

Lewes District Council



Council Agenda

Wednesday, 03 December 2014

Southover House, Lewes

Jenny Rowlands
Chief Executive

Lewes District Council



Council Meeting

Councillors are kindly requested to switch off their mobile 'phones and other mobile devices prior to the commencement of the meeting.

Note: At the commencement of the meeting the Chair will ask for a period of silence to enable councillors to focus their thoughts on the meeting or to pray silently.

To all Members of the Council

A meeting of the **Council** will be held in the **The Council Chamber, County Hall, St Annes Crescent, Lewes Address** on **Wednesday, 03 December 2014** at **14:30** which you are requested to attend. Please note the start time and that the venue for this meeting is wheelchair accessible and has an induction loop to help people who are hearing impaired.

Agenda

1 Minutes

To confirm and sign the Minutes of the Meeting of the Council dated 15 October 2014 (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 Announcements

To receive any announcements from the Chair of the Council, Leader of the Council, Members of the Cabinet or the Chief Executive.

A list of the Chair of the Council's engagements since the Meeting of the Council on 15 October 2014 is enclosed (page 5).

5 Questions from Members of the Public

To deal with questions which members of the public may wish to put to members of the Cabinet in accordance with Council Procedure Rule 10 (if any).

- 6 Petitions**
To receive petitions from councillors or members of the public in accordance with Council Procedure Rule 12 (if any).
- 7 Written Questions from Councillors**
To deal with written questions which councillors may wish to put to the Chair of the Council, a Lead Councillor on the Cabinet or the Chair of any committee or sub-committee in accordance with Council Procedure Rule 11 (if any).
- 8 Questions to the Leader of the Council**
To deal with questions (if any) which councillors may wish to put to the Leader of the Council. It will be at the Leader's discretion to re-direct questions to relevant Members of the Cabinet.

A councillor wishing to raise a question must notify the Chair of the Council of the text of the question prior to the commencement of the meeting.

(NB This item is limited to a maximum of 5 questions, with no more than 1 question being asked per councillor. If a question requires a detailed or technical response, the Leader may decide that a written response is more appropriate).

- 9 Ward Issues**
To deal with ward issues which councillors wish to raise. A councillor wishing to raise a ward issue must notify the Chair of the Council prior to the commencement of the meeting in accordance with Council Procedure Rule 11.8 (if any).
- 10 Urgent Decisions taken by the Cabinet or Cabinet Members**
In accordance with Scrutiny Procedure Rule 17, to receive details of any urgent decisions taken by the Cabinet or Cabinet Members since the Meeting of the Council on 15 October 2014.
- 11 Recommendations from Cabinet**
To consider the recommendations from the meeting of the Cabinet held on 20 November 2014 (Minute Extracts herewith - page 7).
- 12 Notices of Motion**
In accordance with Council Procedure Rule 13 Councillor Gardiner has submitted the following Notice of Motion:

“Background

While many ordinary people face falling household income and rising costs of living, some multinational companies are avoiding billions of pounds of tax from a tax system that fails to make them pay their fair share. Local governments in developing countries and the UK alike would benefit from a fairer tax system where multinational companies pay their fair share, enabling authorities around the world to provide quality public services. The UK government must listen to the strength of public feeling and act to end the injustice of tax dodging by large multinational companies, in developing countries and the UK.

Page 3 of 24

Motion

This council resolves to write to the UK government:

welcoming its crack-down on UK tax avoidance, which includes measures such as a general anti-avoidance rule, capping income tax reliefs, and reducing annual tax free pension contributions from £250,000 to £40,000.

further welcoming the UK government's role in the OECD drive to introduce country by country reporting, and transfer pricing documentation, and exchange of information on taxation.

and urging the government to do all that it can to accelerate international co-operation on multinational corporate tax avoidance through the European Union, the OECD and other international bodies.

and further, to write to the President of the European Commission, and the chair of the European Union's Committee on Economic and Monetary Affairs urging them to treat the prevention of corporate tax avoidance as a priority during the current session."

13 Change to Membership of Planning Applications Committee and Scrutiny Committee

To consider the Report of the Assistant Director of Corporate Services (Report No 170/14 herewith - page 16).

14 Right to Buy Sales and Lease Extensions - Delegated Powers

To consider the Report of the Assistant Director of Corporate Services (Report No 171/14 herewith - page 18).

15 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). A councillor wishing to provide feedback must notify the Chair of the Council prior to the commencement of the meeting.

