900.4          | 1,265.4        | 787.4          | 363.5          | 31.8           | 31.0           | -             | 3,686.2         | 3,619.8         |
| Newick                  | -  | 8.7            | 12.8           | 121.0          | 204.9          | 240.2          | 238.5          | 261.3          | 12.0          | 1,099.4         | 1,079.6         |
| Peacehaven              | 0.4  | 347.1          | 422.6          | 1,974.2        | 1,389.2        | 470.6          | 141.7          | 24.7           | 2.0           | 4,772.5         | 4,686.6         |
| Piddinghoe              | -  | 1.0            | 1.2            | 22.0           | 8.1            | 26.9           | 44.1           | 30.8           | -             | 134.1           | 131.7           |
| Plumpton                | -  | 8.0            | 10.6           | 91.6           | 148.1          | 107.9          | 96.5           | 189.7          | 21.6          | 674.0           | 661.9           |
| Ringmer                 | -  | 14.3           | 57.6           | 311.5          | 593.9          | 418.5          | 300.7          | 184.7          | 26.0          | 1,907.2         | 1,872.9         |
| Rodmell                 | -  | 6.2            | 10.3           | 26.0           | 12.1           | 21.4           | 37.3           | 84.2           | 21.6          | 219.1           | 215.2           |
| St Ann Without          | -  | 2.0            | 1.6            | 4.8            | 6.5            | 4.6            | 11.6           | 10.0           | -             | 41.1            | 40.4            |
| St John Without         | -  | 1.3            | -              | 5.8            | 3.8            | 2.2            | 1.4            | 10.7           | 4.0           | 29.2            | 28.7            |
| Seaford                 | -  | 503.5          | 735.0          | 2,134.2        | 2,257.8        | 2,297.0        | 1,298.3        | 427.8          | 4.0           | 9,657.6         | 9,483.8         |
| Southeast               | -  | 0.7            | 0.8            | 1.8            | 1.8            | 4.9            | 4.3            | 7.5            | 2.0           | 23.8            | 23.4            |
| South Heighton          | -8.6   | 24.6           | 19.3           | 188.8          | 24.9           | 16.5           | 6.9            | 13.3           | 2.0           | 287.7           | 282.5           |
| Streat                  | -  | 0.9            | 0.4            | 7.6            | 13.8           | 8.3            | 9.4            | 34.7           | 6.0           | 81.1            | 79.6            |
| Tarring Neville         | -  | 2.0            | 1.6            | 3.1            | 0.8            | 1.2            | -              | 1.7            | -             | 10.4            | 10.2            |
| Telscombe               | -  | 77.2           | 204.5          | 838.2          | 960.6          | 360.3          | 61.4           | 30.0           | 5.0           | 2,537.2         | 2,491.5         |
| Westmeston              | -1.3   | 7.2            | 1.4            | 7.6            | 13.0           | 30.4           | 25.3           | 54.7           | 23.0          | 161.3           | 158.4           |
| Wivelsfield             | -  | 5.7            | 17.1           | 127.8          | 217.3          | 220.6          | 144.6          | 207.5          | 29.6          | 970.2           | 952.7           |
| <b>TOTAL</b>            | <b>-7.9</b>  | <b>1,585.2</b> | <b>3,170.2</b> | <b>9,477.0</b> | <b>8,396.0</b> | <b>6,319.8</b> | <b>4,024.0</b> | <b>3,645.9</b> | <b>401.6</b>  | <b>37,011.8</b> | <b>36,345.6</b> |

## Summary of emerging budget proposals

| Item                             | Basis   | £'000        |
|----------------------------------|---|--------------|
| Reduction in grants              | Based on 4 year settlement                      | 620          |
| Pay award                        | Chancellor's announcement                       | 80           |
| HRA recharges                    | Share of Joint Transformation Programme savings | 100          |
| Increments                       | Calculated on pay budget                        | 80           |
| Inflation on contracts           | Based on current inflation                      | 30           |
| Pension costs                    | Known increase per actuary                      | 100          |
| <b>Total net cost increases</b>  |   | <b>1,010</b> |
| Increase in Tax base             | Council tax to be generated                     | (100)        |
| New income streams               | Commercial Property                             | (200)        |
| Wave Leisure agreement           | Agreed  | (100)        |
| Reduced Town/Parish grants       | Agreed programme                                | (30)         |
| Shared services/transformation   | Joint Transformation Programme target           | (400)        |
| Council Tax increase             | Assumed 1.9%                                    | (120)        |
| <b>Total net cost reductions</b> |   | <b>(950)</b> |

**Agenda Item No:** 9.2 **Report No:** 2/17  
**Report Title:** Regulatory Services Enforcement Policy and Services Standards  
**Report To:** Cabinet **Date:** 4 January 2017  
**Lead Councillor:** Councillor Paul Franklin  
**Ward(s) Affected:** All  
**Report By:** Ian Fitzpatrick - Director of Service Delivery  
**Contact Officer(s):** Rebecca Wynn (Environmental Health Specialist)  
[Rebecca.Wynn@lewes.gov.uk](mailto:Rebecca.Wynn@lewes.gov.uk)  
01273 471600

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### **Purpose of Report:**

To consider the draft Regulatory Services Enforcement Policy and Service Standards for all Environmental Health and Licensing functions at Lewes District Council.

### **Officers Recommendations:**

That Cabinet recommend that full Council–

1. approve Lewes District Council's draft Regulatory Services Enforcement Policy set out in Appendix 1; and its Service Standards for Environmental Health and Licensing functions set out in Appendix 2.
2. delegate authority to the Director Service Delivery to agree and implement the final Regulatory Services Enforcement Policy and Service Standards for Environmental Health and Licensing functions, after consultation and after consolidation of the Council's existing Environmental Health Enforcement Policy.

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### **Reasons for Recommendations**

Local authorities are required by the Regulators' Code to publish an enforcement policy ("the Policy") together with service standards explaining how they respond to non-compliance. The Policy is an important document for regulators in meeting their responsibility under statutory principles of good regulation. It should provide a clear, flexible and principles-based framework for how the local authority engage with those they regulate.

#### **1 Information**

- 1.1 The Regulators' Code came into statutory effect on 6 April 2014 under the Legislative and Regulatory Reform Act 2006, replacing the Regulators'



Compliance Code. All local authorities must have regard to it when developing policies and procedures that guide their regulatory activities.

- 1.2 The Code is underpinned by the statutory principles of good regulation, which state that regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent and should be targeted only at cases in which action is needed.
- 1.3 In this context the term 'Regulatory Services' covers Environmental Health and Licensing Functions and specifically the following areas of work:
  - Pollution
  - Food
  - Health and Safety
  - Private Sector Housing
  - Licensing – premises, taxi and private hire, gambling and ancillary functions
- 1.4 The primary aim of the Regulatory Services function is to protect public health. This is done by ensuring compliance with the legislative framework so that consumers, businesses, employees, individuals and the environment are protected. Fair, proportionate, targeted and effective enforcement is essential in protecting the health, safety and economic interests of all concerned, and there is a range of tools available to the service to achieve this.
- 1.5 Prevention is better than cure, therefore we actively work with businesses and the public to advise on and assist with compliance. Where we consider that formal action is necessary, each case will be considered on its own merits by taking a proportionate approach. The detail on how and when action may be taken is outlined in section 5 of the Policy.
- 1.6 The instigation of legal proceedings will be taken by an authorised manager using the criteria set out in section 6 of the Policy as well as the Code for Crown Prosecutors.

## **2.0 Shared services**

- 2.1 Environmental Health Officers (EHO's) and specialists in Lewes and Eastbourne have been authorised to carry out statutory functions in both councils in the areas of Food Safety, Health and Safety, and Public Health. This is providing resilience for the services across both councils, sharing and developing best practice.
- 2.2 Eastbourne Borough Council adopted their Regulatory Services Enforcement Policy in September 2015 and it has been identified that, to enable both Lewes and Eastbourne to provide a consistent service within our regulatory statutory functions, a joint policy is required.
- 2.3 An Environmental Health Enforcement Policy for LDC written in 2011 still exists, is broadly compliant with the Regulators' Code and will be reviewed against the new Regulatory Services Enforcement Policy to incorporate, where appropriate, specific enforcement details of the individual service at Lewes

District Council. This has already been done for Food Safety and Private Sector Housing which are attached to the end of the Policy.

### **3.0 Consultation**

Consultation will take place with representatives prior to the Policy and Service Standards being adopted by the Council. The groups identified so far are the Chamber of Commerce in Lewes, Newhaven and Peacehaven & Seaford, Lewes Women in Business, Lewes District branch of the Federation of Small businesses, the National Landlords Association and the South East Local Enterprise Partnership.

### **4.0 Financial Appraisal**

4.1 The resources required for the implementation of the Regulatory Services Enforcement Policy are contained within the existing Environmental Health revenue budget.

### **5.0 Legal Implications**

5.1 Approval of regulatory policies relating to the functions referred to in paragraph 1.3 above may only be given by full Council. It is standard practice that policies of this type be considered first by Cabinet and referred to full Council with a recommendation for approval.

Lawyer consulted: OD – 6.12.16. 005860-LDC-OD

### **6.0 Risk Management Implications**

6.1 I have completed the risk assessment (LDC65033), the following risk will arise if the recommendations are not implemented:

(i) EHO's working across both Authorities will not deliver a consistent enforcement approach in respect to our statutory regulatory services and maybe subject to criticism from the Better Regulation Delivery Office.

No new risks will arise if the recommendations are implemented. The Council must have a current enforcement policy that is transparent, accountable, proportionate and consistent

### **7.0 Equality Screening**

7.1 On 17<sup>th</sup> November an Equality Analysis was undertaken on the Regulatory Services Enforcement Policy for Environmental Health and Licensing functions at Lewes District Council due regard was given to the general equalities duties and to the likely impact of the policy on people with protected characteristics, as set out in the Equality Act 2010.

7.2 The assessment identified the policy was found to have positive outcomes for all Businesses in our district, however minor adjustment is required. There are missed opportunities especially in the area of equalities monitoring and customer feedback. Actions have been identified to remove barriers and better

promote equality. The Equalities Analysis action plan will be incorporated and monitored within the service/project plan.

## **8.0 Background Papers**

<https://www.gov.uk/government/publications/regulators-code>

[https://www.cps.gov.uk/publications/code\\_for\\_crown\\_prosecutors/](https://www.cps.gov.uk/publications/code_for_crown_prosecutors/)

## **9.0 Appendices**

Appendix 1 – The draft Regulatory Services Enforcement Policy

Appendix 2 – The draft Service Standards for Environmental Health and Licensing Functions

# Lewes District Council

## Regulatory Services Enforcement Policy

**November 2016**



## Regulatory Services Enforcement Policy

### 1.0 Introduction

Local authorities are required by the Regulator's Code to publish a clear set of service standards, including their enforcement policy, explaining how they respond to non-compliance. This is an important document for regulators in meeting their responsibility under the statutory principles of good regulation, to be accountable and transparent about their activities.

The Regulators' Code can be found on the GOV.UK website at; <https://www.gov.uk/government/publications/regulators-code>

This document contains Lewes District Council's Draft Regulatory Services Enforcement Policy, to be taken to Cabinet on 4 January 2017.

The term "Regulatory Services" covers the Environmental Health and Licensing functions, and specifically the following areas of work:

- Pollution including Environmental Crime
- Food
- Health and Safety
- Private Housing
- Licensing – premises, taxi and private hire, gambling and ancillary functions

In Lewes, these services are delivered within our Service Delivery Directorate.

The primary aim of the Regulatory Services function is to protect public health. This is done by ensuring compliance with the legislative framework so that consumers, businesses, employees, individuals and the environment are protected. Fair, proportionate, targeted and effective enforcement is essential to protecting the health, safety and economic interests of all concerned, and there is a range of tools available to the Service to achieve this.

Generally we will provide advice and support to those seeking to comply and, at the same time, deal with those who choose not to comply, taking a proportionate approach. The detail on how and when action may be taken is outlined in the content of this policy.

We must have regard to various general duties e.g. section 17 of the Crime and Disorder Act 1998, and we must also comply with the

Human Rights Act 1998, taking its provisions into account when making decisions relating to enforcement action.

This Policy should be read in conjunction with our service standards, see separate document.

## **2.0 Policy scope**

Relevant legislation must always be adhered to by an officer whilst carrying out all Regulatory Services enforcement and investigation work, such as:

- Human Rights Act 1998;
- Regulatory Enforcement and Sanctions Act 2008;
- Legislative and Regulatory Reform Act 2006;
- Police and Criminal Evidence Act 1984;
- Regulation of Investigatory Powers Act 2000;
- Criminal Justice Act 2003;
- Criminal Procedure and Investigation Act 1996;
- Criminal Justice and Police Act 2001;
- Equality Act 2010;
- Data Protection Act 1998.

We are committed to providing an effective service with officers carrying out their duties in a way which is:

1. Proportionate – our activities will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence;
2. Accountable – our activities will be open to public scrutiny, with clear and accessible policies, and a fair and efficient complaints procedure;
3. Consistent – our advice to those we regulate will be robust and reliable, and we will respect advice provided by others. Where circumstances are similar, we will endeavour to act in similar ways to other local authorities;
4. Transparent – we will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return, and
5. Targeted – we will focus our resources on higher risk enterprises and activities, reflecting local need and priorities.

To achieve this we have adopted the principles of the following:

- The Department for Business, Innovation and Skills' (BIS) Regulators Compliance Code;
- The Enforcement Concordat;
- Local Better Regulation's Priority Regulatory Outcomes (BRDO);
- BIS Code of Practice on Guidance on Regulation;

- Health and Safety Executive/Local Authorities Enforcement Liaison Committee (HELA) Guidance to Local Authorities on Priority Planning;
- HELA Incident Selection Criteria Guidance;
- Local Government Regulation's Home Authority Principle;
- BRDO's Primary Authority Principle and Guidance;
- The Crown Prosecution Service Code for Crown Prosecutors (as amended);
- The Food Law Code of Practice;
- Health and Safety Executive Enforcement Management Model;
- The Health and Safety Commission's Enforcement Policy Statement;
- European Convention on Human Rights
- Government guidance on the enforcement of the Housing, Health and Safety Rating System.

We will comply with any statutory requirement placed upon us and align our procedures with best practice, including any codes introduced subsequent to the adoption of this Policy.

The Policy applies to actions in relation to the legislation enforced by the Council's teams that deliver Regulatory Services. This enforcement action includes any action taken by officers aimed at ensuring that individuals or businesses comply with the law, however we are committed to avoiding the imposing of unnecessary regulatory burdens.

### **3.0 General principles**

Prevention is better than cure. Therefore, our role involves actively working with businesses and the public to advise on and assist with compliance. Where we consider that formal action is necessary, each case will be considered on its own merits. However, there are general principles that apply to the way each case must be approached. These are set out in this Policy, and officers authorised to act under relevant legislation will do so in accordance with this Policy.

The Council's Scheme of Delegation can be found at;

[http://www.lewes.gov.uk/Files/Constitution\\_Part9\\_T\\_pages.pdf](http://www.lewes.gov.uk/Files/Constitution_Part9_T_pages.pdf)

The majority of cases involving regulatory action will relate to businesses, however, there will be some cases that relate to individuals, particularly those involving statutory nuisance. Cases involving individuals will be treated in the same way as those involving businesses, and the general principles around

proportionality of action will be followed, e.g. where appropriate trying informal approaches before resorting to formal action.

Enforcement decisions will be fair, independent and objective and will not be influenced by issues such as ethnicity or national origin, gender or gender identity, religion or belief, political views, disability, age or the sexual orientation of the suspect, victim, witness or offender. Such decisions will not be affected by improper or undue pressure from any source. Where applicable, we will take into account the views of any victim, injured party or relevant person to establish the nature and extent of any harm or loss, and its significance, in making the decision whether to take formal action.

This enforcement policy helps to promote efficient and effective approaches to regulatory inspection and enforcement, which improve regulatory outcomes without imposing unnecessary burdens. We recognise the positive impact that Regulatory Services can have on economic progress and growth in the local economy, and see it as part of our role to encourage and support the growth of legitimate business activity within the legal framework provided by central government.

#### **4.0 Risk Based Enforcement for Businesses**

We will ensure that our resources are targeted where they will be most effective. We will ensure that intelligence and risk assessment inform all aspects of our approach to business regulatory activity, including:

- Data collection and other information requirements;
- Inspection programmes;
- Advice and support programmes;
- Enforcement activity and sanctions.

We will normally use the appropriate Government risk assessment scheme to inform any inspection programme but, where these do not exist, we will publish the details on our website.

In the absence of other factors, when determining risk we will consider:

- Compliance history and potential future risks;
- The existence of effective management systems;
- Evidence of recognised external accreditation;
- Management competence and willingness to comply;

We will also use intelligence to direct inspection based projects or business where there are known issues. Obviously, a complaint may



also trigger a visit or inspection, if that is the most appropriate response.

#### **4.1 Advice and Guidance for Businesses**

We will provide general information, advice and guidance to make it easier for businesses to understand and meet their obligations. This will be provided promptly, in clear and concise language, using a range of appropriate formats and media. Information will cover all legal requirements relating to our regulatory activities, as well as changes to legal requirements. Where changes are of great significance, we will look at the best ways of informing businesses of the changes e.g. through newsletters, mail-shots or seminars.

We recognise that we have businesses in the district managed and run by black and minority ethnic groups, and English may not be their first language. We will provide material in their first language, and arrange interpretation services where necessary, to assist the individual to access advice, guidance, information and legislation.

When offering advice, we will clearly distinguish between statutory requirements, and advice or guidance aimed at improvements above minimum legal standards. We seek to provide proportionate advice, the content of which will help achieve compliance but impose the minimum burden required on the business concerned.

Where a business identifies a problem and seeks advice to remedy the situation, it will not normally trigger enforcement action. Where appropriate we will seek to support the remedial action to prevent future problems, however, we reserve the right to take enforcement action where applicable, particularly to protect public health. However, we are committed to dealing firmly with those who deliberately or persistently fail to comply.

Generally, we will provide our advisory services free of charge however we may charge a reasonable fee for services beyond the basic advice and guidance necessary to help ensure compliance with the law. We may suggest you seek advice from a consultant to assist you.

#### **4.2 Inspection of Businesses**

We will ensure inspections and other visits to businesses only occur in accordance with a risk assessment methodology, except where visits are requested by businesses, following receipt of complaints, or where we act on relevant intelligence. We will focus our efforts on businesses where intelligence and risk assessment shows there is a higher likelihood of non-compliance or which pose a more

serious risk to regulatory outcomes. Some processes by their nature present a greater risk to health or the environment, or due to their complexity, may make it more difficult to ensure compliance. These are the areas where we will focus our inspection resources.

When we visit or carry out inspections, we will give feedback to businesses to encourage and reinforce good practice. We will also share information about good practice amongst businesses, and with other regulators.

Where we and another regulator have a shared interest in a business we will work together to rationalise our activities to minimise the burden on the business, providing this is of benefit to the business and does not harm the standard of enforcement for either regulator.

### **4.3 Information Requirements**

We do not routinely require information from businesses, and when determining what data we may require, we will consider the costs and benefits of data requests to businesses and:

- Limit the data that we request to that which is either appropriate, or required by statute e.g. food registration, licensing applications, etc;
- Minimise the frequency of collection and seek the information from other sources where relevant and possible.

### **5.0 Enforcement Action**

In accordance with good practice, we will:

- Publish our Enforcement Policy;
- Follow-up enforcement actions where appropriate;
- Be transparent in the way in which we enforce requirements and apply and determine penalties (when such powers are made available);

When considering what action should be taken, we will look to:

- Be proportionate to the nature of the offence and the harm caused;
- Change the behaviour of the offender;
- Eliminate any financial gain or benefit from non-compliance;
- Address the harm caused by regulatory non-compliance, where appropriate;
- Deter future non-compliance; and
- Be responsive and consider what is appropriate for the particular offender and regulatory issue.

When considering formal enforcement action, we will, when appropriate, discuss the circumstances with those suspected of a breach. We will take any comments made into account when deciding on the best approach (unless immediate action is required to prevent or respond to a serious breach or where to do so would be likely to defeat the purpose of the proposed enforcement action).

We will ensure that clear reasons for any formal enforcement action are given to the person or entity at the time the action is taken. These reasons will be confirmed in writing at the earliest opportunity. Complaints and relevant appeals procedures for redress will also be explained at the same time.

### **5.1 Deciding what enforcement action is appropriate**

In assessing what enforcement action is necessary and proportionate, consideration will be given to:

- The seriousness of compliance failure;
- Past performance of the business and current practice;
- In the case of new businesses, an assessment of the operator's willingness to undertake the work identified by the Officer;
- The risks being controlled;
- Legal, official or professional guidance;
- Acting in the interest of Public Health.

The Council recognises that where a business has entered into a Primary Authority Agreement, the primary authority may provide compliance advice and support, and we will take such advice into account when considering the most appropriate enforcement action. We may discuss any need for compliance advice and support with the primary authority.

Primary authority allows businesses to be involved in their own regulation. It enables them to form a statutory partnership with one local authority, which provides robust and reliable advice for other local regulators to take into account. The aim is to ensure that local regulation is consistent at a local level. For more information, see [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/396388/pa-overview.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/396388/pa-overview.pdf)

There are a range of potential enforcement options, and the level of the action taken varies from no action through to proceedings in Court. Examples of the main types of action that can be considered, if specifically permitted by legislation, are shown below:

- No action;
- Informal Action and Advice;

- Fixed Penalty Notices;
- Penalty Charge Notices;
- Variable Monetary Penalty (penalty charges);
- Statutory Notice;
- Formal closure;
- Seizure of goods/equipment;
- Injunctive Actions;
- Refusal/revocation of a licence;
- Simple Caution;
- Prosecution.

With regard to breaches of health and safety legislation, we will use the Health and Safety Executive's Enforcement Management Model.

Under the provisions of food safety legislation, specific statutory notices can be issued. These are:

1. Hygiene Improvement Notices
2. Hygiene Emergency Prohibition Notices (where there is an imminent risk of injury to health)

Information relating to these notices can be found at Appendix 1, on page 17.

Specific requirements relating to Private Housing can be found at Appendix 2, on page 20.

## **5.2 No Action**

There will be circumstances where a contravention may not warrant action, or it may be inappropriate. Many minor contraventions can be dealt with via advice and/or assistance.

## **5.3 Informal Action and Advice**

For certain minor breaches of the law we will give advice on how to put them right, including a deadline by which this must be done. The time allowed will be reasonable and will take into account the seriousness of the contravention and the implications of the non-compliance. Where the advice required is detailed, or there are potentially serious implications from the failure, the advice will be provided in writing. Failure to comply could result in an escalation of enforcement action.

Wherever possible we will advise the person or business about 'good practice', but we will clearly distinguish between what they must do to comply with the law and what is recommended best practice.

## **5.4 Fixed Penalty Notices**

Certain offences are subject to fixed penalty notices where prescribed by legislation. These notices are recognised as a low-level enforcement tool and avoid the defendant obtaining a criminal record. Where legislation permits an offence to be dealt with by way of a Fixed Penalty Notice (FPN), we may choose to administer a FPN on a first occasion, without issuing a warning. They will be used in appropriate circumstances to give a fast and measured response to the situation.

Payment of a fixed penalty does not provide immunity from prosecution in respect of similar or recurrent breaches. If a fixed penalty is not paid the Council may commence criminal proceedings or take other enforcement action in respect of the breach. Fixed penalty notices will not be issued to persons under the age of 16 years.

## **5.5 Penalty Charge Notices**

Penalty Charge Notices (PCNs) are used to enforce civil offences, e.g. dog fouling and fly tipping. With all issued PCNs there is an appeal process which can be followed by the recipient, whereby the terms of the notice can either be withdrawn or enforced by an authorised LDC representative.

Unlike fixed penalty notices (FPNs), a PCN does not result in criminal charges, but is viewed as a civil debt. If unpaid, the Authority will endeavour to recover the value of the PCN through the County Court system. Ultimately this could result in the case being referred to a bailiff for debt recovery.

## **5.6 Variable Monetary Penalty (penalty charges)**

With regard to determining breaches of housing legislation, for example The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014, and The Smoke and Carbon Monoxide Alarm (England) Regulations 2015, is the ability to issue Variable Monetary Penalties (penalty charges) for regulatory non-compliance.

Lewes District Council as the enforcement authority can impose a penalty charge of up to £5,000 where it is satisfied that there is an offence against this legislation.

The expectation contained in Government guidance is that a £5,000 fine should be considered the norm, and that a lower fine should only be charged if the enforcement authority is satisfied that there are extenuating circumstances.

It will be up to the enforcement authority to decide what the extenuating circumstances might be, taking into account any representations made.

Detail on how Lewes District Council will consider each case is given in the Statement of Principles for Determining the Amount of a Penalty Charge.

Further information on The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014 is contained in the Redress Schemes Policy.

Further information on The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 is contained in the Smoke and Carbon Monoxide Alarms Policy.

## **5.7 Statutory Notices**

Officers have powers under some legislation to issue notices that:

- Prohibit the sale or distribution of food or use of property for letting where relevant provisions may have been breached; Prohibit the use of equipment, carrying out activities, entry to certain areas of a site etc. where there may be a risk of personal injury;
- Require a business to take specific actions to remedy an identified problem;
- Require a business to desist from particular activities that may not comply with legal requirements;
- Require any person to take action to ameliorate or stop nuisances being caused by their actions.

Notices may require immediate action where, for example, there are risks to public health or safety, or an immediate risk of environmental damage or serious nuisance. In other circumstances, a reasonable amount of time will be given, depending on the circumstances, to rectify the problem.

Certain types of notice allow works to be carried out in default. This means that if a notice is not complied with (a breach of the notice) we may carry out any necessary works to satisfy the requirements of the notice ourselves. Where the law allows, we may then charge

the person/business served with the notice for any cost we incur in carrying out the work. See section 5.7 for further information.

An application to a Court is not required in the case of Housing Act Prohibition Orders but there is a right of appeal.

Failure to comply with a statutory notice can be a criminal offence. All notices issued will contain details of any appeals process that may be available to the recipient.

