



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 **Monday, 20 March 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.

09/03/2017

Catherine Knight
Assistant Director of Legal and Democratic Services

Agenda

- 1 Minutes**
To approve the Minutes of the meeting held on 8 February 2017 (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

- Non-Key Decision

9.1 Portfolio Progress and Performance Report 2016-17 - Quarter 3 (October to December 2016)

Cabinet Member: Councillor Merry

To consider the Report of the Chief Executive (Report No 51/17 herewith – page 5).

- Key Decisions

9.2 Finance Update – Performance Quarter 3 - 2016-2017

Cabinet Member: Councillor Giles

To consider the Report of the Deputy Chief Executive (Report No 52/17 herewith – page 23).

9.3 Establishment of a Joint Housing Investment Partnership with Eastbourne Borough Council - Report

Cabinet Member: Councillor Maskell

To consider the Report of the Director of Service Delivery (Report No 53/17 herewith – page 32).

9.4 Lewes District Community Safety Partnership Annual Report - Report

Cabinet Member: Councillor Nicholson

To consider the Report of the Director of Service Delivery (Report No 54/17 herewith – page 40).

- Non-Key Decision

9.5 Public Space Protection Order – Reedens Meadows, Newick - Report
Cabinet Member: Councillor Linington

To consider the Report of the Director of Service Delivery (Report No 55/17 herewith – page 63).

- Key Decisions

9.6 Railway Quay, Newhaven - Report

Cabinet Member: Councillor Giles

To consider the Report of the Director of Regeneration & Planning (Report No 57/17 herewith – page 71).

(NB Appendix 3 to the above Report contains exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) (ie information relating to the financial or business affairs of any particular person (including the authority holding that information)). The public interest in maintaining the exemption outweighs the public interest in disclosing the information. It can be found starting on (pink) page 84).

9.7 Acquisition of Retail Property in Lewes - Report

Cabinet Member: Councillor Giles

To consider the Report of the Director of Regeneration & Planning (Report No 58/17 herewith – page 80).

(NB Appendix A to the above Report contains exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) (ie information relating to the financial or business affairs of any particular person (including the authority holding that information)). The public interest in maintaining the exemption outweighs the public interest in disclosing the information. It can be found starting on (pink) page 85).

9.6 Railway Quay, Newhaven - Appendix 3 (Exempt)

9.7 Acquisition of Retail Property in Lewes - Appendix A -(Exempt)

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, I Linington, R Maskell, E Merry, T Nicholson and A Smith

Agenda Item No: 9.1 **Report No:** 51/17
Report Title: Portfolio Progress and Performance Report 2016/17 - Quarter 3 (October to December 2016)
Report To: Scrutiny **Date:** 17 February 2017
Cabinet 20 March 2017
Cabinet Member: Councillor Elayne Merry, Portfolio Holder
Ward(s) Affected: All
Report By: Robert Cottrill, Chief Executive

Contact Officer
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Purpose of Report:

1. To consider the Council's progress and performance in respect of key projects and targets for the third quarter of the year (October to December 2016 (Quarter 3)) as shown in Appendix 1.

The Scrutiny Committee is recommended to;

2. Consider progress and performance for Quarter 3 and make any relevant recommendations to Cabinet.

The Cabinet is recommended to;

3. Consider progress and performance for Quarter 3 and consider any relevant recommendations made by the Scrutiny Committee.
-

Reasons for Recommendations

4. To enable Scrutiny and Cabinet to consider specific aspects of the Council's progress and performance.







Background

5. The Council has an annual cycle for the preparation, implementation and monitoring of its business plans and budgets. This cycle enables us regularly to review the Council's work, and the targets it sets for performance, to ensure these continue to reflect customer needs and Council aspirations.

6. It is important to monitor and assess progress and performance on a regular basis, to ensure the Council continues to deliver priority outcomes and excellent services to its customers and communities. These priorities are set out in the Council Plan that was adopted by the Council in February 2016, supported by associated projects and service performance targets approved by Cabinet in July 2016.
7. The Scrutiny Committee has a key role in terms of oversight of the Council's progress and performance and challenging areas of under-performance. This report sets out the Council's performance against its targets and projects for the third quarter of 2016/17 (the period running from 1st October to 31st December 2016).

Performance in the Third Quarter of 2016/17

8. Appendix 1 provides a high level summary of progress and performance arranged by Cabinet portfolio. The summary shows where performance and projects are 'on track/on target' and where there are areas of risk, concern or under-performance. Where performance or projects are 'off track/below target', an explanation of the management action being taken to address this is also provided.
9. Detailed project/performance tracking information is recorded in the Council's performance management information system (Covalent). The system uses the following symbols to indicate the current status of projects and performance targets:

-  = Performance that is at or above target;
-  = Project is on track;
-  = Performance that is slightly below target but is within an acceptable tolerance/projects where there are issues causing significant delay or change to planned activities;
-  = Performance that is below target/projects that are not expected to be completed in time or within requirements;
-  = Project has changed or been discontinued;
-  = Data with no performance target.

Portfolio Progress and Performance – Quarter 3

10. An overview of the Council's performance for the year as at the end of the 3rd quarter is set out below:
 - 81% of the Council's key projects were either completed or on track at the end of the 3rd quarter. There are no project delays which constitute any serious risk to the Council.

- 90% of the Council's performance targets were either met, exceeded or within acceptable levels during the 3rd quarter.
- 2 indicators did not meet planned targets during the 3rd quarter (see paragraph 19 below).
- Customer feedback: There were 303 complaints and 24 compliments made by customers during the 3rd quarter.

The Good News –  Notable project milestones or service performance achieved.

11. This section of the report provides specific highlights by portfolio in terms of notable project progress or performance achievements.

Regeneration and Business Portfolio

12. Further work to consider future management and operation of the tourism service forms part of the wider Joint Transformation Programme in partnership with Eastbourne Borough Council, and the Tourism function in Lewes is being looked at by Scrutiny Committee. Artwave 2017 is about to open for entries. Remaining strategic regeneration projects are all on track with no significant risks arising.

Value for Money Portfolio

13. Council tax collection continues to be on track to achieve the end of year target of 98% and, following an exercise to re-profile the target for collection of business rates (now over a 12 month period), there is no cause for concern here.

Housing Portfolio

14. The project to extend use of temporary accommodation in the District is now complete, delivering 24 additional leasehold properties. The time taken to re-let Council homes to new tenants remains stable at 21 days, comfortably within the 25 day target.

Waste and Recycling Portfolio

15. The strategy has moved forward with the Cabinet decision regarding future recycling/food waste collection methods having been taken on 8th February. The Garden Waste collection service continues to be rolled out with target dates for Lewes town, Ringmer and Kingston being brought forward to early spring.

Planning Portfolio

16. Good progress is being made in Neighbourhood Planning, supported by the appointment of a Neighbourhood Plans Officer during quarter 3.


17. Performance across all the key measures in planning is largely on track for the third quarter with the exception of performance in respect of planning appeals related to major planning applications (see para 19 below).

People and Performance Portfolio

15. Good progress is being made with the Dementia Friends project following a series of staff/councillor awareness sessions last quarter. Partners, 3VA, also report that the local Dementia Action Alliances in Lewes town and The Havens are developing well and starting to run a range of awareness raising and support focused events and activities.

Customers and Partners Portfolio

16. Calls to the customer hub continue to be answered within the target time with an average of 10 seconds being achieved in quarter 3. Sign-up for the council's email alert system continues to grow and is now at just over 4,000 as at the end of December 2016, well above the baseline target of 1,500.

Areas for Improvement –  Project/performance is slightly off track (but within acceptable/5% tolerance).

17. The 'amber' warning flags up performance that has fallen very slightly below target or projects that are slipping behind schedule or going slightly off-track. There were 4 performance areas which fell into this category during the third quarter:

- Payment of Invoices
- Staff sickness
- Complaints responded to within target time
- Wave leisure: visits to leisure centres

Action being taken to tackle performance issues in these areas is set out in Appendix 1.

18. Only 2 projects are being reported as amber at the end of the third quarter;

The Local Plan (Part 2): Work is progressing. It is still expected that the public consultation will take place in April/May 2017; however the current judicial review may have further impact.

Devolution: Work has recommenced with Newhaven Town Council. Progress is being made on the transfer of 5 sites and terms have been agreed. Discussions have re-opened with Lewes Town Council and the Legal team has been instructed to offer a transfer of sites at Malling and Landport Bottom on the same basis as that agreed with Newhaven Town Council. Discussions with Telscombe and Peacehaven Town Councils will commence within the next

month. It is proposed that the target date for the project be revised to better reflect the current position.

(Areas for Improvement – 🟡) Performance well below target and/or project significantly off-schedule or revised.

19. Where service performance falls well below target levels, or a project is significantly off track or has been significantly revised or cancelled, priority is given to addressing these issues. There were 2 areas where this was the case in the third quarter;

Temporary Accommodation: Use of temporary accommodation has increased to moderately above target due to additional private sector leasehold properties becoming available to the Council. We are seeing increased pressure on housing in the district and requests from people experiencing homelessness. This is in line with our neighbouring authorities and national trends.

Major applications allowed on appeal: There was 1 major application for new housing granted planning permission following appeal in the third quarter. The application was for 63 dwellings at Mitchelswood Farm, Newick. The target of 0 reflects the significant potential financial and reputational risks associated with planning decisions that are not supported by an Inspector at an appeal.

Financial Appraisal

20. Project and performance monitoring and reporting arrangements are contained within existing estimates. Corporate performance information should also be considered alongside the Council's financial update reports (also reported to Cabinet each quarter) as there is a clear link between performance and budgets/resources.

Legal Implications

21. Comment from the Legal Services Team is not necessary for this routine monitoring report.

Risk Management Implications

22. It is important that corporate performance is monitored regularly otherwise there is a risk that reductions in service levels, or projects falling behind schedule, are not addressed in a timely way.

Equality Analysis

23. The equality implications of individual decisions relating to the projects/services covered in this report are addressed within other relevant Council reports or as part of programmed equality analysis. The equality implications of projects that form part of the Joint Transformation Programme are addressed through separate Equality and Fairness assessments.

Background Papers

[Council Plan 2016 to 2020](#)

Appendices

Appendix 1 – Portfolio Progress and Performance Report (Quarter 3)

PORTFOLIO PROGRESS AND PERFORMANCE QUARTER 3 (October to December 2016)

Key to Symbols



- Project is complete; Performance is at or above target (please note, in some instances performance data has been rounded to the nearest whole number/percentage);



- Project is on track or yet to commence;



- Project has issues causing significant delay or change to planned activities; Performance is below target but within 5% tolerance;



- Project is not expected to be completed in time or within requirements; Performance is below target;



- Project scope has changed/project has been discontinued;







- No performance target set.

PLACE - GROWTH AND PROSPERITY

Portfolio: Councillor Andy Smith (Regeneration and Business)

Portfolio Projects and Initiatives

Project / Initiative	Target Project Completion	Current Status	Update
North Street Quarter	September 2017		<p>The purchase of the leases at 21-24 North Street has now completed and the units are empty ready for demolition. Terms have also been agreed to purchase the lease at 25 North St and that will be the next property to complete. Negotiations are continuing with the dentist practise at 19, North St and the timetable for gaining vacant possession on the property is linked in with the development of the Health Hub. The Council is currently on track to obtain vacant possession of its property in time for the phase 2/3 development.</p> <p>After a delay in agreeing terms on the purchase of Springman House, exchange of contracts is expected within the next few weeks, with completion to follow shortly afterwards. Work is underway to develop a scheme to relocate ESFRS onto the Springman House site with the opportunity for enhanced collaborative working with Sussex Police.</p>
Newhaven Flood Alleviation Scheme	April 2017		<p>Construction of the Scheme has commenced, with site clearance and enabling works on the west bank. Completion of the defence alignment on the west bank is on scheduled for March/April 2017.</p> <p>The detailed design of the defence works on the east bank has started and construction will commence in Spring 2017. Stakeholders on the east bank have been engaged to agree the defence alignment and working access and arrangements.</p>

Project / Initiative	Target Project Completion	Current Status	Update
			<p>Planning consent has been granted from LDC for the Scheme on both river banks south of the Energy Recovery Facility (ERF). Planning consent is still pending from the South Downs National Park Authority and East Sussex County Council regarding the small part of the Scheme north of the ERF but this is expected imminently.</p> <p>Close work with Network Rail is underway to progress the design and operation of the floodgate across the railway line near the EFR that is located just north of the Town.</p>
Newhaven Enterprise Zone	December 2018		<p>Cushman and Wakefield are close to completing the Investment Strategy with the final draft required by government by 31 March 2017.</p> <p>A baseline business rates projection has been prepared and has been shared with government, and the Cushman and Wakefield report will identify how much uplift in business rates can be expected and how to best invest it.</p> <p>We continue to work with landowners, and have made two applications to the C2C Unallocated LGF fund for sites in the EZ.</p>
Tourism Strategy	March 2018		<p>Further work to consider future management and operation of the tourism service forms part of the wider Joint Transformation Programme in partnership with Eastbourne Borough Council, and the Tourism function in Lewes is being looked at by Scrutiny Committee. Artwave 2017 is about to open for entries.</p>

VALUE FOR MONEY





Portfolio: Councillor Bill Giles (Finance)

Portfolio Projects and Initiatives

Note:

- 1) There are no strategic projects currently within this portfolio.
- 2) There is a separate process for monitoring the Council's financial performance including key targets. This is reported as part of the regular financial update reports to Cabinet.

Key Performance Indicators

KPI Description	2016-17 Target	Q1 Apr-June	Q2 July-Sept	Q3 Oct-Dec	Status	Explanatory Note
Percentage of invoices paid on time (within 30 days)						
a) Housing	a) 95%	a) 97%	a) 93%	a) 96%		There is improvement overall in the payment of invoices within target times. Payment of housing invoices has improved and two out of the last three quarters have been above target. Although slightly below target, payment of all other invoices is at its highest level so far this year.
b) All Other	b) 98%	b) 95%	b) 96%	b) 97%		
Percentage of Council Tax collected during the year	98%	29.7%	28.28%	27.8%		Although a there is a slight dip in performance compared to previous quarters, overall performance remains strong.
Percentage of Business Rates collected during the year	98%	29.8%	26.5%	27%		The target is based on previous years' best performance. The target for business rates collection has been re-profiled to reflect collection over a 12 month period. It is expected that the year-end target will be achieved.



PLACE - DELIVERING SUSTAINABLE NEW HOUSING AND INFRASTRUCTURE






Portfolio: Councillor Ron Maskell (Housing)

Portfolio Projects and Initiatives

Project / Initiative	Target Completion	Current Status	Update
Local Growth Fund (Affordable Housing) Project	June 2017		Construction of all five sites (total 22 new homes) is on track for completion by June 2017. The site at Hythe Crescent in Seaford is on target to complete by February 2017, slightly earlier than previously reported. It is expected that 11 of these properties will become available for rent by end March 2017.
Housing Investment Company	October 2017		Cabinet approved the establishment of a Housing Investment Company in partnership with Eastbourne Borough Council at its meeting on 16 November 2016. Approval was also given by EBC at its cabinet meeting in December 2016. The next phase of the project will take place over the next quarter.
Extension of temporary accommodation	October 2016		The project is now complete and the Member Working Group met to sign off the project in October 2016. The project has delivered 24 private sector leasehold properties into the market place. Marketing assistance, advice and support to landlords has been developed and streamlined to ensure leasehold properties meet suitable standards and are sustainable in the longer term.

Key Performance Indicators


KPI Description	2016-17 Target	Q1 Apr-June	Q2 July-Sept	Q3 Oct-Dec	Status	Explanatory Note
Percentage of rent collected during the year (cumulative)	95%	94%	94%	98%		Performance is above target at the end of the 3rd quarter of the year.
Total number of days that families need to stay in emergency/B&B accommodation	15 days	0 days	0 days	0 days		For the third quarter in a row, no families have needed to be housed in emergency or B&B accommodation.