Agenda



Jenny Rowlands
Chief Executive

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



Lewes District Council

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CHAIRMAN

Councillor TONY NICHOLSON

CHAIR'S ENGAGEMENTS 16 October 2014 – 3 December 2014

Sunday 19 October	1.30pm	Chair and Consort: To attend an Act of Remembrance at India Gate, Royal Pavilion, Brighton and take part in a wreath laying ceremony to mark the courage and sacrifice of Indian soldiers in WWI.
Tuesday 21 October	7.00pm	Chair and Consort: To attend the Royal Society of St George's Trafalgar Night Dinner at Deans Place Hotel, Alfriston.
Tuesday 21 October	7.00pm	Vice-Chair and Consort: To attend the South East Reserve Forces & Cadets Association's Lord Lieutenant's Meritorious Awards Presentation Ceremony and Reception at The Hawth Theatre, Crawley.
Wednesday 22 October	9.30am	Chair: To attend the annual Lewes District Town & Parish Conference at the Meridian Centre, Peacehaven.
Wednesday 5 November	5.00pm	Chair and Consort: To host a reception for the Lewes Bonfire Celebrations at Lewes House.
Sunday 9 November	9.45am	Chair and Consort: To attend the Remembrance Sunday Service at St Michael's Church, Newhaven. Followed by a parade to the War Memorial and a Wreath Laying ceremony.
Sunday 9 November	10.20am	Vice-Chair and Consort: To attend the Remembrance Sunday Commemorations at Seaford to including a Wreath laying ceremony at the War Memorial followed by a march and service.
Sunday 9 November	2.30pm	Chair and Consort: To attend the Lewes Remembrance Sunday Commemorations to include a Wreath laying ceremony at the War Memorial followed by a service at St John Sub Castro Church.

Tuesday 11 November	10.40am	Chair and Consort: To attend the Remembrance Day Service at Seaford Cemetery and take part in a wreath laying ceremony followed by a reception hosted by the Seaford Branch Royal British Legion.
Wednesday 12 November	9.00am	Chair: To attend the official opening ceremony and open morning of Continental Surround View, Lewes.
Thursday 13 November	6.30pm	Chair and Consort: To attend the Rotary Club Youth Music Concert at Lewes Town Hall and to present the soloist with a cheque for sponsorship at the concert.
Saturday 15 November	8.30am	Chair and Consort: To attend the East Sussex Prayer Breakfast hosted by the High Sheriff of East Sussex at the East Sussex National Golf Club
Thursday 20 November	7.00pm	Chair and Consort: To attend the Sussex University Royal Naval Unit's Blackbeard Dinner at the Old Ship Hotel, Brighton

Agenda Item No: 11



Cabinet recommendations for consideration by Council at the Meeting of the Council on Wednesday, 3 December 2014

Cabinet – 20 November 2014

42 Finance Update

The Cabinet considered Report No 159/14 which provided an update on financial matters that affected the General Fund Revenue Account, the Housing Revenue Account and the approved Capital Programme.

Appendix 1 to the Report provided details of Treasury Management activity between 13 September 2014 and 31 October 2014 which was consistent with the Council's approved Treasury and Investment Strategies for 2014/2015.

The Chartered Institute of Public Finance and Accountancy's Code of Practice recommended that all councillors were informed of Treasury Management activities at least twice a year. A Mid-year Report for 2014/2015, which covered the period 1 April 2014 to 30 September 2014, was set out at Appendix 2 to the Report which confirmed that the key elements of the approved Treasury and Investment Strategy had been complied with during the first half of the year.

Cabinet was requested to recommend that Council approves the Mid-year Report. The Audit and Standards Committee would be presented with the Report on 1 December 2014 and any comments that it might wish to pass to Council would be reported orally thereto.

Section 5 of the Mid-Year Report highlighted the limited number of investment counterparties which were available to officers when carrying out day to day treasury management activity and the need to extend the range of investments made within the remit of the current Strategy in response to banking reforms. A potential counterparty, that met the

Action

Council's agreed lending criteria, which was subject to continual review by the Council's Treasury Advisor, Arlingclose, was the Swedish bank. Svenska Handelsbanken. In accordance with Council Financial Procedure Rule 4.3, Cabinet was requested to approve that an account be opened with that bank in order that deposits could be made therewith.

At its meeting in February 2014, Council had set the General Fund budget for 2014/2015 in the context of the financial outlook through to 2019/2020. The outlook, which required savings of £2.9m by 2020, was confirmed in June 2014 when Cabinet adopted the Council's Organisational Development Strategy.