### **5.8 Seizure of Goods/Equipment**

The right to privacy and respect for personal property are key principles of the Human Rights Act 1998. Powers of entry, search and seizure should be fully and clearly justified before use because they may significantly interfere with the occupier's privacy. Officers should consider if the necessary objectives can be met by less intrusive means. In all cases authorised officers should:

- exercise their powers courteously and with respect for persons and property; and
- in circumstances where a warrant has been obtained and is appropriate, only use reasonable force when this is considered necessary and proportionate to the circumstances.

Section 20 of the Health & Safety at Work etc Act 1974 contains the various powers of inspectors, including the power to take possession and detain articles or substances that have caused or are likely to have caused danger to health and safety.

### **5.9 Works in default**

Works in default or emergency remedial action may be carried out if:

- There is no prospect of the person responsible carrying out the work e.g. the person is absent;
- There is an imminent risk to public or environmental health;
- A prosecution is not appropriate;
- A prosecution has been brought and works have still not been carried out; and
- It is appropriate to get a nuisance abated quickly.

The Council will seek to recover all the costs incurred including officer time. The costs of the works will be charged (not including VAT) plus the cost of officer time, plus twenty percent to cover administration costs.

### **5.10 Injunctive Actions**



In some circumstances the Council may seek a direction from the court (in the form of an order or an injunction) that a breach is rectified and/or prevented from recurring. The court may also direct that specified activities be suspended until the breach has been rectified and/or safeguards have been put in place to prevent future breaches.

### **5.11 Licence Conditions**

The Council issues a number of Environmental Health and Licensing related licences and permits. We also have a role to play in ensuring that appropriate standards are met in relation to licences issued by other agencies. Most licences include conditions which require the licence holder to take steps to ensure that, for example, a business is properly run. Breach of these conditions may lead to a prosecution or in the case of licences issued under the Licensing Act 2003, a prosecution or a review of the licence which may result in its revocation or amendment by the Council's Licensing Committee.

### **5.12 The Use of Simple Cautions**

Where the public interest justifies it, we will consider offering a Formal (Simple) Caution (or Reprimand/ Final Written Warning if the offender is under 18). In offering a Caution, we will take account of the Home Office Guidelines in relation to the cautioning of offenders and the Code for Crown Prosecutors.

Where the offender is under 18 and a formal approach is being considered, appropriate bodies such as the Youth Offending Team will be consulted. A Caution requires an admission of guilt on behalf of the offender, however there is no sentence and there is no recorded conviction. A caution will remain on record for a period of two years and may be cited in Court should a further offence be committed and prosecuted during that time. Where a simple caution is offered and declined the Council will consider prosecution.

## **6.0 Commencement of Legal Proceedings**

Once an officer has completed his/her enquiries, a case report will be submitted to a Manager authorised to institute legal proceedings, who is independent of the investigation, and who will decide, using the criteria below, the most appropriate course of action.

Where the law has been broken, there is a range of enforcement options available to seek compliance with the law. Under normal circumstances, a process of escalation will be used until either compliance is reached or there is no option other than to instigate proceedings. Exceptions would be where there is a serious risk to



public safety or the environment, or the offences have been committed deliberately or negligently or involve deception. Each case is unique and will be considered on its own facts and merits.

The officer authorised to institute legal proceedings will take into consideration the requirements of the Code for Crown Prosecutors and other relevant codes before deciding whether or not to authorise the institution of legal proceedings. This officer will have to be satisfied that there is sufficient evidence to provide a realistic prospect of conviction against each defendant on each charge (i.e. that a jury or bench of Magistrates, properly directed in accordance with the law, is more likely than not to convict the defendant of the charge alleged). To this end, the officer authorised to institute legal proceedings will look at all the available evidence, reliability of witnesses, supporting documentation and any other matters relating to the investigation. They must consider what the defence case may be and how it is likely to affect the prospects of conviction [Code for Crown Prosecutors]. Only when this evidential test has been satisfied will the public interest to proceed with the prosecution be considered.

In deciding whether a prosecution will serve the public interest, this officer will balance factors for and against the prosecution carefully, fairly and impartially. Some factors may increase the justification to prosecute whereas others may militate against. Below are some of the matters to be taken into consideration for and against criminal proceedings. This is not an exhaustive list and, as such, each case is considered strictly on its own individual merits;

**Factors in favour of prosecution:**

- The offender was in a position of control within the business;
- The offender acted dishonestly, wilfully, premeditatedly or negligently;
- The product or service was aimed at a vulnerable group or person;
- The product or service has caused or had the potential to cause physical or mental injury or suffering, significant harm or loss
- The offender has received advice or a warning concerning the circumstances of the offence or similar matters;
- The offender has failed to comply with the requirements of a formal notice;
- The offender has received previous formal warning or a caution from an enforcement officer;
- The offender has previous convictions that are relevant;

- The offence, though not serious in itself, is widespread in the area where it was committed;
- A conviction is likely to result in a significant sentence;
- There are grounds to believe that the offence is likely to be continued or repeated, for example by a history of recurring conduct;
- The outcome of a prosecution might serve an important, informative purpose or establish a legal precedent.

### **Factors which might mitigate against the need for prosecution:**

- The offence was minor in nature and as a result of a genuine mistake or misunderstanding, which did not involve significant negligence;
- The offender is elderly, or was at the time of the offence suffering from significant mental or physical ill health, which contributed to the commission of the offence, and the offence was neither serious nor likely to be repeated;
- A prosecution is likely to have an adverse effect on the victim's physical or mental health, always bearing in mind the seriousness of the offence and the views of the victim about the effect of a prosecution on his or her physical or mental health;
- The loss or harm could be described as minor and was as a result of a single incident, particularly if it was caused by a failure of judgment;
- The offender put right the loss or harm caused prior to the intervention of the Council
- Prior to the Service's intervention, the offender had introduced adequate steps to prevent further similar offences
- The defendant was a youth at the time of the offence
- There has been a long delay between the offence and any potential court action, unless either:
  - The offence is serious;
  - The delay has been caused by the defendant or his/ her legal representatives;
  - The offence has only recently come to light; or
  - The complexity of the offence meant that there has been a long investigation.

## **7.0 Role of Legal Services**

The Manager involved in making the more serious decisions will also have regard to advice from the Council's Legal Services.

## **8.0 Liaison with other regulatory bodies and enforcement agencies**

Where appropriate, enforcement activities within the Environmental Health or Licensing activities will be coordinated with other regulatory bodies and enforcement agencies to maximise the effectiveness of any enforcement. The Council will respect advice that has been provided by other regulators and enforcement agencies. Where an enforcement matter affects a wide geographical area beyond the Council's boundaries, or involves enforcement by one or more other local authorities or organisations, where appropriate all relevant authorities and organisations will be informed of the matter as soon as possible, and all enforcement activity coordinated with them.

Relevant Regulatory Services intelligence relating to wider regulatory matters will be shared with other regulatory bodies and enforcement agencies, and examples include:

- Government Agencies;
- Police Forces
- Fire Authorities;
- Other Statutory Bodies;
- Local Authorities.

## **9. Review**

This policy will be reviewed annually and updated if necessary to take into account legislative changes. The policy will also be reviewed if comments are received.

Comments should be sent to;

Rebecca Wynn  
Environmental Health Specialist  
Lewes District Council  
Tel 01273 471600

Email [Rebecca.Wynn@lewes.gov.uk](mailto:Rebecca.Wynn@lewes.gov.uk)

November 2016

## **APPENDIX 1**

### **SPECIFIC REQUIREMENTS RELATING TO FOOD SAFETY**

#### **1.0 General**

The Council's approach to the enforcement of Food Safety reflects the responsibilities placed upon it by the Food Safety Act 1990, Food Safety and Hygiene (England) Regulations 2013, General Food Regulations 2004, the Official Feed and Food Control (England) Regulations 2009 and other regulations. The Authority's approach will also comply with the Framework Agreement on Local Authority Food Law Enforcement, the statutory Code of Practice and guidance issued by the Food Standards Agency (FSA). It will also reflect the principles of the Enforcement Concordat, adopted by the Council.

The Authority's key objective in terms of food safety is:-

*" to strive to ensure that food and drink intended for sale for human consumption, which is produced, stored, distributed, handled or consumed within the Borough is without risk to the health or safety of the consumer, as far as is reasonably practicable"*

The primary responsibility for ensuring food safety lies with the food handlers who produce or handle food, and in particular food business operators must recognise their responsibilities for ensuring food safety.

#### **2.0 Enforcement options**

If enforcement officers, in carrying out their functions, find evidence that the law is being broken they may exercise a range of powers, and will respond according to the particular circumstances of the case.

##### **2.1. Hygiene Improvement Notices**

Hygiene Improvement Notices may be appropriate where one or more of the following criteria apply:-

- There are significant contraventions of legislation.
- There is a lack of confidence in the proprietor or business to respond to an informal approach.
- There is a history of non-compliance with informal action.
- Standards are generally poor with little management awareness of statutory requirements.

- The consequences of non-compliance could be potentially serious to public health.
- Although it is intended to prosecute, effective action also needs to be taken as quickly as possible to remedy conditions that are serious or deteriorating.

The use of Hygiene Improvement Notices will be related to the potential risk to health, and they will only be issued by officers specifically authorised to do so in accordance with the statutory Code of Practice. Hygiene Improvement Notices will not be signed by authorised officers on behalf of other officers unless the authorised officer has witnessed the contravention and is satisfied that it is significant and that any other appropriate criteria are satisfied.

Failure to comply with a Hygiene Improvement Notice will generally result in prosecution.

## **2.2 Hygiene Emergency Prohibition Notices**

Hygiene Emergency Prohibition Notices will be issued where in the opinion of the authorised officer there is an imminent risk of injury to health. It should only be necessary to consider the use of Hygiene Emergency Prohibition Notices in one or more of the following circumstances:

- An imminent risk of injury to health can be demonstrated. This might include evidence from relevant experts, including a food analyst or food examiner;
- The consequences of not taking immediate and decisive action to protect public health would be unacceptable;
- The guidance criteria, specified in the relevant statutory Code of Practice, concerning the conditions when prohibition may be appropriate, are fulfilled;
- There is no confidence in the integrity of an unprompted offer made by a proprietor voluntarily to close premises or cease the use of any equipment, process or treatment associated with the imminent risk;
- A proprietor is unwilling to confirm in writing his/her unprompted offer of a voluntary prohibition.

## **2.3 Remedial Action Notices**

In Approved Premises (premises which require approval to trade due to the high risk nature of the undertaking) officer may consider the use of remedial action notices (a prohibition notice not requiring Court attendance designed to provide a higher level of consumer protection). Officers will only initiate procedures to suspend or

withdraw a business's approval if all other enforcement options have been considered. Any recommendation for suspension or withdrawal will be discussed with a senior officer.

## **2.4 Consistency**

Where any enforcement action considered is believed to be inconsistent with that adopted by other Authorities or is contrary to any advice from the Local Government Group Association (LGA), the matter will be referred to the East Sussex Food Liaison Group.

Where enforcement action proposed is contrary to any advice issued by the relevant Home/Originating Authorities or Primary Authority, the matter will be discussed with them before taking action. Reference to the Home Authority will always be made where enforcement action impacts on aspects of a business policy which has been agreed centrally by the decision making base of the business.

Draft

## **APPENDIX 2**

### **SPECIFIC REQUIREMENTS RELATING TO PRIVATE HOUSING**

#### **Introduction**

Lewes District Council is responsible for enforcing a wide range of statutory provisions relating to housing and environmental conditions affecting health and safety.

Our objectives are to:

- improve the standards of homes in the private sector;
- assess local housing conditions ;
- reduce the number of properties with serious risks to health and safety ;
- reduce the number of vulnerable households living in non-decent homes;
- improve energy efficiency, warmth of homes and help reduce fuel poverty;
- improve the standards in HMOs (houses in multiple occupation);
- ensure all residential mobile home sites comply with licence conditions;
- work closely with private landlords towards improving private rented sector conditions;
- provide an excellent service accessible to everyone in private housing.

#### **Housing, Health and Safety Rating System**

The Health and Safety Rating System (HHSRS) is set out in Part 1 of the Housing Act 2004 (the Act). The Council will base enforcement decisions in respect of residential premises on assessments made under the HHSRS.

Action by the Council will be based on a three stage consideration:

- a. The hazard rating determined under HHSRS;
- b. Whether the authority has a duty or power to act, determined by the presence of a hazard above or below a threshold prescribed by Regulations (Category 1 and Category 2 hazards); and
- c. The authority's judgement as to the most appropriate course of action to deal with the hazard.

The Act contains enforcement options, and the choice of the most appropriate course of action is decided having regard to statutory enforcement guidance.

All ratings are made with regard to Government operating guidance and worked examples.

Further information on HHSRS can be found at:

<https://www.gov.uk/government/publications/hhsrs-operating-guidance-housing-act-2004-guidance-about-inspections-and-assessment-of-hazards-given-under-section-9>

### **The Enforcement Framework**

Local Authorities have a duty to act when Category 1 type hazards are found. They have a discretionary power to act in respect of a Category 2 hazard. The courses of action available to authorities where they have either a duty or a power to act are to:

- Serve an improvement notice requiring remedial works;
- Make a prohibition order, which closes the whole or part of a dwelling or restricts the number or class of permitted occupants, or restricts its use;
- Suspend either of the above, until a date or time specified
- Serve a Hazard Awareness Notice;
- Take Emergency Remedial Action;\*
- Serve an Emergency Prohibition Order;\*
- Make a Demolition Order;\*
- Declare a Clearance Area;\*

\* Only in respect of Category 1 hazards

The action the Council chooses to take will be the most appropriate course of action in relation to the hazard. With the exception of a hazard awareness notice, each of the notices and orders are declared on local land charges and outstanding notices may affect the sale or value of a property.

Where the Council takes action and the property owner does not comply, the Act gives powers to authorities to act in default (i.e. carry out the work themselves and recover the cost from the owner of the property) and/or to prosecute. It also enables the Council to charge and recover charges for enforcement action.

The Council may revoke or vary Notices served.



## **Use of Discretionary Power: Decision Rules**

The Housing, Health and Safety Rating System: Enforcement Guidance, statutory guidance made under section 9 of the Housing Act 2004, gives advice on how local housing authorities should use their discretionary powers. In deciding what the most appropriate course of action is, the statutory guidance states that there should be regard to a number of factors. The Council is obliged to give a formal statement of reasons for the action it intends to take.

For the purposes of assessing the hazard, it is assumed that the dwelling is occupied by the most vulnerable household (irrespective of what household is actually in occupation or indeed if it is empty). However, for the purposes of deciding the most appropriate course of action, regard is had to the actual household in occupation.

An authority has to take account of factors such as:

- Extent, severity and location of hazard;
- Proportionality – cost and practicability of remedial works;
- Multiple hazards;
- The extent of control an occupier has over works to the dwelling;
- Vulnerability of current occupiers;
- Social exclusion of tenants;
- The views of the current occupiers;
- The landlord's history of compliance.

In some cases, the Council is required to consult with other bodies when taking enforcement action. An example of this is where we take action to improve fire safety and are required by law to consult with the Fire Authority.

### **The Most Appropriate Course of Action – Category 2 Hazards**

In addition to the Council's duty to take action where a Category 1 hazard exists, the Council will generally exercise its discretion to take the most appropriate course of action where a Category 2 hazard exists in the following situations:

#### **A. Band D Hazards**

There will be a general presumption that where a Band D hazard exists, officers will consider action under the Housing Act 2004 unless that would not be the most appropriate course of action.

#### **B. Multiple Hazards**

Where a number of hazards at Band D or below appear, when considered together, to create a more serious situation, or where a

property appears to be in a dilapidated condition, they may authorise the most appropriate course of action to be taken.

### C. Exceptional Circumstances

In exceptional circumstances where A and B above are not applicable, a manager may authorise the most appropriate course of action to be taken.

### **Level to which Hazards are to be improved**

The Housing Act 2004 requires only that the works specified when taking the most appropriate course reduce a Category 1 hazard to Category 2 hazard. For example Band C and Band A hazards need only be reduced to Band D. The Council will generally seek to specify works which, whilst not necessarily achieving the ideal, will achieve a significant reduction in the hazard level and in particular will be to a standard that should ensure that no further intervention should be required for a minimum period of twelve months.

### **Tenure**

In considering the most appropriate course of action, the Council will have regard to the extent of control that an occupier has over works required to the dwelling. In normal circumstances, this will mean taking the most appropriate course of action against a private landlord (including a Registered Social Landlord) and in most cases this will involve requiring works to be carried out. With owner occupiers, in most cases they will not be required to carry out works to their own home and the requirement to take the most appropriate course of action will be satisfied by the service of a Hazard Awareness Notice.

However, the Council may in certain circumstances require works to be carried out, or use Emergency Remedial Action or serve an Emergency Prohibition Order, in respect of an owner occupied dwelling. This is likely to be where there is an imminent risk of serious harm to the occupiers themselves or to others outside the household, or where the condition of the dwelling is such that it may adversely affect the health and safety of others outside the household. This may be because of a serious, dangerous deficiency at the property. Another example is a requirement to carry out fire precaution works to a long leasehold flat in a block in multiple occupation.

### **Houses in Multiple Occupation (HMOs)**

The Council has further powers to ensure adequate standards in HMOs are met and maintained. The Housing Act 2004 introduced a

mandatory scheme to licence HMOs. Mandatory licensing is intended to apply only to larger high risk HMOs of three or more stories occupied by five or more people, comprising two or more households.

The HMO licensing regime provides procedures to assess the fitness of a person to be a licence holder, potential management arrangements of the premises and suitability of the property for the number of occupants, including the provision of relevant and adequate equipment and facilities at the property. It is a criminal offence if a person controlling or managing a HMO does not have the required licence. Breaking any condition of a licence is also an offence. The Housing Act 2004 also addresses the on-going management of unlicensed or problem HMOs, with view to protecting occupiers and those in the vicinity and, where possible getting properties licensed and properly managed.

Management Regulations made under the Housing Act 2004 impose duties on landlords and managers of HMOs (whether or not subject to licensing). There are no notice serving powers under the Management Regulations but the Council can prosecute for breach of the regulations, and is able to do so where a premises exhibits multiple contraventions of the regulations.

Overcrowding notices apply to HMOs that are not required to be licensed. The effect of an overcrowding notice is that the person served must comply with the terms of the notice and if they fail to do so they commit an offence for which the Council is able to prosecute. An overcrowding notice must either prohibit new residents or limit the number of people sleeping in the HMO. The Council may take action on overcrowding under the rating system hazard of crowding and space.

### **Residential Mobile Home Sites**

The use of land as a Residential Mobile Home site usually requires a caravan site licence under the Caravan Sites and Control of Development Act 1960 and the Council may impose site licence conditions. The Council is able to take enforcement action under this legislation and the Mobile Homes Act 2013, should a site be operating without a licence or where site licence conditions are not being met.

## Lewes District Council

### What you can expect from our Environmental Health and Licensing Service Delivery teams

This document explains what you can expect from the teams who deliver the Environmental Health and Licensing services at Lewes District Council. Whether you run a business, are an employee or a member of the public, we are committed to providing you with an efficient, courteous and helpful service and this document tells you how we aim to do that and what standards we will meet.

#### What does Environmental Health and Licensing cover?

Environmental Health and Licensing includes a range of services:

|  |   |  |
|--|---|--|
| <p><b>Food Safety</b></p> <ul style="list-style-type: none"> <li>• Hygiene standards</li> <li>• Food safety</li> <li>• Imported foods</li> <li>• Food related illnesses</li> <li>• Food Hygiene Rating scheme</li> <li>• Eat Out Eat Well</li> </ul> | <p><b>Health and Safety</b></p> <ul style="list-style-type: none"> <li>• Accident investigation</li> <li>• Safe working practices</li> <li>• Skin piercing registrations</li> <li>• H &amp; S advice, complaints &amp; interventions</li> </ul> | <p><b>Private Sector Housing</b></p> <ul style="list-style-type: none"> <li>• Improving standards in the private rented sector and houses in multiple occupation</li> <li>• Enforcing licence conditions at Residential Mobile Home Sites</li> </ul> |
| <p><b>Environmental Protection</b></p> <ul style="list-style-type: none"> <li>• Air quality</li> <li>• Contaminated land</li> <li>• Drainage</li> <li>• Noise</li> </ul>   | <p><b>Public Health</b></p> <ul style="list-style-type: none"> <li>• Infectious diseases</li> <li>• Filthy and verminous premises</li> <li>• Statutory nuisance</li> </ul>  | <p><b>Licensing</b></p> <ul style="list-style-type: none"> <li>• Alcohol</li> <li>• Taxis and private hire vehicles</li> <li>• Gambling premises</li> <li>• Animal Welfare</li> <li>• Sex encounter venues</li> </ul>                                |

We make a fundamental contribution to the maintenance and improvement of public health, quality of life and wellbeing. Our priorities are to:

- Protect the public, businesses and the environment from harm
- Support the local economy to grow and prosper

We determine our activities each year by assessing the needs of local people and our local business community, and considering the risks that require addressing. We do this by using data and other information available to us and our partners to ensure our resources are targeted appropriately, in the light of these local needs, and national priorities.

### **How we work**

We carry out all our activities in a way that supports those we regulate to comply and grow.

We ensure that information and guidance is available to help those we regulate to meet their statutory obligations. Where you need advice that is tailored to your particular needs and circumstances we will provide this. We welcome the opportunity to discuss with you being a primary authority for your business. For further information see:-

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/396388/pa-overview.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/396388/pa-overview.pdf)

We use a risk based approach to target our resources, including planning how we monitor and check compliance with statutory requirements.

We deal proportionately with breaches of the law as set out in our Regulatory Services Enforcement Policy, including taking enforcement action when necessary and appropriate.

Our service will be delivered in accordance with the requirements of the Regulators' Code, see

<https://www.gov.uk/government/publications/regulators-code>

### **Working with businesses and others we regulate**

In your dealings with us you can expect, and will receive, an efficient and professional service. Our Service Delivery staff will:

- Be courteous and polite;
- Always identify themselves by name in dealings with you, and provide you with contact details;
- Seek to gain an understanding of how your business operates and the pressures you face;
- Provide details of how to discuss any concerns you may have;

- Agree timescales, expectations and preferred methods of communication with you;
- Ensure that you are kept informed of progress on any outstanding issues.

We recognise that your business will receive advice and inspections from other organisations, and we will do our best to work with them to ensure that you receive the best service.

### **Helping you to get it right**

We want to work with you to help your business to be a success, and it is important to us that you feel able to approach us for advice when you need it. We won't take enforcement action just because you tell us that you have a problem, unless there is a risk to public health or safety.

We make information and guidance on meeting statutory obligations available, please see our website for details, and for;

Food safety information, go to:

<http://www.lewes.gov.uk/environment/743.asp>

Health and safety information go to:

<http://www.lewes.gov.uk/environment/17606.asp>

Public health information go to:

<http://www.lewes.gov.uk/environment/15173.asp>

Pollution information go to:

<http://www.lewes.gov.uk/environment/15176.asp>

Private housing information go to:

<http://www.lewes.gov.uk/housing/15433.asp>

Licensing information go to:

<http://www.lewes.gov.uk/15166.asp>

Where you need advice to help you to meet your legal obligations we will;

- Provide advice that supports compliance and that can be relied on;
- Provide advice that is appropriate for your circumstances and is not overly burdensome;
- Provide clear advice that can be easily understood and implemented;
- Distinguish legal requirements from suggested good practice;

- Ensure that any verbal advice you receive is confirmed in writing if requested;
- Acknowledge good practice and compliance;

### **Inspections and other compliance visits**

We monitor and support compliance in a number of different ways including inspections, sampling visits, advisory visits and complaint investigations. These visits will usually be based on an assessment of risk. We will give you notice that we intend to visit unless we have specific reason to believe that an unannounced visit is more appropriate.

When we visit you our officers will:

- Explain the reason and purpose of the visit;
- Carry their identification card at all times, and present it on request;
- Exercise discretion in front of your customers and staff;
- Have regard to how you approach compliance within your business, and use this information to inform future interactions with you;
- Provide advice to support you in meeting your statutory obligations;
- Provide a written record of the visit.

### **Responding to non-compliance**

Where we identify any failure to meet legal obligations, we will respond proportionately, taking account of the circumstances, in line with our Regulatory Services Enforcement Policy.

Where we require you to take action to remedy any failings we will:

- Explain the nature of the non-compliance;
- Discuss what is required to achieve compliance, taking into account your circumstances;
- Clearly explain any advice, actions required or decisions that we have taken;
- Agree timescales that are acceptable to both you and us, in relation to any actions required;
- Provide in writing details of how to appeal against any advice provided, actions required or decisions taken, including any statutory rights to appeal;
- Explain what will happen next, including any timescales;
- Keep in touch with you, where required, until the matter is resolved.

### **Requests for our service**

We respond to requests for assistance, including requests for advice and complaints about breaches of the law. We will:

- Acknowledge your request within 5 working days;
- Tell you when you can expect a substantive response;
- Seek to fully understand the nature of your request;
- Explain what we may or may not be able to do, so that you know what to expect;
- Keep you informed of progress throughout our involvement;
- Provide clear advice where appropriate;
- Inform you of the outcome as appropriate;

### **How to contact us**

Our Customer Services hub are the first point of contact for all enquiries.

The hub is at Southover House, Southover Rd, Lewes, East Sussex, BN7 1AB, and is open from 8.30am until 5pm from Monday to Friday.

You can also call us on **01273 471600** between 8.30a.m. to 5.00 p.m. - Monday to Friday.

You can use our on-line contact form to contact us, at

<http://lewesdc.firmstep.com/default.aspx/RenderForm/?F.Name=DMH7E4SQeVs>

We will seek to work with you in the most appropriate way to meet your individual needs. We can make information available in different formats, and have access to translation and interpretation services.

If you contact us we will ask you for your name and contact details to enable us to keep in touch with you as the matter progresses. We treat all contact with the service in confidence unless you have given us permission to share your details with others as part of the matter we are dealing with on your behalf, or there is an operational reason why we need to do so.

