



## Lewes District Council

### Cabinet

**Minutes** of a Meeting of the **Cabinet** held in the **Ditchling Room, Southover House, Southover Road, Lewes** on **Monday, 13 November 2017** at 2.30pm

#### **Present:**

Councillor A Smith (Chair)

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

#### **In Attendance:**

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

Councillor P Gardiner (Chair of the Scrutiny Committee)

Councillor S Osborne (Leader of the Liberal Democrat Group)

Mr J Langley (Tenants' Representative)

### Minutes

#### **36 Minutes**

The minutes of the meeting held on 27 September 2017 were approved as a correct record and signed by the chair.

#### **37 Apologies for absence**

An apology for absence was reported from Ms D Twitchen (Tenants' Representative).

#### **38 Declarations of interest**

On the basis that all Cabinet members could be affected by the insurance and indemnities from the proposal detailed in agenda item 9.8 (Appointment of members and officers to outside bodies - insurances and indemnities), the Monitoring Officer had granted dispensations made under S33 of the Localism Act 2011 to all members of the Cabinet, in order to enable due debate and decision to take place.

Councillors Giles and Franklin both declared non prejudicial interests in agenda item 9.4 (Business rate revaluation support policy) as business rate

#### **Action**

payers.

### 39 Urgent items

#### Resolved:

- 39.1** In accordance with section 2.4.1 of the Council's contract procedure rules, the Cabinet noted that the Director of Regeneration and Planning, in consultation with the Leader of the Council, Councillor Andy Smith, had waived the usual procurement rules as a matter of urgency, to secure the ongoing services of Gowling WLG and GVA, in relation to the North Street Quarter development. Both Gowling WLG and GVA had built in-depth knowledge of the project and it did not make sense to change service suppliers at this stage.
- 39.2** As it would be his last Cabinet meeting before leaving the authority, Cabinet members and officers expressed their sincere thanks and appreciation to Trevor Hayward, Committee Officer, for his years of service at the Council and wished him all the best for the future.

### 40 Written questions from councillors

Councillor Osborne, on behalf on Councillor lent, asked questions of the Lead Member for Planning, Councillor Jones, relating to agenda item 9.3 – Draft Lewes District Local Plan Part 2 – Site Allocations and Development Management Policies as follows:

#### **Question 1 (related to page 149, section 3.115 of agenda pack and the Department for Transport's response to the rail corridor study)**

Would the Lead Member for Planning ask the planning officers to include this fuller description in with accordance with the full statement by the DfT in the Part II Local Plan before it goes out to consultation?

#### **Question 2 (related to pages 146 and 147 of agenda pack and tackling climate change)**

Would the Lead Member for Planning ask the planning officers to include more robust policies to tackle climate change and to limit vehicle emissions in relation to new developments in the planned period in the Part II Local Plan before it goes out to consultation?

Copies of the questions were circulated to Councillors at the meeting and made available to the public attending the meeting (copies of which are contained in the minute book).

Verbal replies to the questions were given at the meeting by Councillor Jones and an update was also provided at the invitation of the Chair, by Councillor Catlin.

A supplementary question in relation to electric charging points for vehicles

was asked by Councillor Osborne. A verbal response was given at the invitation of the Chair, by Aidan Thatcher, Head of Planning.

#### **41 Matters referred to the Cabinet**

Councillor Gardiner, Chair of Scrutiny Committee reported that the committee had:

- Undertaken a review of voluntary funding and four local voluntary organisations (3VA, Action in Rural Sussex, Lewes District Citizens Advice Bureau and Sussex Community Development Association Sompriti) gave presentations prior to the meeting on 9 November 2017.
- Undertaken a review of the North Street Quarter due diligence at its meeting on 9 November 2017. By 7 votes to 2, the Committee were satisfied with the due diligence that had been undertaken thus far. The Committee's statement would be forwarded to the North Street Quarter Members' Oversight Board and the Director of Regeneration and Planning.

#### **42 Reporting back on meetings of outside bodies**

There were none.

#### **43 Finance update – performance quarter 2 – 2017-2018**

The Cabinet considered the report of the Deputy Chief Executive, which provided an update on the Council's financial performance in quarter 2 for 2017/2018 and explained the impact on the current financial position.