Appendix 3 to the Report provided an update to the outlook which took account of the latest business rates retention projections, together with the progress on delivering the current year's savings target. It had also been updated to lower the tax rises from 2016/2017 onwards to be the same as the estimated rate of Consumer Price Index inflation of 2% which reflected the referendum criteria issued by the Secretary of State for the last two years. It was too early to include within the outlook adjustments for the possible impact on recurring or non-recurring expenditure of the devolution of assets to Town and Parish Councils.

Paragraph 4.4 of the Report set out details of changes and commentary made at the mid year point of the financial outlook.

The overall message was that the Medium Term Finance Strategy remained robust and would be fairly accurate in the short term through to 31 March 2016 which marked the expiry of the indicative funding window provided by the Government. Taking account of the latest information the revised savings target through to 2020 was now £3.2m. An independent commission had been tasked with making recommendations for the reform of local government finance and finding better ways to fund local services and promote economic growth in England, further details of which were set out in paragraphs 4.7 and 4.8 of the Report.

Paragraph 7 of the Report explained that the approved 2014/2015 Capital Programme included provision of £12,640 in respect of work at Lewes Cemetery Chapel which was currently closed to public use pending remedial work to the plaster therein.

A building survey of the Chapel had been undertaken which identified an underlying problem with damp for which the estimated cost of work required was in the region of £45,000. The Report therefore recommended that an additional £32,360 be released from the unallocated balance held in the Capital Programme for Asset Backlog Repairs, so that the work could be undertaken.

Paragraph 8 of the Report set out details relating to increasing the Council's housing stock in the Housing Revenue Account (HRA). At its meeting on 28 September 2014, Cabinet had received an update on the Lewes District Property Portfolio for which the negotiations and Heads of Terms were making good progress and their completion was anticipated before the Cabinet meeting in January 2015.

An element of the contract was the delivery of rented housing into the Councils HRA. Furthermore, there was the opportunity to secure significant grant funding from the Homes and Communities Agency (HCA) for new homes to be built. The preferred bidder had committed to applying for the HCA grant funding prior to conclusion of negotiations and legal formalities.

Once the Heads of Terms had been agreed, the contracting partner aimed to immediately commence work on submission of planning applications and procurement of information to support planning applications, on the Council's behalf. However, until a scheme received approval, the expenditure was chargeable to the HRA. Consequently, Cabinet was requested to authorise that up to £300,000 be utilised from the Special Projects element of the HRA Working Balance. Once a planning application was approved and the scheme commenced, the expenditure could be classified as Capital Expenditure.

The Cabinet Member for Corporate Services reported that, since the preparation of the Report, he had approved a quotation for the Independent Peer Review of Special Expenses which addressed the decision taken by the Council at its meeting in July 2014 following its consideration of the Special Expenses Petition and related motions. A single fixed price quotation was sought and obtained from a qualified practitioner which enabled the review to be completed prior to consideration of next year's budgets by Cabinet at its meeting in February 2015. The cost of the Review was in the order of £6,000.

Resolved:

- | | | |
|-------------|--|----|
| 42.1 | That it be noted that Treasury Management activity since the last Report to Cabinet has been consistent with the Council's approved Treasury and Investment Strategy, as detailed in Report No 159/14; | |
| 42.2 | That the mid-year position for the Council's 2014/2015 Treasury Management and Investment Strategy be noted; | |
| 42.3 | That an account be established with Svenska Handelsbanken for investment purposes; | DF |
| 42.4 | That the latest Medium Term Finance Strategy Forecast through to 2020 and the savings target delivery update, be noted and approved; | DF |
| 42.5 | That a variation to the 2014/2015 Capital Programme in respect of work at Lewes Cemetery Chapel, as explained in paragraph 7 of the Report, be approved; | DF |
| 42.6 | That the use of up to £300,000 from the Special Projects Element of the Housing Revenue Account Working Balance be approved to progress proposals that will increase the Council's Housing Stock; and | DF |
| 42.7 | That the remainder of the Report, together with the oral Report of the Cabinet Member for Corporate Services relating to the approval of a quotation for the Independent Peer Review of Special | |

Expenses, be noted.

It was further

Recommended:

42.8 That the Mid-Year Treasury Management Report 2014/2015 be approved.

DF (to
note)

Reasons for the Decisions:

A Report on funding issues in relation to the Council's General Fund Revenue Account, Housing Revenue Account and Capital Programme is made to each meeting of the Cabinet to ensure that the Council's financial health is kept under continual review. It is essential to ensure that the Council has a sound financial base from which to respond to changing activity levels and demand for statutory services and to ensure that, when appropriate, its finances are adjusted in response to reducing income levels and inflationary pressures on expenditure.