We will not usually respond to anonymous complaints and enquiries.

Personal data will be managed in accordance with our Data Protection Policy.

### **Our Service Delivery Team**

Service Delivery is a team of council staff working together to provide joined up, efficient services for our customers. It also describes how we want the teams to work - putting the customer first at all times.



## **Working with others**

Our Environmental Health, Licensing, and Planning services are all within Service Delivery, and our aim is to provide a streamlined service to you.

We have good working relationships with other regulators such as the Fire Service, East Sussex County Council Trading Standards, the Health and Safety Executive and the Environment Agency, and this enables us to deliver a more joined up and consistent service. This includes sharing information and data on compliance and risk, where the law allows, targeting regulatory resources effectively.

Our Officers are familiar with the work of our partners and can signpost you to the advice and guidance you need.

## **Feedback and complaints**

We have made an unswerving commitment to customer service at Lewes District Council.

We want to provide good customer care and high quality services to residents and businesses in the District. We believe we get things right most of the time but recognise that sometimes things go wrong or we fail to meet your expectations.

We would like to hear from you whether your experience of us has been good or could be better. This helps us to ensure we keep doing the right things and make changes where we need to, and we welcome your feedback at any time.

If you are unhappy with a service you have received we would like you to tell us. We can then look into your complaint, explain what has happened and, where necessary, put things right.

Our complaints procedure tells you how to make a complaint and how we will deal with it.

We define a complaint under this procedure as “an expression of dissatisfaction about our services or the services provided by one of our contractors”.

If you would like to give feedback or make a complaint there are several ways you can do this:

**Online Form** - complete the online form:

<http://lewesdc.firmstep.com/default.aspx/RenderForm/?F.Name=DMH7E4SQeVs>

**Email** - send us an email via [customer.services@lewes.gov.uk](mailto:customer.services@lewes.gov.uk)

**Phone** - call us on 01273 471600

**Letter** - write to us please use this address – Lewes District Council, Southover House, Southover Rd, Lewes, east Sussex, BN7 1AB.

### **What Happens Next?**

Your complaint will be reviewed by a senior officer. They will aim to let you know their determination within ten working days but if they need longer to consider your case they will let you know when you can expect a decision.

**Date:** November 2016

**Name:** Rebecca Wynn

[Rebecca.wynn@lewes.gov.uk](mailto:Rebecca.wynn@lewes.gov.uk)

**Job title:** Environmental Health Specialist

**Review Due:** November 2017

**Agenda Item No:** 9.3 **Report No:** 3/17  
**Report Title:** Joint Venture on Energy & Sustainability  
**Report To:** Cabinet **Date:** 4<sup>th</sup> January 2017  
**Cabinet Member:** Councillor Giles  
**Ward(s) Affected:** All  
**Report By:** Nazeya Hussain, Director of Regeneration & Planning  
**Contact Officer(s)-**  
**Name(s):** Sue Oliver(Eastbourne Borough Council) and Max Woodford (Lewes District Council)  
**Post Title(s):** Strategy & Commissioning Lead for Environment & Waste and Head of Regeneration & Investment  
**E-mail(s):** [sue.oliver@eastbourne.gov.uk](mailto:sue.oliver@eastbourne.gov.uk) and [max.woodford@lewes.gov.uk](mailto:max.woodford@lewes.gov.uk)  
**Tel No(s):** 01323 415360 and 01273 661378

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### **Purpose of Report:**

To set up a structure that will deliver potential financial returns to LDC while also ensuring resilience against future energy, food and sustainability and climate change challenges.

### **Officer Recommendations:**

1. Approval for Lewes District Council to join Eastbourne Borough Council in a public procurement process for a joint venture with a private sector partner;
2. Delegated authority to be given to the Director of Regeneration & Planning to take all decisions during the joint venture procurement process, up to and including the selection and appointment of the private sector partner where appropriate in consultation with the Chief Finance Officer and Assistant Director – Legal & Democratic Services.
3. Approval of a budget of up to £60,000 in total to cover technical, financial and internal and external legal fees across 2017/18 and 2018/19, to be funded from the Strategic Change Reserve;
4. Approval to allocate capital for projects subject to the approval of individual business cases by Cabinet;
5. Approval of the Investment Strategy at Appendix C.

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## Reasons for Recommendations

Setting up a Strategic Partnership Agreement (SPA) joint venture, as described below, is a low cost, low risk option for Lewes District Council and Eastbourne Borough Council, puts both Councils in a strong position to deliver their sustainability ambitions, and invest in future significant projects with potential for good returns - over a period of at least 10 years and up to 30 years.

As the SPA forms and grows, this will be a platform for advice, capacity building and consultancy to other local authorities, something the Department for Business, Energy and Industrial Strategy (BEIS – formerly the Department of Energy and Climate Change) is keen to encourage and see develop. Other public bodies will also be able to join the Joint Venture, subject to the necessary agreements being in place.

## Information

### 1.0 Introduction

- 1.1 Lewes District Council has a good track record of investing and delivering in sustainability, recently underlined with the investment in solar panels on our housing stock. Eastbourne Borough Council has also made a number of positive gains. However in the context of future needs, a more ambitious approach to achieve large scale change is required, with a step change in investment, and working alongside commercial organisations for their specialist skills and experience, is required.
- 1.2 Within the energy sector there are a number of issues around increasing prices, future shortage of supply, and the need to reduce carbon emissions. The food chain faces similar future uncertainty with population growth and major global food regions under threat from extreme weather patterns. There will also be future sustainability issues with transport, waste and water.
- 1.3 This reports sets out how the Councils could take a leading role to develop projects that both tackle those issues and look to provide an income for the Councils. Appendix A lists the types of projects that could be considered, for example, a public sector backed energy supply company, energy generation such as solar or CHP (combined heat and power) and commercial greenhouses. Appendix C contains the draft Investment Strategy for both Lewes and Eastbourne Councils.
- 1.4 Eastbourne Borough Council is leading on the procurement of the joint venture, which has already commenced, and this report was considered by their Cabinet on 25<sup>th</sup> May 2016, with all of the recommendations of this report being approved. Given that Lewes District Council and Eastbourne Borough Council will shortly be sharing services, Lewes District Council could join the procurement and be a partner in the joint venture.

### 2.0 Delivering at Scale

- 2.1 To see if there were commercial organisations willing to partner up with Eastbourne Borough Council to deliver large scale change, an early market engagement exercise was carried out via a European wide advertisement in OJEU. The results were

positive.

2.2 Interviews were held with three major companies, which confirmed:

- a desire to work jointly with Eastbourne Borough Council to deliver the long term sustainability aims, including energy and food;
- the costs of development, investment, risk and returns could be shared;
- heat networks, energy generation plant, demand management to balance the national grid, and commercial greenhouses are financially viable and can provide an income;
- the anticipated IRR/ROI threshold ranges between 6-15%;
- there is no need for an expensive upfront masterplan - sites and business plans can be developed jointly as and when required;
- our long term thinking is in line with the need to tackle energy and food supply, waste and sustainability;
- flexibility of approach to structuring the arrangements.

2.3 The market engagement, and advice from external energy consultants Cornwall Energy, also confirmed that the approach should be phased – starting with key projects first and building up capacity and market value over time.

2.4 As an example of scale, the annual electricity market for domestic and non-domestic users in the Lewes district is collectively worth £44m, in Eastbourne it is £47m. If there was a 5% market penetration into the supply to the non-domestic sector (easier and smaller than the domestic market) and within this there was a 5% return, then there could be an annual income of £45k, which in Eastbourne would be £50k. The protected crop market e.g. greenhouses is one of the greatest opportunities as; the UK imports the majority of its protected crop (and from regions that have water stress); there are shorter payback periods; and returns are higher.

2.5 Local energy companies and local energy tariffs are starting to be created by local authorities including Peterborough, Cheshire East, Norfolk, and Bristol. The Bristol Energy and Technology Services Ltd holds a full energy supply licence and so has the most flexibility in generating, trading and selling energy, and subsequently can make the most savings to residents and maximise revenue for Bristol City Council.

2.6 A local energy scheme could also benefit from partnering with Lewes District Council as it would increase the number of potential customers, and the Lewes area has more land available to develop energy generation sites.

2.7 There are a number of key development sites within Lewes district that could be considered for potential energy projects, including the North Street Quarter and the Newhaven Enterprise Zone.

### **3.0 Department for Business, Energy and Industrial Strategy position**

3.1 Officers from BEIS participated in the market testing exercise and have approved of the approach and long-term thinking. They have also been regularly briefed on the various stages of the procurement process.

### **4.0 Joint Working and Procurement**

- 4.1 As part of the market engagement follow-up, discussions have taken place with Councils who are nearing the completion of procurement processes to appoint joint venture partners in relation to energy projects (Cheshire East Council and Newcastle City Council). They have shared their procurement and legal documentation. Each has taken a very different approach to the procurement process and the structure of the commercial arrangements to reflect local objectives. The time taken and costs of setting up the arrangements reflect the approaches taken.
- 4.2 At Lewes and Eastbourne, the optimum route for joint working appears to be a mixture of the two approaches building on well established commercial and procurement methodologies. It is recommended that the Councils set up a joint venture which at its top level is through a 'Strategic Partnership Agreement' (SPA) as this gives the greatest flexibility for the long term aims, and the different needs for each Council. The SPA will act as an enabling body for the individual projects that will sit beneath it.
- 4.3 The SPA will be procured through the Competitive Procedure with Negotiation. Eastbourne Borough Council has commenced the procurement, with the Pre-Qualification Questionnaire and Invitation to Submit Outline Tender stages now completed. Three tenderers and their partner companies remain in the process. The next stage is the Invitation to Submit Detailed Tender and this was sent to the tenderers in late November 2016, with returns due on 20<sup>th</sup> January 2017. The last stage is the Invitation to Submit Final Tenders, the current timetable is that that will be published on 20<sup>th</sup> March 2017, with returns due by 1<sup>st</sup> May 2017. Evaluation of the submissions will be completed by mid-May 2017, and the appointment of the preferred partner will be confirmed in late May 2017.
- 4.4 The three tenderers remaining in the process are significant market players and have a turnover of at least £50 million. One of the tenderers is the one of the companies who expressed an interest in the market engagement exercise in January 2016.
- 4.5 The key elements of the SPA that the Councils are looking to secure are:
- Flexible governance arrangements, providing the Councils with the capability to take forward projects with the private sector partner independently of each other. This would enable each Council to have a direct 50:50 relationship with the private sector partner, but also allowing for a 50:50 public:private split where appropriate;
  - Business plans are jointly developed on a needs basis between all parties or by only one public sector party and the private sector partner. There would be no requirement for either council to proceed with a project under the agreement if that project was not financially viable in its own right;
  - The commercial partner could have conditional exclusivity rights. The Councils will need to be clear as to the extent of any exclusivity so that the Strategic Partnership Agreement/Joint Venture with a private sector partner would not preclude working with other partners where they wish to do so;
  - No need for further procurement so the SPA can choose its own supply chain (subject to usual good value tests);
  - The Councils will be able to turn to the private sector partner to deliver large scale projects e.g. housing and leisure facilities, provided there is an "energy

and sustainability” element which falls within the scope of the original contract notice and the terms of the contract;

- Subsidiary joint ventures (which are likely to be incorporated SPVs) can be set up as and when appropriate e.g. Lewes District Council and the commercial partner may wish to form a North Street Quarter Company. The structure can be determined to suit the project;
- Internal and external capital can be raised as and when required;
- There would be gateways and some exit rights, though as set out above neither council has to proceed with projects that do not work financially;
- Contracts for additional joint ventures and regeneration projects will be drawn up on a needs basis;
- The opportunity to build in potential for other Councils or public bodies to be able to participate and use the business planning process.

- 4.6 The procurement process will not require sample projects to be fully worked up to contract award but will ask for illustrative examples of business models against exemplar sample projects, which will not only help with the selection assessment, but will give an early indication on viability and the income streams that can be obtained from key projects.
- 4.7 Eastbourne’s Cabinet has approved the procurement of the Joint Venture for Energy & Sustainability, and so it is anticipated that the SPA will be in place by June 2017. The purpose of this report is to enable Lewes District Council to join Eastbourne Borough Council in the OJEU procurement to set up the joint venture. Once the SPA has been set up, the next step will be for individual projects to be considered. It is likely that these would be taken forward through SPVs or specific project agreements developed through the business planning process. Each individual project that sits beneath the SPA will be reported to Cabinet to enable approval of a business plan, and the necessary capital allocation. Cabinet will not be compelled to proceed with individual projects.
- 4.8 One of the first tasks of the Joint Venture could be to develop a business case and designs for the North Street Quarter (NSQ). The NSQ project has always envisaged drawing heat and power for the development site from the River Ouse as a way of minimising the environmental impact of the development and also of minimising the running cost of the development and making it more appealing to potential occupiers. Furthermore, BEIS have granted c.£63,000 to look into how that energy source might be expanded to benefit the rest of the town. The development has therefore always assumed an energy services company would contract with the management company to run that combined heat and power facility. The JV set up under this SPA would have the potential to be that energy services company, and as such the NSQ project offers a potential early win for the JV and a source of income. The JV may also look at undertaking and implementing the BEIS study to look at spreading the benefits to the wider town.
- 4.9 Another potential area where the JV could operate is in Newhaven, providing energy services to developers of key sites in the EZ. Newhaven Town Council has recently undertaken a BEIS funded study of how to use surplus heat from the Energy Recovery Facility in an economically viable way, which could also assist in considering the viability of any Newhaven project. However, it should be noted that



LDC is the landowner on only two of the eight EZ sites, so the JV will need to offer a compelling commercial proposition above and beyond what is already in the marketplace to ensure the sign-up of individual landowners.

- 4.10 A draft Investment Strategy has been prepared, and this will be sent to the tenderers at the Invitation to Submit Detailed Tender stage, with the caveat that it has yet to be approved by Lewes District Council.

## **5.0 Future Governance arrangements**

- 5.1 Eastbourne BC has had a Carbon Reduction Board in place for several years, with the membership comprising of two portfolio holders, and the Director with the remit for Energy & Sustainability. The function of the Board is to consider projects that will assist with carbon reduction, and scrutinise business cases. The proposed Joint Venture has already been reported to this Board, which acts as a gate-keeper prior to consideration by Cabinet. LDC will initially report all projects through Cabinet via recommendations from officers, as with the usual working practices. If it is considered appropriate to set up some form of board to undertake that gate keeper role then this will be reported back to Cabinet.

## **6.0 Financial Appraisal**

- 6.1 The majority of the procurement costs are being absorbed by existing Eastbourne Borough Council staff and this has already been built into the planned workload for the coming year/s. Support throughout the process is being provided by an in-house lawyer employed by LDC under the shared services arrangements. External advice may be required for assessing some specialist legal and technical elements of the procurement. £10,000 from the Strategic Change Reserve during the 2016/17 financial year is requested for this. External finance advice will be sought to verify the financial arrangements of the tenderers.
- 6.2 Once the joint venture is set up, external legal advice will be required to verify bespoke contracts. Eastbourne Council has set aside a budget of up to £50,000 each year for the next two financial years to assist with these external costs (technical, financial and legal). It is anticipated that any expenditure will be shared equally between Eastbourne Borough Council and Lewes District Council, hence the recommendation that Lewes District Council sets aside up to £25,000 per annum for the next two years, meaning a total budget of £60,000 allocated in total over 2016/17 and 2017/18 when including the legal costs set out at 6.1. The key principle is that any external costs are split between the two authorities on a 50:50 basis. If the cost of the fees required exceeds this sum, then they will be considered as part of the project approval basis. Lewes District Council's share of the cost can be funded from the Strategic Change Reserve.
- 6.3 Should any other public sector partners decide to take advantage of the Joint Venture, then it is anticipated that there will be a contribution to costs, thus reducing the costs for Eastbourne and Lewes Councils
- 6.4 One anticipated benefit of the joint venture is the ability to work up project documentation using the experience of the private sector partner, and this may



significantly reduce consultancy costs on technical areas in particular.

- 6.5 A business case will be developed for each individual project, and capital allocations will be required subject to approval.

## **7.0 Legal Implications**

Legal Services have been closely involved with the project from inception, and in particular with the procurement process. The following specific comments have been received:

### **7.1 Public Procurement**

The creation of a joint venture entity between a public and private sector body will not of itself trigger a call for competition under the public procurement rules, though if the opportunity is of cross border interest, contracting authorities may need to comply with the obligation of transparency which entails adequate advertising allowing the opening of the opportunity to competition. If the arrangements also involve the award of works, services or supplies contracts by the public sector to the private sector and/or the joint venture then the public procurement regime may be triggered in relation to those contracts.

Establishing the Strategic Partnership for the Joint Venture on Energy & Sustainability will involve both the selection of a joint venture partner and the award of contracts/concessions. The process undertaken will therefore cover both of these elements to create a long term incremental partnership arrangement.

The nature of this arrangement may entail contracts covered by the Utilities Contracts Regulations 2016 and the Concessions Contract Regulations 2016 as well as the Public Contract Regulations 2015 (PCR 2015). There are rules to govern which procedure should be applied in mixed procurements and in the present case the procurement process will fall under the PCR 2015.

The procurement procedure selected and underway is the competitive procedure with negotiation under the PCR 2015. There are specific situations in which the council may use this procedure and for this project these are:

- the needs of the contracting authority cannot be met without adaptation of readily available solutions;
- they include design or innovative solutions;
- the contract cannot be awarded without prior negotiation because of specific circumstances related to the nature, the complexity or the legal and financial make-up or because of risks attaching to them;
- the technical specifications cannot be established with sufficient precision by the contracting authority with reference to a standard, European Technical Assessment, common technical specification or technical reference.

The competitive negotiated procedure involves the publication of a contract notice in OJEU to enable potential suppliers to express an interest to be selected to tender. Negotiations are ongoing with the tenderers who have already submitted tenders to

improve their content. The process ends with a final tender on which the award decision is based.

## 7.2 Public Services (Social Value) Act 2012

This provides that the Council must consider how what is proposed to be procured might improve the economic, social and environmental well-being of the relevant area; and how in conducting the process of procurement, it might act with a view to securing that improvement. Details of these considerations in relation to the proposed procurements are outlined in this report and further consideration will be given to these matters in the preparation of the detailed procurement process and documentation for the project.

## 7.3 Powers

When considering a complex or multi layered arrangement, the council is likely to have regard to a number of powers to cover all aspects of the arrangements. It is considered that there are sufficient powers to enable the council to procure and participate in the proposed arrangements. Key powers include:

- Section 1 Localism Act 2011: general power of competence
- Section 11 of the Local Government (Miscellaneous Provisions) Act 1976 (as amended by the Electricity Act 1989) which provides that a local authority may generate and sell heat and electricity, and may also purchase and supply heat.

### General Consideration of Council's Fiduciary Duty

In deciding whether and how to exercise its powers in relation to this proposal, Cabinet must consider the council's fiduciary duty to conduct its administration in a fairly business-like manner with reasonable care, skill and caution along with a due and alert regard to the interest of the Council Tax payers.

### Local Government Act 1999

Officers will need to have regard to the need for appropriate consultation during the development of this proposal.

## 7.4 State Aid

Consideration of State Aid rules will clearly be relevant to this proposal, both in the way that it is established but also in relation to each project. This element will be monitored to ensure compliance with applicable

## 8.0 Risk Management Implications

The table below sets out key risks and mitigation measures.

| Risk                    | Mitigation   |
|-------------------------|--|
| Decision not to proceed | <ul style="list-style-type: none"><li>• Eastbourne has already commenced the</li></ul> |

|   |   |
|---|---|
| with joint venture                          | <p>procurement;</p> <ul style="list-style-type: none"> <li>• Lewes District Council can continue to deliver small-scale projects but these will not have the same impact.</li> </ul>  |
| Fail to find private sector partner         | <ul style="list-style-type: none"> <li>• Market testing identified that there is private sector interest;</li> <li>• Invitation to Submit Initial Tender stage has completed, with three tenderers remaining in the process;</li> <li>• Repeat procurement exercise in future when market is better prepared.</li> </ul>  |
| Failure of joint venture                    | <ul style="list-style-type: none"> <li>• Expectations to be set out clearly in procurement documentation and subsequent contract;</li> <li>• Private sector partners advised that whilst Councils intend to proceed with large scale transformation of the local energy and sustainability infrastructure, this will be dependent on business cases developed, and therefore the formation of the SPA will be a commercial risk to the eventual SPA private sector partner;</li> <li>• Experience of other local authorities undertaking similar projects has been investigated.</li> </ul> |
| Failure of energy & sustainability projects | <ul style="list-style-type: none"> <li>• Separate business case required for each individual project;</li> <li>• Cabinet approval required for each individual project;</li> <li>• Gateways and exit rights to be developed and agreed with private sector partner.</li> </ul>  |
| Escalation of costs to Councils             | <ul style="list-style-type: none"> <li>• Procurement and legal advice to be provided by Council staff;</li> <li>• Budget set aside by both Councils for technical procurement costs;</li> <li>• Costs of development, investment, risk and returns can be shared with private sector partner.</li> </ul>  |

## 9.0 Equality Screening

9.1 See Appendix B.

### Background Papers

Eastbourne Borough Council Cabinet Report – 25<sup>th</sup> May 2016 – Joint Venture on Energy and Sustainability

<http://democracy.eastbourne.gov.uk/documents/g1360/Public%20reports%20pack%2025th-May-2016%2018.00%20Cabinet.pdf?T=10>

Bristol Council Cabinet Report– 3<sup>rd</sup> February 2015 - Establishment of an Energy & Technology

Company and associated companies:

[https://www2.bristol.gov.uk/committee/2015/ua/ua000/0203\\_6.pdf](https://www2.bristol.gov.uk/committee/2015/ua/ua000/0203_6.pdf)

Cheshire East Council Cabinet Report – 10<sup>th</sup> November 2015 – District Heating Joint Venture Partner Procurement:

<http://moderngov.cheshireeast.gov.uk/ecminutes/mgConvert2PDF.aspx?ID=43632>

Public tender for the Procurement of an Energy Partner for the City of Newcastle upon Tyne February 2015:

[http://england.unitedkingdom-tenders.co.uk/78754\\_004375\\_Procurement\\_of\\_an\\_Energy\\_Partner\\_for\\_the\\_City\\_of\\_Newcastle\\_upon\\_Tyne\\_2015\\_Newcastle\\_upon\\_Tyne](http://england.unitedkingdom-tenders.co.uk/78754_004375_Procurement_of_an_Energy_Partner_for_the_City_of_Newcastle_upon_Tyne_2015_Newcastle_upon_Tyne)

## **Appendices**

Appendix A – Potential Concepts and Opportunities

Appendix B – Equality Screening

Appendix C – Investment Statement

## **Appendix A: Potential Concepts and Opportunities**

Potential concepts and opportunities currently technologically available are listed below. This does not represent a list of suggested projects, but some outline information about the types of projects that can be developed, in both Lewes District and Eastbourne Borough.

### **Energy**

As regards Energy, the aim is to reduce demand to its lowest possible level and then utilise local assets to meet this demand - creating self-sufficient neighbourhoods or energy islands. Energy could be decentralised and work to benefit local communities, and for resilience, rely on capacity in neighbouring authorities as opposed to the National Grid.

Fossil fuels should be used as a last resort or for times of emergency. Instead the focus would be on fuels for the future including next generation biofuels (e.g. algae), tidal, hydro and solar. All generation would assume no subsidies from the Government. Each of the potential energy opportunities are summarised below.

| <b>Area</b>                  | <b>Potential Opportunities</b>   |
|------------------------------|--|
| Energy efficiency            | Industrial scale retrofit of properties (domestic and non-domestic) to reduce power and heat demand e.g. LEDs, insulation, batteries;<br><br>Advice and alternative dwelling solutions to Eastbourne Council's housing investment company (EHIC) and other developers e.g. non-brick;  |
| Energy generation            | The potential for investment in an area-wide network of energy hubs, utilising the area's natural assets, creating energy 'islands'. e.g. solar, CHP using biogas or green gas;<br><br>Energy centres could be built into new housing and commercial developments e.g. CHP powered by biogas, or electric heating using cheaper electricity;               |
| Energy supply                | Potential to supply large sections of town/area with a public sector backed supply licence;<br><br>Investigate the extension of the market through the issue of 'Licence Lite' licences to other Councils in District Network Operator (DNO) region;<br><br>Utilise Council's broadband company and water deregulation to create a multi-utility platform; |
| Energy demand & distribution | Develop a true, real time smart grid that can balance load, demand, and people's lifestyles, to provide an income stream, reduced DNO reinforcement costs and bills;<br><br>Manage energy networks and centres;  |

| Area                          | Potential Opportunities   |
|-------------------------------|---|
| Energy Research & Development | Bring commercial reality to new technologies that can deliver cleaner cheaper energy e.g. electric based heating for flats using cheaper electricity. |

## Food

The aim is to create a network of commercial greenhouses that provides local resilience to future food price increases, creates jobs and brings investment. As the greenhouse will use hydroponics (cultivation of plants by placing the roots in liquid nutrient solutions rather than in soil) a higher yield can be for the same area of land, which is important as land is of a premium.

The UK currently imports 75% of its fresh produce and much this is from regions that have or will have water stress, so there is plenty of scope and potential for growth.

| Area                             | Opportunity  |
|----------------------------------|--|
| Commercial Greenhouses           | <p>A network of next generation greenhouses (urban and rural) utilising technologies such as hydroponics to maximise yield and reduce running costs;</p> <p>Combinations of housing, energy centres and greenhouses in communities that have restricted space and areas of poverty;</p> <p>Produce to be sold to supermarkets and/or new local cooperatives;</p> |
| Fresh fish or protein production | <p>Support the greenhouses and the potential threat to fish production with a changing climate, &amp; set up fresh fish aqua-centres;</p> <p>Provide alternative protein supplies to complement the supply chain;</p> <p>Potential to set up aquaculture in lagoon marine space if tidal power is introduced.</p>  |

## Transport

The aim is to change the focus of how people travel, encouraging more people to cycle and walk, share cars, and use public transport more frequently. This will help tackle health issues such as obesity, give people a better sense of wellbeing, and save them money.