##### Resolved:

- |             |                                                                                                                                                                  |     |
|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| <b>43.1</b> | That the General Fund, Housing Revenue Account, Collection Fund and Treasury Management financial performance for the quarter ended 30 September 2017 be agreed. | DCE |
| <b>43.2</b> | That the updated 2017/2018 Capital Programme shown in appendix 2 to the report be approved.                                                                      | DCE |
| <b>43.3</b> | That the mid-year position for the Council's 2017/2018 Treasury Management and Investment Strategy be agreed.                                                    | DCE |
| <b>43.4</b> | That the write-off of irrecoverable debts noted in paragraph 8.2 of the report be agreed.                                                                        | DCE |
| <b>43.5</b> | That the write-off of a housing benefit overpayment noted in paragraph 8.3 of the report be approved.                                                            | DCE |

##### Recommended:

- |             |                                                                                                                       |               |
|-------------|-----------------------------------------------------------------------------------------------------------------------|---------------|
| <b>43.6</b> | That Council be recommended to approve the Mid-Year Treasury Management Report 2017/2018 at Appendix 3 to the report. | DCE - to note |
|-------------|-----------------------------------------------------------------------------------------------------------------------|---------------|

Reasons for the Decisions:

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.

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.

**44 Portfolio progress and performance report 2017-2018 – quarter 2 (July – September 2017)**

The Cabinet considered the report of the Director of Regeneration and Planning relating to the Council's progress and performance, in respect of key projects and targets for the second quarter of the year, as shown in appendix 1 to the report.

The Cabinet expressed its thanks to staff for their continuous work and performance as the joint transformation programme progresses.

Councillor Gardiner reported on Scrutiny Committee's deliberation of this report at its meeting on the 9 November 2017, regarding households living in emergency accommodation, staff sickness, planning appeals allowed and the need to differentiate between officer and Planning Committee's decisions.

Resolved:

- 44.1** That the council's progress and performance for quarter 2, namely, July to September 2017, as set out in report no 147/17 be received and noted.
- 44.2** That officers be thanked for their work in helping the Council to achieve the levels of progress and performance that were detailed in the report.

CMT

Reason for the Decision:

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

**45 Draft Lewes District Local Plan Part 2 – Site Allocations and Development Management Policies**

The Cabinet considered the revised report of the Director of Regeneration and Planning, seeking approval to progress part 2 of the Lewes District Local Plan

through to its formal submissions to the Secretary of State and to seek approval for the arrangements for the examination in public process. The revised report and recommendations were circulated to all present at the meeting, published on the Council's website and a copy was contained in the minute book.

Part 2 of the plan followed the strategic objectives set out in part 1, which was adopted in 2016 and provided the planning policy framework to guide strategic growth across the district to 2030.

The draft plan, appended to the report, would only apply to areas covered by the Lewes District Planning Authority, excluding the area within South Downs National Park. It was fully compliant with the National Planning Policy Framework (NPPF) and its policies were formed on strong, recent evidence base, taking account of the responses to previous consultations and those obtained from external stakeholders.

A briefing for all members on the draft document would be held at 5:00 pm on the 16 November 2017 at Southover House, prior to it being released for public consultation.

The Cabinet and visiting members discussed the conflation of tables in the plan, member involvement in producing the document, target of 40% affordable housing at The Marina, consultation on gypsy and traveller sites, proposals for Newick and climate change. Verbal responses to discussions were given at the invitation of the Chair by Aidan Thatcher, Head of Planning.

The Cabinet agreed to set a deadline for member comments to be received by the Director of Regeneration and Planning through Group Leaders. The revised set of recommendations were detailed in the resolution below.