KPI Description	2016-17 Target	Q1 Apr-June	Q2 July-Sept	Q3 Oct-Dec	Status	Explanatory Note
Total number of households living in: a) emergency accommodation b) other temporary accommodation	a) 15 or fewer b) 50 or fewer	a) 15 b) 47	a) 13 b) 49	a) 15 b) 58	 	<u>Category a)</u> These households are living in bed and breakfast and self-contained accommodation across Lewes District, Eastbourne and Hove. The need for emergency accommodation remains stable. <u>Category b)</u> All households are in Lewes District temporary accommodation (including through the Private Sector Leasing Scheme). There has been an increase during quarter 3 that reflects the national trend.
Average number of days to re-let Council homes (excluding temporary lets)	25 days	21 days	21 days	21 days		Performance on re-lets remains stable and continues to be well within target.
The number of days taken to process new housing benefit/ Council tax benefit claims	20 days	18.9 days	19.8 days	18.4 days		Processing times continue to be well within the target of 20 days.
Overall tenants satisfaction	90%	88 %	90 %	98%		Satisfaction amongst tenants has risen sharply in the last quarter and is now well above target.


CUSTOMERS - CLEAN AND GREEN DISTRICT

Portfolio: Councillor Paul Franklin (Waste and Recycling)

Portfolio Projects and Initiatives

Project / Initiative	Target Completion	Current Status	Update
Waste Strategy	April 2018	 	<p>Waste Strategy – An online survey to gauge public opinion about the recycling/food waste service was carried out in October 2016. The results of this are helping to inform ongoing communications and shape the future design of the service. A councillor/officer visit to MRF took place in November 2016. A report on proposals for a new recycling collection method was considered by Cabinet on the 8th February.</p> <p>Garden Waste – There are currently around 800 subscribers to the green waste collection service in the coastal areas. Roll out to Lewes, Ringmer and Kingston has been brought forward.</p>





Key Performance Indicators

KPI Description	2016-17 Target	Q1 Apr-June	Q2 July-Sept	Q3 Oct-Dec	Status	Explanatory Note
Percentage of household waste sent for reuse, recycling and composting	To be confirmed	27%	28%	27%		Performance remains reasonably stable for all three quarters of the year to date, and reached 28% in November 2016. Targets will be set later in the year once decisions on the future of the waste collection/recycling service have been taken.

PLACE - DELIVERING SUSTAINABLE NEW HOUSING AND INFRASTRUCTURE

Portfolio: Councillor Tom Jones (Planning)

Portfolio Projects and Initiatives

Project / Initiative	Target Completion	Current Status	Update
The Local Plan (Part 2)	March 2018		Work on the Local Plan (Part 2) is progressing to Pre-Submission stage but running slightly behind schedule. The public consultation is not due to start until April/May 2017. Work continues, but the outcome of the Judicial Review (JR) will need to be factored into the project timeframe in due course. The hearing for the JR is on 8 th /9 th February, with a decision expected 8-10 weeks after.
Neighbourhood Plans	February 2020		All current Neighbourhood Plans are progressing in line with planned timeframes and expected milestones. A Neighbourhood Plans Officer is now in post to enhance the support and accelerate the process wherever possible.
Newhaven Port Access Road (ESCC Project)	April 2019 (revised)		ESCC continue to develop the detailed design. Procurement documentation is being prepared and the scheme is scheduled to go out for tender in Spring 2017. Following agreement of the contract price, final submission of the business case to the Department for Transport is planned for early Summer 2017. Once the business case has been fully assessed consideration will be given to funding which is expected later in the year. Construction is expected to start in late Summer 2017 with completion anticipated in early 2019.
Upper Ouse Flood Protection and Water Prevention Project	March 2019		The project is on track and there are no significant issues arising.

Key Performance Indicators

KPI Description	2016-17 Target	Q1 Apr-June	Q2 July-Sept	Q3 Oct-Dec	Status	Explanatory Note
Percentage of major planning applications determined within 13 weeks (LDC only)	80%	100%	100%	88%		There were 6 major planning applications determined during the third quarter compared to 12 during the same period last year.
Percentage of minor planning applications determined within 8 weeks (LDC/SDNP combined)	75%	66%	88%	90%		Validation times for minor planning applications improved for the third consecutive quarter and is now comfortably above target.
Percentage of all planning appeals allowed (officer/committee decisions)	Less than 33%	40%	0%	33%		There were 4 planning appeals during Q3. 2 of the appeals were allowed by the Planning Inspectorate. Both of these were determined by planning officers under delegated authority.
Number of major applications for new housing granted planning permission following appeal (LDC Only)	0	1	0	1		There was 1 major application for new housing granted planning permission following appeal in the third quarter. The application was for 63 dwellings, at Mitchelswood Farm, Newick.
Percentage of major planning applications allowed on appeal (as a percentage of all major applications made to LDC)	Less than 10%	50%	0%	16%		The only major application allowed on appeal was for 63 dwellings at Mitchelswood Farm, Newick. Six major applications in total were determined by the Council in the last quarter.
Outcome of planning appeals (Costs awarded (£))	Data Only	£0	£0	£0		No costs were awarded during the third quarter of the year.
Number of appeals where the Inspector has considered that there has been unreasonable behaviour by the Local Planning Authority	0	0	1	0		During the third quarter there were no appeals where the Inspector considered the Council had behaved unreasonably.



VALUE FOR MONEY

Portfolio: Councillor Elayne Merry (People and Performance)

Portfolio Projects and Initiatives

Project / Initiative	Target Completion	Current Status	Update
Joint Transformation Programme (JTP) (Implementation)	May 2020		On track. Progress of this project is reported separately to Cabinet.
Dementia Friends	March 2018		Ten Dementia Friends session for staff and councillors have been held to date with around 50 participants signing up to become Dementia Friends. A further five sessions is planned for the next quarter as well as recruitment of dementia friends champions. Dementia Action Alliances are now established in The Havens and Lewes town and both are formulating their action plans. Funding to support 3VA to assist in the further development of these Alliances is in place until March 2018.


Key Performance Indicators

KPI Description	2016-17 Target	Q1 Apr-June	Q2 July-Sept	Q3 Oct-Dec	Status	Explanatory Note
Average working days lost to sickness per FTE equivalent staff	9.0 days	3.0 Days	2.0 days	2.7 days		Performance has dipped in quarter 3 but is still below levels reported during 2015/16.
Number of relevant staff/councillors receiving dementia awareness training	Data Only	7	0	3		Further staff/councillor sessions are planned for the forthcoming quarter.




CUSTOMERS – IMPROVED CUSTOMER SERVICE



Portfolio: Councillor Tony Nicholson (Customers and Partners)

Portfolio Projects and Initiatives

Project / Initiative	Target Completion	Current Status	Update
Devolution of Open Spaces	March 2017		Work has recommenced with Newhaven Town Council. Progress is being made on the transfer of 5 sites and terms have been agreed. Discussions have re-opened with Lewes Town Council and the Legal team has been instructed to offer a transfer of sites at Malling and Landport Bottom on the same basis as that agreed with Newhaven TC. Discussions with Telscombe and Peacehaven Town Councils will commence within the next month. It is proposed that the target date for the project be revised to better reflect the current position.

Key Performance Indicators

KPI Description	2016-17 Target	Q1 Apr-June	Q2 July-Sept	Q3 Oct-Dec	Status	Explanatory Note
Average time taken to answer telephone calls	Less than 30 seconds	13 seconds	12 seconds	10 seconds		Speed of call answering via the Customer Hub continues to improve.
Proportion of complaints (received by Customer Hub) responded to within target (currently 2 working days)	99%	97%	97%	98%		Performance improved slightly during the last quarter. The target will need to be reviewed in light of the new telephony system that is being implemented from February 2017.
Number of new sign-ups to the Council's social media channels	Data Only	231	246	171		This is being monitored in 2016/17 to track growth in social media for the purposes of improved communications and responsive customer service.

KPI Description	2016-17 Target	Q1 Apr-June	Q2 July-Sept	Q3 Oct-Dec	Status	Explanatory Note
Number of people registering for our email service	1,500	766	2,271	1,070		There continues to be excellent take up of the email alert service which has been promoted through District News generally and in relation to specific projects. This is the first (baseline) year for monitoring and reporting this data. Targets for 2017/18 will set in light of actual sign up levels during 2016/17.
Wave Leisure: Visitors to leisure centres	945,000 (Revised)	234,787	204,418	213,087		Visitor numbers have picked up over the third quarter as predicted. The Autumn/Winter season tends to see more activity at the leisure centres as the summer outdoor activities tail off.

Agenda Item No: 9.2 **Report No:** 52/17
Report Title: Finance Update – Performance Quarter 3 - 2016/2017
Report To: Cabinet **Date:** 20 March 2017
Cabinet Member: Councillor Bill Giles
Ward(s) Affected: All
Report By: Alan Osborne, Deputy Chief Executive
Contact Officer(s)-

Name(s): Steve Jump
Post Title(s): Head of Finance
E-mail(s): steve.jump@lewes.gov.uk
Tel No(s): 01273 484257

Purpose of Report:

To provide an update on financial matters affecting the General Fund Revenue Account, the Housing Revenue Account and the approved Capital Programme.

Officers Recommendation(s):

That Cabinet:

- 1 Agrees the General Fund and Housing Revenue Account financial performance for the quarter ended 31 December 2016 as set out in section 3.
 - 2 Agrees the Treasury Management financial performance for the quarter ended 31 December 2016 as set out in section 7.
-

Reasons for Recommendations

- 1 A report on financial performance following the end of each quarter is made to Cabinet to ensure that the financial health of the General Fund, Housing Revenue Account, Council Tax and Business Rates Collection Funds and the Capital Programme are kept under continual review. It is essential to ensure that the Council has a sound financial base from which to respond to changing activity levels and demand for statutory services and to ensure that, when appropriate, its finances are adjusted in response to reducing income levels and inflationary pressures on expenditure.
- 2 The Council's Treasury Management function deals with very large value transactions on a daily basis. It is essential that the Council is satisfied that appropriate controls are in place and in accordance with the Code of Practice on

Treasury Management in the Public Services prepared by CIPFA (the Chartered Institute of Public Finance and Accountancy) and adopted by the Council.

Information

3 Financial Performance – General Fund Revenue budgets

3.1 Financial Performance at the end of Quarter 3 (December) 2016/2017 is shown below. Service details are shown at Appendix 1.

	Full year budget £'000	End Quarter 3 profiled budget £'000	End Quarter 3 actual £'000	End Quarter 3 variance £'000
General Fund Summary				
Director of Regeneration and Planning	42	(114)	(449)	(335)
Director of Service Delivery	9,698	7,442	7,003	(439)
Director of Tourism	759	580	692	112
Deputy Chief Executive	4,491	3,326	3,045	(281)
Corporate costs and income	798	352	655	303
Netting off of Central Support Services recharges included above	(3,971)	0	(319)	(319)
Net cost of Service provision	11,817	11,586	10,627	(959)
Contributions to/from Reserves	780	0	0	0
Total cost to be Financed	12,597	11,586	10,627	(959)

3.2 Actual financial performance to the end of Quarter 3 has been largely in line with service budgets. Items to note at this stage are:

- spending on staff (adjusted for payments in respect of agency staff providing cover for short-term absences and shared staffing arrangements with Eastbourne Borough Council) is below budget.
- income generating activities are performing in line with or exceeding projections eg income from planning fees at the end of Quarter 3 £319,000 compared with a full year budget £375,000, feed in tariffs generated by solar panels on Council-owned homes £189,000 compared with a full year budget of £203,000
- as previously reported to Cabinet, the share of business rates income to be received by the General Fund in 2016/2017 is expected to reduce for reasons outside the Council's control. The net reduction for the year is currently projected to be in the region of £241,000 (£280,000 projection at end of Quarter 2). This reduction in financing is not included in the table above.
- trends in housing benefit awarded and associated government subsidy, which can have a net impact on the net budget continue to be monitored and will be more identifiable later in the year.

- as previously reported, the timing of Joint Transformation Programme activity results in the delivery of some of the savings target of £400,000 being deferred into 2017/2018. This is currently offset by a managed vacancy process which will remain until the main restructuring is complete (in two phases during 2017/18 as set out in another paper on the agenda)

3.3 The amount held in the General Fund Uncommitted Reserve, which acts as a buffer against negative movements in the budget, is projected to be £2.3m at 31 March 2017 before any adjustment needed in respect of the items listed in paragraph 3.2. The table below shows the projected movements and balances of each Reserve, and is as reported to Council when it agreed the budgets and set the council tax for 2017/2018 at its meeting in February 2017.

		Balance at 1 April '16	Contributions & transfers	Commitment	Balance at 31 March '17
	Reserve	£'000	£'000	£'000	£'000
1	Strategic Change	(3,657)	(2,383)	3,939	(2,101)
2	Asset Maintenance	(2,653)	(303)	929	(2,027)
3	Vehicle and Equipment Replacement	(2,440)	(320)	215	(2,545)
4	Economic Regeneration	(351)	0	142	(209)
5	Revenue Grants and Contributions	(253)	0	69	(184)
6	Unallocated	(3,105)	813	0	(2,292)
7	TOTAL	(12,459)	(2,193)	5,294	(9,358)

4 Financial performance – Housing Revenue Account budgets

4.1 Financial performance at the end of Quarter 3 is shown on the next page.

	Full year budget £'000	End Quarter 3 profiled budget £'000	End Quarter 3 actual £'000	End Quarter 3 variance £'000
Housing Revenue Account Summary				
Income:				
Rents	(15,290)	(11,468)	(11,468)	0
Service charges	(1,156)	(868)	(868)	0
Other income	(219)	(165)	(131)	34
	(16,665)	(12,501)	(12,467)	34
Expenditure:				
Supervision and Management	534	397	369	(28)
Special Services eg sheltered	1,075	774	566	(208)
Repairs	3,686	3,112	2,881	(231)
Capital financing, etc	7,610	(20)	0	20
Central support charges, etc	3,241	0	0	0
Net cost of Service provision	16,146	4,263	3,816	(447)
Contributions to/from Reserves	519	0	0	0
	0	(8,238)	(8,651)	(413)

4.2 Spending and income is generally in line with service budgets and no significant variations have arisen since the Quarter 2 report to Cabinet. Spending on responsive and void repairs is demand led and can be expected to fluctuate during the course of the year.

5 Financial Performance –Business Rates and Council Tax

5.1 As reported to Cabinet in February 2017, projections of Business Rates and Council Tax at 31 March 2017 are as follows:

	Total £'000	LDC Share £'000
Business rates collection fund - deficit	1,386	555
Council tax collection fund - surplus	(1,700)	(266)

6 Financial Performance – Capital Programme

6.1 Details of capital programme spending at the end of Quarter 3 were reported to Cabinet in February 2017.

6.2 There are no variations to the capital programme requiring Cabinet approval.

7 Financial Performance - Treasury Management

7.1 Treasury Management investment performance at the end of Quarter 3 is shown in table below, along with the average 7-day London Interbank Bid (LIBID) Rate. All activity was consistent with the Council's approved Treasury and Investment Strategy for 2016/2017.

Type of investment	Average return in Q1 %	Average return in Q2 %	Average Return in Q3 %	Average return Q1-Q3 %
Fixed term deposits	0.56	0.53	0.40	0.41
Treasury Bills	0.42	0.40	0.41	0.41
Bonds, certificates of deposit, etc	0.65	0.58	0.44	0.57
Money Market Funds	0.59	0.52	0.40	0.49
Interest Bearing Accounts	0.40	0.24	0.16	0.23
Total investments	0.56	0.52	0.35	0.40
7-day LIBID benchmark	0.36	0.20	0.23	0.23

7.2 No new borrowing was undertaken in the period. Long term borrowing remains at £56.6m.

8 Financial Appraisal - referred to under individual items above.

9 Legal Implications - there are no legal implications arising from this report.

10 Risk Management Implications

10.1 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 expenditure 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.