This will be done in consultation with East Sussex County Council (who have the responsibility for transport). Both Councils have produced a Cycling Strategy, soon to be updated with a Walking & Cycling Strategy.

| <b>Area</b>       | <b>Opportunity</b>  |
|-------------------|---|
| Cleaner transport | Area wide cycle hire and adoption scheme;<br><br>Improved cycle network and green tourism with links to the South Downs National Park;<br><br>Investment in infrastructure to supply the range of motorised vehicles (including HGVs) with cleaner fuels i.e. electricity and hydrogen; |
| Vehicle usage     | Car sharing and community car clubs to reduce overall vehicle ownership;<br><br>Insurance backed schemes where people are rewarded for healthier lifestyles.  |

**Waste**

The aim is to adopt a resource-based economy (or Circular Economy), by using waste wisely and for the maximum benefit, & re-thinking waste as an asset.

East Sussex County Council has responsibility for waste disposal, and the districts and boroughs have responsibility for waste and recycling collection. The current Joint Waste Contract for domestic collection expires in 2023 so there are limited opportunities at the present time in Eastbourne . Lewes has an in-house service so it may be possible to explore opportunities sooner. This is an ever-developing field and there will be future waste management opportunities to explore.

**Water and adaptation**

The aim is to plan and protect against changing weather patterns and build a resilient society. This will involve working with South-East Water and the Environment Agency, to make sure there is enough water during droughts and long periods of dry weather, and to make sure coastal defences remain fit for purpose with the changing sea levels. Tidal energy schemes may play a role in assisting with this.

## Appendix B: Equality Analysis Report Template

|                                |   |
|--------------------------------|---|
| <b>Title:</b>                  | <b>Joint Venture on Energy &amp; Sustainability</b>   |
| <b>EA Lead :</b>               | <b>Sue Oliver</b>   |
| <b>EA Team:</b>                | <b>N/A</b>  |
| <b>Date Commenced:</b>         | <b>23<sup>rd</sup> May 2016</b>   |
| <b>Target Completion Date:</b> | <b>22<sup>nd</sup> June 2016</b>  |
| <b>Reason for assessment:</b>  | <b>The Joint Venture is being set up via OJEU procurement and will be in place in June 2017, so an equality analysis has been undertaken at the earliest stage.</b> |

### Context and Scope

#### 1. What are the main purposes and aims of the service/project/decision?

Within the energy sector there is a trilemma of increasing prices, future shortage of supply, and the need to reduce carbon emissions. The food chain faces similar future uncertainty with population growth and major global food regions under threat from extreme weather patterns. There will also be future sustainability issues with transport, waste and water.

Meeting our future needs will require a step change in investment and working with commercial organisations for their specialist skills and experience. Therefore Lewes District Council together with Eastbourne Borough Council is considering setting up a Joint Venture



for Energy and Sustainability which at its top level is through a 'Strategic Partnership Agreement' (SPA), as this gives the greatest flexibility for long term aims and the different needs for each Council. Procurement would be through the OJEU Competitive Procedure with Negotiation.

The key elements of the SPA would be:

- Flexible governance arrangements - the Councils would be able to take forward projects with the private sector partner independently of each other, effectively giving each Council the potential for a direct 50:50 relationship but allowing also for a 50:50 public/private split;
- Business plans are jointly developed on a needs basis between all parties or by only one public sector party and the private sector partner;
- The commercial partner could have conditional exclusivity rights. The Councils will need to be clear as to the extent of any exclusivity so that the Strategic Partnership Agreement/Joint Venture with a private sector partner would not preclude working with other partners where they wish to do so;
- No need for further procurement so it can choose its own supply chain;
- Subsidiary joint ventures can be set up as and when appropriate;
- Internal and external capital can be raised as and when required;
- There would be gateways and suitable exit rights;
- Contracts for additional joint ventures and regeneration projects will be drawn up on a needs basis;
- The opportunity to build in potential for other Councils or public bodies to participate and use the business planning process.



Once the SPA has been set up, the next step will be for individual projects to be considered. It is likely that these would be taken forward through SPVs or specific project agreements developed through the business planning process. Each project will be reported to the respective Cabinets for Lewes and Eastbourne Council, to enable approval of the project, and the necessary capital allocation.

2. What effect does it have on how other organisations operate and what commitments of resources are involved?

Eastbourne Borough Council is leading on the setting up of the Joint Venture, and it has already been approved by their Cabinet in May 2016. LDC can select to join EBC, and this option is to be considered by Cabinet.

3. How does it relate to the demographics and needs of the local community?

Individual projects to deliver energy and sustainability measures will sit under the JV. The policy will have a positive impact for the wider community, and as the joint venture is proposed to be long term (10-30 years), there is the potential to benefit large number of residents across all tenures. In particular it is anticipated those in fuel poverty will benefit from a more sustainable energy supply.

4. How does it relate to the local and national political context?

The project has no local or national political implications, but worth noting that it is supported by BEIS (formerly DECC).

5. Is there any obvious impact on particular equality groups?

|  |  |  |   |  |  |                                  |
|--|--|--|---|--|--|----------------------------------|
| Race<br>(includes ethnic or national origins, colour, & nationality) | Disability<br>(includes mental & physical) | Gender<br>(includes gender reassignment) | Pregnancy<br>(includes maternity & paternity) | Sexual Orientation<br>(includes heterosexual, homosexual & bisexual) | Religion & Belief<br>(includes all faiths, beliefs & agnostic) | Age<br>(includes all age groups) |
|--|--|--|---|--|--|----------------------------------|

|                  |          |          |      |          |          |      |          |          |      |          |          |      |          |          |      |          |          |      |          |          |      |
|------------------|----------|----------|------|----------|----------|------|----------|----------|------|----------|----------|------|----------|----------|------|----------|----------|------|----------|----------|------|
| Impact           | Positive | Negative | None | Positive | Negative | None | Positive | Negative | None | Positive | Negative | None | Positive | Negative | None | Positive | Negative | None | Positive | Negative | None |
| Tick if relevant | ✓        |          |      | ✓        |          |      | ✓        |          |      | ✓        |          |      | ✓        |          |      | ✓        |          |      | ✓        |          |      |

6. How does it help to us meet our general duties under the Equality Act 2010?

The proposal has the potential to benefit all residents, in particular those on low incomes and in fuel poverty. It will not affect different protected groups differently.

It is considered that the PSED does not have any impact on the proposal to set up a Joint Venture for Energy and Sustainability.

7. What is the scope of this analysis?

The scope of the analysis is the setting up of the JV, i.e. the steps required to go through an OJEU procurement process. Individual projects will then be considered with a full business case for each, and a further EA will be required for each.

**Information gathering and research**

8. What existing information and data was obtained and considered in the assessment?

No specific data was gathered for the purposes of this assessment.

9. What gaps in information were identified and what action was undertaken/is planned to address them?

N/A

10. What communities and groups have been involved and what consultation has taken place as part of this assessment?

No consultation has taken place with communities and groups in Lewes District, but in Eastbourne, the local Community Environment Partnership (CEPE), Friends of the Earth and Bespoke groups have been consulted about setting up the JV, and all are positive and keen to support and assist the Council's aims in this area of work.

### **Analysis and assessment**

11. What were the main findings, trends and themes from the research and consultation undertaken?

See q 10

12. What positive outcomes were identified?

Reduction of carbon emissions and sustainable energy opportunities.

13. What negative outcomes were identified?

None.

## Action planning

14. The following specific actions have been identified: *(see paragraph 25 of the guidance)*

| Issue Identified   | Action Required | Lead Officer | Required Resources | Target Date | Measure of Success                |
|--|-----------------|--------------|--------------------|-------------|-----------------------------------|
| Equality analysis of each project that sits beneath the JV | Undertake EA    | Sue Oliver   | To be reviewed     | TBC         | To be determined for each project |

## Summary Statement

Between May and June 2016 an Equality Analysis was undertaken by Sue Oliver on the Joint Venture for Energy & Sustainability.

Due regard was given to the general equalities duties and to the likely impact of the project on people with protected characteristics, as set out in the Equality Act 2010.

The assessment identified: (\*delete as appropriate)

\*The policy/service/decision/project was found to have positive outcomes for all groups.

## Approval

|                          |  |
|--------------------------|--|
| Director/Head of Service |  |
| Signed                   |  |
| Dated                    |  |

## APPENDIX C

### ENERGY & SUSTAINABILITY JOINT VENTURE INVESTMENT STATEMENT



**NOVEMBER 2016**

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## **1. COUNCIL POSITION**

The ambition is to have a joint venture between a Private Sector Partner and both Eastbourne Borough Council and Lewes District Council.

The two Councils already have a close working relationship and their combined asset and resource base will offer greater opportunities for the Joint Venture to establish itself in its first few years of operations and importantly create a platform to expand across the South East.

Lewes District Council has a particular strategic importance given it is geographically central to the region and close to the regional economic centre of Brighton & Hove, has a good mixture of urban and rural land, has good transport links, and has a port with cross-channel ferry services that can be shaped as a base for future sustainability and resilience.

Eastbourne can also act as an important blueprint for larger urban areas as it has reached its boundary limits on expansion, has an established built environment that utilises gas and grid electricity, and a growing population. If a smart energy and sustainable system can be established in Eastbourne then it will be relatively easy to replicate elsewhere.

Both Councils' approach to development and regeneration has been to work collaboratively with the local community, asset holders, and businesses. This drives the focus of both of the Council's Corporate Plans and results in projects being delivered incrementally.

In any given year or political cycle there are always regeneration projects that a Council is involved in. They vary in scale but a pipeline is continually being developed so they can strive to create vibrant thriving communities. As an example, in Eastbourne over the next few months work is due to start on a £44m redevelopment of its theatres and cultural quarter, and a £85m redevelopment of the Town Centre. In Lewes,

meanwhile work will start soon on the £150m North Street Quarter, while the Newhaven Enterprise Zone takes effect as of April 2017.

Once the Joint Venture is in place it is expected the first phase will be to scope out the potential projects in the geographical areas of both Eastbourne and Lewes Councils.

A key part of this first phase is to support the review of the Eastbourne Local Plan which is due to be partially re-examined in Autumn 2017. There is an opportunity to influence the outcomes of the new Local Plan outcomes and to initiate plans for future investment in local energy and sustainability. The second phase would be to scope projects in the wider region. Lewes's Local Plan Part 2 is in the early stages of being prepared, with the Part 1 Core Strategy having been adopted in 2016.

Section 2 outlines the potential projects that Lewes District Council is in the process of exploring and developing.

Please note that Section 2 is not a guaranteed pipeline, it is a reflection of the regeneration discussions both Councils are involved in; some may succeed, some may not, and as the Council is not always the landowner commercial terms separate to the Joint Venture will need to be negotiated and agreed by Members. Planning permission would also be required.

It is anticipated that more projects and investment opportunities will come on stream as the Joint Venture gains credibility and experience.

It is also anticipated that Lewes District Council will formalise their involvement in the Joint Venture at their Cabinet on 4 January 2017.

## **2. PIPELINE DEVELOPMENT**

We expect the Joint Venture to have a mobilisation period but once the projects start to get approved we look forward to it going from strength to strength.

The Joint Venture business plan that has been requested from you will allow us to see what resources are required to gear up this pipeline of work and to make sure it turns into a reality.

The amount of resource required for the first phase will be part of the five year business plan requested in the Initial Detailed Tender. We are seeking Tenderers' input as to the best way to make this work for both parties. One option is for the Private Sector Partner to do the scoping and recharge it to projects once they are developed, another is to provide this resource at no cost to the Joint Venture but with a similar or alternative level of supported resource from the Councils.

The Councils will identify appropriate level of staff resources for the Joint Venture team, and ensure we put in place what is required once projects have been approved. Section 3 highlights the Councils' track record of making investments for change.

We have already made a start by securing grants from the Government's Heat Network Delivery Unit (HNDU). For initial energy masterplan scoping across both Council areas there is a total budget of £65k, and to support the development of an energy network for the Lewes North Street Quarter there is a budget of £90k. HNDU have agreed the funding can be used by the Joint Venture for the purpose it was awarded.

The other business plans requested in the Initial Detailed Tender reflect the early type of work we expect the Joint Venture to be involved in.

The sites to be considered for the first phase of scoping are set out in the table below. As mentioned above these projects that Lewes District Council is in the process of exploring and developing; some may succeed, some may not, and as the Council is not always the landowner separate commercial terms will need to be negotiated and agreed by Members. For example, whilst the Tenderer will have exclusivity rights to develop an energy network, a third party landowner will need to agree to this and the commercial contract before it can be developed. Planning permission will also need to be sought.

| <b>Area</b>                           | <b>Commentary</b>   |
|---------------------------------------|---|
| <p>Newhaven Enterprise Zone (NEZ)</p> | <p>Overall, the NEZ is over eight sites and is expected to lead to 55,000sq.m of new employment floor space and 15,000sq.m of refurbished employment floorspace over the Zone’s 25-year lifespan, which starts in April 2017. The eight sites have multiple land owners, and are a mixture of greenfield and brownfield land.</p> <p>One of the sites is also adjacent to the Energy from Waste plant (managed by Veolia) which has a capacity to provide a waste heat source. Consultants have used HNDU funding to explore uses for this heat. This work was commissioned by Newhaven Town Council and they will be able to discuss the outcome of the study.</p> <p>The NEZ has multiple landowners (including Lewes District Council) and the Coast to Capital Local Enterprise is the Accountable body for the NEZ to Government. Any projects would be subject to both the LEP approval as well as Lewes District Council</p> |
| <p>Newhaven Square</p>                | <p>This is within the Town Centre – one of the eight NEZ sites and is owned by Lewes District Council. The Council is currently undertaking initial first stage feasibility study of developing a viable scheme. The site presently includes the ageing Seahaven Leisure Centre, a car park as well as commercial/retail space</p>  |
| <p>North Street Quarter</p>           | <p>This is a large redevelopment site in the town of Lewes. The site is partly owned by Lewes District Council, approximately 65% is owned by a private sector party who Lewes District Council is appointing</p>   |

|                              |   |
|------------------------------|---|
|                              | <p>with exclusive rights to develop the site. The site aims to deliver:</p> <ul style="list-style-type: none"> <li>• 416 new homes (including 40% affordable);</li> <li>• 140,000 sq ft of flexible workspace (including subsidised creative workspace);</li> <li>• Public spaces, riverside walkways and a footbridge, opening this riverside location up to the public;</li> <li>• Vital flood defences;</li> <li>• A new 'health hub' serving 26,000 people, including 3 doctors' surgeries, a dentist, pharmacy and other medical services;</li> <li>• A heat network, utilising the river Ouse.</li> </ul> <p>The Joint Venture could aim to work with the private sector party as the developer of some or the entire energy network; there is a budget of £90k to support the development of the energy network (partially funded by HNDU).</p> <p><a href="http://northstreetqtr.co.uk/">http://northstreetqtr.co.uk/</a></p> |
| <p>Energy Supply Licence</p> | <p>The Council wishes to have access to (but not set up from scratch) a Supply Licence so that it can:</p> <ul style="list-style-type: none"> <li>• trade the energy generated from the solar PV installations;</li> <li>• install more renewable energy at commercial buildings and trade this energy (in conjunction with PPAs);</li> <li>• sell energy to local residents and businesses.</li> </ul> <p>With Eastbourne Borough Council's broadband company and the deregulation of the water industry the JV could become a complete utility business.</p>  |

### **3. COUNCIL APPROACH TO INVESTMENT**

Both Councils sees themselves as forward thinking, able to react positively to changing circumstances, and importantly invest in future solutions.

Eastbourne Borough Council's Corporate Plan, which includes the ambition to become a low carbon town and to invest in the local economy, can be found [here](#).

Lewes District Council's Plan 2016 – 2020 can be found [here](#).

The anticipated approach of both Councils to the Joint Venture will be the same, planning for the long term and making investments and commitments to match the scale of the problems we are all facing.

The following text outlines some of the steps both Councils have taken already to make a difference. These are significant investments for and are the start of a larger transformation programme:

#### Joint Transformation

To ensure the two councils remain fit for purpose, and continued to deliver efficient services for residents, in the context of reducing Government grants, they have embarked upon a radical restructure of staff and their estate. They are embarking on a joint transformation programme and both Councils will set up shared services and create a single employer to improve resilience, gain increased strategic presence and maintain customer services.

#### Major Redevelopments

Eastbourne Borough Council has had a longstanding ambition to see the Town Centre regenerated and has played a key role in working with Legal & General to ensure delivery of the £85m private investment to provide an extension to the Arndale Shopping Centre, by using its compulsory purchase powers.

#### *North Street Quarter*

Lewes has a similar programme in place with its North Street Quarter. It recognised the need for change and set up regeneration joint venture to ensure progress was made.

#### *Sovereign Harbour, Eastbourne*

Sea Change Sussex have recently delivered the first phase of the Sovereign Harbour Innovation Park with the provision of flexible, modern business space within a striking contemporary building known as Pacific House.

#### *Newhaven Enterprise Zone*

Again Lewes has a similar programme in place with the creation of an enterprise zone for Newhaven. In the long term Newhaven has the potential for strategic importance for the area as it has deep sea port that can be used to import the next generation biogas, be a supply chain base for marine based energy and can be an import/export zone for food.

#### Building Redevelopment

Two of the Eastbourne's key leisure areas require redevelopment.

Eastbourne Borough Council will be investing £44m to re-design the Devonshire Park complex into a thriving and nationally important sporting, cultural and conferencing destination.



It will also be investing over £20m into building a new water and leisure complex to replace the Sovereign Leisure Centre – now part of the Joint Venture process.

Similar approaches are being taken across Lewes and the Seahaven leisure centre in Newhaven is reaching the end of its operational life.

### House Building

The market was not able to meet the local need of regenerating one of the most deprived wards (Devonshire), so a new housing and regeneration initiative was set up - the Housing & Economic Development Partnership (HEDP) which forms a team within the Council's wholly owned housing management company (Eastbourne Homes Limited).

Eastbourne Homes Limited has since set up its own Housing Investment Company to buy land and build properties and has recently won a national award for the work it has completed. The HEDP initiative is actively pursuing housing development sites and is seen as a key partner for the Joint Venture. Lewes District Council also agreed in November 2016 to set up its own Housing Investment Company – either jointly with Eastbourne BC or as a standalone entity.

### Superfast Broadband

Again as the market was not able to deliver superfast broadband to Eastbourne businesses (despite being the largest town in East Sussex) the Council set up its own broadband company CloudConnex. This has been operating successfully since 2012 and has the potential to be a delivery partner for the Joint Venture's smart grid development.

## Renewable Technology

To take advantage of the Solar PV Feed in Tariffs that were available in 2011, the Eastbourne Borough Council agreed to an investment fund of £13m. We were one of the first local authorities to invest our own money in Solar PV and although some of this investment fund was not used due to the reduction in feed in tariffs, we now have a portfolio that generates a healthy income and local energy.

Lewes has also invested in renewable energy, installing solar PV systems onto over 700 of its houses and installing heat pumps into 100 of its properties.

Both Councils are also part of an Innovate funded project investigating new electrically-led heating systems.

## 4. LEGAL NOTICES

4.1. Nothing in this document should be relied upon as a promissory or a representation as to the Councils' ultimate decisions in relation to this Project which will depend at least in part on the outcome of negotiation with Tenderers.

4.2. This ITP and other documents (such as the contract notice and other marketing material and this document) ("the procurement documents") have been prepared by and on behalf of the Councils for the purposes of:

- a) Providing an application procedure for individuals or organisations interested in tendering for the Project, and
- b) To assist persons interested in tendering for the Project in making their own evaluation of the potential opportunity to enter into a contractual relationship for the provision of such services.
- c) The procurement documents are intended only as a preliminary background explanation of the Council's activities and plans and are not intended to form the basis of any decision on whether to enter into any contractual relationship with the Councils. The procurement documents do not purport to be all inclusive, to contain all of the information that a prospective contractor may require or to have been independently verified. The procurement documents should not be considered as an investment recommendation made by the Councils Team to developers.

4.3. None of the Councils' Team:

- a) Makes any representation or warranty (express or implied) as to the accuracy, reasonableness or completeness of the procurement documentation provided. Any persons considering making a decision to enter into contractual relationships with the

Councils following receipt of the procurement documents should make their own investigations and their own independent assessment of the Councils and its requirements for the Project and should seek their own professional technical, financial and legal advice.

- b) Accepts any responsibility for the information contained in the procurement documents or their fairness, accuracy or completeness;
- c) Shall be liable for any loss or damage arising as a result of reliance on such information or any subsequent communication. Any and all liability is expressly disclaimed and excluded to the maximum extent permissible by law.

4.4. No disclaimer in this document is intended to exclude liability for fraud or fraudulent misrepresentation.

4.5. Only the express terms of any written contract relating to the subject matter of the procurement documents as and when it is finally executed and duly declared unconditional shall have any contractual effect in connection with the matters to which it relates. The Tenderers should note that no offer or Final Tender is deemed accepted until the relevant contractual documents have been duly signed on behalf of the Councils, the Potential Partner and all other relevant parties and declared unconditional. No dialogue or communication with the Councils whether prior to, during or subsequent to the procurement process (including any notification of Potential Partner status) imply acceptance of any offer or constitute an indication that the Tenderer will be awarded the contract.

4.6. Nothing in the procurement documents should be relied upon as a promissory or a representation as to the Council's ultimate decisions in relation to this Project which will depend at least in part on the outcome of negotiation with Tenderers.

4.7. In this document, the “Councils’ Team” means all or any of the Councils, its members and officers, its advisors, and the directors, officers, members, partners, employees, other staff, agents or advisors of any such body or person.

**Agenda Item No:** 9.4 **Report No:** 4/17  
**Report Title:** Consideration of Private Housing Policies  
**Report To:** Cabinet **Date:** 4 Jan 2017  
**Lead Councillor:** Cllr. Maskell  
**Ward(s) Affected:** All  
**Report By:** Ian Fitzpatrick - Director of Service Delivery  
**Contact Officer(s):** Jessica Kelsey  
Specialist Advisor (Private Housing)  
[Jessica.kelsey@lewes.gov.uk](mailto:Jessica.kelsey@lewes.gov.uk)  
01273 471600

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**Purpose of Report:**

To consider three new private housing policies for adoption by Lewes District Council:

1. Redress Schemes Enforcement Policy
2. Smoke and Carbon Monoxide Alarm Enforcement Policy
3. Statement of Principles for Determining the Amount of a Penalty Charge

**Officers' Recommendations:**

That Cabinet–

- 1 Adopts:
  - a) the Redress Schemes Enforcement Policy set out at Appendix B;
  - b) the Smoke and Carbon Monoxide Alarm Enforcement Policy set out at Appendix A;
  - c) the Statement of Principles for Determining the Amount of a Penalty Charge set out at Appendix C.
- 2 Delegates to the Director of Service Delivery the implementation, administration and enforcement of all the above policies and Statement of Principles, in exercise of relevant legislation

---

**1 Reasons for Recommendations**

- 1.1 To enable officers to use powers contained within the Smoke and Carbon Monoxide Alarm Regulations and the Redress Schemes for Lettings Agency Work and Property Management Work Order.

## **2 Information**

- 2.1 When exercising specified regulatory functions, local authorities are required by the Regulators' Code to publish a clear set of service standards, including their enforcement policy, explaining how they respond to non-compliance. This is an important document for regulators in meeting their responsibility under the statutory principles of good regulation, and to be accountable and transparent about their activities.

The Regulators' Code can be found on the GOV.UK website at;

<https://www.gov.uk/government/publications/regulators-code>

## **3. Redress Schemes Enforcement Policy**

- 3.1 The draft Redress Schemes Enforcement Policy is attached at Appendix A.
- 3.2 The purpose of this Policy is to implement the requirements of the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014, made under the Enterprise and Regulatory Reform Act 2013. From 1<sup>st</sup> October 2014, all lettings agents and property managers in England must have joined one of three Government established and approved redress schemes, for dealing with complaints in connection with that work.

## **4. Smoke and Carbon Monoxide Alarm Enforcement Policy**

- 4.1 The draft Smoke and Carbon Monoxide Alarm Enforcement Policy is attached at Appendix B. The purpose of this Policy is to implement the requirements of The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 which came into force on the 1<sup>st</sup> October 2015. The regulations require landlords of privately rented dwellings to:
- a) Install smoke alarms on each floor of their rented property;
  - b) Install a carbon monoxide alarm in each room where there is a solid fuel burning appliance;
  - c) Carry out checks to ensure the alarms are in working order at the start of each new tenancy.

## **5. Statement of Principles for determining the amount of a penalty charge**

- 5.1 The draft Statement of Principles for determining the amount of a penalty charge is attached at Appendix C. Both the Redress Schemes for Lettings Agency Work and Property Management Work Order 2014 and the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 enable the Council to issue penalty charge notices. In extenuating circumstances the sum of a penalty charge notice can be varied, the principles for how these will be considered are set out in the Statement of Principles (Appendix C).

## **6. Financial Appraisal**

- 6.1 There are no financial implications, although the application of penalty notices may lead to some additional income.
- 6.2 The policies will be implemented using existing staff resources.

## **7. Legal implications**

- 7.1 The adoption and implementation of policies and enforcement regimes relating to private housing are executive functions and therefore the responsibility of Cabinet.
- 7.2 The legislative framework for the policies recommended for adoption by Cabinet are set out in the body of the report. Lawyer consulted: OD – 7.12.16. Legal ref: 005738-LDC-OD

## **8. Risk Management Implications**

- 8.1 No new risks will arise if the recommendations are implemented

## **9. Equalities Implications**

- 9.1 Enforcement decisions will be fair, independent and objective and will not be influenced by issues such as ethnicity or national origin, gender or gender identity, religion or belief, political views, disability, age or the sexual orientation of the suspect, victim, witness or offender.
- 9.2 The district has businesses managed and run by black and minority ethnic groups, and English may not be their first language. We will endeavor to provide material in their first language, and arrange interpretation services where necessary, to assist the individual to access advice, guidance, information and legislation.
- 9.3 Equality and fairness analyses will be conducted on these policies

## **10. Appendices**

Appendix A – Smoke and Carbon Monoxide Alarm Enforcement Policy

Appendix B – Redress Schemes Policy

Appendix C – Statement of Principles for Determining a Penalty Charge



## **Lewes District Council**

# **Smoke and Carbon Monoxide Alarm Enforcement Policy**

### **Introduction**

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 came into force on the 1<sup>st</sup> October 2015. The regulations require landlords of privately rented dwellings to:

- a) Install smoke alarms on each floor of their rented property;
- b) Install a carbon monoxide alarm in each room where there is a solid fuel burning appliance;
- c) Carry out checks to ensure the alarms are in working order at the start of each new tenancy.