Resolved:

- 45.1** (a) That Group Leaders be requested to notify the Director of Regeneration and Planning of member comments on the Draft Local Plan Part 2 by the 23 November 2017.
- (b) That the Director of Regeneration and Planning, in consultation with the Cabinet Member for Planning be authorised to make such revisions to the Draft Plan as she believes appropriate having regard to the member comments received.
- (c) Subject to completion of the above process, to authorise the Director of Regeneration and Planning to issue the Draft Local Plan Part 2 for the purposes of public consultation under regulation 18 of the Town & Country Planning (Local Planning) (England) Regulations 2012, as amended.
- 45.2** That the Director of Regeneration & Planning be authorised to update the Local Development Scheme (LDS) to reflect the new timetable for the production of the Local Plan Part 2, as set out in paragraph 2.6 of the report, and all other planning policy documents, and publish the updated LDS on the website when

completed

Reason for the Decisions:

To ensure that the Local Plan Part 2 is progressed towards adoption in a timely manner, thereby supporting the implementation and delivery of the Local Plan Part 1: Joint Core Strategy through the allocation of additional development sites and up-to-date development management policies to assist in the determination of planning applications.

To ensure that the Local Plan Part 2 is prepared in accordance with the published timetable.

**46 Business rate revaluation support policy**

The Cabinet considered the report of the Director of Service Delivery regarding the proposed discretionary business rate revaluation support policy, appended to the report.

The policy would support those ratepayers that were adversely affected by the government's 2017 business rate revaluation.

A consultation with major precepting authorities and local ratepayers was undertaken for a period of 8 weeks and closed on 8 October 2017. There was a broad agreement on the key principles of the scheme and no further changes were required.

Resolved:

**46.1** That the Discretionary Business Rate Revaluation Support Policy as set out in appendix 1 to the report be approved. DSD

**46.2** That the Director of Service Delivery, in consultation with the Lead Member for Finance be granted delegated authority to review and, if necessary, amend the Business Rate Revaluation Support Policy at the end of March 2018 and each subsequent year during the operation of the scheme. DSD

Reasons for the Decisions:

The Government expects local authorities to have in place arrangements to administer and award reliefs to ratepayers as quickly as possible. This report therefore recommends the Discretionary Business Rate Revaluation Support Policy is adopted for 2017/18 and subsequent years.

**47 Equality and fairness policy**

The Cabinet considered the report of the Director of Regeneration and Planning, seeking adoption for a new Equality and Fairness Policy and proposing arrangements to ensure that the Council met its duties under the Equality Act 2010.

Councillor Gardiner reported on the Scrutiny Committee's deliberation of the policy at its meeting on the 9 November 2017.

Resolved:

- |             |                                                                                                                                                                          |               |
|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| <b>47.1</b> | That the Equality and Fairness Policy set out at appendix A to the report be adopted.                                                                                    | DRP           |
| <b>47.2</b> | That the Equality and Fairness Policy be included in the induction pack for all new staff and members.                                                                   | DRP\<br>ADLDS |
| <b>47.3</b> | That the proposed joint governance and procedures with Eastbourne Borough Council, set out in section 3 of the report, be approved.                                      | DRP           |
| <b>47.4</b> | That the current Equality Objectives set for 2012 to 2016 be extended until a review of these is completed and presented to Cabinet at its meeting on 5th February 2018. | DRP           |

Reason for the Decisions:

The council has statutory equality responsibilities, both as an employer and in the provision of the public services under the Equality Act 2010.

The council must have due regard to the Public Sector Equality Duty to:

- eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited by the Equality Act;
- advance equality of opportunity between people who share a protected characteristic and people who do not share it (for example by meeting specific needs; minimising difficulties faced or encouraging participation in public life); and
- foster good relations between people who share a protected characteristic and people who do not share it.

The protected characteristics covered by the Equality Duty are:

- age
- disability
- gender reassignment
- marriage and civil partnership (but only in respect of eliminating unlawful discrimination)
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – this includes lack of belief
- sex (gender)
- sexual orientation.

Specific duties which came into force in 2011 require public bodies, such as the Council, to publish information which shows their compliance with the Equality Duty. The Equality and Human Rights Commission, which has a statutory responsibility to monitor compliance, has indicated that one of the things they would expect to see published on council websites is evidence of a clear approach to having due regard to the Equality Duty in policy and decision-making. Refreshing the Council's policy and arrangements for reviewing the design and delivery of Council services is a key step in ensuring the Council has an effective process for ensuring full compliance with the Public Sector Equality Duty.