10.2 An additional risk is that reserves and balances will be drawn upon sooner than is necessary unless an assessment is made of resource implications where activity levels have fallen or risen to any significant degree. This risk is mitigated by identifying such areas, making an assessment covering the short and medium term and taking corrective action.

11 Equality Screening

This Finance Update is a routine report for which detailed Equality Analysis is not required to be undertaken. The equality implications of individual decisions relating to the projects/services covered in this report are addressed within other relevant Council reports.

Background Papers:

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

Appendices:

Appendix 1 – Financial performance Quarter 3 by service

Financial Performance Quarter 3 – Service details

	Full year budget £'000	End Quarter 3 profiled budget £'000	End Quarter 3 actual £'000	End Quarter 3 variance £'000
Director of Regeneration and Planning				
Assets and Property				
: Investment Properties	(197)	(138)	(158)	(20)
: Industrial Estates	(669)	(501)	(482)	19
: Public Conveniences	221	159	169	10
: Car Parking	(350)	(468)	(474)	(6)
: Office Accommodation	465	384	333	(51)
: Solar Panel installations	(147)	(106)	(175)	(69)
: Depots	111	95	91	(4)
Sub-total	(566)	(575)	(696)	(121)
Planning				
: Development Control	(822)	(615)	(656)	(41)
: Planning Policy	25	19	16	(3)
: Planning Policy - Conservation	0	0	0	0
Sub-total	(797)	(596)	(640)	(44)
Regeneration				
: Economic Development	464	348	195	(153)
: Newhaven Enterprise Centre	(140)	(105)	(91)	14
: Property Portfolio/Regeneration	0	0	30	30
: Street Naming	8	6	7	1
Sub-total	332	249	141	(108)
Salaries and Administration				
: Property	384	289	335	46
: Strategic Policy	444	334	249	(85)
: Salaries, management, admin costs	245	185	162	(23)
Sub-total	1,073	808	746	(62)
Director total	42	(114)	(449)	(335)
Director of Service Delivery				
Community				
: Building Control	(342)	(257)	(225)	32
: Regulatory Services - Travellers sites	17	17	17	0
: Community Safety	9	6	2	(4)
: Voluntary Sector Support	212	160	160	0
: Town and Parish Council grant	201	101	101	0
Sub-total	97	27	55	28

	Full year budget £'000	End Quarter 3 profiled budget £'000	End Quarter 3 actual £'000	End Quarter 3 variance £'000
Environmental Health and Licensing				
: Regulatory Services - Licensing	(188)	(141)	(181)	(40)
: Regulatory Services - Public Health	36	29	32	3
: Regulatory Services - Food Safety	3	2	2	0
: Regulatory Services - Environmental Protection	21	16	14	(2)
: Regulatory Services - Health and Safety	13	(2)	16	18
: Regulatory Services - Port Health	2	1	1	0
: Regulatory Services - Animal and Pest Control	19	14	9	(5)
: Coast Protection	8	15	7	(8)
: Flood Defence	143	141	142	1
: Cemeteries	(15)	(16)	(19)	(3)
Sub-total	42	59	23	(36)
Housing (General Fund)				
: Homelessness	150	176	168	(8)
: Housing Strategy, Enabling and Advice	20	15	5	(10)
: Private Sector Housing Renewal	11	9	(1)	(10)
: Contributions to the HRA re shared items	166	0	0	0
: Housing Benefit Administration	82	62	(56)	(118)
: Housing Benefit	(460)	(442)	(443)	(1)
Sub-total	(31)	(180)	(327)	(147)
Local Taxation				
: Council Tax Support Scheme Mgt	15	11	(3)	(14)
: Local Tax Collection - Council Tax	(55)	84	98	14
: Local Tax Collection - Business Rates	(134)	(133)	(112)	21
Sub-total	(174)	(38)	(17)	21
Parks and Playing Fields				
: Open Spaces	358	278	260	(18)
: Sports and Playing Fields	243	165	174	9
Sub-total	601	443	434	(9)
Waste and Recycling				
: Recycling	965	735	717	(18)
: Waste Collection	919	847	666	(181)
: Street Cleansing	651	553	529	(24)
: Vehicle Workshop	402	311	306	(5)
Sub-total	2,937	2,446	2,218	(228)
Salaries and Administration				
: Customer Services - Planning Revenues and Benefits	1,945	1,464	1,462	(2)
: Housing and Environmental Health	2,656	1,999	1,991	(8)
: Hub, Mobile Team and Parks	1,295	974	933	(41)
: Waste and Recycling	330	248	231	(17)
Sub-total	6,226	4,685	4,617	(68)
Director total	9,698	7,442	7,003	(439)

	Full year budget £'000	End Quarter 3 profiled budget £'000	End Quarter 3 actual £'000	End Quarter 3 variance £'000
Director of Tourism				
Tourism				
: Tourism	131	102	133	31
: Culture and Heritage: Arts Development	7	5	0	(5)
Sub-total	138	107	133	26
Wave Leisure				
: Culture and Heritage - Newhaven Fort	110	84	85	1
: Indoor Leisure - Wave	511	389	474	85
Sub-total	621	473	559	86
Director total	759	580	692	112
Deputy Chief Executive				
Corporate Services				
: Emergency Planning	23	17	17	0
: Organisational Development	120	90	40	(50)
: Treasury Management	58	49	47	(2)
: Local Land Charges	(90)	(68)	(58)	10
Sub-total	111	88	46	(42)
Democratic Services				
: Democratic Representation	260	195	200	5
: Electoral Registration	79	60	42	(18)
: Elections – LDC	8	6	4	(2)
: Elections – other	0	0	(1)	(1)
Sub-total	347	261	245	(16)
Salaries and Administration				
: Business Strategy and Performance	493	371	323	(48)
: Legal Services	417	372	313	(59)
: Finance	675	507	478	(29)
: Audit, Fraud and Procurement	266	200	189	(11)
: Democratic Services	366	275	273	(2)
: Information Technology	1,420	1,018	955	(63)
: HR service	250	125	129	4
: Recruitment and Training	146	109	94	(15)
Sub-total	4,033	2,977	2,754	(223)
Director Total	4,491	3,326	3,045	(281)
Corporate costs				
: Corporate Management	160	120	221	101
: CMT - Salaries, management, admin costs	560	421	391	(30)
: Interest payments and receipts	(180)	(135)	(111)	24
: Pensions accounting	215	161	154	(7)
: Service Priority budget and savings target	(287)	(215)	0	215
: Provision for Debt Repayment	330	0	0	0
	798	352	655	303

	Full year budget £'000	End Quarter 3 profiled budget £'000	End Quarter 3 actual £'000	End Quarter 3 variance £'000
Netting off of Central Support Services recharges included above	(3,971)	0	(319)	(319)
Net cost of Service provision	11,817	11,586	10,627	(959)
Contributions to/from Reserves	780	0	0	0
Total cost to be Financed	12,597	12,171	10,627	(1,544)
Financing				
: Council Tax	(6,996)	0	0	0
: Retained Business Rates	(2,430)	0	0	0
: Government Grants	(3,171)	(2,378)	(2,378)	0
Total Financing	(12,597)	(2,378)	(2,378)	0

Agenda Item No: 9.3 **Report No:** 53/17

Report Title: Establishment of a Joint Housing Investment Partnership with Eastbourne Borough Council

Report To: Cabinet **Date:** 20th March 2017

Cabinet Member: Councillor Ron Maskell

Ward(s) Affected: All

Report By: Ian Fitzpatrick, Director of Service Delivery

Contact Officer(s)-

Name(s): Jessica Haines
Post Title(s): Project Lead – Housing Delivery
E-mail(s): Jessica.haines@eastbourne.gov.uk
Tel No(s): 017814921262

Purpose of Report: To up-date Members on progress with the establishment of a joint housing and regeneration investment vehicle with Eastbourne Borough Council as previously approved.

To propose the establishment of a Lewes Housing Investment Company to make sure the Council has the right overall capacity to maximise housing investment and funding opportunities.

Officers Recommendation(s):

1. To note progress made under previous delegation to the Director of Service Delivery and the Assistant Director of Legal and Democratic Services, in consultation with the Lead Member for Housing and their counterpart at Eastbourne Borough Council to undertake work to set up a joint Lewes District Council/Eastbourne Borough Council wholly owned housing investment vehicle (JHIP).
2. Approve, under the same delegation, work to set up a solely owned Lewes Housing Investment Company (LHICL) to make sure the Council has the right structure to maximise housing investment and funding opportunities.
3. Incorporate and agree the governance structure for the two new investment vehicles in line with section 6. of this report.
4. Allocate up to £20m as in section 4 in the Council's capital programme and approve delegated authority arrangements to progress the first phase of delivery for both companies.

Reasons for Recommendations

5. At the 16th November 2016 meeting Cabinet approved that work be undertaken to set up a joint LDC/EBC wholly owned housing investment company and that consideration also be given to an LDC solely owned housing investment company in the event that the establishment of a joint company was not considered appropriate or was not agreed by EBC
- 5.1 Since November 2016 further specialist advice has been received which has indicated that it would be most advantageous for the Council to have both;
- i. joint Housing Investment Partnership (JHIP) vehicle with EBC
 - ii. a solely owned housing investment company (LHICL)
- 5.2 This report provides:
- the business case to support the proposal for the two new vehicles
 - detail on how the joint partnership and Lewes company will operate including legal advice on the best forms of company
 - an explanation of their respective primary focus and inter-relationship
 - for approval an associated set of governance arrangements and financial delegations so that first phase delivery can be progressed.

Information

- 6.0 EBC have also agreed to work to set up a new joint investment vehicle. Detailed discussions with EBC have been based on a target incorporation date of 1st April 2017. In parallel Eastbourne Borough Council have been reviewing how a joint investment vehicle would operate in relationship to its already established solely owned housing investment company (EHICL).
- 6.1 Across the two authorities the most recent specialist and legal advice is that three similar wholly owned subsidiaries would provide the best overall structure as illustrated in Appendix 1 i.e;
- A joint Limited Liability Partnership between the two Councils (Joint Housing Investment Partnership, JHIP)
 - The existing Eastbourne Housing Investment Company Ltd (EHICL)
 - A new Lewes Housing Investment Company (LHICL)
- 6.2 Working together the two councils can support respective housing delivery by having three such vehicles and the advice is that this will:
- maximise housing investment and funding opportunities
 - create a corporate framework which optimises the allocation and retention of internal funding.

- 6.3** The proposed structure also simplifies the sharing of necessary officer skills in managing and delivering future projects, allows the councils to choose to share risk on larger ventures and provides a stronger financial platform for new activities.
- 6.4** The business case for the proposed structure is that:
- Through EHICL and LHICL each Council can individually undertake more commercial development, place shaping activities and hold associated respective assets, in a way which meets legal and regulatory requirements and ensures that each authority has distinct control over such assets.
 - The JHIP can act as the asset holding vehicle for affordable housing properties developed through the EHICL and LHICL commercial development programmes. It will enable both councils to progress housing and regeneration opportunities where combining scale or operating efficiencies improves the feasibility and business cases
 - The joint Member level joint strategic co-ordination Board would have a programme level oversight and make recommendations that ensure the most efficient placing of assets and utilisation of internal funding such as right to buy receipts.
- 6.5** EHICL is already established as a wholly owned subsidiary of EBC. It is a company limited by shares with 5 directors on the company board. (2 x EBC officers at Director level, 2 x Members 1 x independent Chair) It is proposed that LHICL is established on an equivalent basis with a target incorporation date of 1st April 2017.
- 6.6** It is proposed that the best model for the JHIP is that it should be established as a Limited Liability Partnership (LLP) with joint membership comprising Eastbourne Borough Council and Lewes District Council.

Financial Appraisal

- 7.** The initial cost of setting up the proposed JHIP, developing the business case and investment proposals was estimated to be £30,000 per authority. This was approved to be funded from the General Fund budget for service priorities. Actual costs are still projected to be £30,000 at present.
- 7.1** The scale of potential new housing development requires new vehicles and a new structure if the Council wants to maximise housing delivery and associated regeneration beyond the constraints of the HRA.
- 7.2** Whilst the Council has already started developing new housing again, through the HRA, this has been at a modest level; over the last 2 years a small programme of 22 new homes has been delivered on a number of garage and infill sites. These schemes are nearing completion.
- 7.3** A next phase of new housing delivery is being brought forward through the HRA within headroom constraints and to utilise RTB receipts with more

imminent payback deadlines. (43 new affordable homes on similar sites with a net borrowing requirement of around £5m.)

- 7.4** The potential for a much more ambitious programme of new housing delivery in Lewes has been assessed and set out in pipeline programme form to indicate the potential scale of:
- Delivery via LHICL to make sure the Council can progress larger mixed tenure schemes often with a wider regeneration benefit. 109 new homes with a net borrowing requirement of in the region of £10m.
 - Transfer to JHIP of the affordable housing elements of LHICL delivery required under planning policy, Section 106 and delivery of affordable schemes beyond the capacity of the HRA where the Council wants to take a direct enabling and place shaping role.
- 7.5** The pipelines have provided an indication of potential schemes, tenure mix and the level of funding required to support delivery. The scale and focus of overall investment, and decisions on larger individual schemes, will remain matters for Cabinet approval.
- 7.6** If the new structure of companies and governance is approved it is proposed that more general delegations are made to enable the relevant programmes of housing to be brought forward most effectively:
- LHICL: £ 10m by way of loan for the delivery of new mixed tenure homes and associated activities
 - JHIP: £10m by way of loan for the delivery of new mixed tenure homes and associated activities
- 7.7** The lending to the companies and/ or partnerships will form part of the Councils treasury management strategy and create a revenue income stream for the General Fund.
- 7.8** The joint housing investment board will exercise delegated control on overall levels of development, individual loan tranches and larger transactions and will also determine which schemes are brought back to respective Cabinets for separate approval.

Legal Implications

- 8.** The principle overarching power which the Councils will rely on to form and participate in an the proposed LLP is Section 1 Localism Act 2011 ("General Power of Competence").
- 8.1** The Council may in addition rely on a number of other powers in relation to specific aspects of its arrangements with the LLP over time, such as its housing powers, its powers to acquire and dispose of land, its powers to borrow and to invest, its powers to provide financial assistance for privately let housing and its powers to provide advances to persons to acquire or erect buildings. Some of

these powers are subject to the need for the consent of the Secretary of State and where a general consent does not apply a specific application will be made.