### **Enforcement**

Lewes District Council as the local housing authority enforces the regulations. Where the Council has reasonable grounds to believe that a landlord is in breach of the regulations, they must serve a 'Remedial Notice', giving the landlord 28 days in which to comply. Where the local authority is satisfied that a landlord has not complied with a remedial notice, they have a duty to arrange for the required works to be carried out (with the consent of the occupier).

The local authority also has a discretionary power to require the landlord to pay a penalty charge of up to £5000. The authority may, at its discretion, specify that if a landlord pays the penalty charge within a specified earlier period, or where a review of the penalty charge notice is requested, a reduction in the penalty charge may be applied.

The local authority must prepare and publish a statement of principles that it proposes to follow in determining the amount of penalty charge. Lewes District Council has a Statement of Principles dated October 2016.

The local authority may recover the charge under a Court Order.

Sums received under a penalty charge may be used by the authority for any of its functions.

The regulations apply to all privately rented domestic premises although exemptions apply to accommodation shared with the landlord, long leases, student halls of residence, hostels, care homes, refuges and hospices, as defined by the Schedule within the Regulations.

## Appeals

A landlord will have a right to request a review of a penalty charge and can appeal to a First Tier Tribunal against the review decision on specific grounds, including that the amount of charge is unreasonable.

Appeals should be made in writing to the First Tier Tribunal;

Ground Floor  
Magistrates' Court and Tribunals Centre  
6 Market Avenue  
Chichester  
West Sussex  
PO19 1YE  
Email; [rpsouthern@hmcts.gsi.gov.uk](mailto:rpsouthern@hmcts.gsi.gov.uk)  
Telephone 01243 779 394  
Fax 0870 7395 900

## Review

This policy will be reviewed annually and updated if necessary to take into account legislative changes. The policy will also be reviewed if comments are received.

Comments should be sent to;

Housing And Environment Team  
Lewes District Council  
Southover Housing  
Southover Road  
Lewes  
East Sussex  
BN7 1AB

01273 471600

November 2016

## **Lewes District Council**

# **Redress Schemes for Lettings Agency Works and Property Management Work Enforcement Policy**

### **Introduction**

The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014, made under the Enterprise and Regulatory Reform Act 2013, introduced the legal requirement that from the 1<sup>st</sup> October 2014 all lettings agents and property managers in England must have joined one of three Government established and approved redress schemes, for dealing with complaints in connection with that work. The Order can be found at the link below.

<http://www.legislation.gov.uk/ukxi/2014/2359/contents/made>

Most letting agents and managing agents should be aware of these schemes and are likely to have joined, as good practice, before 1 October 2014. Membership of the schemes is subject to annual renewal.

Lewes District Council is the enforcing authority for this legislation, and so is responsible for ensuring that all applicable agents and property managers within the borough have complied with the new rules and joined an approved scheme.

Definitions of “lettings agency” and “property managers” are contained within the legislation, and Government guidance.

### **Redress schemes**

The three Government approved redress schemes are:

- Ombudsman Services Property [www.ombudsman-services.org/property.html](http://www.ombudsman-services.org/property.html)
- Property Redress Scheme [www.theprs.co.uk](http://www.theprs.co.uk)
- The Property Ombudsman [www.tpos.co.uk](http://www.tpos.co.uk)

Each scheme publishes a list of members on their respective websites so it is possible to check whether a lettings agent or property manager has joined one of the schemes.

Whilst the majority of lettings agents and property managers provide a good service there are a minority who offer a poor service and engage in unacceptable practices. This requirement will mean that tenants and landlords, with agents in the private rented sector, and leaseholders and freeholders dealing with property managers in the residential sector will be able to complain to an independent

## Redress Schemes for Lettings Agency Work and Property Management Work Enforcement Policy

person about the service they have received, and prevent disputes from escalating.

The decision made by a redress scheme is binding on all parties.

### **Enforcement**

Lewes District Council as the enforcement authority can impose a penalty charge of up to £5,000 where it is satisfied, on the balance of probability, that someone is engaged in letting or management work and is required to be a member of a redress scheme, but has not joined.

The expectation contained in Government guidance is that a £5,000 fine should be considered the norm, and that a lower fine should only be charged if the enforcement authority is satisfied that there are extenuating circumstances.

The authority must give written notice of their intention to impose a penalty, setting out the reasons and the amount of the penalty to the person or company who has not complied with the legislation. The lettings agent or property manager will have 28 days to make written representations or objections.

At the end of the 28 day period the Council must decide, having taken into account any representations received, whether to impose a fine, and if so, issue a final notice to the lettings agent or property manager giving at least 28 days for payment to be made.

It will be up to the enforcement authority to decide what the extenuating circumstances might be, taking into account any representations the lettings agent or property manager makes, which would deem that no fine or a lesser charge would be appropriate. Detail on how Lewes District Council will consider each case is given in the Statement of Principles for Determining the Amount of a Penalty Charge.

An appeal may be made to the First Tier Property Tribunal following issue of the final notice. The contact details for this are;

Ground Floor  
Magistrates' Court and Tribunals Centre  
6 Market Avenue  
Chichester  
West Sussex  
PO19 1YE  
Email; [rpsouthern@hmcts.gsi.gov.uk](mailto:rpsouthern@hmcts.gsi.gov.uk)  
Telephone 01243 779 394  
Fax 0870 7395 900

## Redress Schemes for Lettings Agency Work and Property Management Work Enforcement Policy

The enforcement authority can impose further penalties if a lettings agent or property manager continues to fail to join a redress scheme despite having previously had a penalty imposed.

The penalty fines received by Lewes District Council may be used by the authority for any of its functions.

### **Review**

This policy will be reviewed annually and updated if necessary to take into account legislative changes. The policy will also be reviewed if comments are received.

Comments should be sent to;

Housing And Environment Team  
Lewes District Council  
Southover Housing  
Southover Road  
Lewes  
East Sussex  
BN7 1AB

01273 471600

November 2016

## **Lewes District Council**

# **Statement of principles for determining the amount of a penalty charge**

### **Introduction**

As a local authority, Lewes District Council has a statutory duty to enforce a wide range of laws affecting local businesses and individuals. The Council is committed to fair and effective enforcement, which protects both the economic interest and the health and safety of the public, businesses and the environment. To ensure that we fulfil this commitment, the Regulatory Services Enforcement Policy has been adopted by Full Council

Regulatory Services Enforcement Policy sets out the enforcement options available to the Council when determining breaches of housing legislation. Included within these options is the ability to issue Variable Monetary Penalties (penalty charges) for mid to high level examples of regulatory non-compliance. This statement sets out the principles which the Council will follow in determining the amount of such penalty charges.

### **Penalty Charge Notice**

Where the Council is satisfied that there is evidence of regulatory non-compliance, and the breach allows for the Council to require the offender to pay a penalty charge, it will issue a penalty charge notice for the amount agreed in local policy.

Any penalty charge notice will include;

- the reasons for imposing the penalty charge;
- where applicable, the premises to which the penalty charge relates;
- the amount of the penalty charge;
- that the person responsible for the breach is required, within a period specified in the notice –
  - to pay the penalty charge, or
  - to give written notice to the local housing authority that the offender wishes the authority to review the penalty charge notice;
- how payment of the penalty charge must be made;
- any reduction for early payment of the penalty charge;
- where applicable the statutory appeals process;

## Statement of Principles for Determining the Amount of a Penalty Charge

- the person to whom, and the address (including if appropriate any email address) at which, a notice requesting a review may be sent, and to which any representations relating to the review may be addressed; and
- any other information as required by statute.

### **Review of the Penalty Charge**

Any representations to review the penalty charge shall be considered by a manager. In deciding whether to confirm, vary or withdraw the penalty charge notice, the review will take into account all representations made. The representations will be considered on their own merit in respect of that case and in particular the following may be considered relevant in deciding any reduction in the charge made:

- Good attitude and cooperation with the Council – in cases where the offender has cooperated fully with the Council in investigating the breach of the regulations;
- Immediate and voluntary remediation – when the offence was brought to the attention of the offender they immediately rectified any breach of the regulations;
- No previous history of non-compliance with other Housing legislation – if this is a first breach of any housing related legislation;
- Any relevant personal circumstances;
- Undue financial hardship – if the fine would cause the offender undue financial hardship such that it might not be able to continue to operate.

In any case it will be the responsibility of the recipient to provide sufficient evidence to support their representations.

When any review determines a final amount of penalty and this is not paid, the Council will pursue non-payment of the penalty through a court order process.

### **Review**

This policy will be reviewed annually and updated if necessary to take into account legislative changes. The policy will also be reviewed if comments are received.

Comments should be sent to;

Housing And Environment Team  
Lewes District Council  
Southover Housing  
Southover Road

# Statement of Principles for Determining the Amount of a Penalty Charge

Lewes  
East Sussex  
BN7 1AB

01273 471600

October 2016



**Agenda Item No:** 9.5 **Report No:** 5/17  
**Report Title:** Updated Policy on Use of Powers under the Regulation of Investigatory Powers Act 2000  
**Report To:** Cabinet **Date:** 4 January 2017  
**Cabinet Member:** Cllr Andy Smith  
**Ward(s) Affected:** All  
**Report By:** Catherine Knight, Assistant Director of Legal & Democratic Services  
**Contact Officer(s)-**  
**Name(s):** Oliver Dixon  
**Post Title(s):** Lawyer  
**E-mail(s):** [oliver.dixon@lewes.gov.uk](mailto:oliver.dixon@lewes.gov.uk)  
**Tel No(s):** (01273) 471600

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#### **Purpose of Report:**

To seek Cabinet approval for an updated policy on the use of powers under Part 2 of the Regulation of Investigatory Powers Act 2000.

#### **Officers Recommendation(s):**

- 1 That Cabinet approve the updated policy on the Council's use of powers under Part 2 of the Regulation of Investigatory Powers Act 2000 ('RIPA'), set out in full at Appendix 1.
- 2 That Cabinet note the procurement of refresher training for RIPA authorising officers; and approve the purchase of a policy and procedures toolkit to assist the Council in complying with its statutory duties under RIPA.
- 3 That the Assistant Director of Legal & Democratic Services continues in the role of Senior Responsible Officer for matters concerning RIPA.

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#### **Reasons for Recommendations**

- 1 The Council's existing covert surveillance policy is 6 years old and needs updating to reflect current legislation and codes of practice. Also, to support the Joint Transformation Programme, Lewes District Council and Eastbourne Borough Council are looking to align policies wherever possible. The proposed updated policy at Appendix 1 closely matches the policy recently adopted by Eastbourne Borough Council.

## Information

### 2

- 2.1** Part 2 of the Regulation of Investigatory Powers Act 2000 ('RIPA') regulates the Council's use of 'directed surveillance' – see further at 2.4-2.6 below; and the conduct and use of covert human intelligence sources ('CHIS') – see further at 2.7 below.
- 2.2** In common with all district councils in England and Wales, Lewes District Council may only carry out certain types of surveillance, and may only deploy a CHIS, if it has complied with the relevant provisions of RIPA. This is to ensure that investigations involving covert surveillance are exercised in a manner compatible with the European Convention on Human Rights.
- 2.3** Legally and practically, it is important to distinguish between 'surveillance' and 'directed surveillance', as it is *only the latter which requires authorisation under RIPA*.
- 2.4** RIPA defines 'surveillance' as:
- monitoring, observing or listening to persons, their movements, their conversations or their activities or communications;
  - recording anything monitored, observed, or listened to in the course of surveillance; and
  - surveillance by or with the assistance of a surveillance device
- 2.5** Under RIPA, 'directed surveillance' occurs where:
- the surveillance is for the purpose of a specific investigation or a specific operation
  - the operation is covert
  - the surveillance is carried out in a way likely to get private information about a person
  - the operation is not an immediate response to events or circumstances for which the Council could not reasonably be expected to get an authorisation for the carrying out of surveillance.
- 2.6** Authorisation of directed surveillance may only be granted where the investigation relates to an offence which attracts a maximum custodial sentence of six months or more, or offences relating to the under-age sale of tobacco or alcohol.
- 2.7** Under RIPA, a covert human intelligence source is a person who, at the request of a designated public authority such as the Council, establishes

or maintains a personal relationship with a person for the covert purpose of facilitating either of the following activities:

- covertly using such a relationship to obtain information or to provide access to any information to another person; or
- covertly disclosing information obtained by the use of such a relationship, or as a consequence of such a relationship.

**2.8** As well as complying with RIPA, the Council must have regard to statutory codes of practice issued by the Office of Surveillance Commissioners. Under these provisions, the key requirements are that directed surveillance and the deployment of CHIS be *necessary* and *proportionate* and, following authorisation from a designated Council officer, approved by a magistrate.

**2.9** Due to the strict controls imposed by the legislation and codes of practice, it is envisaged that the Council would make use of its powers under RIPA in exceptional circumstances only. Authorisation must be proportionate and a measure of last resort, where all other investigative options were deemed insufficient. This approach is reflected at paragraph 8 of the proposed policy.

**2.10** The Council's existing policy on the use of directed surveillance and CHIS dates from 2010, since when both RIPA and related codes of practice have been amended. The two key changes are the need for prior approval by a magistrate and guidance on surveillance involving social media. Both of these elements are covered in the proposed updated policy at Appendix 1.

**2.11** The updated policy makes reference to the Senior Responsible Officer. The Code of Practice on Covert Surveillance considers it good practice for public authorities permitted to exercise powers under Part 2 of RIPA to appoint a Senior Responsible Officer ('SRO') responsible for:

- the integrity of the process within the authority to authorise directed surveillance
- compliance with Part 2 of RIPA
- engagement with the Surveillance Commissioners and inspectors when they conduct their inspections
- overseeing implementation of any post-inspection plans and recommendations

Catherine Knight, Assistant Director of Legal & Democratic Services, is the Council's designated SRO for the purposes of RIPA, and it is recommended that she continues to be so.

**2.12** The updated policy also makes reference to Authorising Officers. By law, only council officers of a specified rank may authorise an application

to carry out directed surveillance or to use a CHIS. These are prescribed as: a director, head of service, service manager, or equivalent.

- 2.13** Training for Authorising Officers is a requirement of the policy. A refresher workshop for officers in this role is to be held in February 2017 at a cost to the Council of £700.
- 2.14** To enable the Council to comply with the very technical and exacting requirements of RIPA when applying for and granting authorisation for directed surveillance or the use of CHIS, it is recommended that the Council invest in an authoritative policy and procedures toolkit. The approximate cost of procuring this from a reputable source is £300-400.
- 2.15** The toolkit would complement the 'Procedures and Guidance' manual (2014) issued by the Office of Surveillance Commissioners, detailing oversight arrangements for covert surveillance and CHIS activity.

### **3**

#### **Financial Appraisal**

The total cost of procuring refresher training for officers and a policy and procedures toolkit is expected to be a maximum of £1,100. This cost can be met from existing budgets for corporate initiatives and taxi licensing (the service which is likely to gain most benefit from this activity).

### **4**

#### **Legal Implications**

Where the Council wishes to carry out directed surveillance or to deploy a CHIS, the exercise of such powers will be lawful only if compliant with the obligations imposed by Part 2 of RIPA and relevant secondary legislation – for example, the requirement detailed in paragraph 2.12 is prescribed under the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010. Due regard must also be had to Home Office guidance relating to surveillance and undercover work of this type.

Legal ref: 005383-JOINT-OD. Date of advice: 07.12.16

### **5**

#### **Risk Management Implications**

I have completed a risk assessment.

The following risks will arise if the recommendations are not implemented, and I propose to mitigate these risks in the following ways:

- (i) Failure to secure internal authorisation and the approval of a magistrate for each surveillance exercise and/or use of CHIS is likely to render such activity unlawful, which would make it exceedingly difficult for the Council to rely on any evidence gathered by those means. The updated policy makes

it a requirement that magistrate approval is sought and obtained in every instance.

- (ii) If an investigation involves intelligence gathering via social media, this may require prior authorisation in accordance with RIPA, without which the operation may be unlawful. The updated policy requires all officers involved in such activity to have full regard to the need for proper authorisation if the intelligence gathering amounts to directed surveillance.

No new risks will arise if the recommendations are implemented.

## **6**

### **Equality Implications**

I have completed the initial Equality Impact Assessment screening exercise and no potential negative impacts were identified as a result of these recommendations; therefore a full Equality Impact Assessment is not required.

## **7**

### **Background Papers**

Covert Surveillance and Property Interference Code of Practice (December 2014), issued by the Home Office

Covert Human Intelligence Sources Code of Practice (December 2014), issued by the Home Office

Procedures and Guidance: oversight arrangements for covert surveillance conducted by public authorities and to the activities of relevant sources (December 2014), issued by the Office of Surveillance Commissioners

## **8**

### **Appendices**

Appendix 1: Updated policy on use of powers under Part 2 of RIPA

## LEWES DISTRICT COUNCIL

### POLICY STATEMENT ON USE OF POWERS UNDER REGULATION OF INVESTIGATORY POWERS ACT 2000, PART 2

#### Introduction

1. Lewes Borough Council ('the Council') is committed to building a fair and safe community for all by ensuring the effectiveness of laws designed to protect individuals, businesses, the environment and public resources.
2. The Council recognises that most organisations and individuals appreciate the importance of these laws and abide by them. The Council will use its best endeavours to help them meet their legal obligations without unnecessary expense and bureaucracy.
3. At the same time the Council has a legal responsibility to ensure that those who seek to flout the law are the subject of firm but fair enforcement action. Before taking such action, the Council may need to undertake covert surveillance of individuals and/or premises to gather evidence of illegal activity.

#### Procedure

4. All covert surveillance, whether physical or on-line, and any use of covert human intelligence sources ('CHIS'), shall be undertaken in accordance with the procedures set out in this document.
5. The Council shall ensure that covert surveillance and/or the use of CHIS is only undertaken where it complies fully with all applicable laws, in particular the:
  - Human Rights Act 1998
  - Regulation of Investigatory Powers Act 2000
  - Protection of Freedoms Act 2012
  - Data Protection Act 1998
6. The Council shall, in addition, have due regard to all official guidance and codes of practice, particularly those issued by the Home Office, the Office of Surveillance Commissioners (OSC), the Security Camera Commissioner and the Information Commissioner.
7. In particular, the following guiding principles shall form the basis of all covert surveillance and CHIS activity undertaken by the Council:
  - (i) Covert surveillance and/or the use of CHIS shall only be undertaken where it is absolutely necessary in order to achieve the desired aims.
  - (ii) Covert surveillance and/or the use of CHIS shall only be undertaken where it is proportionate to do so and in a manner that is proportionate.
  - (iii) No monitoring of social network sites for investigation purposes shall take place without considering whether such monitoring constitutes directed surveillance; nor, where it is considered to be so, without obtaining the requisite prior authorisation and approval.
  - (iv) Adequate regard shall be had to the rights and freedoms of those who are not the target of the covert surveillance.

- (v) All authorisations to carry out covert surveillance and/or to use CHIS shall be granted by appropriately trained and designated authorising officers.
  - (vi) Covert surveillance regulated by RIPA and/or the use of CHIS shall only be undertaken after obtaining the approval of a magistrate.
8. With this mind, the Council has adopted a policy of not normally conducting covert surveillance and/or using CHIS but of doing so only as a last resort, where all other investigative options have been deemed insufficient. Whilst each situation will be considered on its own merits and all relevant factors will be taken into account, covert surveillance and/or the use of CHIS will be considered only where deemed a proportionate response of last resort.

### **Training and Review**

- 9. All Council officers undertaking covert surveillance and/or using CHIS shall be appropriately trained to ensure that they understand their legal and moral obligations.
- 10. Regular audits shall be carried out to ensure that officers are complying with this policy.
- 11. The Senior Responsible Officer for RIPA (currently the Assistant Director of Legal and Democratic Services) shall review this policy at least once a year in the light of the latest legal developments and changes to official guidance and codes of practice.
- 12. The operation of this policy shall be overseen by Audit & Standards Committee by receiving reports every 12 months on this policy and its implementation, and on any RIPA activity conducted during the preceding 12-month period.

### **Conclusion**

- 13. All citizens will reap the benefits of this policy, through effective enforcement of criminal and regulatory legislation and the protection that it provides.
- 14. Adherence to this policy will minimise intrusion into citizens' lives and will avoid any legal challenge to the Council's covert surveillance activities.
- 15. Any questions relating to this policy should be addressed to:

Catherine Knight, Assistant Director of Legal & Democratic Services, RIPA Senior Responsible Officer

Oliver Dixon, Lawyer and RIPA Co-ordinator

DATE: November 2016.

**Agenda Item No:** 9.6 **Report No:** 6/17

**Report Title:** Fees and Charges

**Report To:** Cabinet **Date:** 4 January 2017

**Cabinet Member:** Councillor Bill Giles

**Ward(s) Affected:** All

**Report By:** Alan Osborne, Deputy Chief Executive

**Contact Officer(s):**

**Name(s):** Stephen Jump  
**Post Title(s):** Head of Finance  
**E-mail(s):** [steve.jump@lewes.gov.uk](mailto:steve.jump@lewes.gov.uk)  
**Tel No(s):** 01273 484043

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#### **Purpose of Report:**

To propose a revised schedule of fees and charges to apply from 1 April 2017.

#### **Officers Recommendation:**

- 1 To approve the revised scale of fees and charges proposed within the Appendix to apply from 1 April 2017
  - 2 To delegate authority 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.
  - 3 To implement changes in the statutory fees and charges for services shown within the Appendix as and when notified by Government
- 

#### **Reasons for Recommendation**

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

#### **Information**

##### **2 Background to this report**

- 2.1** Following a systematic review in light of an Audit Commission report entitled "Positively Charged", Cabinet has approved:



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

**2.2** The Guiding Principles and the recommended actions arising from the systematic review of services have been applied in reviewing and proposing a revised scale of fees and charges to apply from 1 April 2017.

### **3 Fees and Charges Proposals to apply from 1 April 2017**

**3.1** Fees and Charges are reviewed by Cabinet at least once each year, principally during the winter prior to the next financial year. This enables Cabinet's decision to be incorporated in the coming estimate cycle. Cabinet is not restricted to an annual review; it can conduct further reviews at any time in the year with implementation of decisions from any point in the year.

**3.2** As in previous years all of the fees and charges are covered, as far as is practicable, within a single report. In this way Cabinet is able to consider all of the fees and charges which apply to the Council's services as an overall package. There are two exceptions to this within this report:

- licensing fees are excluded because these are set by the Licensing Committee.
- Building Control fees are excluded because of the Cabinet decision of 16 November 2016 to support the principle of a partnership agreement with Wealden District and Eastbourne Borough Councils, and potentially Hastings and Rother Councils. If a partnership agreement is not in place by 1 April 2017 then the current schedule of fees will continue to apply.

Wave Leisure are responsible for setting the fees and charges applicable at the Council-owned indoor leisure facilities and Newhaven Fort which it manages.

**3.3** Within the Appendix to this report there are some significant services, with significant income estimates, where the Council has discretion to set the level of fees and charges. These are summarised below between those services where changes are proposed, those services where no changes are proposed, and those services where the fees are statutory and changes are made by Government.