The establishment of a shared governance structure and procedures with Eastbourne Borough Council for setting Equality Objectives and reviewing the delivery of Council functions will provide an effective way of ensuring consideration is given to how different people are affected by council policies and activities, and that our services are accessible to all and meet different people's needs

#### **48 Asset development – Newhaven Town Centre**

The Cabinet considered the report of the Director of Regeneration and Planning regarding the potential redevelopment of Newhaven Town Centre and the scheme's role in successfully delivering the aims of the Newhaven Enterprise Zone.

Early proposals, detailed in the report, demonstrated that by reconfiguring the existing layout, it would be possible to create 14,000 square feet of retail space, 1,750 square feet extension to the leisure centre, 20,000 square feet of commercial space, 75 bed hotel, 90 residential flats, 317 capacity car park and a new public realm.

The Cabinet expressed their thanks to officers for their work in producing the proposals.

#### Resolved:

- |             |                                                                                                                                                                                                                                                                                                     |     |
|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| <b>48.1</b> | That the Director of Regeneration and Planning be requested to develop a business case outlining the investment potential and opportunities for Cabinet to consider early in 2018.                                                                                                                  | DRP |
| <b>48.2</b> | That the allocation of funding of up to £1.2m from the property acquisition and development budget in respect of consultancy, professional fees, surveys and the planning application be approved.                                                                                                  | DRP |
| <b>48.3</b> | That an early public consultation with a range of stakeholders prior to submitting the detailed design for planning purposes be undertaken.                                                                                                                                                         | DRP |
| <b>48.4</b> | That the Director of Regeneration and Planning, in consultation with the Lead Member for Finance and Resources, and the Strategic Property Board be delegated authority, to develop a detailed design for a mixed-use development scheme at Newhaven Town Centre, in readiness to submit a planning | DRP |



application.

- 48.5** That the Director of Service Delivery in consultation with the Director of Regeneration and Planning and the Portfolio Holder for Environmental Impact (and where appropriate the Chief Finance Officer and Assistant Director – Legal and Democratic Services) be delegated authority to progress the project through the Energy & Sustainability Joint Venture if they consider it appropriate and at an appropriate future stage to decide the project should be put forward to the Joint Venture Steering Board for inclusion as a Part 1 and/or Part 2 project.

DSD/  
DRP/  
CFO/  
ADLDS

- 48.6** That the Director of Regeneration and Planning be delegated authority to award any of the contracts required in relation to resolution 6.2 above; such delegation to include approval to a waiver of the Contract Procedure Rules (sought under CPR 2.4.1 (a)) for those appointments.

DRP

#### Reasons for the Decisions:

Newhaven has substantial physical capacity for growth, including large brownfield sites in and around the waterfront and the town centre. The town is planning for 28% of all housing growth within the District over the lifetime of the Local Plan (i.e. to 2030). Newhaven is also home to 40% of the district's B-Class employment space, and the designation of the Enterprise Zone emphasises the town's central role in delivering sustainable economic growth.

Newhaven town centre is one of the key redevelopment sites within the town and will be the anchor playing a critical role in delivering new housing and employment space. The redevelopment of the town centre links closely with delivery of the Newhaven Enterprise Zone that commenced in April 2017 and seeks to address a range of development barriers that are inhibiting effective investment delivery.

A commercial opportunity has now emerged for a mixed-use redevelopment of the Council's landholdings within the town centre. The proposed scheme will create new employment space, employment opportunities and has a strong fit with the ambitions for the Newhaven Enterprise Zone.

#### **49 New Affordable Housing Technical Note – Supplementary Planning Document**

The Cabinet considered the report of the Strategic Policy Officer, requesting authorisation to publish the draft Affordable Housing Supplementary Planning Document (SPD) for an 8 week consultation with the local community and other stakeholders.

At the invitation of the Chair, Aidan Thatcher, Head of Planning gave responses to discussions by the Cabinet.

#### Resolved:

- 49.1** That the Affordable Housing Supplementary Planning Document be approved for publication for an 8 week consultation period to

SPO

receive representations and comments.

- 49.2** That the Director of Regeneration & Planning in consultation with the Lead Cabinet Member for Planning be delegated authority to make minor amendments before the commencement of the consultation period.