- 8.2** The General Power of Competence (GPC) gives a local authority has the power to do anything that individuals generally may do. The power applies to things that an individual may do even though they are in nature, extent or otherwise unlike anything the authority may do or unlike anything that other public bodies may do. Where the GPC is conferred on the Council to do something, it can do it in any way whatever, including for, or otherwise than for, the benefit of the Council, its area or persons resident or present in its area.
- 8.3** There are however limitations to the extent of the GPC and in particular those set out in Section 2 of the Act are:
- (a)** if the exercise of the GPC overlaps with a pre-commencement power then GPC is subject to the same restrictions as that power;
 - (b)** GPC does not enable the Council to do anything which it is unable to do because of a pre-commencement limitation;
 - (c)** GPC does not enable the Council to do anything which it is unable to do because of a post commencement limitation which is expressed to apply to GPC.
- 8.4** Whilst the existence of an overlapping existing power does not limit the generality of the general power, if a pre-commencement power is subject to restrictions, those restrictions apply also to exercise of the general power in so far as it is overlapped by the pre-commencement power. On the other hand an existing power is not limited by the existence of the general power.
- 8.5** The general power confers power on a local authority to do things for a commercial purpose only if they are things which the authority may, in exercise of the general power, do otherwise than for a commercial purpose.
- 8.6** A local authority may not, in exercise of the general power, do things for a commercial purpose in relation to a person if a statutory provision requires the authority to do those things in relation to the person.
- 8.7** Where a local authority provides a service to a person otherwise than for a commercial purpose, and its providing the service to the person is done, or could be done, in exercise of the general power. The general power confers power to charge the person for providing the service to the person only if the service is not one that a statutory provision requires the authority to provide to the person, the person has agreed to its being provided, and ignoring this section and section 93 of the Local Government Act 2003, the authority does not have power to charge for providing the service.
- 8.8** Where, in exercise of the general power, a local authority does things for a commercial purpose, the authority must do them through a company as defined by the Act and this does not include a Limited Liability Partnership (LLP).
- 8.9** "Commercial purpose" is not defined in the Act. However a "company" is only be required if the primary or dominant purpose of the actions of the council

reliant on the GPC is commercial. Furthermore, the fact that some profit or surplus is made by the authority, does not mean it is acting for commercial purpose under the GPC. Whilst the LLP itself will have a “view to a profit” the Councils’ primary purpose in setting up the LLP in this instance is not commercial. The Council’s primary purposes are to undertake their public tasks and duties in relation to housing, place shaping and regeneration and are driven by socio-economic objectives for the benefit and improvement of their areas.

8.10 A number of local authorities have relied upon the GPC to form and participate in LLPs primarily for housing and regeneration purposes although these usually include a private sector development/investment partner.

Limited Liability Partnership

Section 2(1) of the Limited Liability Partnerships Act 2000 describes an LLP as an association of “two or more persons ... for carrying on a lawful business with a view to profit”. Persons for this purpose can include two corporate bodies such as a local authority.

“Business” is defined as including “every trade, profession and occupation”.

8.11 The key features of an LLP are that:

- It is a body corporate and a legal entity separate from its members
- Although not a company it an LLP is incorporated by registration at Companies House
- An LLP has unlimited capacity and can do anything that a legal person can do - it does not have shareholders nor directors as in a company but “members”.
- Members are those who subscribe to the incorporation document (must be two) and those who become members by agreement of the existing members. Members may be individuals or corporate bodies. In this case the members would be the two councils.
- LLP members have limited liability in that, generally, they do not need to meet the LLP’s liabilities. The members act as the LLPs agents and are only liable up to the amount they have contributed to the LLP. However, in some circumstances a member may have to contribute to the LLP’s assets, for example, if a member is guilty of misfeasance or falls within special clawback provisions under the Insolvency Act 1986 (see Insolvency)
- It is taxed as a partnership and so is “tax transparent”. This means that for tax purposes the business of the LLP is treated as carried on by its individual members and not by the LLP as a separate entity so the tax treatment of any profits will depend on the nature of the entities who are members. This tax transparency can only be switched off in limited circumstances, such as the failure of an LLP to carry on a business with a view to profit or when an LLP is in liquidation or is being formally wound up by order of the court. Where transparency is turned off the LLP will be taxed as a company.

- The LLP, rather than its members, will normally be liable to register for VAT as, in HMRCs view; the LLP constitutes a body corporate for this purpose.
- An LLP has the organisational flexibility of a partnership. The members are free to agree:
 - how to share profits;
 - who is responsible for management and how decisions are made;
 - when and how new members are appointed;
 - exit arrangements.
- Any members' agreement (LLP agreement) is a private document that is confidential to the members. It does not need to be publicly filed. The members agreement will set out the rights and duties as between themselves. In the absence of an agreement default provisions apply.
- It has no share capital. There are no capital maintenance requirements and, unless otherwise agreed between the members, there is no obligation for members to contribute capital to the LLP
- Its accounting and filing requirements are broadly the same as those of a company.
- An LLP may issue debentures and give fixed charges and floating charges over its assets in the same way as a company.

Risk Management Implications

9. The risks and issues of a council-owned HIC will be considered within the company business plan.

9.1 Further work to ensure due diligence will be undertaken and reported back to Cabinet at the point that LHICL and JHIP becomes active with future schemes.

Equality Screening

10. This report is not thought to require an equality assessment at this stage.

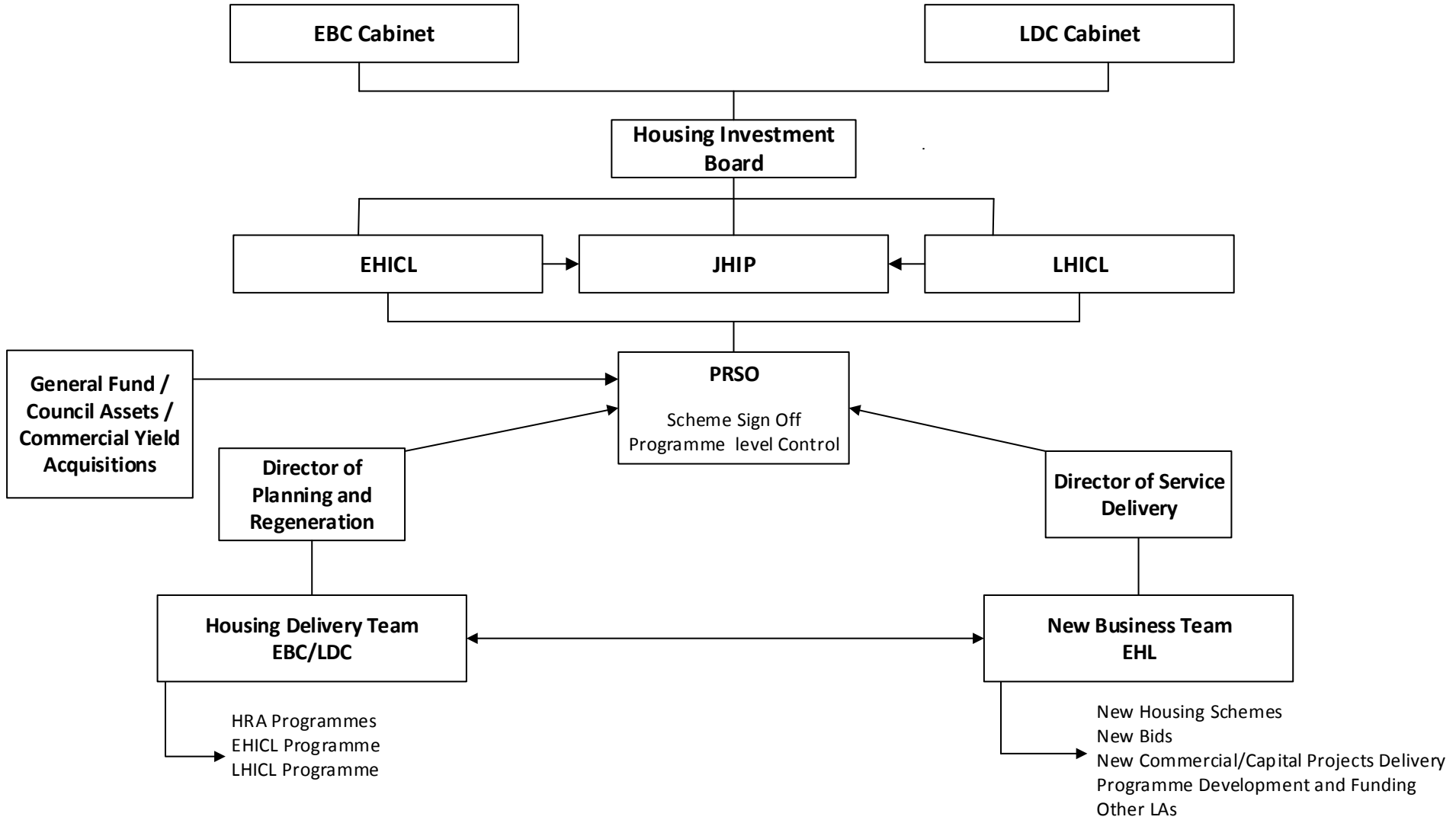
Background Papers

11. None.

Appendices

12. Appendix 1. Housing Investment Structure Chart

Housing Delivery & Investment



Agenda Item No: 9.4 **Report No:** 54/17
Report Title: Lewes District Community Safety Partnership Annual Report
Report To: Cabinet **Date:** 20 March 2017
Cabinet Member: Councillor Tony Nicholson, Cabinet Member for Customers and Partners
Ward(s) Affected: All
Report By: Ian Fitzpatrick, Director of Service Delivery
Contact Officer(s)-
Name(s): Harry Williams
Post Title(s): Community Safety Officer
E-mail(s): Harry.williams@lewes.gov.uk
Tel No(s): 07809100745

Purpose of Report:

To enable Cabinet to consider the current performance of the Lewes District Community Partnership (LDCSP) against the Lewes District Community Safety Plan and to outline issues that may potentially impact future crime and anti-social behaviour (ASB) performance.

Officers Recommendation(s):

- 1** That Cabinet approve the Community Safety Action Plan for 2016/17, as set out in Appendix C, which received full endorsement by the soft merged Eastbourne, Lewes District & Wealden Community Safety Partnership Strategy Group on 3rd November 2016.
 - 2** That Cabinet approve the Lewes District Community Safety Priorities for 2017/18 set out in Appendix E.
 - 3** That Cabinet grant delegated authority to the Director of Service Delivery –
(i) to implement and manage the Community Safety Action Plan 2016/17; and
(ii) to implement the Community Safety Priorities for 2017/18.
 - 4** That Cabinet note the points raised by the Scrutiny Committee, as set out in Appendix A, and the endorsement of the Community Safety Action Plan in the meeting 17 Feb 2017.
-

Reasons for Recommendations

5. For Cabinet to approve the Community Safety Action Plan for 2016/17 and Lewes District Community Safety Priorities for 2017/18 with adoption by Director of Service Delivery under delegated authority.

Information

6.0 Summary

- 6.1 Community Safety Partnerships (CSP) were initially established under the Crime and Disorder Act 1998. The Act required partnerships to be set up to consider and tackle crime at a local level and are often defined as an alliance of organisations which generate strategies and policies, implement actions and interventions concerning crime and disorder within their partnership area.
- 6.2 Central Government published the Modern Crime Prevention Strategy in May 2016 which builds on research, techniques and technology, aimed at addressing the changing nature of crime⁽¹⁾.
- 6.3 The LGA is currently undertaking a review into Community Safety Partnerships in light of the increasing recognition into the role Councils play in relation to Community Safety and the challenges of less funding and increased expectations⁽²⁾.
- 6.4 Both factors demonstrate the changing landscape of the CSPs.
- 6.5 Between 2011/12 to 2013/14 crime had substantially reduced. However owing to Sussex Police changing recording procedures in response to national guidelines, a substantial increase in overall crime was experienced in 2014/15. This increase has begun to level out and performance compares favourably when considered alongside our 'Most Similar Group' (see Appendix B).
- 6.6 Central Government funding changes continue to impact on local delivery structures. This is likely to affect policing and Police & Crime Commissioner funding of the CSP in 2017/18.
- 6.7 Enhanced work at a local level for Prevent, in addition to Protect & Prepare, is essential to respond to the Councils new legal duty and the impact of cybercrime will be a continuing priority for the future. The CSP is responding to these challenges by continued focus on partnership work to deliver the Community Safety Plan and improve crime reduction.

7.0 Lewes District Community Safety Plan & Priorities

- 7.1 The current Community Safety Plan has been developed in consultation with key partners including the Police and other members of the LDCSP. This is set out at Appendix C. It uses a standard countywide format, with a focus on what can realistically be achieved within current resource constraints. The priorities of the Police and Crime Commissioner (PCC), and Sussex Police, have been taken into account in developing this plan, as well key local

issues.

7.2 The 2016/17 LDCSP Priorities are attached as Appendix D. It should be noted that performance targets are reviewed at the end of each performance year. A copy of the performance objectives for 2017/18 have been attached as Appendix E.

8.0 Performance

8.1 Looking back to 2009/10 Lewes District was subject to around 4701 crimes within that year⁽³⁾ compared with 2013/14 when there had been 3638 crimes in this period - a reduction of 22.6%⁽⁴⁾.

8.2 By the end of 2015/16 Lewes District was subject to around 4357 crimes⁽⁵⁾. It should be noted that due to; (i) Sussex Police strict adherence to Home Office Crime Recording Procedures and (ii) the PPC led initiative to increase crime reporting in a number of categories including, domestic abuse, hate crime and sexual offences there had been a considerable increase in recorded crime.

8.3 However, by November 2016, crime appeared to be levelled off, with minor reductions being seen⁽⁶⁾.

8.4 Performance for 2015/16 compared with the baseline performance year 2014/15⁽⁵⁾ is set out below.

- Number of incidents of personal Anti-Social Behaviour reduced from 470 to 386 (-17.9%).
- Number of Burglaries at Dwellings increased from 136 to 142 (+4.4%).
- Number of people killed or seriously injured on our roads reduced from 82 to 71 (-13.4%)⁽⁷⁾.
- Reports of Domestic Abuse Crime increased from 445 to 551 (+23.8%)
- Number of incidents of Fly-Tipping reduced from 171 to 152 (-11.1%)⁽⁸⁾.
- Overall number of crimes increased from 3823 to 4357 (+14.0%)

8.5 Home Office data, which compares numerous categories of crime with other towns in our Most Similar Group, demonstrates that Lewes District compares favourably⁽⁹⁾:

November 2016 Data shows:

- 3rd lowest – overall crime
- 1st lowest – burglary
- 3rd lowest – Robbery
- 2nd lowest – vehicle crime

- Below median - Arson

9.0 Progress in Priority Areas during 2016/17

- 9.1 Locality Based Responses:** Actions set by the local Lewes District Joint Action Group have made a positive contribution to Community Safety in Lewes District.
- 9.2** The JAG has initiated the 'Peacehaven Taskforce', following from a series of criminal damage incidents, and supports the Town Council in tackling youth ASB in that area. Efforts include the commissioning of youth diversion activities and co-ordinating multi-agency activity. Further partnership work has again been developed to address ASB at the Landport Youth Centre. These are two recent examples of how the partnership is working with local communities to take action against crime and anti-social behaviour.
- 9.3** The recent purchase of Nomad CCTV Cameras, managed by Sussex Police, will also help to address issues relating to Criminal Damage and broader ASB. In addition, the cameras will begin to respond to local demands following from consultation with the Town & Parish Councils.
- 9.4** To begin positively changing perceptions towards crime and anti-social behaviour within the District, the re-launched Community Safety e-bulletin continues to promote the work of the CSP and its partners.
- 9.5 Road Safety:** There has been a slight reduction in the number of road deaths and serious injuries in 2015/16. The Community Safety Plan includes a number of activities relating to road safety.
- 9.6** The partnership has recently established a new Road Safety Action Group which is working to reduce the number of KSIs within Lewes District. The Group will be scrutinising collision investigation data to inform activity; surveying road users' current understanding and attitudes towards driving with an aim to encourage behaviour change; supporting and developing initiatives to reduce the number and severity of casualties; and promote Community Speedwatch, Operation Crackdown and national, regional and local campaigns.
- 9.7** The Road Safety Action Group reports to the Joint Action Group and includes an officer of the Council. This position will be filled by the Community Safety Officer.
- 9.8 Environmental Crime:** The continued development of 'Paws on Watch' and the 'Fly-tipping Reduction Campaign' have made a positive impact on environmental crime within the District.
- 9.9** There have been significant reductions in fly-tipping in four out of six hot-spot areas and membership for 'Paws on Watch' continues to grow –37 members as of December 2016.