**3.4** Services where changes to fees and charges are proposed.

| <b>Service</b>    | <b>Arts Development</b>  |
|-------------------|--|
| Appendix ref      | Lines 35 to 41   |
| Financial impact  | The income budget for 2017/18 can be increased by £2,500 up to £13,500.  |
| Reason for change | Some additional charges are proposed to recognise the different offer for exhibiting artists and for businesses. |

|                   |  |
|-------------------|--|
| <b>Service</b>    | <b>Tourism</b>   |
| Appendix ref      | Lines 43 to 46   |
| Financial impact  | A new income budget for 2017/18 of £6,200 can be introduced.                                       |
| Reason for change | New charges for the Stay Lewes Coast and Country visitor information website have been introduced. |

|                   |   |
|-------------------|---|
| <b>Service</b>    | <b>Rodent and Pest Control</b>  |
| Appendix ref      | lines 47 to 78  |
| Financial impact  | The income budget for 2017/18 is reduced by £2,500 down to £9,500 establishing a new baseline to reflect actual income generated in recent years. |
| Reason for change | The increases proposed are designed to recover a larger share of the costs of operation without adversely affecting demand for the service.       |

|                     |   |
|---------------------|---|
| <b>Service</b>      | <b>Street Naming and Numbering</b>  |
| Appendix ref        | Lines 201 to 211  |
| Financial impact    | The income budget for 2017/18 can be increased by £1,000 up to £5,000.  |
| Reason for increase | An increase of £10 is proposed in the charge listed at line 202 to bring that fee into line with that of near-neighbour councils. |

|                     |  |
|---------------------|--|
| <b>Service</b>      | <b>Allotments</b>  |
| Appendix ref        | lines 213 to 214   |
| Financial impact    | Income has under performed against budget over the past two years and as a consequence the income budget is reduced by £600 down to £1,000 |
| Reason for increase | An increase of £2 is proposed in order to maintain value.  |

|                     |  |
|---------------------|--|
| <b>Service</b>      | <b>Cemeteries</b>  |
| Appendix ref        | lines 216 to 237   |
| Financial impact    | Income has under performed against budget over the past two years and as a consequence the income budget is reduced by £8,000 down to £142,000                                       |
| Reason for increase | The Council's policy is to maintain its charges within the upper quartile of local authority burial charges. The proposed increases are intended to maintain the Council's position. |

|                     |  |
|---------------------|--|
| <b>Service</b>      | <b>Parks and Open Spaces</b>   |
| Appendix ref        | lines 239 to 294   |
| Financial impact    | The income budget for 2017/18 can be increased by £16,300 up to £56,000.   |
| Reason for increase | The experience of operating the hire of sports pitches in-house over the past two years has led to a review of fees and charges that seek to make them easier and fairer for hirers at the same time as maintaining the recovery of costs. |

|                     |  |
|---------------------|--|
| <b>Service</b>      | <b>Waste Collection (excluding Commercial Trade Waste)</b>   |
| Appendix ref        | lines 296 to 317   |
| Financial impact    | Income has under performed against budget over the past two years and this year the service has lost further business. As a consequence the income budget for 2017/18 is reduced by £21,000 down to £135,000 |
| Reason for increase | The relatively small price increases are designed to recover cost increases and to achieve the 2017/18 income budget albeit from a smaller base.   |

|                     |   |
|---------------------|---|
| <b>Service</b>      | <b>Legal Services</b>   |
| Appendix ref        | lines 325 to 337  |
| Financial impact    | Supports the viability of the shared legal service.                       |
| Reason for increase | Maintains recovery of costs and positioning with other local authorities. |

|                     |  |
|---------------------|--|
| <b>Service</b>      | <b>Land Charges</b>  |
| Appendix ref        | Lines 339 to 345   |
| Financial impact    | The 2017/18 income budget can be maintained at the current level of £140,000.  |
| Reason for increase | <p>To cover the additional costs of processing additional questions on the CON29. One of these requires information from East Sussex County Council which incurs a charge of £10 and therefore accounts for the bulk of the increase from £67 up to £81.</p> <p>Her Majesty's Revenue and Customs (HMRC) has for some time indicated that the CON29 fee is likely to become subject to VAT at the standard rate and at the time of writing this report preparations are being made to implement this from 1 January 2017. While this will affect the charges made to customers, it is not expected to have an impact on the Council's level of income.</p> |

### 3.5 Services where no changes to fees and charges are proposed.

|                      |  |
|----------------------|--|
| <b>Service</b>       | <b>Car Parking</b>   |
| Appendix ref         | lines 1 to 33  |
| Reason for no change | The current simplified charging structure is now well established. Income levels have outperformed budgets over the past two years and it is reasonable to expect this trend to continue into the 2017/18 financial year.<br>As a consequence the income budget is increased by £12,500 up to £902,500 |

|                      |   |
|----------------------|---|
| <b>Service</b>       | <b>Animal Wardens</b>   |
| Appendix ref         | Lines 80 to 85  |
| Reason for no change | Income has under performed against budget over the past two years. Given that of the four charges applicable to this service one is statutory and three are discretionary, and given the low level of income generated no change is planned until there is a change in the statutory fee.<br>As a consequence the income budget is reduced by £1,900 down to £1,000 |

|                      |  |
|----------------------|--|
| <b>Service</b>       | <b>Public Health</b>   |
| Appendix ref         | lines 98 and 99  |
| Reason for no change | Income has under performed against budget over each of the last three years. Activity levels are not consistent with the current budget and as a consequence the income budget for 2017/18 is reduced by £6,400 down to £4,000 |

|                      |  |
|----------------------|--|
| <b>Service</b>       | <b>Community Infrastructure Levy (CIL)</b>   |
| Appendix ref         | lines 147 to 151   |
| Reason for no change | The Charging Schedule implemented on 1 December 2015 remains relevant and appropriate. CIL regulations require that fees are uplifted each year by indexation. |

|                      |  |
|----------------------|--|
| <b>Service</b>       | <b>Planning Services</b>   |
| Appendix ref         | lines 156 to 199   |
| Reason for no change | Officers judge that the current fees remain at the appropriate levels for the services on offer. The income budget will remain at £45,000 for 2017/18. |

|                      |   |
|----------------------|---|
| <b>Service</b>       | <b>Council Tax and Business Rates</b>   |
| Appendix ref         | lines 319 to 323  |
| Reason for no change | Because both this Council and Wealden Council use the same court the policy has been to keep our fees in line. Therefore, no changes are proposed at this time and the income budget will remain at £186,500 for 2017/18. |

### 3.6 Services where statutory fees and charges apply.

|              |                |
|--------------|----------------|
| Service      | Port Health    |
| Appendix ref | lines 87 to 95 |

|              |   |
|--------------|---|
| Service      | Public Health                             |
| Appendix ref | lines 97 to 123 excluding lines 98 and 99 |

|              |                     |
|--------------|---------------------|
| Service      | Development Control |
| Appendix ref | lines 128 to 145    |

|              |                      |
|--------------|----------------------|
| Service      | Register of Electors |
| Appendix ref | lines 347 to 353     |

The current level of fees and charges will continue to apply until such time as the Council is notified by Government of changes. These will be implemented in accordance with the relevant statutory notices.

### 3.7 Charges for the provision of professional services and advice

The Appendix sets out some specific charges for services offered by planning officers for the pre-application service, and by the shared legal service for professional services. These represent the majority of professional services for which a charge is made.

However, requests are also received from customers for professional advice on other matters where, for example, this sits outside the scope of advice that is a normal part of the delivery of services or where it is for information that is not provided free of charge. Rather than seeking to list each and every eventuality where this may be the case, in principle charges are set to at least recover the full cost of officer time and any related disbursements.

## 4 Commercial Trade Waste

- 4.1** The current fees for the collection and disposal of commercial trade waste were approved by Cabinet on 6 January 2014. Due to commercial confidentiality these were considered and approved by Cabinet in an exempt report. They are not reproduced in this report.
- 4.2** This year's review shows that the current charges remain competitive. They need to be so if the Council is to retain its market share. As a consequence no change in the current charges is proposed. However, given the very competitive nature of this business, and the officers' desire to grow the business, it is recommended that the Director of Service Delivery be given delegated authority, in consultation with the Lead Cabinet Member for Waste and Recycling, to vary charges upwards or downwards by up to 10% in order to respond to developing market conditions.

## 5. Financial Appraisal

5.1 The effect of the proposed increases in fees and charges, along with the impact on the budget of variations in demand, is set out at service level below:

|   | 2016/17<br>income<br>estimate<br>£ | <u>Financial impact of:</u> |                        | Average<br>percentage<br>increase in<br>fees<br>% | 2017/18<br>income<br>forecast<br>£ |
|---|------------------------------------|-----------------------------|------------------------|---|------------------------------------|
|   |                                    | change<br>in<br>usage<br>£  | change<br>in fees<br>£ |   |                                    |
| Car Parking                                   | 890,000                            | 12,500                      | 0                      |   | 902,500                            |
| Arts Development                              | 11,000                             | 2,500                       | 0                      |   | 13,500                             |
| Tourism                                       | 0                                  | 6,200                       | 0                      |   | 6,200                              |
| Rodent and Pest Control                       | 12,000                             | -2,800                      | 300                    | 3.3   | 9,500                              |
| Public Health                                 | 10,400                             | -6,400                      | 0                      |   | 4,000                              |
| Planning Services                             | 45,000                             | 0                           | 0                      |   | 45,000                             |
| Street Naming and<br>Numbering                | 4,000                              | 600                         | 400                    | 8.7   | 5,000                              |
| Allotments                                    | 1,600                              | -600                        | 0                      |   | 1,000                              |
| Cemeteries                                    | 150,000                            | -13,000                     | 5,000                  | 3.6   | 142,000                            |
| Parks and Open Spaces                         | 39,700                             | 14,600                      | 1,700                  | 3.1   | 56,000                             |
| Waste Collection                              | 156,000                            | -24,200                     | 3,200                  | 2.4   | 135,000                            |
| Council Tax and Business<br>Rates             | 186,500                            | 0                           | 0                      |   | 186,500                            |
| Land Charges                                  | 140,000                            | 0                           | 0                      |   | 140,000                            |
| <b>Discretionary fees – set by<br/>LDC</b>    | <b>1,646,200</b>                   | <b>-10,600</b>              | <b>10,600</b>          |   | <b>1,646,200</b>                   |
| Animal Wardens                                | 2,900                              | -1,900                      | 0                      |   | 1,000                              |
| Development Control                           | 375,000                            | 0                           | 0                      |   | 375,000                            |
| Register of Electors                          | 1,000                              | 0                           | 0                      |   | 1,000                              |
| <b>Statutory fees – set by<br/>Government</b> | <b>378,900</b>                     | <b>-1,900</b>               | <b>0</b>               |   | <b>377,000</b>                     |
| <b>Total income estimates</b>                 | <b>2,025,100</b>                   | <b>-12,500</b>              | <b>10,600</b>          |   | <b>2,023,200</b>                   |

5.2 If Cabinet chooses to amend the proposed charges the impact will be reflected in the final budget report to be presented to Cabinet on 8 February 2017.

5.3 For the discretionary fees set by the Council the overall increase in income from changes in fees will offset the reduction in income from changes in usage. For the statutory fees set by Government there will be a reduction in income from a change in usage.

5.4 The overall net effect is a year on year reduction from income estimates of £1,900. The forecast in the medium term budget strategy was that income would grow by 2.5% which would contribute £50,000 towards the Council's savings target for 2017/18. As a consequence of this year's review that contribution will not be forthcoming.

- 6. Legal Implications** – No legal implications have been identified for this report.
- 7. Risk Management Implications** - I have completed the Risk Management questionnaire and this report does not require a risk assessment because the issues covered by the recommendations are not significant in terms of risk.
- 8. Equality Screening** - The Equality Screening process for this Report took place in November 2016. No potential negative impacts were identified.
- 9. Background Papers** – Lewes District Council Guiding principles for setting fees and charges
- 10. Appendix** - Lewes District Council Fees and Charges Proposals 2017/18

Lewes District Council Fees and Charges Proposals 2017/2018

Appendix

| By Service and Activity |   |   | 2016/2017<br>Current<br>charge<br>£pence | 2017/2018<br>Proposed<br>charge<br>£pence | VAT | Increase<br>£pence | Increase<br>% |
|-------------------------|---|---|--|---|-----|--------------------|---------------|
| 1                       | <b>CAR PARKING (OFF STREET)</b>                                     |   |  |   |     |                    |               |
| 2                       |   |   |  |   |     |                    |               |
| 3                       | <b>Central Lewes - short stay</b>                                   | up to 30 mins                             | 0.50                                     | 0.50                                      | i   | 0.00               | 0.0%          |
| 4                       |   | up to 1 hour                              | 0.70                                     | 0.70                                      | i   | 0.00               | 0.0%          |
| 5                       |   | up to 2 hours                             | 1.60                                     | 1.60                                      | i   | 0.00               | 0.0%          |
| 6                       |   |   |  |   |     |                    |               |
| 7                       | <b>Central Lewes - medium stay</b>                                  | up to 1 hour                              | 0.70                                     | 0.70                                      | i   | 0.00               | 0.0%          |
| 8                       |   | up to 2 hours                             | 1.50                                     | 1.50                                      | i   | 0.00               | 0.0%          |
| 9                       |   | up to 3 hours                             | 2.30                                     | 2.30                                      | i   | 0.00               | 0.0%          |
| 10                      |   | up to 4 hours                             | 3.10                                     | 3.10                                      | i   | 0.00               | 0.0%          |
| 11                      |   |   |  |   |     |                    |               |
| 12                      | <b>Outer Lewes - long stay</b>                                      | up to 1 hour                              | 0.60                                     | 0.60                                      | i   | 0.00               | 0.0%          |
| 13                      |   | up to 2 hours                             | 1.30                                     | 1.30                                      | i   | 0.00               | 0.0%          |
| 14                      |   | up to 3 hours                             | 2.00                                     | 2.00                                      | i   | 0.00               | 0.0%          |
| 15                      |   | up to 4 hours                             | 2.60                                     | 2.60                                      | i   | 0.00               | 0.0%          |
| 16                      |   | over 4 hours                              | 3.70                                     | 3.70                                      | i   | 0.00               | 0.0%          |
| 17                      |   |   |  |   |     |                    |               |
| 18                      | <b>Brook Street, Lewes</b>  | all day                                   | 1.90                                     | 1.90                                      | i   | 0.00               | 0.0%          |
| 19                      |   |   |  |   |     |                    |               |
| 20                      | <b>Newhaven and Seaford (including multi-storey)</b>                | up to 30 mins                             | 0.50                                     | 0.50                                      | i   | 0.00               | 0.0%          |
| 21                      |   | up to 1 hour                              | 0.70                                     | 0.70                                      | i   | 0.00               | 0.0%          |
| 22                      |   | up to 2 hours                             | 1.00                                     | 1.00                                      | i   | 0.00               | 0.0%          |
| 23                      |   | up to 3 hours                             | 1.20                                     | 1.20                                      | i   | 0.00               | 0.0%          |
| 24                      |   | up to 4 hours                             | 1.60                                     | 1.60                                      | i   | 0.00               | 0.0%          |
| 25                      |   | over 4 hours                              | 2.00                                     | 2.00                                      | i   | 0.00               | 0.0%          |
| 26                      |   |   |  |   |     |                    |               |
| 27                      | <b>All Sites</b>  |   |  |   |     |                    |               |
| 28                      | Commercial vendors  | per day (sliding scale)                   | £0 - £500                                | £0 - £500                                 | e   | 0.00               | 0.0%          |
| 29                      |   |   |  |   |     |                    |               |
| 30                      | <b>All Sites</b>  |   |  |   |     |                    |               |
| 31                      | Infringement of Parking Order                                       | Penalty Charge Notices                    | 60.00                                    | 60.00                                     | e   | 0.00               | 0.0%          |
| 32                      |   | - if paid in 7 days                       | 30.00                                    | 30.00                                     | e   | 0.00               | 0.0%          |
| 33                      | <b>Total Estimated Annual Income (Car Parking)</b>                  |   | <b>890,000</b>                           | <b>902,500</b>                            |     | <b>12,500</b>      |               |
| 34                      |   |   |  |   |     |                    |               |
| 35                      | <b>ARTS DEVELOPMENT</b>   |   |  |   |     |                    |               |
| 36                      | Artwave   | single advert for one exhibiting artist   | 80.00                                    | 80.00                                     | e   | 0.00               | 0.0%          |
| 37                      |   | double advert for one exhibiting artist   | 160.00                                   | 160.00                                    | e   | 0.00               | 0.0%          |
| 38                      |   | additional fee for each additional artist | -  | 5.00                                      | e   | 5.00               | n/a           |
| 39                      |   | single advert for businesses              | -  | 100.00                                    | e   | 100.00             | n/a           |
| 40                      |   | double advert for businesses              | -  | 200.00                                    | e   | 200.00             | n/a           |
| 41                      | <b>Total Estimated Annual Income (Arts Development and Support)</b> |   | <b>11,000</b>                            | <b>13,500</b>                             |     | <b>2,500</b>       |               |



Lewes District Council Fees and Charges Proposals 2017/2018

Appendix

| By Service and Activity |  |  | 2016/2017<br>Current<br>charge<br>£pence | 2017/2018<br>Proposed<br>charge<br>£pence | VAT | Increase<br>£pence | Increase<br>% |
|-------------------------|--|--|--|---|-----|--------------------|---------------|
| 42                      |  |  |  |   |     |                    |               |
| 43                      | <b>TOURISM</b>   |  |  |   |     |                    |               |
| 44                      | Stay Lewes Coast and Country visitor information website       | Single web listing                       | 25.00                                    | 25.00                                     | s   | 0.00               | 0.0%          |
| 45                      |  | Double web listing                       | 60.00                                    | 60.00                                     | s   | 0.00               | 0.0%          |
| 46                      |  |  | -  | <b>6,200</b>                              |     | <b>6,200</b>       |               |
| 47                      | <b>RODENT AND PEST CONTROL</b>                                 |  |  |   |     |                    |               |
| 48                      | <i>Domestic Premises</i>                                       |  |  |   |     |                    |               |
| 49                      | Rats   |  | free                                     |   | i   | n/a                | n/a           |
| 50                      | Mice   | per treatment                            | 75.00                                    | 77.00                                     | i   | 2.00               | 2.7%          |
| 51                      |  | extra 2 visits                           | 40.00                                    | 41.00                                     | i   | 1.00               | 2.5%          |
| 52                      | Wasp Nests   |  | 60.00                                    | 62.00                                     | i   | 2.00               | 3.3%          |
| 53                      |  | Extra Wasp Nest                          | 30.00                                    | 31.00                                     | i   | 1.00               | 3.3%          |
| 54                      |  | Removal of Wasp Nest (if possible)       | 30.00                                    | 31.00                                     | i   | 1.00               | 3.3%          |
| 55                      | Bees   | Plus unit charge if over 1 hour          | 60.00                                    | 62.00                                     | i   | 2.00               | 3.3%          |
| 56                      | Fleas  | Up to and including a 3 bedroom property | 80.00                                    | 82.00                                     | i   | 2.00               | 2.5%          |
| 57                      |  | Extra room                               | 20.00                                    | 21.00                                     | i   | 1.00               | 5.0%          |
| 58                      |  | ULV fogging (as extra room)              | 15.00                                    | 16.00                                     | i   | 1.00               | 6.7%          |
| 59                      | Cockroaches  | 3 visits and up to 5 bait stations       | 100.00                                   | 103.00                                    | i   | 3.00               | 3.0%          |
| 60                      |  | Extra bait station                       | 5.00                                     | 5.00                                      | i   | 0.00               | 0.0%          |
| 61                      |  | Extra 2 visits                           | 70.00                                    | 72.00                                     | i   | 2.00               | 2.9%          |
| 62                      | Textile pests  | Up to 3 bed property                     | 100.00                                   | 103.00                                    | i   | 3.00               | 3.0%          |
| 63                      |  | Extra room                               | 30.00                                    | 31.00                                     | i   | 1.00               | 3.3%          |
| 64                      | Red/black ants   | 2 visits - indoors only                  | 60.00                                    | 62.00                                     | i   | 2.00               | 3.3%          |
| 65                      |  | Extra visit                              | 20.00                                    | 21.00                                     | i   | 1.00               | 5.0%          |
| 66                      | Squirrels  | 5 visits over a week                     | 150.00                                   | 154.00                                    | i   | 4.00               | 2.7%          |
| 67                      | Moles  | 6 visits over a week                     | 150.00                                   | 154.00                                    | i   | 4.00               | 2.7%          |
| 68                      | Call out Advice  |  | 25.00                                    | 30.00                                     | i   | 5.00               | 20.0%         |
| 69                      | Home treatment kit   |  | 25.00                                    | 26.00                                     | i   | 1.00               | 4.0%          |
| 70                      | Rodent proof air brick grill                                   |  | 12.00                                    | 13.00                                     | i   | 1.00               | 8.3%          |
| 71                      | Drain survey   | as part of rat treatment                 | 50.00                                    | 52.00                                     | i   | 2.00               | 4.0%          |
| 72                      |  | exclusive of rat treatment               | 80.00                                    | 82.00                                     | i   | 2.00               | 2.5%          |
| 73                      | <i>Commercial Premises</i>                                     |  |  |   |     |                    |               |
| 74                      | Rats   | Minimum charge - bait extra              | 100.00                                   | 110.00                                    | i   | 10.00              | 10.0%         |
| 75                      | Mice   | Minimum charge - bait extra              | 100.00                                   | 110.00                                    | i   | 10.00              | 10.0%         |
| 76                      | Fleas  | Plus unit charge if over 1 hour          | 75.00                                    | 80.00                                     | i   | 5.00               | 6.7%          |
| 77                      | Call out Advice  |  | 30.00                                    | 30.00                                     | i   | 0.00               | 0.0%          |
| 78                      | <b>Total Estimated Annual Income (Rodent and Pest Control)</b> |  | <b>12,000</b>                            | <b>9,500</b>                              |     | <b>-2,500</b>      |               |
| 79                      |  |  |  |   |     |                    |               |
| 80                      | <b>ANIMAL WARDENS</b>  |  |  |   |     |                    |               |
| 81                      | Statutory Charge per stray dog                                 |  | 25.00                                    | 25.00                                     | e   | 0.00               | 0.0%          |
| 82                      | Seizure Charge per stray dog                                   | In addition to statutory charge          | 25.00                                    | 25.00                                     | i   | 0.00               | 0.0%          |
| 83                      | Return of Dog  |  | 40.00                                    | 40.00                                     | i   | 0.00               | 0.0%          |

Lewes District Council Fees and Charges Proposals 2017/2018

Appendix

| By Service and Activity |  |   | 2016/2017      | 2017/2018       |     | Increase      | Increase |
|-------------------------|--|---|----------------|-----------------|-----|---------------|----------|
|                         |  |   | Current charge | Proposed charge |     | £pence        | %        |
|                         |  |   | £pence         | £pence          | VAT |               |          |
| 84                      | Kennelling   | Per day   | 20.00          | 20.00           | i   | 0.00          | 0.0%     |
| 85                      | <b>Total Estimated Annual Income (Animal Wardens)</b>            |   | <b>2,900</b>   | <b>1,000</b>    |     | <b>-1,900</b> |          |
| 86                      |  |   |                |                 |     |               |          |
| 87                      | <b>PORT HEALTH</b>   |   |                |                 |     |               |          |
| 88                      | Ship Sanitation Certificates (Statutory Fee)                     | Ships up to 1000 gross tonnage                      | 75.00          | 75.00           | e   | 0.00          | 0.0%     |
| 89                      |  | Ships 1001 to 3000 gross tonnage                    | 110.00         | 110.00          | e   | 0.00          | 0.0%     |
| 90                      |  | Ships 3001 to 10000 gross tonnage                   | 170.00         | 170.00          | e   | 0.00          | 0.0%     |
| 91                      |  | Ships 10001 to 20000 gross tonnage                  | 225.00         | 225.00          | e   | 0.00          | 0.0%     |
| 92                      |  | Ships 20001 to 30000 gross tonnage                  | 285.00         | 285.00          | e   | 0.00          | 0.0%     |
| 93                      |  | Ships > 30001 gross tonnage                         | 340.00         | 340.00          | e   | 0.00          | 0.0%     |
| 94                      |  | Ships with capacity to carry more than 1000 persons | 585.00         | 585.00          | e   | 0.00          | 0.0%     |
| 95                      | <b>Total Estimated Annual Income (Port Health)</b>               |   | <b>0</b>       | <b>0</b>        |     | <b>0</b>      |          |
| 96                      |  |   |                |                 |     |               |          |
| 97                      | <b>PUBLIC HEALTH</b>   |   |                |                 |     |               |          |
| 98                      | Food Hygiene Courses   | £5 reduction for micro businesses                   | 70.00          | 70.00           | s   | 0.00          | 0.0%     |
| 99                      | Private Water Supplies   |   | Cost           | Cost            | s   | 0.00          | n/a      |
| 100                     | Environmental Protection Act- Schedule B Processes.              | Statutory Fee                                       |                |                 |     |               |          |
| 101                     | Initial Application  |   | 1,579.00       | 1,579.00        | e   | 0.00          | 0.0%     |
| 102                     | Additional fee for operating without a permit                    |   | 1,137.00       | 1,137.00        | e   | 0.00          | 0.0%     |
| 103                     | (For a combined Part B and waste application, add an extra £297) |   |                |                 |     |               |          |
| 104                     | Annual Charge: Standard Process LOW                              | Statutory Fee                                       | 739.00         | 739.00          | e   | 0.00          | 0.0%     |
| 105                     | Standard Process MEDIUM  | Statutory Fee                                       | 1,111.00       | 1,111.00        | e   | 0.00          | 0.0%     |
| 106                     | Standard Process HIGH  | Statutory Fee                                       | 1,672.00       | 1,672.00        | e   | 0.00          | 0.0%     |
| 107                     | PVRI, SWOBs and Dry Cleaners LOW                                 | Statutory Fee                                       | 76.00          | 76.00           | e   | 0.00          | 0.0%     |
| 108                     | PVRI, SWOBs and Dry Cleaners MEDIUM                              | Statutory Fee                                       | 151.00         | 151.00          | e   | 0.00          | 0.0%     |
| 109                     | PVRI, SWOBs and Dry Cleaners HIGH                                | Statutory Fee                                       | 227.00         | 227.00          | e   | 0.00          | 0.0%     |
| 110                     | PVR I & II combined LOW  | Statutory Fee                                       | 108.00         | 108.00          | e   | 0.00          | 0.0%     |
| 111                     | PVR I & II combined MEDIUM                                       | Statutory Fee                                       | 216.00         | 216.00          | e   | 0.00          | 0.0%     |
| 112                     | PVR I & II combined HIGH   | Statutory Fee                                       | 326.00         | 326.00          | e   | 0.00          | 0.0%     |
| 113                     | VRs and other Reduced Fees LOW                                   | Statutory Fee                                       | 218.00         | 218.00          | e   | 0.00          | 0.0%     |
| 114                     | VRs and other Reduced Fees MEDIUM                                | Statutory Fee                                       | 349.00         | 349.00          | e   | 0.00          | 0.0%     |
| 115                     | VRs and other Reduced Fees HIGH                                  | Statutory Fee                                       | 524.00         | 524.00          | e   | 0.00          | 0.0%     |
| 116                     | Mobile plant, for first and second permits LOW                   | Statutory Fee                                       | 618.00         | 618.00          | e   | 0.00          | 0.0%     |
| 117                     | Mobile plant, for first and second permits MEDIUM                | Statutory Fee                                       | 989.00         | 989.00          | e   | 0.00          | 0.0%     |
| 118                     | Mobile plant, for first and second permits HIGH                  | Statutory Fee                                       | 1,484.00       | 1,484.00        | e   | 0.00          | 0.0%     |
| 119                     | A2 Processes Application   | Statutory Fee                                       | 3,281.00       | 3,281.00        | e   | 0.00          | 0.0%     |
| 120                     | A2 Processes Annual subsistence fee LOW                          | Statutory Fee                                       | 1,384.00       | 1,384.00        | e   | 0.00          | 0.0%     |
| 121                     | A2 Processes Annual subsistence fee MEDIUM                       | Statutory Fee                                       | 1,541.00       | 1,541.00        | e   | 0.00          | 0.0%     |
| 122                     | A2 Processes Annual subsistence fee HIGH                         | Statutory Fee                                       | 2,233.00       | 2,233.00        | e   | 0.00          | 0.0%     |
| 123                     | <b>Total Estimated Annual Income (Public Health)</b>             |   | <b>10,400</b>  | <b>4,000</b>    |     | <b>-6,400</b> |          |
| 124                     |  |   |                |                 |     |               |          |