The Council's Treasury Management function deals with very large value transactions on a daily basis. It is essential that the Council is satisfied that appropriate controls are in place and in accordance with the Code of Practice on Treasury Management in the Public Services prepared by the Chartered Institute of Public Finance and Accountancy and adopted by the Council.

(Note: Councillor Smith declared his non-prejudicial interest in this item as he was the Council's representative on the Big Parks Project in his capacity as the Cabinet Member for Corporate Services and, therefore, took part in the consideration, discussion and voting thereon).

† *The Recommendation, and not the Resolutions, in the above Minute is for consideration by Council.*

Councillors are requested to bring with them to the meeting Report No 159/14 which was circulated with the agenda papers for the meeting of the Cabinet on 20 November 2014. If you require a further copy of the document please contact Trevor Hayward, Committee Officer, on e-mail trevor.hayward@lewes.gov.uk or telephone 01273 471600.

44 Photovoltaic (PV) Panels to Housing and Other Properties

The Cabinet considered Report No 161/14 which related to progress to install Photovoltaic (PV) panel systems on up to 1,700 housing properties.

At its meeting in June 2014, Cabinet had agreed that Officers should conclude discussions and contact with Access Energy and Carillion Construction through the Sussex Energy Savings Programme Contract

2013 to provide PV Panels to approximately 694 identified properties as the first phase of the project. Furthermore, that in parallel, the Officers explore other sources of funding for the second phase of the project including the use of the borrowing 'headroom' of the housing revenue account for PV panel systems so that the whole PV scheme could be delivered by 31 March 2017.

Whilst commencing the process to conclude discussions through the Sussex Energy Savings Programme Contract, an improved opportunity had arisen from the joint working initiative with Eastbourne Borough Council. In any event, further analysis of the detail for proceeding with the Access Energy and Carillion offer had identified technical reasons why the procurement could not proceed.

Eastbourne Borough Council was a pioneer in developing a financial modelling tool and an alternative procurement and funding route for the installation of PV panels on council owned housing. That provided an additional financial benefit for the Council that would otherwise have accrued to a private contractor.

Eastbourne Borough Council's model was applied during the 2011/2012 financial year and the annual accounts had received an unqualified audit opinion.

The alternative procurement route involved working with an existing public sector procurement club, namely Fusion 21, which had been created ten years ago by seven social landlords in order to generate savings by collaborating in their procurement. It was currently a national social enterprise which worked with social landlords who used a range of compliant frameworks of the Official Journal of the European Union that created financial and time savings.

Fusion 21 had a PV framework in place that would allow the Council to use its Number 1 contractor and be on site within eight weeks of contract award.

Paragraph 3 of the Report set out a financial appraisal of the opportunity to work with Fusion 21 on the project.

The representative of the Tenants of Lewes District (TOLD) organisation reported that TOLD welcomed the PV panel initiative.

Recommended:

- 44.1** That a budget be approved in the sum of £2.7m within the General Fund non-housing capital programme in respect of the installation of Photovoltaic (PV) panel systems on up to 700 council-owned homes on the basis of the business case presented in Report No 161/14; and
- 44.2** That the financing of the PV panel systems from General Fund prudential borrowing, be approved.

DSD (to note)

DSD (to note)

It was further

Resolved:

- 44.3** That, subject to the approval of the capital programme allocation, Officers be authorised to:
- (a) Conclude discussions with Fusion 21 to appoint a contractor from its PV Framework to initially install PV panel systems on up to 700 council homes;
 - (b) Conclude a call-off contract under the Fusion 21 framework subject to the Director of Service Delivery being satisfied as to completion of due diligence by Finance and Legal, including approval of the framework contract and procurement documentation received from Fusion 21;
 - (c) Seek and access an alternative Framework, subject to the same conditions as in (b), in the event that it is not possible to conclude negotiations with Fusion 21; and
 - (d) Review the business case at completion of the initial 700 panel installation programme to consider extending to a further 1,000 properties; and
- 44.4** That the Officers be thanked for the work that they had undertaken in respect of the PV panel initiative.

DSD

DSD

Reasons for the Decisions:

This is an opportunity to invest up to £2.7m in the installation of Photovoltaic (PV) Panel systems on Council-owned homes in the Lewes District which will reduce the cost of electricity for tenants, create an annual net income of approximately £49,000 for the General Fund, produce a potential 2.5GWh energy which would reduce CO2 emissions by up to 1,500 tons per year, over the next 20 years.