- 9.10 Domestic Abuse:** In conjunction with Eastbourne Borough Council, the Council has been re-accredited as a White Ribbon Council due to the work of the CSP and its partners. A number of engagement events have been carried out this year which in turn raises awareness of Domestic Abuse.
- 9.11** The CSP continues to attend and endorse the Joint Eastbourne & Lewes District Domestic Abuse Working Group.
- 9.12 Youth:** In 2016/17 the Joint Action Group has financially contributed towards a number of initiatives design to prevent Youth Crime and ASB (see Appendix F).
- 9.13** Additional outreach work by Targeted Youth Support and Diversionary Activities in Peacehaven and Newhaven have been commissioned this year.
- 9.14** The CSP has continued its contributions towards the 'Youth Drop-in' run by the Sussex Community Development Association.
- 9.15** These activities are complementary to work of other agencies such as the Youth Offending Team, Targeted Youth Support, Sussex Community Development Association and East Sussex County Council.

10.0 Prevent, Protect & Prepare

- 10.1** The Counter-Terrorism and Security Act 2015, places a duty on all specified authorities (LDC is such an authority) in exercise of their functions to have due regard to "prevent" people from being drawn into terrorism. The current National threat level remains at "severe" and the risk of individuals being radicalised, usually through the internet, is likely to be with us for sometime.
- 10.2** Prevent is a priority for the Lewes District Community Safety Partnership and the legal duty placed on LDC has led to the development of a separate LDC Prevent Duty Action Plan. Safeguarding processes, staff training and other actions relating to the management of facilities have been progressed.
- 10.3** Reporting structures include, Corporate Management Team, the LDCSP and the East Sussex Prevent Board. Although classified as a low risk area, LDC is required to report on progress direct to the Home Office.
- 10.4** Prevent is a strand of work aligned to three others, namely, Protect, Pursue and Prepare, which together up Central Governments counter-terrorism strategy. Where the responsibility for Pursue sits primarily with the Security Services and the Police, there is a role for LDC in the other two strands: Protect and Prepare.
- 10.5** The protection of buildings & infrastructure and the mitigation of the impact from potential threats fall within this and work is being under-taken to ensure the council is proportionately addressing this risk.

11.0 Police and Crime Commissioner

- 11.1** The second election for the Police and Crime Commissioner (PCC) for each police area took place in May 2016. PCC's are responsible for policing and

crime performance and to hold the Chief Constables' to account

11.2 The Cabinet member for Customers & Partners, Councillor Nicholson is Lewes District's representative on the Police and Crime Panel (PCP) which has the powers over the PCC and, in particular, in terms of 'policing plan' and 'budget'. PCC's do not directly control local CSP's but directly impact LDCSP effectiveness by control of budget allocation and hold responsibility for monitoring CSP effectiveness.

12.0 Resource Implications

12.1 The Sussex Police and Crime Commissioner (PCC) maintains direct control of determining budget allocation to local CSPs⁽¹⁰⁾. This financial year the PCC allocated £21.9k to the LDCSP.

12.2 The Lewes District CSP is working with the East Sussex Community Safety Partnership to highlight the positive benefits of this funding, and it has recently been confirmed by the PCC that the same level of grant will be provided in the coming year.

13.0 Eastbourne, Lewes District & Wealden Community Safety Partnership 'Soft Merger'

13.1 In late 2015 the Police and Crime Commissioner for Sussex recommended that it would be appropriate for individual District and Borough Community Safety Partnerships to investigate merging options to reflect the new policing district boundaries and made efficiency savings.

13.2 After a universal agreement of the individual Eastbourne, Lewes District & Wealden CSPs it was agreed that the Districts and Borough would work towards establishing a new Strategy Group encompassing all three whilst enhancing and maintaining the District Joint Action Groups to deliver a local focus.

13.3 So far the soft merger has enabled greater strategic presence for the individual CSPs and facilitated cross border co-ordination on priority areas such as Scams & Rogue Trading.

13.4 In addition, it has successfully enhanced the JAG by freeing up resources to focus on local priorities and deliver greater multi-agency problem solving. This has been achieved by enhancing operational capabilities through broader partner participation. This in turn has developed JAG commissioning abilities as, similar to the CSP, the group has broadened its skills and knowledge to allow for greater identification of local demand and priorities.

13.5 The soft merger has been supported by the Eastbourne, Lewes District & Wealden Community Safety Partnership Steering Group who has the responsibility of monitoring progress. However, the steering group met in February to review progress thus far and at that point Wealden District Council indicated that they did not wish to continue to participate in the merger but to retain a separate Safer Wealden Partnership in the future. Eastbourne and Lewes Councils have agreed to continue with the soft

merger without Wealden.

- 13.6** The report to this committee last year resulted in Members expressing concerns regarding a potential risk that Lewes District issues may take a lower priority to those of other areas. This risk has been mitigated successfully through the Terms of Reference of the merged Board and in particular through enhancement of the Joint Action Group as set out above.

14.0 Staffing

- 14.1** As part of the EBC/LDC Joint Transformation Programme (JTP), in June 2016, the officers of the Eastbourne Community Safety Partnership (ECSP) were tasked to also undertake work for the Lewes District Community Safety Partnership.

- 14.2** Expertise, knowledge and best practice has been shared across the partnership and some areas of joint working are developing in response to Cybercrime, Scams & Rogue Trading.

- 14.3** Staffing for this area of work going forward will be addressed through the JTP restructure (Phase One) currently underway.

15.0 Financial Appraisal

- 15.1** Finance have made the following comments:

There are no direct financial implications for the Council arising from the recommendations set out in this report.

16.0 Legal Implications

- 16.1** References to relevant legislation are contained within the body of the report.

- 16.2** Cabinet is the appropriate executive body to agree the officers' recommendations above, with due regard to the comments made by Scrutiny on the Community Safety Plan and Priorities at its meeting on 17 February 2017.

- 16.3** Lawyer consulted 1 March 2017. Legal ref: 006124-LDC-OD

17.0 Risk Management Implications

- 17.1** Changes to the role of Police Community Support Officers (PCSOs), under the Local Policing Programme, present challenges in regards to low level anti-social behaviour (ASB) and may place additional responsibilities on the Council to tackle ASB within our partnership approach. As part of the EBC/LDC Joint Transformation Programme, a review of ASB policy is currently underway. It includes efforts to identify how the Councils could respond to non-tenant related ASB in light of changes under the LPP.

- 17.2** Powers under the Anti-Social Behaviour, Crime & Policing Act have enhanced Councils abilities to tackle ASB. Practice is being developed by

EBC and is to be shared across both Councils. Such efforts have been taken to ensure that the Council is prepared for possible changes to the management of low level ASB brought about by the LPP.

- 17.3** In view of the change in the nature of crime, where a major transfer to online crime and scams is taking place, it has reached the point where cyber offences are nationally outweighing those committed within the physical world. The new Home Office advice, presented within the Modern Crime Prevention Strategy⁽¹⁾, introduced above, focuses on this and efforts by the LDCSP have already begun. Cybercrime is listed within the CSP priorities for 2017/18 and officer knowledge is being developed to respond to these demands. A focus on the publication of prevention advice will be taken whilst strategic and operational support for agencies, such as the police, will be co-ordinated by the CSP through the Community Safety Plan.
- 17.4** At the Safer Communities Board in December 2016, the Office of the Sussex Police & Crime Commissioner suggested that future funding from the PCC to the CSPs should be spent on projects which reflect PCC priorities. Such direction may present a risk to the commissioning of initiatives, and CSP effectiveness, in relation to local priorities.
- 17.5** Effective management of CSP finances has ensured that reserves, prior to PCC funding, are available to ensure that funding is available for the commissioning of projects/initiatives which match local priorities.
- 18.0** **Equality Screening**
- 18.1** The work of the Community Safety Partnership positively impacts on a number of groups across the District who share protected characteristics, so has a positive contribution towards our Equalities Objectives, and as this report is a progress update, it does not require an Equality Analysis.
- 18.2** However, the merger of the three Community Safety Partnerships was subject to its own Equality Analysis which was completed and signed off by the partnership at its first meeting in July 2016.

Background Papers

The Background Papers used in compiling this report were as follows:

1. *Modern Crime Prevent Strategy, Home Office*
2. *LGA Review into Community Safety Partnerships*
3. *Sussex Police Crime Data*
4. *Sussex Police Crime Data*
5. *Sussex Police Crime Data*

6. *Sussex Police Crime Data*
7. *Safer Sussex Roads Partnership Casualties Data*
8. *iQuanta Data produced by the Home Office compares Eastbourne against fourteen other similar towns in England on a rolling quarter. Crime Data produced monthly.*
9. *Report on Fly-tipping in 2014/15 and 2015/16*
10. *Central Government Legislation and Home Office Guidance*

A copy of the papers relating to this report can be obtained by contacting the Officer listed above.

Appendices

Appendix A – Minute extract from Scrutiny Committee meeting 17 February 2017

Appendix B – iQuanta Most Similar Group (MSG) grouping for Lewes District

Appendix C – Community Safety Plan Version 1.3

Appendix D – CSP Priorities for 2016/17

Appendix E – CSP Priorities for 2017/8

Appendix F – Copy of Lewes District Joint Action Group YTD spend for 2016/17

Appendix A

Scrutiny Committee – 17 February 2017

41 Lewes District Community Safety Partnership Annual Report

The Committee considered Report No 39/17 which detailed the Council's Community Safety Partnership Annual Report.

The Cabinet Member for Customers and Partners introduced the Report. He explained that the information detailed in paragraphs 14 to 14.6 on page 8 of the Report was no longer accurate, as he had been informed the day before the meeting that Wealden District Council (WDC) had decided not to continue to participate in the 'soft merger' of Community Safety Partnerships (CSP) in conjunction with Eastbourne Borough Council and Lewes District Council (LDC),.

The Cabinet Member brought the Committee's attention to the resource implications as set out in paragraphs 13 to 13.2 on page 8 of the Report. He explained that the Sussex Police and Crime Commissioner (PCC) maintained direct control over determining the budget allocation to local CSPs, and that this financial year the PCC had allocated £21.9k to the Lewes District Community Safety Partnership (LDCSP). The Committee queried how much was left in the PCC fund and how much had been approved, as it had queried at a previous meeting in 2016.

The Head of Business Strategy and Performance informed the Committee that out of the £505K in the PCC fund, LDC had been allocated £21K. She explained, however, that LDC also had a reserve fund of approximately £51K which was set aside in order to allocate funds for projects across the District.

The Community Safety Officer explained that he was in the process of establishing a Road Safety Action Group for the District which included representation from East Sussex Fire and Rescue, Sussex Police and East Sussex County Council. The aim of the Group was to identify and work to address problems relating to road safety.

Members of the Committee requested that they be put on the distribution list for communications and updates from the LDC Road Safety Action Group. They further requested broader publication by Officers.

CSO
and
HBS&

Resolved:

P

- 41.1** That the achievements and activities of the Lewes District Community Safety Partnership during 2016/17 and future risks/opportunities to performance as set out in Report No 39/17, be noted;
- 41.2** That the Community Safety Action Plan for 2016/17 which will be adopted by the Director of Service Delivery under delegated authority as set out in Report No 39/17, be endorsed;
- 41.3** That the levelling off of crime within performance years 2015/16 and 2016/17 and the favourable comparison of crime levels in our Most Similar Group as set out in Report No 39/17, be noted;
- 41.4** That the Cabinet Member for Customers and Partners, in their capacity as the Council's representative on the Community Safety Partnership, be asked to give further consideration to ways in which the Community Safety Grants programme could be promoted; and
- 41.5** That the Cabinet Member for Customer and Partners, in their capacity as the Council's representative on the Community Safety Partnership, be asked to promote the establishment of the Road Safety Group to ensure that those who wish to participate and/or feed in their views, knowledge and experience are able to do so.

CM for
C&P

CM for
C&P

Most Similar Groups

iQuanta Most Similar Group (MSG) grouping for Lewes District

CSP
Avon & Somerset –North Somerset
Cheshire – Cheshire East
Cheshire – Cheshire West and Chester
Essex – Epping Forest
Kent – Ashford
Lancashire – South Ribble
Lancashire – Wyre
Leicestershire – Hinckley and Bosworth
Leicestershire – North West Leicestershire
Nottinghamshire – South Nottinghamshire
Sussex - Arun
Sussex – Lewes
Warwickshire – Rugby
West Mercia –North Worcestershire
West Mercia –South Worcester

Appendix C

Lewes District Community Safety Partnership Action Plan – 2016 -17

(Priorities listed in East Sussex Safer Communities Plan)

October 2016

	Priority Title	Action	Person Responsible	Completion Date	Traffic Light	Priority
1.	ASB & Hate	Effective response and resolution of graffiti, dog fouling, litter & fly-tipping. Successful management and development of Paws on Watch.	Robin Fuller LDC	Ongoing.	Green.	1
2.	ASB & Hate	Peacehaven Youth ASB Action Groups (separate action plan)	Claire Lacey Town Manager Peacehaven T.C.	Ongoing Oct 2017.	Amber.	1
3.	ASB & Hate	Effective implementation of ASB legislation via partnership working	Harry Williams CSO EBC/LDC.	Ongoing PSPO by Oct 2017.	Amber.	1
4.	ASB & Hate	Deployment of Police Resources based on Threat, Risk & Harm.	Rob Lovell NPT Inspector Lewes	Ongoing.	Green.	1
5.	ASB, Hate & Reduce Crime	JAG Commission of Youth Local Initiatives	Bob Gough Crime Reduction EBC/LDC	Ongoing.	Green.	1 & 2

Appendix C

Lewes District Community Safety Partnership Action Plan – 2016 -17

(Priorities listed in East Sussex Safer Communities Plan)

	Priority Title	Action	Person Responsible	Completion Date	Traffic Light	Priority
6.	ASB, Hate & Reduce Crime	Fully integrate ASB/Hate Risk Assessment into LDC Processes.	Ed Hele LDC	March End 2017	Amber.	1 & 2
7.	ASB, Hate & Reduce Crime	Support & Active Involvement in ASBRAC meetings & Actions	NPT ASB Officer	Ongoing.	Green.	1 & 2
8.	Reduce Crime	Support Sussex Police enforcement alcohol & drugs Inc. Op Support	Rob Leet. District Commander	Ongoing.		2
9.	Reduce Crime & Fear	Increase Neighbourhood Watch in Newhaven	Harry Williams CSO EBC/LDC.	March 2018.	Amber.	2
10.	Reduce Crime & Fear.	Publish CSP Newsletter & Press Releases – Monthly – Develop Social Marketing initiatives	Harry Williams CSO EBC/LDC	Ongoing.	Green.	2

Appendix C

Lewes District Community Safety Partnership Action Plan – 2016 -17

(Priorities listed in East Sussex Safer Communities Plan)

	Priority Title	Action	Person Responsible	Completion Date	Traffic Light	Priority
11.	Reduce Crime & Fear	Preventative Advice to Elderly on Cyber Crime & Scams via Neighbourhood Watch marketing outlets.	Harry Williams CSO EBC/LDC	March End 2017.	Amber.	2
12.	Reduce Crime & Fear	Intelligence Led Operations on illegal drugs & psychoactive substances.	Rob Lovell NPT Inspector	Ongoing.	Green.	2
13.	Reduce Crime & Fear	Intelligence Assessment & Actions on Volume Crime via JAG.	Rob Lovell NPT Inspector. Bob Gough Crime Reduction EBC/LDC.	Ongoing.	Green.	2
14.	Reduce Crime & Fear	Purchase & Effectively Deploy 3x Nomad Cameras.	Rob Lovell NPT Inspector	Ongoing.	Green.	2
15.	Vulnerable Victims of Crime.	Communicate to communities to make aware of services available.	Ed Hele LDC	Ongoing.	Amber.	3

Appendix C

Lewes District Community Safety Partnership Action Plan – 2016 -17

(Priorities listed in East Sussex Safer Communities Plan)

	Priority Title	Action	Person Responsible	Completion Date	Traffic Light	Priority
17.	Vulnerable Victims of Crime & Domestic Abuse.	Encourage implementation & development of partnership referral system – ESF&RS and Sussex Police.	Rob Lovell NPT Inspector. Dave Sheppard ESF&RS Borough Commander.	Ongoing.	Green.	3 & 4
16.	Domestic Abuse.	Support Awareness Initiatives e.g. White Ribbon and the development of Ask Me.	Harry Williams CSO EBC/LDC	Ongoing.	Green.	4
18.	Domestic Abuse.	Support Domestic Abuse sub-group	Rob Leet District Commander	Ongoing.	Green.	4
19.	Domestic Abuse.	Support MARAC Processes & County wide initiatives via Safer Communities Board.	Bob Gough Crime Reduction EBC/LDC	Ongoing.	Green.	4
20.	Dwelling Fire Reduction	Continue Home Safety Visits –Investigate – all suspicious fires.	Dave Sheppard ESF&RS Borough Commander.	Ongoing.	Green.	5

Appendix C

Lewes District Community Safety Partnership Action Plan – 2016 -17

(Priorities listed in East Sussex Safer Communities Plan)

	Priority Title	Action	Person Responsible	Completion Date	Traffic Light	Priority
21.	Reduce K&SI	Develop Sub Group to focus on issues.	Dave Sheppard ESF&RS Borough Commander.	March 2017 & Ongoing.	Amber.	6
22.	Reduce K&SI	Promote Operation Crackdown.	Harry Williams CSO EBC/LDC.	Ongoing.	Amber.	6
23.	Reduce K&SI	Continue to Develop Community Speedwatch.	Rob Lovell NPT Inspector.	Ongoing.	Green.	6
24.	Reduce K&SI	Work with C7 Pressure Group to improve road safety	Graeme Beattie Sussex Safer Roads Partnership	Oct 2017.	Amber.	6
25.	Prevent	Undertake all actions required by Specified Authorities under CT. legislation (Joint Action Plan with EBC).	Bob Gough Crime Reduction EBC/LDC.	Ongoing.	Green.	6

Lewes District Community Safety Priorities 2016/17

Work in partnership to seek long lasting solutions to Anti-Social Behaviour (ASB): ASB remains a priority to the community and the police and partner agencies continue to receive many calls. The impact of anti-social behaviour can disproportionately affect the health and well being of residents and communities.