Lewes District Council Fees and Charges Proposals 2017/2018

| By Service and Activity |   |  | 2016/2017<br>Current<br>charge<br>£pence | 2017/2018<br>Proposed<br>charge<br>£pence | VAT | Increase<br>£pence | Increase<br>% |
|-------------------------|---|--|--|---|-----|--------------------|---------------|
| 125                     | <b>PRIVATE SECTOR HOUSING</b>   |  |  |   |     |                    |               |
| 126                     | Service of Housing Act Notices and Discretionary Inspections - Officer Time hourly rate |  |  |   |     |                    |               |
| 127                     |   |  |  |   |     |                    |               |
| 128                     | <b>DEVELOPMENT CONTROL (Planning applications)</b>                                      |  |  |   |     |                    |               |
| 129                     | An illustrative set of charges is listed below.   |  |  |   |     |                    |               |
| 130                     |   |  |  |   |     |                    |               |
| 131                     | New dwellings   | Outline application (per 0.1ha)  | 385.00                                   | 385.00                                    | e   | 0.00               | 0.0%          |
| 132                     |   | Outline application (max.for 2.5ha)                                      | 9,527.00                                 | 9,527.00                                  | e   | 0.00               | 0.0%          |
| 133                     |   | Outline application (per 0.1ha over 2.5)                                 | 115.00                                   | 115.00                                    | e   | 0.00               | 0.0%          |
| 134                     |   | Outline application (maximum fee)  | 125,000.00                               | 125,000.00                                | e   | 0.00               | 0.0%          |
| 135                     |   |  |  |   |     |                    |               |
| 136                     |   | Full application (per dwelling unit)                                     | 385.00                                   | 385.00                                    | e   | 0.00               | 0.0%          |
| 137                     |   | Full application (max. for 50 dwellings)                                 | 19,049.00                                | 19,049.00                                 | e   | 0.00               | 0.0%          |
| 138                     |   | Full application (per dwelling over 50)                                  | 115.00                                   | 115.00                                    | e   | 0.00               | 0.0%          |
| 139                     |   | Full application (maximum fee)   | 250,000.00                               | 250,000.00                                | e   | 0.00               | 0.0%          |
| 140                     |   |  |  |   |     |                    |               |
| 141                     |   | Reserved matters (per dwelling unit)                                     | 385.00                                   | 385.00                                    | e   | 0.00               | 0.0%          |
| 142                     |   | Reserved matters (max.for 50 dwellings)                                  | 19,049.00                                | 19,049.00                                 | e   | 0.00               | 0.0%          |
| 143                     |   | Reserved matters (per dwelling <50)                                      | 115.00                                   | 115.00                                    | e   | 0.00               | 0.0%          |
| 144                     |   | Reserved matters (maximum fee)   | 250,000.00                               | 250,000.00                                | e   | 0.00               | 0.0%          |
| 145                     | <b>Total Estimated Annual Income (Development Control)</b>                              |  | <b>375,000</b>                           | <b>375,000</b>                            |     | <b>0</b>           |               |
| 146                     |   |  |  |   |     |                    |               |
| 147                     | <b>COMMUNITY INFRASTRUCTURE LEVY (CIL)</b>  |  |  |   |     |                    |               |
| 148                     | Residential Development   | Low Zone (South of the South Downs National Park)<br>per m <sup>2</sup>  | 99.00                                    | 99.00                                     | e   | 0.00               | 0.0%          |
| 149                     |   | High Zone (North of the South Downs National Park)<br>per m <sup>2</sup> | 165.00                                   | 165.00                                    | e   | 0.00               | 0.0%          |
| 150                     |   |  |  |   |     |                    |               |
| 151                     | Retail Development  | per m <sup>2</sup>   | 110.00                                   | 110.00                                    | e   | 0.00               | 0.0%          |
| 152                     |   |  |  |   |     |                    |               |
| 153                     | <b>SECTION 106 DEVELOPER CONTRIBUTIONS</b>  |  |  |   |     |                    |               |
| 154                     | Recycling   | Kerbside per dwelling  | 19.00                                    | 19.00                                     |     | 0.00               | 0.0%          |
| 155                     |   |  |  |   |     |                    |               |
| 156                     | <b>PLANNING SERVICES</b>  |  |  |   |     |                    |               |
| 157                     | Planning research for third parties   | per hour   | 50.00                                    | 50.00                                     | s   | 0.00               | 0.0%          |
| 158                     | Compliance checks for planning applications   | Householder application - per hour                                       | 27.00                                    | 27.00                                     | e   | 0.00               | 0.0%          |
| 159                     |   | Non-householder application - per hour                                   | 92.00                                    | 92.00                                     | e   | 0.00               | 0.0%          |
| 160                     | Pre-application service (in the Lewes district except the SDNP area)                    |  |  |   |     |                    |               |
| 161                     | - large scale major applications  | up to 6 meetings   | 3,600.00                                 | 3,600.00                                  | s   | 0.00               | 0.0%          |
| 162                     |   | per additional meeting   | 500.00                                   | 500.00                                    | s   | 0.00               | 0.0%          |

Lewes District Council Fees and Charges Proposals 2017/2018

| By Service and Activity |   |   | 2016/2017     | 2017/2018     |     | Increase | Increase |
|-------------------------|---|---|---------------|---------------|-----|----------|----------|
|                         |   |   | Current       | Proposed      |     |          |          |
|                         |   |   | charge        | charge        | VAT | £pence   | %        |
|                         |   |   | £pence        | £pence        |     |          |          |
| 163                     | - medium scale major applications                     | up to 4 meetings  | 1,800.00      | 1,800.00      | s   | 0.00     | 0.0%     |
| 164                     |   | per additonal meeting                                   | 360.00        | 360.00        | s   | 0.00     | 0.0%     |
| 165                     | - small scale major applications                      | up to 2 meetings  | 900.00        | 900.00        | s   | 0.00     | 0.0%     |
| 166                     |   | per additonal meeting                                   | 200.00        | 200.00        | s   | 0.00     | 0.0%     |
| 167                     | - minor applications                                  | up to 2 meetings  | 450.00        | 450.00        | s   | 0.00     | 0.0%     |
| 168                     |   | per additonal meeting                                   | 120.00        | 120.00        | s   | 0.00     | 0.0%     |
| 169                     | - small minor applications                            | initial meeting   | 250.00        | 250.00        | s   | 0.00     | 0.0%     |
| 170                     |   | per additonal meeting                                   | 60.00         | 60.00         | s   | 0.00     | 0.0%     |
| 171                     | - residential schemes for 1-2 dwellings               | initial meeting   | 150.00        | 150.00        | s   | 0.00     | 0.0%     |
| 172                     |   | per additonal meeting                                   | 60.00         | 60.00         | s   | 0.00     | 0.0%     |
| 173                     | - telecommunications, change of use, renewable energy | initial meeting   | 75.00         | 75.00         | s   | 0.00     | 0.0%     |
| 174                     |   | per additonal meeting                                   | 60.00         | 60.00         | s   | 0.00     | 0.0%     |
| 175                     | - householder schemes                                 | written advice and site visits                          | 12.50         | 12.50         | s   | 0.00     | 0.0%     |
| 176                     | - listed building schemes                             | written advice and site visits                          | 12.50         | 12.50         | s   | 0.00     | 0.0%     |
| 177                     | Publications  | e.g. Local Plan   | 50.00         | 50.00         | e   | 0.00     | 0.0%     |
| 178                     |   | e.g. Local Plan on Cdrom                                | 15.00         | 15.00         | e   | 0.00     | 0.0%     |
| 179                     |   | Emerging Core Strategy                                  | 12.00         | 12.00         | e   | 0.00     | 0.0%     |
| 180                     | Document search and retrieval                         | per document  | 0.60          | 0.60          | s   | 0.00     | 0.0%     |
| 181                     | Electronic copy of document                           | Building Control document                               | 55.00         | 55.00         | s   | 0.00     | 0.0%     |
| 182                     |   | Planning legal document                                 | 12.50         | 12.50         | s   | 0.00     | 0.0%     |
| 183                     | Standard copying charges                              | Minimum charge for 3 pages                              | 1.20          | 1.20          | s   | 0.00     | 0.0%     |
| 184                     |   | A4 size per page  | 0.10          | 0.10          | s   | 0.00     | 0.0%     |
| 185                     |   | A3 size per page  | 0.20          | 0.20          | s   | 0.00     | 0.0%     |
| 186                     |   | A2 size per page  | 1.80          | 1.80          | s   | 0.00     | 0.0%     |
| 187                     |   | A1 size per page  | 2.40          | 2.40          | s   | 0.00     | 0.0%     |
| 188                     |   | A0 size per page  | 3.00          | 3.00          | s   | 0.00     | 0.0%     |
| 189                     | Colour copying charges                                | A4 size per page  | 1.25          | 1.25          | s   | 0.00     | 0.0%     |
| 190                     |   | A3 size per page  | 2.50          | 2.50          | s   | 0.00     | 0.0%     |
| 191                     |   | A2 size per page  | 6.00          | 6.00          | s   | 0.00     | 0.0%     |
| 192                     |   | A1 size per page  | 12.00         | 12.00         | s   | 0.00     | 0.0%     |
| 193                     |   | A0 size per page  | 18.00         | 18.00         | s   | 0.00     | 0.0%     |
| 194                     | Services for Solicitors:                              | priority service  | 12.50         | 12.50         | s   | 0.00     | 0.0%     |
| 195                     |   | Compliance checks for Enforcement (per site)            | 50.00         | 50.00         | e   | 0.00     | 0.0%     |
| 196                     |   | Building Control file retrieval fee                     | 50.00         | 50.00         | s   | 0.00     | 0.0%     |
| 197                     |   | Compliance checks for Building Control (per site)       | 75.00         | 75.00         | s   | 0.00     | 0.0%     |
| 198                     |   | Building Control database info - where reference quoted | 5.00          | 5.00          | s   | 0.00     | 0.0%     |
| 199                     | <b>Total Estimated Annual Income (Planning)</b>       |   | <b>45,000</b> | <b>45,000</b> |     | <b>0</b> |          |
| 200                     |   |   |               |               |     |          |          |
| 201                     | <b>STREET NAMING AND NUMBERING</b>                    |   |               |               |     |          |          |
| 202                     | New individual property                               | per application   | 25.00         | 35.00         | e   | 10.00    | 40.0%    |
| 203                     | New Development or Re-development                     | per plt/unit  | 25.00         | 25.00         | e   | 0.00     | 0.0%     |

## Lewes District Council Fees and Charges Proposals 2017/2018

| By Service and Activity |  |                                       | 2016/2017      | 2017/2018       |     | Increase      | Increase |
|-------------------------|--|---------------------------------------|----------------|-----------------|-----|---------------|----------|
|                         |  |                                       | Current charge | Proposed charge | VAT | £pence        | %        |
|                         |  |                                       | £pence         | £pence          |     |               |          |
| 204                     | Change of House Name or Commercial Property Name                   | per application                       | 25.00          | 25.00           | e   | 0.00          | 0.0%     |
| 205                     | Change of Building Name (eg block of flats)                        | per application                       | 100.00         | 100.00          | e   | 0.00          | 0.0%     |
| 206                     | Street Renaming  | per application                       | 200.00         | 200.00          | e   | 0.00          | 0.0%     |
| 207                     |  | plus per property                     | 25.00          | 25.00           | e   | 0.00          | 0.0%     |
| 208                     | Street Numbering   | per application                       | 200.00         | 200.00          | e   | 0.00          | 0.0%     |
| 209                     |  | plus per property                     | 25.00          | 25.00           | e   | 0.00          | 0.0%     |
| 210                     | Confirmation of postal address to solicitors or conveyancers       |                                       | 0.00           | 25.00           | e   | 25.00         | n/a      |
| 211                     | <b>Total Estimated Annual Income (Street Naming and Numbering)</b> |                                       | <b>4,000</b>   | <b>5,000</b>    |     | <b>1,000</b>  |          |
| 212                     |  |                                       |                |                 |     |               |          |
| 213                     | <b>ALLOTMENTS</b>  |                                       |                |                 |     |               |          |
|                         |  | per year per plot (253 square metres) | 60.00          | 62.00           | e   | 2.00          | 3.3%     |
| 214                     | <b>Total Estimated Annual Income (Allotments)</b>                  |                                       | <b>1,600</b>   | <b>1,000</b>    |     | <b>-600</b>   |          |
| 215                     |  |                                       |                |                 |     |               |          |
| 216                     | <b>CEMETERIES</b>  |                                       |                |                 |     |               |          |
| 217                     | Internment   | 1.83m (equivalent to 6 feet)          | 775.00         | 810.00          | e   | 35.00         | 4.5%     |
| 218                     |  | 2.29m (equivalent to 7 feet 6 inches) | 1,040.00       | 1,070.00        | e   | 30.00         | 2.9%     |
| 219                     |  | 2.74m (equivalent to 9 feet)          | 1,390.00       | 1,430.00        | e   | 40.00         | 2.9%     |
| 220                     |  | cremated remains                      | 230.00         | 240.00          | e   | 10.00         | 4.3%     |
| 221                     |  | stillborn child (under 1 month)       | free           | free            |     | n/a           | n/a      |
| 222                     |  | child (under 12 years)                | free           | free            |     | n/a           | n/a      |
| 223                     |  | in existing vault                     | actual cost    | actual cost     | e   | n/a           | n/a      |
| 224                     | Interred ashes in Garden of Rest                                   |                                       | 230.00         | 240.00          | e   | 10.00         | 4.3%     |
| 225                     | Purchase of Burial Rights  | ordinary 50 years                     | 1,000.00       | 1,030.00        | e   | 30.00         | 3.0%     |
| 226                     |  | special 50 years                      | 1,035.00       | 1,060.00        | e   | 25.00         | 2.4%     |
| 227                     | Designated child space   | 50 years                              | 350.00         | 360.00          | e   | 10.00         | 2.9%     |
| 228                     | Garden of Rest   |                                       | 240.00         | 270.00          | e   | 30.00         | 12.5%    |
| 229                     | Right to erect/place on grave or vault                             | Headstone                             | 187.00         | 192.00          | e   | 5.00          | 2.7%     |
| 230                     |  | Kerbstone or Border                   | 240.00         | 246.00          | e   | 6.00          | 2.5%     |
| 231                     |  | Flatstone or Wall Tablet              | 187.00         | 192.00          | e   | 5.00          | 2.7%     |
| 232                     |  | Additional Inscription                | 86.00          | 88.00           | e   | 2.00          | 2.3%     |
| 233                     | Chapel   |                                       | 50.00          | 80.00           | i   | 30.00         | 60.0%    |
| 234                     | Searches   |                                       | 24.00          | 25.00           | i   | 1.00          | 4.2%     |
| 235                     | Transfer of Grant Ownership  |                                       | 55.00          | 60.00           | e   | 5.00          | 9.1%     |
| 236                     | Exhumation   |                                       | actual cost    | actual cost     | e   | n/a           | n/a      |
| 237                     | <b>Total Estimated Annual Income (Cemeteries)</b>                  |                                       | <b>150,000</b> | <b>142,000</b>  |     | <b>-8,000</b> |          |
| 238                     |  |                                       |                |                 |     |               |          |
| 239                     | <b>PARKS AND OPEN SPACES</b>                                       |                                       |                |                 |     |               |          |
| 240                     | Hire of Sports Pitches   | per game or session                   |                |                 |     |               |          |
| 241                     | - Football and Rugby   | adult rate                            | 59.37          | 61.00           | s   | 1.63          | 2.7%     |
| 242                     |  | adult training rate                   | 29.69          | 30.00           | s   | 0.31          | 1.0%     |
| 243                     |  | juniors rate                          | 29.69          | 30.00           | s   | 0.31          | 1.0%     |
| 244                     |  | juniors training rate                 | 14.84          | 15.00           | s   | 0.16          | 1.1%     |
| 245                     |  |                                       |                |                 |     |               |          |

| By Service and Activity |                              | 2016/2017<br>Current<br>charge<br>£pence | 2017/2018<br>Proposed<br>charge<br>£pence | VAT | Increase<br>£pence | Increase<br>% |
|-------------------------|------------------------------|--|---|-----|--------------------|---------------|
| 246                     | Malling and The Crouch       |  |   |     |                    |               |
| 247                     | adult rate                   | 41.62                                    | 43.00                                     | s   | 1.38               | 3.3%          |
| 248                     | adult training rate          | 18.45                                    | 19.00                                     | s   | 0.55               | 3.0%          |
| 249                     | juniors rate                 | 18.45                                    | 19.00                                     | s   | 0.55               | 3.0%          |
| 250                     | juniors training rate        | 9.22                                     | 10.00                                     | s   | 0.78               | 8.5%          |
| 251                     |                              |  |   |     |                    |               |
| 252                     | Telscombe minis              | 7.48                                     | 8.00                                      | s   | 0.52               | 7.0%          |
| 253                     |                              |  |   |     |                    |               |
| 254                     | Changing rooms only          | 30.73                                    | 32.00                                     | s   | 1.27               | 4.1%          |
| 255                     |                              |  |   |     |                    |               |
| 256                     | - Cricket                    |  |   |     |                    |               |
| 257                     | grass day rate               | 62.31                                    | 64.00                                     | s   | 1.69               | 2.7%          |
| 258                     | grass evening rate           | 27.37                                    | 28.00                                     | s   | 0.63               | 2.3%          |
| 259                     | grass juniors rate           | 31.15                                    | 32.00                                     | s   | 0.85               | 2.7%          |
| 260                     |                              |  |   |     |                    |               |
| 261                     | artificial day rate          | 46.39                                    | 48.00                                     | s   | 1.61               | 3.5%          |
| 262                     | artificial evening rate      | 20.44                                    | 21.00                                     | s   | 0.56               | 2.7%          |
| 263                     | artificial juniors rate      | 23.21                                    | 24.00                                     | s   | 0.79               | 3.4%          |
| 264                     | - Stoolball                  |  |   |     |                    |               |
| 265                     | day rate                     | 43.14                                    | 44.00                                     | s   | 0.86               | 2.0%          |
| 266                     | evening rate                 | 21.24                                    | 22.00                                     | s   | 0.76               | 3.6%          |
| 267                     | - Tennis                     |  |   |     |                    |               |
| 268                     | adult rate                   | 3.60                                     | 4.00                                      | s   | 0.40               | 11.1%         |
| 269                     | juniors and concessions rate | 1.95                                     | 2.00                                      | s   | 0.05               | 2.6%          |
| 270                     | changing rooms only          | 32.37                                    | 35.00                                     | s   | 2.63               | 8.1%          |
| 271                     | - Bowling                    |  |   |     |                    |               |
| 272                     | season ticket                |  |   |     |                    |               |
| 273                     | - adult                      | 103.89                                   | 108.00                                    | s   | 4.11               | 4.0%          |
| 274                     | - junior                     | 51.88                                    | 54.00                                     | s   | 2.12               | 4.1%          |
| 275                     | - concessions                | 69.83                                    | 72.00                                     | s   | 2.17               | 3.1%          |
| 276                     | - large locker               | 10.80                                    | 11.00                                     | s   | 0.20               | 1.9%          |
| 277                     | - small locker               | 7.62                                     | 8.00                                      | s   | 0.38               | 5.0%          |
| 278                     |                              |  |   |     |                    |               |
| 279                     | per hour per person          |  |   |     |                    |               |
| 280                     | - adult                      | 1.87                                     | 2.00                                      | s   | 0.13               | 7.0%          |
| 281                     | - juniors and concessions    | 1.54                                     | 1.60                                      | s   | 0.06               | 3.9%          |
| 282                     | visiting teams per rink      | 9.48                                     | 12.00                                     | s   | 2.52               | 26.6%         |
| 283                     |                              |  |   |     |                    |               |
| 284                     | - Croquet                    |  |   |     |                    |               |
| 285                     | croquet field                | 14.34                                    | 15.00                                     | s   | 0.66               | 4.6%          |
| 286                     | Hire of Open Spaces          |  |   |     |                    |               |
| 287                     | - Commercial Organisations   |  |   |     |                    |               |
|                         | small event - per day        | 600.00                                   | 620.00                                    | e   | 20.00              | 3.3%          |

## Lewes District Council Fees and Charges Proposals 2017/2018

| By Service and Activity |   |                                       | 2016/2017      | 2017/2018       |     | Increase       | Increase |
|-------------------------|---|---------------------------------------|----------------|-----------------|-----|----------------|----------|
|                         |   |                                       | Current charge | Proposed charge |     | £pence         | %        |
|                         |   |                                       | £pence         | £pence          | VAT |                |          |
| 288                     |   | medium event - per day                | 1,100.00       | 1,150.00        | e   | 50.00          | 4.5%     |
| 289                     |   | large event - per day                 | negotiable     | negotiable      | e   | n/a            | n/a      |
| 290                     | - Not For Profit Organisations (per day)  | Within District - up to 100% discount | free           | free            | -   | 0.00           | 0.0%     |
| 291                     |   | Outside District - discount 50% - 0%  | from £3,000    | from £3,000     | e   | 14.00          | 4.9%     |
| 292                     |   |                                       |                |                 |     |                |          |
| 293                     | Boat Licences   | per year                              | 60.00          | 65.00           | i   | 5.00           | 8.3%     |
| 294                     | <b>Total Estimated Annual Income (Parks &amp; Open Spaces)</b>                            |                                       | <b>39,700</b>  | <b>56,000</b>   |     | <b>16,300</b>  |          |
| 295                     |   |                                       |                |                 |     |                |          |
| 296                     | <b>WASTE COLLECTION</b>   |                                       |                |                 |     |                |          |
| 297                     | <b>Domestic</b>   |                                       |                |                 |     |                |          |
| 298                     | Bulky waste   | 5 items or 10 bags                    | 50.00          | 52.00           | e   | 2.00           | 4.0%     |
| 299                     |   | 10 items or 20 bags                   | 75.00          | 80.00           | e   | 5.00           | 6.7%     |
| 300                     |   | Pianos                                | 95.00          | 95.00           | e   | 0.00           | 0.0%     |
| 301                     |   |                                       |                |                 |     |                |          |
| 302                     | Fridges and freezers  |                                       | 35.00          | 36.00           | e   | 1.00           | 2.9%     |
| 303                     |   |                                       |                |                 |     |                |          |
| 304                     | Garden waste  | 10 bags                               | 30.00          | 31.00           | e   | 1.00           | 3.3%     |
| 305                     |   | 20 bags                               | 50.00          | 52.00           | e   | 2.00           | 4.0%     |
| 306                     |   | 30 bags                               | 75.00          | 78.00           | e   | 3.00           | 4.0%     |
| 307                     |   | Annual Green Waste Collection Service | 70.00          | 70.00           | e   | 0.00           | 0.0%     |
| 308                     |   |                                       |                |                 |     |                |          |
| 309                     | All other domestic charges by application   |                                       |                |                 |     |                |          |
| 310                     |   |                                       |                |                 |     |                |          |
| 311                     | <b>Prescribed household</b>   |                                       |                |                 |     |                |          |
| 312                     | Clinical waste  | in multiples of 10 bags and labels    | 32.00          | 33.00           | s   | 1.00           | 3.1%     |
| 313                     |   |                                       |                |                 |     |                |          |
| 314                     | <b>Other</b>  |                                       |                |                 |     |                |          |
| 315                     | Dog bin emptying  | per bin                               | 5.70           | 6.00            | s   | 0.30           | 5.3%     |
| 316                     |   |                                       |                |                 |     |                |          |
| 317                     | <b>Total Estimated Annual Income (Waste Collection excluding Commercial Trade Waste))</b> |                                       | <b>156,000</b> | <b>135,000</b>  |     | <b>-21,000</b> |          |
| 318                     |   |                                       |                |                 |     |                |          |
| 319                     | <b>Council Tax and Business Rates</b>   |                                       |                |                 |     |                |          |
| 320                     | Recovery action   | Summons cost                          | 55.00          | 55.00           | e   | 0.00           | 0.0%     |
| 321                     |   | Liability order                       | 30.00          | 30.00           | e   | 0.00           | 0.0%     |
| 322                     | Transaction fee for taxation payments made by credit card                                 | per transaction                       | 1.50%          | 1.50%           | e   | 0.00           | 0.0%     |
| 323                     | <b>Total Estimated Annual Income (Council Tax and Business Rates)</b>                     |                                       | <b>186,500</b> | <b>186,500</b>  |     | <b>0</b>       |          |
| 324                     |   |                                       |                |                 |     |                |          |
| 325                     | <b>Legal Services</b>   |                                       |                |                 |     |                |          |
| 326                     | An illustrative set of charges is listed below.   |                                       |                |                 |     |                |          |
| 327                     | Other charges by application and more complex transactions by negotiation                 |                                       |                |                 |     |                |          |
| 328                     |   |                                       |                |                 |     |                |          |



| By Service and Activity |   | 2016/2017<br>Current<br>charge<br>£pence   | 2017/2018<br>Proposed<br>charge<br>£pence | VAT              | Increase<br>£pence | Increase<br>% |       |
|-------------------------|---|--|---|------------------|--------------------|---------------|-------|
| 329                     | Section 106 agreement                                       | time spent x hourly rate   | £400 - £1,100                             | £450 - £1,500    | z                  | 50.00         | 12.5% |
| 330                     | Lease   | time spent x hourly rate   | £260 - £2,000                             | £375 - £2,250    | s                  | 115.00        | 44.2% |
| 331                     | Consent, Deed of Variation, Easement, Sale of Freehold      | time spent x hourly rate   | £260 - £1,000                             | £375 - £1,200    | s                  | 115.00        | 44.2% |
| 332                     | Licence   | time spent x hourly rate   | £200 - £750                               | £300 - £1,050    | s                  | 100.00        | 50.0% |
| 333                     | Right to Buy  | engrossment fee  | 60.00                                     | 60.00            | s                  | 0.00          | 0.0%  |
| 334                     | Copying large/complicated agreements and plans              | including retrieval fee  | 70.00                                     | 75.00            | s                  | 5.00          | 7.1%  |
| 335                     | Other copying (in addition to retrieval fee)                | per side copied  | 0.40                                      | 0.50             | s                  | 0.10          | 25.0% |
| 336                     | Other copying (where retrieval not required)                | minimum charge   | 6.00                                      | 7.50             | s                  | 1.50          | 25.0% |
| 337                     |   | plus per side copied   | 0.40                                      | 0.50             | s                  | 0.10          | 25.0% |
| 338                     |   |  |   |                  |                    |               |       |
| 339                     | <b>Land Charges</b>   |  |   |                  |                    |               |       |
| 340                     | An illustrative set of the main charges is listed below.    | The full list of fees and charges is available from the Council web site at <a href="http://www.lewes.gov.uk">www.lewes.gov.uk</a> |   |                  |                    |               |       |
| 341                     |   |  |   |                  |                    |               |       |
| 342                     | Official Search of the Local Land Charges Register (LLC1)   | search of the whole register   | 16.00                                     | 16.00            | e                  | n/a           | n/a   |
| 343                     |   |  |   |                  |                    |               |       |
| 344                     | CON29 Part 1 – required enquiries                           | replaced with one fee for required enquiries   | 67.00                                     | 81.00            | e                  | n/a           | n/a   |
| 345                     | <b>Total estimated Annual Income (Land Charges)</b>         |  | <b>140,000</b>                            | <b>140,000</b>   |                    | <b>0</b>      |       |
| 346                     |   |  |   |                  |                    |               |       |
| 347                     | <b>Register of Electors</b>                                 | Statutory fees   |   |                  |                    |               |       |
| 348                     | Paper copy  | Set up fee   | 10.00                                     | 10.00            | s                  | 0.00          | 0.0%  |
| 349                     |   | plus per 1,000 names   | 5.00                                      | 5.00             | s                  | 0.00          | 0.0%  |
| 350                     |   |  |   |                  |                    |               |       |
| 351                     | Electronic copy   | Set up fee   | 20.00                                     | 20.00            | s                  | 0.00          | 0.0%  |
| 352                     |   | plus per 1,000 names   | 1.50                                      | 1.50             | s                  | 0.00          | 0.0%  |
| 353                     | <b>Total estimated Annual Income (Register of Electors)</b> |  | <b>1,000</b>                              | <b>1,000</b>     |                    | <b>0</b>      |       |
| 354                     |   |  |   |                  |                    |               |       |
| 355                     |   |  |   |                  |                    |               |       |
| 356                     | <b>TOTAL ESTIMATED ANNUAL INCOME FOR ALL SERVICES</b>       |  | <b>2,025,100</b>                          | <b>2,023,200</b> |                    | <b>-1,900</b> |       |



**Agenda Item No:** 9.7 **Report No:** 7/17  
**Report Title:** Meetings Timetable 2017/2018  
**Report To:** Cabinet **Date:** 4 January 2017  
**Cabinet Member:** Councillor Andy Smith, Leader of the Council  
**Ward(s) Affected:** All  
**Report By:** Catherine Knight, Assistant Director of Legal and Democratic Services  
**Contact Officer(s)-**  
**Name(s):** Zoe Downton  
**Post Title(s):** Committee Officer, Democratic Services  
**E-mail(s):** zoe.downton@lewes.gov.uk  
**Tel No(s):** 01273 471600

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### **Purpose of Report:**

To approve the meetings timetable for the 2017/2018 municipal year.