† *The Recommendations, and not the Resolutions, in the above Minute are for consideration by Council.*

Councillors are requested to bring with them to the meeting Report No 161/14 which was circulated with the agenda papers for the meeting of the Cabinet on 20 November 2014. If you require a further copy of the document please contact Trevor Hayward, Committee Officer, on e-mail trevor.hayward@lewes.gov.uk or telephone 01273 471600.

45 Procurement of New Service Delivery Model Technology and Consultancy Services

The Cabinet considered Report No 162/14 which related to the recommend investment of £2.25m in the Organisational Development Strategy, in order

to deliver a technology-enabled end-to-end customer service model and generate recurring efficiency savings amounting to £1.2m, phased over 4 years from 2015/16 to 2018/19.

The Nexus Transformation Programme oversaw the projects that had been established to deliver the Organisational Development Strategy:

- (a) Corporate Shared Services Project;
- (b) New Service Delivery Model Project; and
- (c) Customer Contact Projects (Website Refresh and Telephony Phase 2).

The purpose of the New Service Delivery Model Project was to develop the technology and business change specifications which had been authorised by Cabinet at its meeting on 2 June 2014 and undertake a procurement exercise to select a supplier which would work with the Council from 2015 to 2018. It was proposed to go out to tender in February 2015; select a supplier in June 2015 and sign contracts by September 2015, the reasons for which were set out in paragraph 3.3 of the Report.

The technology to be procured was expected to include several elements including those set out in paragraph 4.1 of the Report.

The implementation of the technological improvements required the replacement of some existing Information Technology (IT) systems, the acquisition of systems that were not currently used by the Council, change management consultancy, intensive staff training and a targeted communications campaign.

The procurement process would be undertaken in accordance with the Council's Contract Procedure Rules, and would include a period of at least five weeks for the detailed technical evaluation of the tenders received to ensure that the required quality standards were met. That period was expected to require demonstrations of technology and site visits, as well as evaluation of tender documents.

A Project Team had been formed to drive the New Service Delivery Model Project forward, operating under the umbrella of the Nexus Transformation Programme. That team included staff from the Council and Eastbourne Borough Council. Support would also be obtained from external procurement specialists in respect of developing the requirements specification and managing the procurement in a robust and European Union-compliant manner.

Recommended:

- 45.1** That a budget of £2.25m be allocated to the Nexus Transformation Programme, to be funded from New Homes Bonus receivable in 2015/16 and 2016/17, along with a contribution from the Housing Revenue Account, as detailed in Report No 162/14.

Trans
Mgr (to
note)

It was further

Resolved:

- | | | |
|-------------|--|-------------------------|
| 45.2 | That the procurement exercise being undertaken as part of the Nexus Transformation Programme to select a supplier to deliver the necessary technology and business change management to implement the Council's Organisational Development Strategy, be endorsed; | Trans
Mgr |
| 45.3 | That the Chief Executive and Director of Service Delivery, in consultation with the Leader and Deputy Leader of the Council, be authorised to award a contract to the supplier selected by the procurement process set out in 45.2 above; | CE/DSD/
Trans
Mgr |
| 45.4 | That the Assistant Director of Corporate Services be authorised to engage appropriate external specialist lawyers to draw up appropriate contract documentation, and that it be noted that this may require expenditure of c. £60,000 and is a cost associated with developing the specification, as authorised by Cabinet in June 2014 (Minute 7.2 refers); and | ADCS/
Trans
Mgr |
| 45.5 | That the use of the unallocated balance of New Homes Bonus currently held in the Change Management and Spending Power Reserve be authorised to fund necessary expenditure in support of the procurement process (for example, the engagement of specialist Information Technology contract lawyers and procurement advice from iESE) during 2014/2015. | Trans
Mgr |

Reasons for the Decisions:

The Organisational Development Strategy was adopted by Cabinet on 2 June 2014 (Report 76/14, Minute 7.1 refers).

The updated Medium Term Financial Strategy (as set out on the Agenda for this meeting of Cabinet) requires savings of approximately £3.2 million by 2020. Although good progress has already been made, there is an efficiency savings requirement of £1.2m phased over the next 4 years (2015/16 – 2018/19).

The June 2014 Report set out how investment in a multi-skilled end-to-end customer service model at an estimated cost of £2.25m is expected to generate 15% annual efficiency savings of £1.2m, thereby fulfilling the savings requirement and meeting customer expectations for more flexible and responsive Council services.