DRP

Reasons for the Decisions:

There is an ongoing and increasing need for the provision of affordable housing in the Lewes District, as rent costs and the price of home ownership rises.

There are challenges regarding the delivery of affordable housing. A significant proportion of affordable housing is delivered through the planning system. The Affordable Housing SPD will provide the Council with a policy reference point with weight during negotiations, better enabling the Council to deliver much needed affordable dwellings.

The SPD builds upon and provides more detailed advice and guidance on Core Policy 1 and Core Policy 2 of the Lewes District Local Plan Part 1 – Joint Core Strategy (2016). This will provide developers and housing providers with a useful reference point, making the planning process more efficient and effective.

**50 Appointment of members and officers to outside bodies – insurance and indemnities**

The Cabinet considered the report of the Assistant Director of Legal and Democratic Services relating to insurance provisions and indemnities around members and officers appointed to outside bodies.

Resolved:

- 50.1** That the Council reviews the scope of its insurance provision and, if necessary, extends it to provide cover for those members and officers who are nominated or appointed by the Council to outside bodies, both currently and in the future; and
- 50.2** That the Council should provide a comprehensive indemnity in the terms permitted by the Local Authorities (Indemnities for Members and Officers) Order 2004 for members and officers who are nominated or appointed by the Council to outside bodies, both currently and in the future.

ADLDS

ADLDS

Reasons for the Decisions:

The appointment of council members and/or officers to senior roles with outside bodies has increased recently. To ensure they are appropriately protected against personal liability when acting in those external roles, it is necessary to review the provision of insurance and indemnity cover available to them.

**51 Lewes Local Lottery**

The Cabinet considered the report of the Director of Service Delivery regarding proposals for a Lewes Local Lottery, which would enable local good causes to raise additional income.

Following discussions, the Cabinet agreed to rename the lottery as the “Lewes District Local Lottery”.

Resolved (By 6 votes to 1):

**51.1** That the Director of Service Delivery in consultation with the Lead Cabinet Member for People and Performance be delegated authority to implement a Lewes District Local Lottery in line with the proposals in the report including:

- (a) That a minimum of 60% of proceeds go to good causes in Lewes District.
- (b) That an External Lottery Manager be appointed.
- (c) That the lottery is an online weekly draw with tickets at £1 each.

Reasons for the Decisions:

A Lewes District Local Lottery presents an opportunity for the council to support local good causes in raising additional income.

**52 Draft Lewes Tourism Strategy 2018-2021**

The Cabinet considered the report of the Director of Tourism and Enterprise regarding updating the Strategic Tourism Vision and Action Plan for 2018-2021 and recognising the joint working opportunities for tourism services between Lewes District Council and Eastbourne Borough Council.

Resolved:

- 52.1** That the implementation of the updated Strategic Tourism Vision and Action Plan (Paragraph 2, including Sections 2.1 to 2.8 as set out in the report) be approved.
- 52.2** To note that the Director of Tourism and Enterprise may include as part of the 2018/19 budget setting process, specific amounts to fund the activities set out in the updated plan.

Reasons for the Decisions:

To build on the success of the former three year Strategic Tourism Vision and Action Plan (2015-2018). This document is aimed to provide a summary of work priorities and is not intended to replace but rather to complement and update previous policies and to take into consideration the joint working arrangements within Council Departments that Lewes and Eastbourne have agreed.

DSD

DTE

**53 Ward issues raised by councillors at Council**

The Cabinet considered the report of the Assistant Director of Legal and Democratic Services, which set out responses to ward issues which had been raised by councillors at the meeting of the Council, held on 9 October.

Resolved:

- 53.1** That Lewes District Council do not submit a response to the consultation, undertaken by East Sussex County Council in respect of the East Sussex library service, as originally raised by Councillor Denis at the Council meeting on 9 October 2017.
- 53.2** That the Officer action in respect of the remaining ward issues that had been raised by Councillors at the meeting of the Council held on 9 October 2017, as detailed in report no 156/17, be noted and agreed.

DRP –  
to noteDSD/  
ADLDSReasons for the Decisions:

To ensure that appropriate follow up actions is taken in respect of ward issues that were raised by councillors at meetings of the council.

The meeting ended at 4.14 pm.

A Smith  
Chair