### **Officers Recommendation(s):**

- 1 To recommend to Council that the meetings timetable for the 2017/2018 municipal year (as shown in Appendix A and B), be approved and adopted.

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### **Reasons for Recommendations**

- 2 To facilitate the smooth running of the Council's business in the municipal year 2017/2018.

### **Information**

- 3 The draft timetable for 2017/2018 has been circulated to all councillors and Chief Officers for comment.

#### **Key constraints that have to be taken into account when compiling the timetable:**

- 4 The timetable has to be arranged between Annual Meetings of the Council which, in election years, is held within 21 days of the retirement of the outgoing councillors and, in non-Council election years, can take place in March, April or May in accordance with the Council's Constitution. Bank Holidays and the Easter and Christmas holiday periods have been avoided wherever possible.
- 5 Eastbourne Borough Council's (EBC) provisional 'Calendar of Meetings 2017 – 2018' has been taken into consideration when compiling the timetable to avoid clashes between EBC and Lewes District Council (LDC) meetings of Cabinet

and Council. It is anticipated that in future both Councils will work in conjunction when drafting their respective committee meeting timetables.

- 6 School holidays have been kept clear of meetings where possible, except for Planning Application Committee (PAC) meetings and PAC Call-over meetings.
- 7 The District-wide **Planning Applications Committee** meets every three weeks on a Wednesday and the Call-over meetings are usually held on the preceding Monday (except for when the Call-over date falls on a Bank Holiday). There is a four week gap between meetings on Wednesday, 13 December 2017 through to Wednesday, 10 January 2018 to avoid the Christmas and New Year holidays.
- 8 The **Cabinet** meets 7 times during the 2017/2018 municipal year. Cabinet and Cabinet Call-over meetings are all timetabled on Mondays or Wednesdays to allow members of the joint Corporate Management Team (CMT) to attend. LDC and EBC Cabinet meetings have been timetabled close to each other, where possible.
- 9 **Full Council** meetings start at 6.00pm. This is in line with current arrangements in place since July 2016. All meetings of Council are scheduled on Mondays or Wednesdays.
- 10 The **Annual Council** meeting on 2 May 2018 has been scheduled earlier than in previous years. This is due to several constraints, primarily room booking restrictions at East Sussex County Council.
- 11 The precept setting **Council** meeting has been scheduled for Monday, 19 February 2018 in order to take place as soon as possible after the equivalent East Sussex County Council meeting which, it is anticipated, will be held on 6 February 2018.

### **Financial Appraisal**

- 12 Some meetings take place at different venues throughout the District, for which room hire charges have to be paid.

### **Legal Implications**

- 13 None over and above those set out in the body of this report.

### **Risk Management Implications**

- 14 I have completed the Risk Management questionnaire and this report does not require a risk assessment because the changes/issues covered by the recommendations are not significant in terms of risk.

### **Equality Screening**

- 15 I have completed the initial Equality Impact Assessment screening exercise and no potential negative impacts were identified as a result of these recommendations. Therefore, a full Equality Impact Assessment is not required.

## **Background Papers**

**16** None

## **Appendices**

**17** Appendix A – Meetings Timetable 2017/2018 – Summary of Public Meetings  
Appendix B – Public Meetings Timetable 2017/2018 (by calendar month)

## Meetings Timetable 2017/2018 – Summary of Public Meetings

| Committee                       | Time    | May 2017 | June 2017 | July 2017 | Aug 2017 | Sept 2017 | Oct 2017 | Nov 2017 | Dec 2017 | Jan 2018 | Feb 2018 | Mar 2018 | Apr 2018 | May 2018 |
|---------------------------------|---------|----------|-----------|-----------|----------|-----------|----------|----------|----------|----------|----------|----------|----------|----------|
| Bank Holidays                   |         | 1 & 29   |           |           | 28       |           |          |          | 25 & 26  | 1        |          | 30       | 2        | 7 & 28   |
| Audit & Standards Committee     | 10.00am |          | 19        |           |          | 25        |          | 27       |          | 22       |          | 19       |          |          |
| Cabinet                         | 2.30pm  |          | 26        |           |          | 27        |          | 13       |          | 3        | 5        | 19       | 23       |          |
| Council                         | 6.00pm  | 10       |           | 17        |          |           | 9        |          | 6        |          | 19       |          |          | 2        |
| Employment Committee            | 10.00am |          | 12        |           |          | 11        |          |          | 18       |          |          | 5        |          |          |
| Planning Applications Committee | 5.00pm  | 17       | 7, 28     | 19        | 9, 30    | 20        | 11       | 1, 22    | 13       | 10, 31   | 21       | 14       | 4, 25    |          |
| Scrutiny Committee              | 10.00am |          | 15        |           |          | 14        |          | 9        |          | 18       | 22       |          | 19       |          |

- Notes:
1. The dates of other Committees, Sub-Committees and Panels which do not meet regularly will be announced as and when.
  2. The venues for meetings can be obtained by telephoning Democratic Services on 01273 471600.

*In accordance with the Local Government (Access to Information) Act 1985, copies of all agendas and reports are available for inspection at Southover House, Southover Road, Lewes on Mondays to Fridays inclusive between the hours of 9.00 am and 5.00 pm. Copies can also be inspected at the Council Offices Newhaven, and the Information Centres at Lewes and Peacehaven. Details of opening times can be obtained from Southover House as above (telephone 01273 471600).*

**APPENDIX B**

| <b>May 2017</b>   |                             |  |  |  |            |           |
|---|-----------------------------|--|--|--|------------|-----------|
| <b>Monday</b>   | <b>Tuesday</b>              | <b>Wednesday</b>   | <b>Thursday</b>  | <b>Friday</b>  | <b>w/e</b> |           |
| <b>1</b><br>Bank Holiday/School<br>Holiday<br>Offices Closed  | <b>2</b>                    | <b>3</b>   | <b>4</b><br><i>East Sussex County<br/>Council Election</i> | <b>5</b><br><i>Count for East<br/>Sussex County<br/>Council Election</i> | <b>6</b>   | <b>7</b>  |
| <b>8</b>  | <b>9</b>                    | <b>10</b><br><br>1430 Council c/o<br><br>1800 Annual Council | <b>11</b>  | <b>12</b>  | <b>13</b>  | <b>14</b> |
| <b>15</b><br>0900 Planning Apps<br>Cttee c/o                  | <b>16</b>                   | <b>17</b><br><br>1700 Planning Apps<br>Cttee                 | <b>18</b>  | <b>19</b>  | <b>20</b>  | <b>21</b> |
| <b>22</b>   | <b>23</b>                   | <b>24</b>  | <b>25</b>  | <b>26</b>  | <b>27</b>  | <b>28</b> |
| <b>29</b><br>Bank Holiday/School<br>Holiday<br>Offices Closed | <b>30</b><br>School Holiday | <b>31</b><br>School Holiday                                  |  |  |            |           |

June 2017

| June 2017  |         |                                       |                           |                     |     |    |
|--|---------|---------------------------------------|---------------------------|---------------------|-----|----|
| Monday   | Tuesday | Wednesday                             | Thursday                  | Friday              | w/e |    |
|  |         |                                       | 1<br>School Holiday       | 2<br>School Holiday | 3   | 4  |
| 5<br>0900 Planning Apps<br>Cttee c/o<br><br>1430 Cabinet c/o | 6       | 7<br><br>1700 Planning Apps<br>Cttee  | 8                         | 9                   | 10  | 11 |
| 12<br>1000 Employment Cttee                                  | 13      | 14                                    | 15<br>1000 Scrutiny Cttee | 16                  | 17  | 18 |
| 19<br>1000 Audit and<br>Standards Cttee                      | 20      | 21                                    | 22                        | 23                  | 24  | 25 |
| 26<br>0900 Planning Apps<br>Cttee c/o<br><br>1430 Cabinet    | 27      | 28<br><br>1700 Planning Apps<br>Cttee | 29                        | 30                  |     |    |

**July 2017**

| <b>July 2017</b>   |                                   |  |                                   |                             |            |           |
|--|-----------------------------------|--|-----------------------------------|-----------------------------|------------|-----------|
| <b>Monday</b>  | <b>Tuesday</b>                    | <b>Wednesday</b>                             | <b>Thursday</b>                   | <b>Friday</b>               | <b>w/e</b> |           |
| <b>31</b><br>School Holiday  |                                   |  |                                   |                             | <b>1</b>   | <b>2</b>  |
| <b>3</b>   | <b>4</b><br><i>LGA Conference</i> | <b>5</b><br><i>LGA Conference</i>            | <b>6</b><br><i>LGA Conference</i> | <b>7</b>                    | <b>8</b>   | <b>9</b>  |
| <b>10</b>  | <b>11</b>                         | <b>12</b>                                    | <b>13</b>                         | <b>14</b>                   | <b>15</b>  | <b>16</b> |
| <b>17</b><br>0900 Planning Apps<br>Cttee c/o<br><br>1430 Council c/o<br>1800 Council | <b>18</b>                         | <b>19</b><br><br>1700 Planning Apps<br>Cttee | <b>20</b>                         | <b>21</b>                   | <b>22</b>  | <b>23</b> |
| <b>24</b><br>School Holiday  | <b>25</b><br>School Holiday       | <b>26</b><br>School Holiday                  | <b>27</b><br>School Holiday       | <b>28</b><br>School Holiday | <b>29</b>  | <b>30</b> |

**August 2017**

| <b>August 2017</b>  |                             |  |                             |  |            |           |
|---|-----------------------------|--|-----------------------------|--|------------|-----------|
| <b>Monday</b>   | <b>Tuesday</b>              | <b>Wednesday</b>   | <b>Thursday</b>             | <b>Friday</b>  | <b>w/e</b> |           |
|   | <b>1</b><br>School Holiday  | <b>2</b><br>School Holiday                                     | <b>3</b><br>School Holiday  | <b>4</b><br>School Holiday   | <b>5</b>   | <b>6</b>  |
| <b>7</b><br>School Holiday<br><br>0900 Planning Apps<br>Cttee c/o | <b>8</b><br>School Holiday  | <b>9</b><br>School Holiday<br><br>1700 Planning Apps<br>Cttee  | <b>10</b><br>School Holiday | <b>11</b><br>School Holiday  | <b>12</b>  | <b>13</b> |
| <b>14</b><br>School Holiday                                       | <b>15</b><br>School Holiday | <b>16</b><br>School Holiday                                    | <b>17</b><br>School Holiday | <b>18</b><br>School Holiday  | <b>19</b>  | <b>20</b> |
| <b>21</b><br>School Holiday                                       | <b>22</b><br>School Holiday | <b>23</b><br>School Holiday                                    | <b>24</b><br>School Holiday | <b>25</b><br>School Holiday<br><br>0900 Planning Apps<br>Cttee c/o | <b>26</b>  | <b>27</b> |
| <b>28</b><br>Bank Holiday/School<br>Holiday<br>Offices closed     | <b>29</b><br>School Holiday | <b>30</b><br>School Holiday<br><br>1700 Planning Apps<br>Cttee | <b>31</b><br>School Holiday |  |            |           |



**September 2017**

| <b>September 2017</b>  |  |  |                                  |                            |   |   |
|--|--|--|----------------------------------|----------------------------|---|---|
| <b>Monday</b>  | <b>Tuesday</b>   | <b>Wednesday</b>   | <b>Thursday</b>                  | <b>Friday</b>              | <b>w/e</b>                              |   |
|  |  |  |                                  | <b>1</b><br>School Holiday | <b>2</b>                                | <b>3</b>                                |
| <b>4</b><br>School Holiday   | <b>5</b>   | <b>6</b><br>1430 Cabinet c/o   | <b>7</b>                         | <b>8</b>                   | <b>9</b>                                | <b>10</b>                               |
| <b>11</b><br>1000 Employment Cttee   | <b>12</b>  | <b>13</b>  | <b>14</b><br>1000 Scrutiny Cttee | <b>15</b>                  | <b>16</b><br><i>Lib Dem Party Conf.</i> | <b>17</b><br><i>Lib Dem Party Conf.</i> |
| <b>18</b><br>0900 Planning Apps Cttee c/o<br><br><i>Liberal Democrats Party Conference</i> | <b>19</b><br><br><i>Liberal Democrats Party Conference</i> | <b>20</b><br><i>Liberal Democrats Party Conference</i><br><br>1700 Planning Apps Cttee | <b>21</b>                        | <b>22</b>                  | <b>23</b>                               | <b>24</b>                               |
| <b>25</b><br>1000 Audit and Standards Cttee  | <b>26</b>  | <b>27</b><br>1430 Cabinet  | <b>28</b>                        | <b>29</b>                  | <b>30</b>                               |   |

## October 2017

| <b>Monday</b>   | <b>Tuesday</b>                                       | <b>Wednesday</b>                                     | <b>Thursday</b>             | <b>Friday</b>               | <b>w/e</b> |  |
|---|--|--|-----------------------------|-----------------------------|------------|--|
| <b>30</b><br>0900 Planning Apps<br>Cttee c/o  | <b>31</b>  |  |                             |                             |            | <b>1</b><br><i>Cons.<br/>Party<br/>Conf.</i> |
| <b>2</b><br><i>Conservative Party<br/>Conference</i>                                | <b>3</b><br><i>Conservative Party<br/>Conference</i> | <b>4</b><br><i>Conservative Party<br/>Conference</i> | <b>5</b>                    | <b>6</b>                    | <b>7</b>   | <b>8</b>                                     |
| <b>9</b><br>0900 Planning Apps<br>Cttee c/o<br><br>1430 Council c/o<br>1800 Council | <b>10</b>  | <b>11</b><br><br>1700 Planning Apps<br>Cttee         | <b>12</b>                   | <b>13</b>                   | <b>14</b>  | <b>15</b>                                    |
| <b>16</b>   | <b>17</b>  | <b>18</b><br><br>1300 Cabinet c/o                    | <b>19</b>                   | <b>20</b>                   | <b>21</b>  | <b>22</b>                                    |
| <b>23</b><br>School Holiday   | <b>24</b><br>School Holiday                          | <b>25</b><br>School Holiday                          | <b>26</b><br>School Holiday | <b>27</b><br>School Holiday | <b>28</b>  | <b>29</b>                                    |

**APPENDIX B**

| <b>November 2017</b>                 |                |                                    |                          |               |            |    |
|--------------------------------------|----------------|------------------------------------|--------------------------|---------------|------------|----|
| <b>Monday</b>                        | <b>Tuesday</b> | <b>Wednesday</b>                   | <b>Thursday</b>          | <b>Friday</b> | <b>w/e</b> |    |
|                                      |                | 1<br><br>1700 Planning Apps Cttee  | 2                        | 3             | 4          | 5  |
| 6                                    | 7              | 8                                  | 9<br>1000 Scrutiny Cttee | 10            | 11         | 12 |
| 13<br>1430 Cabinet                   | 14             | 15                                 | 16                       | 17            | 18         | 19 |
| 20<br>0900 Planning Apps Cttee c/o   | 21             | 22<br><br>1700 Planning Apps Cttee | 23                       | 24            | 25         | 26 |
| 27<br>1000 Audit and Standards Cttee | 28             | 29                                 | 30                       |               |            |    |

APPENDIX B

| December 2017                                       |   |  |  |  |     |    |
|---|---|--|--|--|-----|----|
| Monday  | Tuesday   | Wednesday                              | Thursday                               | Friday                                 | w/e |    |
|   |   |  |  | 1                                      | 2   | 3  |
| 4<br>1430 Cabinet c/o                               | 5   | 6<br>1430 Council c/o<br>1800 Council  | 7                                      | 8                                      | 9   | 10 |
| 11<br>0900 Planning Apps Cttee c/o                  | 12  | 13<br>1700 Planning Apps Cttee         | 14                                     | 15                                     | 16  | 17 |
| 18<br>1000 Employment Cttee                         | 19  | 20                                     | 21<br>School Holiday                   | 22<br>School Holiday                   | 23  | 24 |
| 25<br>Bank Holiday/School Holiday<br>Offices Closed | 26<br>Bank Holiday/School Holiday<br>Offices Closed | 27<br>School Holiday<br>Offices Closed | 28<br>School Holiday<br>Offices Closed | 29<br>School Holiday<br>Offices Closed | 30  | 31 |

## January 2018

| January 2018   |           |  |                                  |           |           |           |
|--|-----------|--|----------------------------------|-----------|-----------|-----------|
| Monday   | Tuesday   | Wednesday  | Thursday                         | Friday    | w/e       |           |
| <b>1</b><br>Bank Holiday/School<br>Holiday<br>Offices Closed | <b>2</b>  | <b>3</b><br>1430 Cabinet   | <b>4</b>                         | <b>5</b>  | <b>6</b>  | <b>7</b>  |
| <b>8</b><br>0900 Planning Apps<br>Cttee c/o                  | <b>9</b>  | <b>10</b><br>1430 Cabinet c/o<br><br>1700 Planning Apps<br>Cttee | <b>11</b>                        | <b>12</b> | <b>13</b> | <b>14</b> |
| <b>15</b>  | <b>16</b> | <b>17</b>  | <b>18</b><br>1000 Scrutiny Cttee | <b>19</b> | <b>20</b> | <b>21</b> |
| <b>22</b><br>1000 Audit and<br>Standards Cttee               | <b>23</b> | <b>24</b>  | <b>25</b>                        | <b>26</b> | <b>27</b> | <b>28</b> |
| <b>29</b><br>0900 Planning Apps<br>Cttee c/o                 | <b>30</b> | <b>31</b><br><br>1700 Planning Apps<br>Cttee                     |                                  |           |           |           |

**February 2018**

| <b>February 2018</b>   |                             |  |                                  |                             |            |           |
|--|-----------------------------|--|----------------------------------|-----------------------------|------------|-----------|
| <b>Monday</b>  | <b>Tuesday</b>              | <b>Wednesday</b>   | <b>Thursday</b>                  | <b>Friday</b>               | <b>w/e</b> |           |
|  |                             |  | <b>1</b>                         | <b>2</b>                    | <b>3</b>   | <b>4</b>  |
| <b>5</b><br>1430 Cabinet   | <b>6</b>                    | <b>7</b>   | <b>8</b>                         | <b>9</b>                    | <b>10</b>  | <b>11</b> |
| <b>12</b><br>School Holiday  | <b>13</b><br>School Holiday | <b>14</b><br>School Holiday                                      | <b>15</b><br>School Holiday      | <b>16</b><br>School Holiday | <b>17</b>  | <b>18</b> |
| <b>19</b><br>0900 Planning Apps<br>Cttee c/o<br><br>1430 Council c/o<br>1800 Council | <b>20</b>                   | <b>21</b><br>1300 Cabinet c/o<br><br>1700 Planning Apps<br>Cttee | <b>22</b><br>1000 Scrutiny Cttee | <b>23</b>                   | <b>24</b>  | <b>25</b> |
| <b>26</b>  | <b>27</b>                   | <b>28</b>  |                                  |                             |            |           |

March 2018

| March 2018   |         |                                    |                                    |   |     |    |
|--|---------|------------------------------------|------------------------------------|---|-----|----|
| Monday   | Tuesday | Wednesday                          | Thursday                           | Friday  | w/e |    |
|  |         |                                    | 1                                  | 2   | 3   | 4  |
| 5<br>1000 Employment Cttee                               | 6       | 7                                  | 8                                  | 9   | 10  | 11 |
| 12<br>0900 Planning Apps Cttee c/o                       | 13      | 14<br><br>1700 Planning Apps Cttee | 15                                 | 16  | 17  | 18 |
| 19<br>1000 Audit and Standards Cttee<br><br>1430 Cabinet | 20      | 21                                 | 22                                 | 23  | 24  | 25 |
| 26   | 27      | 28<br><br>1430 Cabinet c/o         | 29<br>0900 Planning Apps Cttee c/o | 30<br>Bank Holiday/School Holiday<br>Offices closed | 31  |    |

**April 2018**

| <b>April 2018</b>  |                             |   |                                      |                             |            |           |
|--|-----------------------------|---|--------------------------------------|-----------------------------|------------|-----------|
| <b>Monday</b>  | <b>Tuesday</b>              | <b>Wednesday</b>  | <b>Thursday</b>                      | <b>Friday</b>               | <b>w/e</b> |           |
| <b>30</b>  |                             |   |                                      |                             |            | <b>1</b>  |
| <b>2</b><br>Bank Holiday/School<br>Holiday<br>Offices closed     | <b>3</b><br>School Holiday  | <b>4</b><br>School Holiday<br><br>1700 Planning Apps<br>Cttee | <b>5</b><br>School Holiday           | <b>6</b><br>School Holiday  | <b>7</b>   | <b>8</b>  |
| <b>9</b><br>School Holiday                                       | <b>10</b><br>School Holiday | <b>11</b><br>School Holiday                                   | <b>12</b><br>School Holiday          | <b>13</b><br>School Holiday | <b>14</b>  | <b>15</b> |
| <b>16</b>  | <b>17</b>                   | <b>18</b>   | <b>19</b><br><br>1000 Scrutiny Cttee | <b>20</b>                   | <b>21</b>  | <b>22</b> |
| <b>23</b><br>0900 Planning Apps<br>Cttee c/o<br><br>1430 Cabinet | <b>24</b>                   | <b>25</b><br><br>1700 Planning Apps<br>Cttee                  | <b>26</b>                            | <b>27</b>                   | <b>28</b>  | <b>29</b> |



**May 2018**

| <b>Monday</b>   | <b>Tuesday</b>              | <b>Wednesday</b>  | <b>Thursday</b>             | <b>Friday</b> | <b>w/e</b> |           |
|---|-----------------------------|---|-----------------------------|---------------|------------|-----------|
|   | <b>1</b>                    | <b>2</b><br><br>1430 Council c/o<br><br>1800 Annual Council | <b>3</b>                    | <b>4</b>      | <b>5</b>   | <b>6</b>  |
| <b>7</b><br>Bank Holiday/School<br>Holiday<br>Offices closed  | <b>8</b>                    | <b>9</b>  | <b>10</b>                   | <b>11</b>     | <b>12</b>  | <b>13</b> |
| <b>14</b>   | <b>15</b>                   | <b>16</b><br><br><i>(1700 Planning Apps<br/>Cttee)</i>      | <b>17</b>                   | <b>18</b>     | <b>19</b>  | <b>20</b> |
| <b>21</b>   | <b>22</b>                   | <b>23</b>   | <b>24</b>                   | <b>25</b>     | <b>26</b>  | <b>27</b> |
| <b>28</b><br>Bank Holiday/School<br>Holiday<br>Offices closed | <b>29</b><br>School Holiday | <b>30</b><br>School Holiday                                 | <b>31</b><br>School Holiday |               |            |           |