The estimate of £2.25m for the investment required to deliver technology and business change management was based upon the previous experience of Eastbourne Borough Council and West Devon and South Hams Councils, which have already undertaken procurement exercises of this type. The New Service Delivery Model Project is drawing upon their expertise in developing the technology and business change specification.

Upon consideration of the Report, Cabinet endorsed the development of technology and business change specifications to support the implementation of the Organisational Development Strategy and new ways of working by the Service Delivery unit (Minute 7.3 refers).

The recommendations in Report No 162/14 will enable the procurement process to keep up the current pace, which is further advanced than anticipated, in order to select a supplier to deliver the technology and business change specification set out in paragraph 1.5 thereof.

† *The Recommendation, and not the Resolutions, in the above Minute is for consideration by Council.*

Councillors are requested to bring with them to the meeting Report No 162/14 which was circulated with the agenda papers for the meeting of the Cabinet on 20 November 2014. If you require a further copy of the document please contact Trevor Hayward, Committee Officer, on e-mail trevor.hayward@lewes.gov.uk or telephone 01273 471600.

Agenda Item No:

Report No:

Report Title: **Change to Membership of Planning Applications Committee and Scrutiny Committee**

Report To: **Council**

Date: **3 December 2014**

Ward(s) Affected: **All**

Report By: **Catherine Knight, Assistant Director of Corporate Services**

Contact Officer(s)-

Name(s): Jackie Gavigan
Post Title(s): Head of Democratic Services
E-mail(s): jackie.gavigan@lewes.gov.uk
Tel No(s): 01273 661117

Purpose of Report:

To confirm the changes of membership to the Planning Applications Committee and the Scrutiny Committee.

Officers Recommendation(s):

- 1 That the changes to the Planning Applications Committee and Scrutiny Committee membership, as set out in paragraph 8 of the Report, be confirmed and noted.
-

Reasons for Recommendations

- 1 To comply with the Council's legal duties and to implement changes in accordance with the Constitution.

Information

- 2 At its meeting on 15 October 2014, Council confirmed a change of membership to the Planning Applications Committee which had occurred as a result of Councillor Sam Adeniji resigning from the Committee.
- 3 The resignation had created a casual vacant seat on the Planning Applications Committee which was subsequently allocated to the UKIP Group in order to comply with the statutory requirement that appointments to seats on committees are allocated in the same political proportion as that in which the council as a whole is divided (Local Government and Housing Act 1989, section 15).
- 4 The Leader of the UKIP Group, Councillor Donna Edmunds, has since offered the vacant UKIP seat on the Planning Applications Committee to Councillor Ruth O'Keeffe (Independent member) and she has accepted.

- 5 Councillor Donna Edmunds has given written notice that she is no longer able to sit on the Scrutiny Committee. This creates a casual vacancy on the Committee which must now be appointed to.
- 6 The Leader of the UKIP Group, Councillor Donna Edmunds, has offered the vacant UKIP seat on the Scrutiny Committee to the Conservative Group. The Leader of the Conservative Group, Councillor Rob Blackman, has confirmed that Councillor Cyril Sugarman has accepted the seat.
- 7 The seats occupied by Councillor O’Keeffe on the Planning Applications Committee, and by Councillor Sugarman on the Scrutiny Committee, continue to be seats which are allocated to the UKIP Group.
- 8 In accordance with Council Procedure Rules (Procedures for Appointments, page D23, paragraph 3.4), the Assistant Director of Corporate Services has made these appointments which now need to be confirmed formally by Council as follows:
 - 8.1 **Planning Applications Committee** – Councillor Ruth O’Keeffe to replace Councillor Sam Adeniji.
 - 8.2 **Scrutiny Committee** – Councillor Cyril Sugarman to replace Councillor Donna Edmunds.

Financial Appraisal

- 9 There are no financial implications arising from this Report.

Legal Implications

- 10 None over and above those set out in the body of this Report.

Sustainability Implications

- 11 There are no sustainability effects as a result of this Report.

Risk Management Implications

- 12 If the recommendations are not implemented, the main risk will be that the Council fails to meet its legal duties and the requirements of the Constitution are not met.

Equality Screening

- 13 No potential negative impacts were identified as a result of this Report. Therefore, a full Equality Analysis is not required.