Promote community safety initiatives to reduce crime and the fear of crime: Crime levels in Lewes continue to be low but there is a disproportionate fear of crime that requires the partnership to reassure the public and promote the work that all partners undertake.

Work to protect and support vulnerable victims of crime: this is a new priority for the partnership, to acknowledge the importance of prioritising community safety work where vulnerable victims are involved.

Encourage the reporting of Domestic Abuse incidents: Lewes was at the forefront of the White Ribbon campaign and it continues to be a priority to encourage victims to report incidents to the police. Domestic violence is widely known to be an under reported crime which this priority aims to reverse.

Reduce the number of Dwelling Fires: We continue to work with partners to identify those most vulnerable from fire in our community, so that prevention support can be promptly delivered, such as Home Safety Visits, smoke alarm installations, well-being checks and further referral links to other agencies.

Reduce the number of Killed & Seriously Injured on Lewes District's roads: We continue to focus on making our roads safer for all road users across the district as the level remain unacceptably high.

Promote and contribute to the implementation of the Prevent agenda: We will provide awareness training to partners as part of this national anti-terrorism agenda.

Lewes District Community Safety Partnership

“Our vision is to improve people’s lives in Lewes District’s communities by working in partnership to reduce the levels of crime and anti-social behaviour and to manage the fear of crime.”



What are the priorities and why?

- **Community Engagement & Public Reassurance** – To continue to engage with the communities we serve and meet their needs in relation to community safety and public reassurance.
- **Environmental Anti-Social Behaviour** – Reducing arson, graffiti, fly-tipping, litter and dog fouling contributes to an improvement in the quality of life for the residents of Lewes District.
- **Road Safety** – To reduce the number of killed & seriously injured on Lewes District’s roads and to tackle anti-social driving.
- **Volume Crime** – The continued reduction of offences such as burglary, robbery and vehicle crime, makes Lewes District a better place to live, work and visit.
- **Anti-Social Behaviour (ASB) and Hate Crime** – To support the Police and other agencies in their work to give effective support to vulnerable and high risk victims of hate crime and ASB, as well as bringing offenders to justice.
- **Domestic Abuse and Sexual Offences** – To support the Police and other agencies in increasing the reporting of such offences as well as their work with victims and bringing offenders to justice.
- **Reduce the number of Dwelling Fires** – To support East Sussex Fire & Rescue Service and other agencies in their work to identify those most vulnerable from fire so that prevention support can be delivered.
- **Prevent Strategy** – To prevent the radicalisation of vulnerable members of our communities, thereby contributing to a reduction in extremism.
- **Substance Misuse and Psychoactive Substances** – Causal links to crime, anti-social behaviour and health.
- **Cybercrime, Scams & Rogue Trading** – To market prevention advice and support agencies such as the Police and Trading Standards in working with victims and bringing offenders to justice.



LEWES DISTRICT COMMUNITY SAFETY PARTNERSHIP

Summary of Lewes District Joint Action Group (JAG) YTD spend for 2016/17.

Introduction

The Lewes District Joint Action Group has approved ten requests for funding so far in performance year 2016/17. The total spend is £28,952.22 with £3,891.78 remaining from PCC funding for 2016/17.

The commissioned projects/initiatives cover a number of the LDCSP priorities – including Work in partnership to seek long lasting solutions of anti-social behaviour; Promote community safety initiatives to reduce crime and the fear of crime; Work to protect and support vulnerable victims of crime; Encourage the reporting of domestic abuse incidents; Promote and contribute to the implementation of the Prevent Agenda.

Application 1 – Property Marking Pens

The Lewes District Joint Action Group awarded £897 towards the 'Property Marking Pens' project – developed by Sussex Police. The initiative provides UV property marking pens to the general public at engagement events and as part of crime prevention packages. It's aim is to encourage the return of stolen property to victims by being able to identify the rightful owner.

The £897 covers the full amount of the project. It addresses priority 2 of the partnership.

Application 2 - Counselling for Survivors of Domestic Abuse

The Lewes District Joint Action Group awarded £250 towards 'Counselling for Survivors of Domestic Abuse' project –supported by the Lewes District Domestic Abuse Action Group. The initiative provides publicity materials to promote counselling to victims of domestic abuse –

Appendix F

preventing anxiety, depression, substance misuse and relationship problems connected to past trauma.

The £250 covers the full amount of the project. It addresses the partnership priorities 3 & 4.

The initiative began in November 2016 and a written report will be submitted in March 2017.

Application 3 – Paws on Watch

The Lewes District Joint Action Group awarded £1,118 to the 'Paws on Watch' initiative. The initiative sets out to gain intelligence and identify dog owners that allow their dogs to foul in public places by using the public as 'eyes and ears'.

The £1,118 covers the full amount of the project. It addresses the partnership priority 1.

Application 4 – Detached Youth Support

The Lewes District Joint Action Group awarded £3,323.74 towards the detached youth support services in Lewes – developed by ESCC Targeted Youth Support. The project provides flexible sessions targeted at specific 'hotspots' of anti-social behaviour across the Lewes District. The 'hotspots' reflect police operations and has included Seaford Bowls club. Its aim is to reduce problematic behaviour in young people.

The project addresses the partnership priority 2.

The initiative is ongoing and a full evaluation will be received in April 2017.

Application 5 – Fly-tipping Reduction Campaign

The Lewes District Joint Action Group awarded £376 towards the Fly-tipping Reduction Campaign – developed by Lewes District Council. The campaign sets out to deter perpetrators, and potential perpetrators, from fly-tipping by placing signage in key hotspots across Lewes District.

The £376 covers the full amount of the project. It covers the partnership priority 1.

The campaign began in July 2016 and finished October 2016. A written report will be provided by March 2017.

Appendix F

Application 6 – Seaford YTG Counselling

The Lewes District Joint Action Group conditionally awarded £900 to the Seaford YTG Counselling project –developed by the Seaford Community Partnership. Seaford YTG Counselling is a pilot scheme aimed at providing access to counselling services for young people who don't meet the statutory intervention criteria – preventing issues that impact directly on emotional wellbeing and other risk areas.

The £900 contributes towards a total cost of £1,200. The project addresses the partnership priority 1.

The pilot will run for six months once counsellor accreditation has been confirmed and a full report will be provided at the end of this period.

Application 7 – Healthy Conversations

The Lewes District Joint Action Group awarded £2,500 to Healthy Conversations – developed by the Salvation Army Housing Association. Healthy Conversations provides courses and workshops aimed at encouraging young people back into education whilst raising awareness of bullying, crime and safety. Healthy Conversations is held within the Newhaven Foyer, Newhaven Valley.

The £2,500 covers the total costs of the project. It addresses the partnership priorities 1, 2, 3, 4 & 7.

The project began in September and ended in January 2017. Healthy Conversations will continue as a self running project thereafter. A written report will be provided shortly.

Application 8 – Peacehaven Taskforce

The Lewes District Joint Action Group awarded £4,000 for the Peacehaven Taskforce – developed and managed by Peacehaven Town Council. Peacehaven Taskforce establishes club activities for 14-18 year olds to provide a diversion from committing anti-social behaviour in Peacehaven. This includes boxing classes and other construction sessions.

The £4,000 covers the full start up costs of the project. Peacehaven Town Council will continue with the running costs after the one year period of the project. It addresses the partnership priorities 1 & 2.

Peacehaven Taskforce launched in January 2017 and will run to December 2017. A full report will be given after this period.

Appendix F

Application 9 – Youth Drop-in

The Lewes District Joint Action Group awarded £4,719.48 for the Youth Drop-In project – ran by the Sussex Community Development Association. The project hosts drop-in sessions to provide information, advice and guidance for young people. It focuses on inspiring behaviour change and embed life skills – especially to those that are at risk of, or are involved in, anti-social behaviour.

The £4,719.48 is a contribution towards the running costs of the project. It addresses the partnership priorities 1, 2 & 7.

The funding began in October 2016 and ends in May 2017. A written report will be provided in April 2017 with an interim in February 2017.

Application 10 – Nomad CCTV cameras

The Lewes District Joint Action Group awarded £10,868 for the Nomad CCTV cameras project – run by members of the Joint Action Group. The project procures two Nomad CCTV cameras to be managed by Sussex Police based on their Threat, Risk & Harm model. The cameras focus on tackling anti-social behaviour across the District and respond to a rise in criminal damage against vehicles. In addition, it follows on from consultation with Town & Parish Councils across the District who've identified a need for further CCTV.

The £10,868 covers the full costs of the project. The funding came from historic reserves prior to PCC funding. It addresses the partnership priorities 1 & 2.

The project began in January 2017 and evaluation will be carried out in February 2018 with an interim report within this period.

Agenda Item No: 9.5 **Report No:** 55/17
Report Title: Public Space Protection Order – Reedens Meadows, Newick
Report To: Cabinet **Date:** 20 March 2017
Cabinet Member: Councillor Isabelle Linington
Ward(s) Affected: Newick
Report By: Ian Fitzpatrick, Director of Service Delivery
Contact Officer(s)-
Name(s): Christopher Bibb
Post Title(s): Project Co-ordinator
E-mail(s): christopher.bibb@lewes.gov.uk
Tel No(s): ext 5113

Purpose of Report:

To obtain Cabinet approval for a draft Public Space Protection Order in relation to Reedens Meadows, Newick, for consultation with the local community.

Officers Recommendation(s):

- 1 That Cabinet agree the draft Public Space Protection Order (PSPO) for Reedens Meadows, Newick, set out at Appendix 1, as the basis for statutory consultation.
- 2 That Cabinet grant delegated authority to the Director of Service Delivery –
 - (i) to carry out statutory consultation on the draft PSPO;
 - (ii) if necessary, to amend the content of the Order in light of consultation responses;
 - (iii) to make and publicise the Order in accordance with relevant legislation; and
 - (iv) to keep the Order under review; and to cease, renew or amend it at the end of its term, as appropriate.

Reasons for Recommendations

- 1 To deal effectively with the risk of anti-social behaviour at Reedens Meadows Newick

Information

2

- 2.1** Reedens Meadows is an 11.8ha parkland site on the edge of Newick approximately 6km from the Ashdown Forest. The site features areas of open countryside and areas of dense and scattered trees and scrub. It has been purchased by Thakeham homes to be used as mitigation to offset the impact of new development on the Ashdown Forest Special Protection Area (SPA).
- 2.2** Thakeham Homes purchased the site for their development at Newick Hill. Upon completion of the required landscaping works at the Reedens Meadows Site of Alternative Natural Greenspace (“SANG”), it is being passed to Lewes District Council (in accordance with the Leader’s decision of 17 October 2016) who will manage it thereafter in accordance with the Management Plan agreed between the Council and Thakeham Homes. It is estimated the transfer will happen during the summer of 2017. The SANG will be marketed to all the new development in the area to encourage people to use the site as an alternative to Ashdown Forest.
- 2.3** As the site is coming from private ownership into public ownership, there are no existing Byelaws covering the site. The Council needs an effective means of dealing with antisocial behaviour on the SANG. The most effective way of dealing with this is by the creation of a Public Space Protection Order (PSPO). The activities prohibited under the Order are those at risk of occurring at Reedens Meadows, based on those the Council has encountered on similar sites in the District. The Order will cover:
- (a)** Protection of plants and wildlife
 - (b)** Camping
 - (c)** Fires
 - (d)** Horse Riding
 - (e)** Motor Vehicles
 - (f)** Overnight Parking
 - (g)** Dogs

- 2.4** A PSPO enables local authorities to act early at a location where anti-social behaviour is likely to occur.

To create the Order, LDC must be satisfied on reasonable grounds that the two conditions in s. 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 are met, namely:

- (i) that it is likely that activities will be carried on in a public place and that they will have a detrimental effect on the quality of life of those in the locality; and
- (ii) that the likely effect of the activities –

- a. is of a persistent or continuing nature,
 - b. is such as to make the activities unreasonable, and
 - c. justifies the restrictions imposed by the notice.
- 2.5** The Order can last up to three years, after which it has to be reviewed in line with the Act. At any point before expiry, the council can extend a PSPO by up to three years if they consider that it is necessary to prevent the original behaviour from occurring or recurring. They should also consult with the local police and any other community representatives they think appropriate.
- 2.6** Enforcement of the PSPO can be carried out by a police officer, police community support officers, council officers or other person designated by the council. It is our intention to work with the police should enforcement be required.
- 2.7** Breach is a criminal offence. Enforcement officers can issue a fixed penalty notice of up to £100 if appropriate. A fine of up to £1000 can be issued on prosecution.
- 2.8** The Council must carry out a consultation exercise in accordance with Section 72 of the Act. Consultees will include: local Police, Newick Parish Council, local groups and representatives from the local community. The consultation will be advertised in the local Press and on the District and Parish Council websites.

Financial Appraisal

There are no significant financial implications arising as a direct result of the recommendations in this report. The cost of making the PSPO can be met from existing budgets. With a PSPO in place, early action can be taken in the event of anti-social behaviour, minimising potential costs to the Council.

Legal Implications

- 3** A Public Space Protection Order (“PSPO”) is designed to stop individuals or groups committing anti-social behaviour in a public space. The statutory framework for PSPOs is part 4, chapter 2 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”); this legislation specifies, among other matters, local authority powers to make PSPOs where certain criteria are met, duration of the Order, consultation requirements and enforcement.

A PSPO is a useful alternative to a byelaw where the area to be protected is quite specific in nature, requiring its own form of protection. Also, being limited to a maximum term of 3 years, the PSPO will be subject to formal review within that timespan to check whether it is still necessary and proportionate, by re-application of the tests under section 59 of the Act (as referred to in the body of the report).