Background Papers

- 14 None

Appendix

- 15 None

Agenda Item No:

Report No:

Report Title: Right to Buy Sales and Lease Extensions - Delegated Powers

Report To: Council

Date: 3 December 2014

Cabinet Member: Councillor Howson

Ward(s) Affected: All

Report By: Catherine Knight - Assistant Director of Corporate Services

Contact Officer(s)-

Name(s): Mark Reynard
Post Title(s): Head of Legal Services
E-mail(s): Mark.reynard@lewes.gov.uk
Tel No(s): 01273 7106280

Purpose of Report:

To request an extension to and rationalisation of the Scheme of Delegations to Officers.

Officers Recommendation(s):

To amend the Scheme of Delegations to Officers (Part 9 of the Council's Constitution) as proposed in paragraphs 2.8 and 2.9 of this report.

Reasons for Recommendations

- 1** To provide new delegated power to deal with new (extended) leases and the collective enfranchisement provisions in the Leasehold Reform, Housing and Urban Development Act 1993 (LRHUDA 1993); and to rationalise the delegations so that RTB and LRHUDA 1993 delegations fall within the remit of the Director of Service Delivery.

Information

2

- 2.1** Flats sold under the right to buy scheme (RTB) are let to tenants and their successors in title under long leases.
- 2.2** A number of RTB leases are reaching the point where the remaining length of the lease may not be long enough to provide security for a mortgage. RTB tenants are also interested in acquiring the freehold on a collective basis.

- 2.3** LRHUDA 1993 entitles a qualifying tenant of long lease to a new lease for a term of 90 years plus the remainder of the term of the existing lease at a peppercorn rent. A premium is paid for the lease extension, to compensate the landlord for the loss of rent for the remainder of the term of the existing lease and for being kept out of its reversion for the additional 90 years. LRHUDA 1993 contains a statutory code setting out the procedure for dealing with new leases. The right entitles the tenant to an entirely new lease replacing the existing lease, but is commonly referred to as a lease extension.
- 2.4** LRHUDA 1993 also gives qualifying tenants of long leases of flats the collective right to acquire the freehold. This is known as the collective right to enfranchise. LRHUDA 1993 contains a statutory code setting out the procedure for dealing with the collective right to acquire the freehold.
- 2.5** The statutory codes deal with issues such as the valuation of the lease premium and the purchase price for the freehold. The Council has no discretion to refuse valid claims.
- 2.6** The tenants of RTB long leases are qualifying tenants for the purposes of lease extensions and the collective right to enfranchise under LRHUDA 1993.
- 2.7** Part 9 of the Council's Constitution sets out a Scheme of Delegations to Officers. Delegated powers to administer the right to buy scheme (Part 5 Housing Act 1985 as amended) are given to the Assistant Director of Corporate Services. At present there are no delegated powers in respect of the right to a new lease (lease extension) and the collective right to enfranchise contained in LRHUDA 1993. The statutory codes in LRHUDA 1993 contain prescribed steps and strict timescales for compliance. It is therefore important to give officers delegated power to administer the new lease and collective enfranchisement provisions in LRHUDA 1993.
- 2.8** The delegated power could be extended to include the power to administer lease extensions and the collective right to enfranchise under the Leasehold Reform, Housing and Urban Development Act 1993 as amended. This would result in an amended Housing Services Function delegation reading as follows:

“Housing Services Function

(a) To administer the Council's scheme under the Right to Buy legislation and other approved sales policies (Executive).

(b) To administer new leases (lease extensions) and the collective right to enfranchise under the Leasehold Reform, Housing and Urban Development Act 1993 as amended (Executive).”

- 2.9** The existing RTB delegation in Part 9 gives delegated powers to the Assistant Director of Corporate Services. It is recommended that the

RTB and LRHUDA 1993 delegations be moved so that they fall within the remit of the Director of Service Delivery.

Financial Appraisal

- 3 LRHUDA 1993 makes the tenant liable for certain elements of the landlord's costs in dealing with the claim. These include the reasonable investigation of the tenant's right to make the application, the landlord's valuation of the lease premium or purchase price for the freehold and producing the legal documentation.
- 4 The statutory codes provide the mechanism for the valuation of the lease premium and the purchase price for the freehold.
- 5 At present the administration of the new lease and collective enfranchisement provisions in LRHUDA 1993 can be met within existing staff resources. However, this may not remain the position if claims are submitted on a significant scale.

Legal Implications

- 6 There are no additional legal implications

Sustainability Implications

- 7 I have completed the Sustainability Implications Questionnaire and there are no impacts, either positive or negative.

Risk Management Implications

- 8 I have completed a Risk Management Implications Questionnaire and there is no need to undertake a risk assessment.

Equality Screening

- 9 An equality analysis is not needed for the purposes of this report.

Background Papers

- 10 None.

Appendices

- 11 None.

Lewes District Council



Council Meeting

Councillors are kindly requested to switch off their mobile 'phones and other mobile devices prior to the commencement of the meeting.

Note: At the commencement of the meeting the Chair will ask for a period of silence to enable councillors to focus their thoughts on the meeting or to pray silently.

21 November 2014

To: The Members of the Council

You are hereby summoned to attend the Meeting of **the Council** on **Wednesday, 3 December 2014 at 2.30pm** in **The Council Chamber, County Hall, St Annes Crescent, Lewes** when it is proposed to transact the following business:

1 Minutes

To confirm and sign the Minutes of the Meeting of the Council dated 15 October 2014 (copy previously circulated).

2 Apologies for Absence

3 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 Announcements

To receive any announcements from the Chair of the Council, Leader of the Council, Members of the Cabinet or the Chief Executive.

A list of the Chair of the Council's engagements since the Meeting of the Council on 15 October 2014 is enclosed – Appendix A – page 6

5 Questions from Members of the Public

To deal with questions which members of the public may wish to put to members of the Cabinet in accordance with Council Procedure Rule 10 (if any).

6 Petitions

To receive petitions from councillors or members of the public in accordance with Council Procedure Rule 12 (if any).

7 Written Questions from Councillors

To deal with written questions which councillors may wish to put to the Chair of the Council, a Lead Councillor on the Cabinet or the Chair of any committee or sub-committee in accordance with Council Procedure Rule 11 (if any).

8 Questions to the Leader of the Council

To deal with questions (if any) which councillors may wish to put to the Leader of the Council. It will be at the Leader's discretion to re-direct questions to relevant Members of the Cabinet.

A councillor wishing to raise a question must notify the Chair of the Council of the text of the question prior to the commencement of the meeting.

(NB This item is limited to a maximum of 5 questions, with no more than 1 question being asked per councillor. If a question requires a detailed or technical response, the Leader may decide that a written response is more appropriate).

9 Ward Issues

To deal with ward issues which councillors wish to raise. A councillor wishing to raise a ward issue must notify the Chair of the Council prior to the commencement of the meeting in accordance with Council Procedure Rule 11.8 (if any).

10 Urgent Decisions taken by the Cabinet or Cabinet Members

In accordance with Scrutiny Procedure Rule 17, to receive details of any urgent decisions taken by the Cabinet or Cabinet Members since the Meeting of the Council on 15 October 2014.

11 Recommendations from Cabinet

To consider the recommendations from the meeting of the Cabinet held on 20 November 2014 (Minute Extracts to be circulated).

12 Notices of Motion

In accordance with Council Procedure Rule 13 Councillor Eiloart has submitted the following Notice of Motion:

“Background

While many ordinary people face falling household income and rising costs of living, some multinational companies are avoiding billions of pounds of tax from a tax system that fails to make them pay their fair share. Local governments in developing countries and the UK alike would benefit from a fairer tax system where multinational companies pay their fair share, enabling authorities around the world to provide quality public services. The UK government must listen to the strength of public feeling and act to end the injustice of tax dodging by large multinational companies, in developing countries and the UK.

Motion

This council resolves to write to the UK government:

welcoming its crack-down on UK tax avoidance, which includes measures such as a general anti-avoidance rule, capping income tax reliefs, and reducing annual tax free pension contributions from £250,000 to £40,000.

further welcoming the UK government’s role in the OECD drive to introduce country by country reporting, and transfer pricing documentation, and exchange of information on taxation.

and urging the government to do all that it can to accelerate international co-operation on multinational corporate tax avoidance through the European Union, the OECD and other international bodies.

and further, to write to the President of the European Commission, and the chair of the European Union’s Committee on Economic and Monetary Affairs urging them to treat the prevention of corporate tax avoidance as a priority during the current session.”

13 Change to Membership of Planning Applications Committee and Scrutiny Committee

To consider the Report of the Assistant Director of Corporate Services (Report No 170/14 herewith – page 1)

14 Right to Buy Sales and Lease Extensions - Delegated Powers

To consider the Report of the Assistant Director of Corporate Services (Report No 171/14 herewith – page 3)

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). A councillor wishing to provide feedback must notify the Chair of the Council prior to the commencement of the meeting.

A handwritten signature in blue ink, appearing to read 'J Rowlands', with a stylized flourish at the end.

Jenny Rowlands
Chief Executive

For further information about items appearing on this Agenda, please contact Catherine Knight at Southover House, Southover Road, Lewes, East Sussex BN7 1AB. Telephone (01273) 661116.