In deciding whether to make a PSPO and what it should include, the Council must have particular regard to the rights of freedom of expression and freedom

of assembly set out in articles 10 and 11 of the European Convention on Human Rights. It is not considered that either of these Convention rights will be infringed by the proposed PSPO. Although the prohibition on camping could engage the right to freedom of assembly, it is lawful to place a restriction on this right for the protection of the rights and freedoms of others. The purpose in prohibiting camping is to enable all local people full and free access to the Meadows, and to protect the habitat from camping activity.

A PSPO must be publicised in accordance with regulations laid down in statutory instrument no. 201/2591.

The Order includes information about how its validity may lawfully be challenged.

Based on Land Registry's register of title to Reedens Meadows, there do not appear to be any legally held land interests which conflict with any part of the proposed PSPO.

Date of legal advice: 20 February 2017. Legal ref: 005833-LDC-OD

Risk Management Implications

- 5** The use of the Public Spaces Protection Order, in any capacity, is subject to rules governing applicability and consultation. As long as these are met, there is no risk to the Council risk is relatively low to the Council.

Equality Screening

- 6** An Equality Impact Assessment will be carried out if deemed to be necessary but it is anticipated that there will be no impact.

Background Papers

Newick SANG Ownership Proposal – Leader Decision

<https://lewes.cmis.uk.com/cmis5/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/505/Meeting/720/Committee/201/Default.aspx>

Appendices

Appendix 1: Draft Public Space Protection Order (PSPO) for Reedens Meadows, Newick

LEWES DISTRICT COUNCIL

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014, PART 4, CHAPTER 2

REEDENS MEADOWS PUBLIC SPACES PROTECTION ORDER 2017

Lewes District Council ("the Council"), in exercise of its power under sub-section 59(1) of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act"), being satisfied that the conditions set out in sub-sections 59(2) to (3) of the Act have been met, and having complied with the requirements of section 72 of the Act, makes the following public spaces protection order (the "Order"):

1. This Order shall be known as the Reedens Meadows Public Spaces Protection Order 2017.
2. The Order applies to the entire parcel of land in Newick, East Sussex, shown delineated by the red line on the plan comprising the Schedule to this Order ("Reedens Meadows").

3. BY THIS ORDER–

3.1 **Protection of Plants and Wildlife**

3.1.1 No person shall kill, injure, take or disturb any animal, or engage in:

- hunting;
- shooting;
- the setting of traps or nets; or
- the laying of snares.

3.1.2 No person shall intentionally remove or displace any tree, shrub, plant, fungus or part thereof for any purpose including removal for firewood.

3.2 **Camping**

No person shall, without the prior written consent of the Council, erect a tent, or use a vehicle, caravan or any other structure for the purpose of camping.

3.3 **Fires**

No person shall, without the prior written consent of the Council, light a fire or place, throw or drop a lighted match or any other thing likely to cause fire. [Page 67 of 83](#)

3.4 **Horse Riding**

No person shall ride a horse except in the exercise of a lawful right or privilege.

3.5 **Motor Vehicles**

No person shall, without the prior written consent of the Council, drive a motor cycle, motor vehicle or trailer.

3.6 **Overnight Parking**

No person shall, without the prior written consent of the Council, leave or cause or permit to be left any motor cycle, motor vehicle or trailer between the hours of 12 midnight and 6.00 a.m.

3.7 **Dogs**

A dog owner or person in charge of a dog must–

- (i) keep their dog under proper control at all times and not permit them to alarm or cause a nuisance to any other person or animal.
- (ii) pick up and remove their dog's faeces.

4. It is an offence for a person without reasonable excuse–

- (i) to do anything that the person is prohibited from doing under this Order, or
- (ii) fail to comply with a requirement to which the person is subject under this Order.

5. A person guilty of an offence under paragraph 4 above is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

6. This Order commences on [*date*] and ends on [*date – no more than 3 years after commencement date*] unless extended under section 60 of the Act.

7. Any person who lives or regularly works in or visits Reedens Meadows may, by way of an application filed with the High Court within six weeks of the date on which the Order is made, challenge the validity of this Order on the grounds that–

- (i) the Council did not have power to make the Order, or to include particular prohibitions or requirements imposed by the Order;
- (ii) a requirement under Part 4, Chapter 2 of the Act was not complied with in relation to the Order.

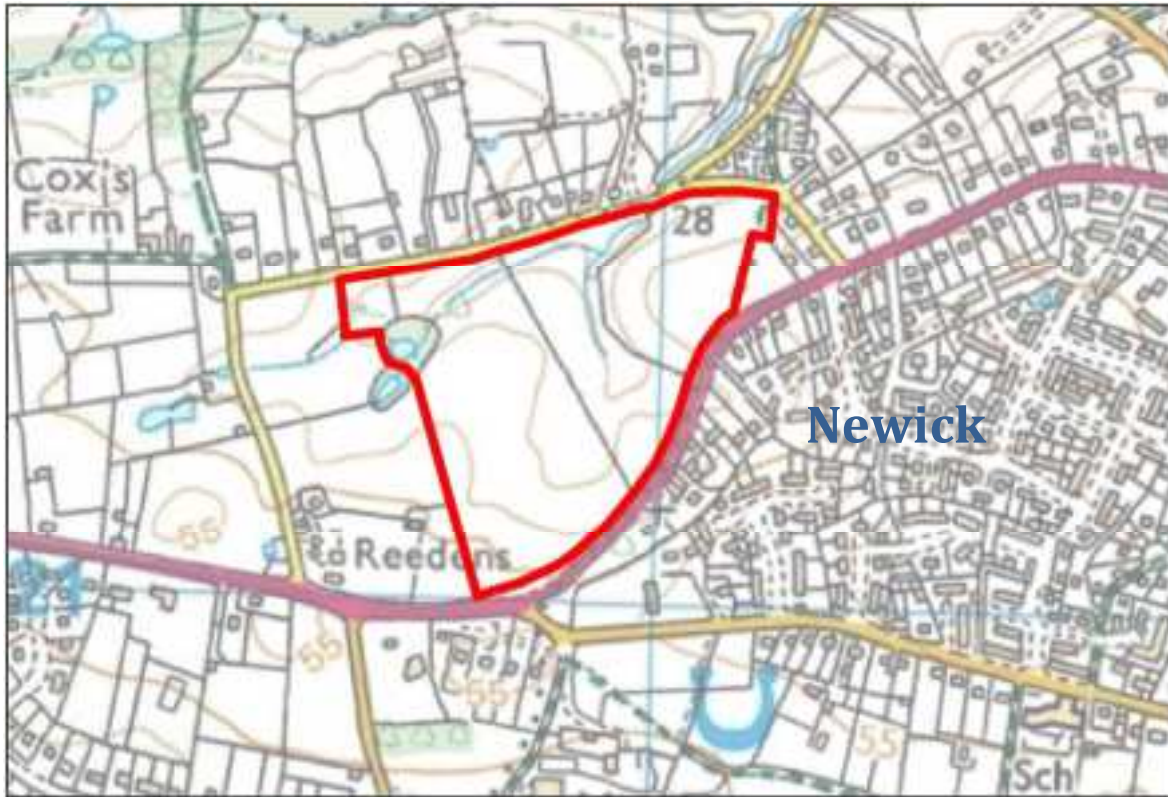
GIVEN under the COMMON SEAL of LEWES DISTRICT COUNCIL this [*nth*] day of [*month*] 2017 in pursuance of a resolution of the Council passed on the [*nth*] day of [*month*] 2017

THE COMMON SEAL OF LEWES)
DISTRICT COUNCIL was hereunto)
affixed in the presence of:)

Authorised signatory

SCHEDULE

Reedens Meadows



Agenda Item No: 9.6 **Report No:** 57/17
Report Title: Railway Quay, Newhaven
Report To: Cabinet **Date:** 20 March 2017
Cabinet Member: Cllr Bill Giles
Ward(s) Affected: Newhaven, Denton & Meeching Ward
Report By: Nazeya Hussain – Director of Regeneration & Planning
Contact Officers-

Name(s): Peter Sharp
Post Title(s): EZ Newhaven Programme Manager
E-mail(s): peter.sharp@lewes.gov.uk
Tel No(s): 01273 484044

Name(s): Bee Lewis
Post Title(s): Head of Property & Facilities
E-mail(s): bee.lewis@lewes.gov.uk
Tel No(s): 01323 415521

Purpose of Report:

To provide an overview of the potential purchase of Railway Quay - one of the eight key sites that form the Newhaven Enterprise Zone, which commences in April 2017.

Officers Recommendation(s):

- 1** To note the successful application to Coast to Capital Local Enterprise Partnership (LEP) for capital grant funding from the Local Growth Fund to support the purchase of Railway Quay, one of the eight key sites that form the new Newhaven Enterprise Zone.
- 2** To authorise the Director of Regeneration & Planning in consultation with the Lead Member for Finance, the Deputy Chief Executive, and the Assistant Director of Legal and Democratic Services, to agree terms for the purchase of the long leasehold interest in Railway Quay from the current landowner.
- 3** To authorise the Director of Regeneration & Planning, to prepare a report for Cabinet detailing the business case for a mixed-use commercial and residential development in line with the ambitions for the Enterprise Zone.

Reasons for Recommendations

- 1.1** Enterprise Zones are economic development promotional incentives based on financial incentives to business occupiers and local authorities. Enterprise Zone status for Newhaven lasts for 25 years from the commencement date in April 2017.
- 1.2** The land at Railway Quay has been in private ownership for a number of decades, but has not come forward for development due to viability issues and site-specific constraints.
- 1.3** The site is one of the eight that comprise the Newhaven Enterprise Zone and is a gateway site to Newhaven, being centrally located and highly visible, located next to the UTC@harbourside.
- 1.4** An opportunity has now emerged to purchase the long leasehold interest in Railway Quay from the current landowner, bringing the site into public ownership – removing a key barrier to strategic investment and offering a strong fit with the ambitions for the Newhaven Enterprise Zone.
- 1.5** Officers have been successful in bidding for funding from the Local Growth Fund, via Coast to Capital Local Enterprise Partnership, to support this proposed acquisition.

Information

2 Local Challenges and Opportunities

- 2.1** Newhaven faces a number of challenges and opportunities. These include pockets of high unemployment, low skills and poverty of aspiration; a substantial net outflow of commuters due to paucity of employment opportunities; a weak economic base associated with the decline in traditional port and related manufacturing industries; and poor quality commercial property that is unsuitable for modern business needs within emerging higher value sectors.
- 2.2** At the same time, Newhaven has a real opportunity for growth, with money being committed through the Greater Brighton City Deal and Local Growth Funding to improve flood defences in the town and build a new Port Access Road, as well as the identified opportunity to establish Newhaven as a 'Clean Tech' Growth Hub linked to the development of the University Technical College, the Rampion Offshore Wind Farm and Newhaven Growth Quarter.
- 2.3** The designation of key sites in Newhaven as an Enterprise Zone is the next step in ongoing regeneration activities in the town and is a major proposal of regional significance. Commencing in April 2017, the Enterprise Zone is forecast to create around 55,000m² of new commercial floorspace, refurbish a further 15,000m² of commercial floorspace and create / sustain around 2,000 jobs over the zone's 25-year lifespan.

Local Growth Fund

2.4 The Local Growth Fund was established in response to Lord Heseltine's report 'No Stone Unturned' published in 2012. This set out a comprehensive economic plan to improve the UK's ability to create wealth. The report made 89 recommendations, which sought to:

- i. Inject stability into the economy
- ii. Create the conditions for growth; and
- iii. Maximise the performance of the UK.

2.5 Subsequently, the Government's response to this report included 'empowering' Local Enterprise Partnerships (LEP's) and devolving central funding streams into a single pot – the Local Growth Fund.

2.6 In the case of Coast to Capital LEP, the first two Growth Deals led to a pot of unallocated funding as some supported projects were unable to deliver within specified timeframes. Accordingly, in December 2016 a new round of bidding was announced for these unallocated funds. Bidders were encouraged to focus on four key themes:

- **Infrastructure**- Transport including sustainability and resilience, digital infrastructure, flood alleviation, water supply, waste disposal
- **Housing and Regeneration**- Capital investment for unviable housing schemes to be unlocked, capital schemes that deliver a mix of housing and employment space, regeneration schemes that demonstrate a positive impact to an area
- **Skills**- Capital investment to develop new facilities that promote economic growth and employment opportunities and skills development, together with skills relevant to local labour markets. Particular attention will be paid to schemes that partner with employers of industry to deliver skills growth.
- **Business and Enterprise**- Capital investment opportunities to enable business and enterprise growth. This may include investments that purchase capital equipment which will allow expansion of employment, investments that allow business expansion to generate employment and/ or greater economic outputs, Enterprise bids that promote start up and growth opportunities.

2.7 LDC Officers submitted two bids directly to Coast to Capital LEP for funding for the purchase of Springman House in Lewes (to support the delivery of the North Street Quarter project) and Railway Quay in Newhaven (to support the delivery of the Enterprise Zone), as well as supporting a private landowner's application for capital funding to develop new business units within Newhaven Enterprise Zone. All three of these bids have been successful.

Railway Quay

2.8 Railway Quay is situated on the east bank of the River Ouse at Newhaven. The site is 4.65ha in size and lies adjacent to the A259 coast road and Newhaven Town railway station.

2.9 The long leasehold interest on the site is currently being offered for sale.

2.10 Railway Quay is one of the eight key sites that comprise the Newhaven Enterprise Zone. It is in a prominent gateway location next to the UTC@harbourside.

Current Uses

2.11 At present the site is home to the Newhaven Railway Club, a single-storey pre-fabricated premises housing a bar and seating space for members. The rest of the site is currently utilised for car parking.

Site Constraints

2.12 Railway Quay has lain undeveloped for a number of years due to site-specific constraints. These include:

- i. The requirement to relocate utilities cables that run across the site, as well as develop around a major cable that cannot be relocated.
- ii. Responsibility for the ongoing maintenance of the river wall to the western edge of the site, as well as historical maintenance that has not been completed.
- iii. Access / highways constraints created by the adjoining entrance to the Ferry Terminal and existing road capacities.
- iv. The potential loss of developable area due to the Newhaven Flood Alleviation Scheme currently being implemented by the Environment Agency.

Development Opportunities

2.13 Railway Quay was historically reserved for port-related uses, but other uses will be considered if the land is not required for the port.

2.14 The site is covered by Saved Policy NH21 of the Lewes District Joint Core Strategy Part 1.

2.15 Although no detailed plans have yet been produced, it is considered that Railway Quay offers considerable potential for a mixed-use commercial and residential development that would help to support delivery of the Enterprise Zone.

Regeneration Benefits

2.16 By purchasing Railway Quay, LDC will accelerate development plans. Early delivery of a high-quality development will give the Newhaven Enterprise Zone much-needed early impetus and provide a further visual demonstration that Newhaven's regeneration is well underway. This will be vital in attracting new investors and businesses to the town.

2.17 The delivery of the Enterprise Zone will be strongly supported by the acquisition of Railway Quay, and fits with LDC's existing Regeneration Strategy as well as the strategic aims and objectives at a regional level

through the Greater Brighton City Region, Coast to Capital Local Enterprise Partnership and South East Local Enterprise Partnership.

- 2.18** It is important to note that the primary objective of the purchase and subsequent development of Railway Quay is to support local regeneration priorities, not to generate a significant commercial return. Nonetheless, it is expected that a mixed-use commercial and residential development on this site should generate a positive return on investment.

3 Financial Appraisal

- 3.1** At the time of writing this report, the terms for the purchase of the long leasehold interest in Railway Quay have not been agreed with the current landowner. For reasons of commercial sensitivity, the financial appraisal is attached as Appendix 3 which is exempt from publication.

4 Legal Implications

- 4.1** Legal Services has prepared a report on title relating to the property. The freehold of the property is registered at the Land Registry. The seller owns a long lease of 999 years (“the Head Lease”) registered at the Land Registry under title ESX250174. The Head Lease covers a large area of land extending beyond the boundaries of the property. The seller has granted a sub-lease of the UTC site, which immediately adjoins the property on its southern boundary.

- 4.2** The report on title includes the following information:

- i.** The tenant’s covenants in the Head Lease include obligations in respect of facilitating compliance with the harbour authority’s obligations, and paying costs in respect of access road, service conduits and repairing and maintaining the harbour wall.
- ii.** The property is subject to various rights granted for the benefit of the UTC in the sub-lease of the adjoining land, including rights of way. The rights require further investigation.
- iii.** Part of the property is subject to a 125-year lease from 1 January 1979, granted to the former British Railways Board. The successor tenant is probably Network rail. The tenant has rights over the property.
- iv.** The precise route of the access roads benefiting the property may have been varied over time. Further enquiries will be necessary to ascertain the current authorised routes.
- v.** The property appears to be affected by rights granted by a conveyance dated 23 December 1988. A copy of the conveyance is not available from the Land Registry. At this point it is not possible to confirm whether or not rights affect the property and the nature of the rights. Further enquiries should be made of the seller.
- vi.** East Sussex County Council owns land to the north of the property (the Newhaven Swing Bridge and approach road). A deed of easement

grants rights over the property for the benefit of the County Council's adjoining land.

- vii. The commercial environmental search obtained by Legal Services advises that plausible contaminant linkages have been identified at the property. As such, potential liabilities have been identified under the relevant contaminated land legislation.

4.3 Commercial leases normally absolutely prohibit assignments of part, but will allow the tenant to assign the whole of the lease with the landlord's consent, which is not to be unreasonably withheld. The Head Lease contains no express restriction on assignment. In the absence of any express restriction, the benefit of a lease is freely assignable (ie. transferable to another party), whether in whole or part.

5 Risk Management Implications

5.1 I have completed a risk assessment.

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

Risk	Likelihood	Impact	Mitigation
Inappropriate development comes forward that does not benefit Newhaven or the Enterprise Zone	High	High	Officers have been in discussion with the landowner for some time, to encourage appropriate development subject to commercial viability.
Inability to control development of a key EZ site	High	High	Purchasing the site would enable the Council to develop a suitable, long-term plan for a visually important gateway site.

5.3 The following risks will arise if the recommendations are implemented, and I propose to mitigate these risks in the following ways:

Risk	Likelihood	Impact	Mitigation
Unable to agree a purchase price with landowner	Low	High	Initial discussions already held with landowner & independent valuation advice has been sought.
Delays to purchase create challenges in accessing Local Growth Funding	Medium	High	Initial discussions already held with landowner and all parties keen to conclude quickly.
Site contamination levels more severe than expected, leading to subsequent development viability issues	Medium	Medium	Initial site assessments have already taken place and landowner has agreed to share their own studies into ground conditions.
Maintenance liabilities in connection to the	Medium	High	Purchase would be conditional on a satisfactory engineer's report, and/or

river wall			use of a sinking fund to maintain the wall.
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6 Equality Screening

- 6.1** Between 20 January and 2 February 2016, an Equality Analysis was undertaken on the Newhaven Enterprise Zone. Due regard was given to the general equalities duties and to the likely impact of the decision on people with protected characteristics, as set out in the Equality Act 2010.
- 6.2** The assessment identified that no major changes are required. The EA demonstrates the project is robust, there is little potential for discrimination or adverse outcomes, and opportunities to promote equality have been taken.
- 6.3** The proposed acquisition of Railway Quay will not impact upon general equalities duties. It is further proposed that a full equalities screening will be undertaken on any future development of the site by LDC.

Background Papers

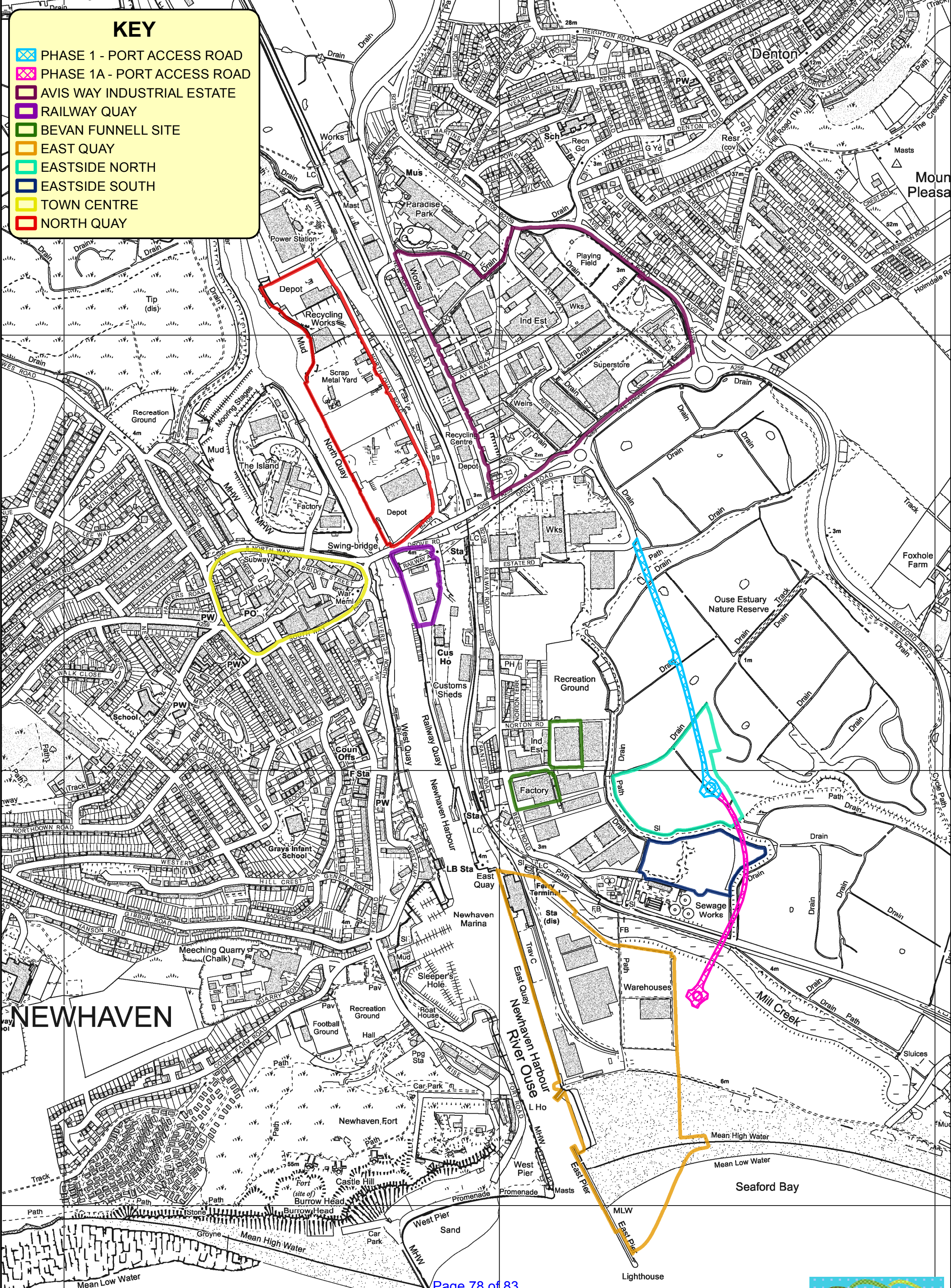
- 7 None

Appendices

- Appendix 1: Map showing Enterprise Zone Sites
- Appendix 2: Plan showing Railway Quay
- Appendix 3: Financial Appraisal (not for publication)

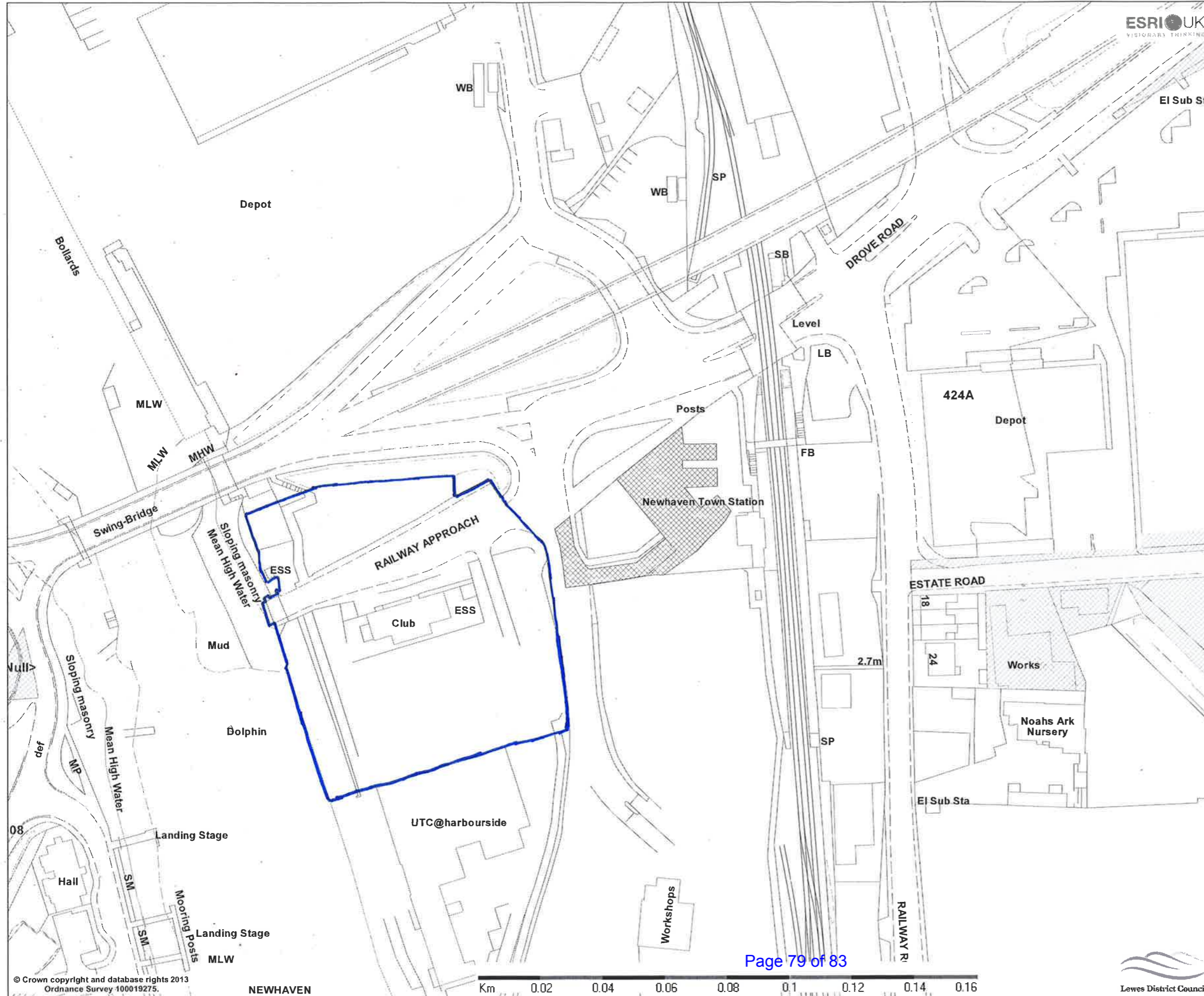
KEY

- PHASE 1 - PORT ACCESS ROAD
- PHASE 1A - PORT ACCESS ROAD
- AVIS WAY INDUSTRIAL ESTATE
- RAILWAY QUAY
- BEVAN FUNNELL SITE
- EAST QUAY
- EASTSIDE NORTH
- EASTSIDE SOUTH
- TOWN CENTRE
- NORTH QUAY



Not Set

Not Set



Legend

Organisation	Lewes District Council
Department	
Comments	Not Set
Date	02 March 2017
Scale	1:1250

Agenda Item No: 9.7 **Report No:** 58/17
Report Title: Acquisition of Retail Property in Lewes
Report To: Cabinet **Date:** 20th March 2017
Cabinet Member: Cllr Bill Giles
Ward(s) Affected: Lewes Bridge
Report By: Nazeya Hussain, Director of Regeneration and Planning

Contact Officer(s)-

Name: Bee Lewis
Post Title: Head of Property & Facilities
E-Mail: bee.lewis@lewes.gov.uk
Tel No: 01273 415521

Purpose of Report:

This report seeks consent to complete the purchase of a land interest known as 215-218 The High Street, Lewes. The property also comprises of number 14 Eastgate Street.

Officers Recommendation(s):

- 1 To delegate authority to the Director of Regeneration and Planning, in consultation with the Deputy Chief Executive and the Assistant Director of Legal and Democratic Services to purchase the freehold interest of 215-218 the High Street and 14, Eastgate Street, Lewes.

Reasons for Recommendations

- 1 To invest in land within Lewes District that will improve the revenue return for the Council and to improve the value of the Council's asset base.
- 2 **Information**
 - 2.1 The freehold of a retail site located in Friar's Precinct, Lewes has come to the market. The landholding comprises of five retail units with very strong rental

covenants in a good position within the town. The current rental income to the freeholder is around £280,000 pa. The Council is in a strong position with the vendor who has closely followed the successful purchase of another block at Friar's Precinct. No formal offers have been made yet, but to be successful, the Council would need to be in a position to exchange contracts by mid-April 2017.

- 2.2 The decision whether or not to purchase is urgent as the Council must confirm immediately whether it is in a position to proceed with the sale.
- 2.3 The sale would be conditional based on a number of factors including legal and technical due diligence.
- 2.4 The buildings are constructed to a high standard and appear sound and the Council has carried out a visual inspection of the premises. All maintenance and repair liabilities can be recharged to the tenants via a service charge, including officer time to manage the properties. The offer has been made subject to satisfactory surveys.

3 Financial Appraisal

- 3.1 Under the local authority 'prudential borrowing' framework, the Council is able to borrow to fund the purchase of property to be held by the General Fund, on the condition that the borrowing is affordable in terms of its impact on the budget and council tax.
- 3.2 Financial modelling indicates that this commercial property will generate an average annual net return of 4% after allowing for interest costs at current rates associated with a 50 year loan, repaid in full at the end of the period. A range of scenarios has been tested against this base scenario, including variations in inflation, units becoming vacant for a period of time and exceptional management or maintenance costs arising for which the Council may become liable. Each scenario generated a positive annual long-term return and the acquisition of the property is considered to satisfy the 'affordability' test.
- 3.3 A further factor which mitigates against financial risk is that the acquisition will be of a freehold property in close proximity to a site already owned by the Council.

4 Legal Implications

- 4.1 Lawyers will be instructed to produce the following:
 - A headline issues summary of each of the 5 leases focusing on any potential issues from a legal point of view that could have an impact on the value of the investment.
 - A brief overview of the freehold title focusing on any major issues which could impact on value.

- Assistance to enable the Council to put forward an initial bid.

Legal work will be undertaken now that the bidding process has concluded. The search documents will have to be checked to ensure that they do not show any unacceptable risks.

Risk Management Implications

5 The key risks have been identified within the body of the report. See Legal and Finance comments for risks and mitigation.

5.1 The land is within Flood Zone 3 and was subject to flooding in 2000, along with many other properties in Lewes. However, Lewes is largely protected from fluvial flood and the North Street development will complete a defence protection return to 100 year levels.

Equality Screening

6 There are no equality impacts as a result of the recommendations in this report.

Background Papers

7 None

Appendices

Appendix A Commercial terms (exempt)

Appendix B Location plan

Appendix B – Location Plan

Lewes
215-217 High Street, BN7 2AF

