

Lewes District Council



Council Agenda

Thursday, 25 February 2016

Southover House, Lewes

Robert Cottrill
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 **Council Chamber, County Hall, St Annes Crescent, Lewes BN7 1UE** on **Thursday, 25 February 2016** 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.

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.

Agenda

1 Minutes

To confirm and sign the Minutes of the Extraordinary Meeting of the Council dated 14 January 2016 (copy previously circulated).

2 Apologies for Absence

3 Declarations of Interest

Disclosure by councillors of personal interests in matters on the agenda, the nature of any interest and whether the councillor regards the interest as prejudicial under the terms of the Code of Conduct

4 Urgent Items

Items not on the agenda which the Chair of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstances as defined in Section 100B(4)(b) of the Local Government Act 1972

5 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 9 December 2015 is enclosed – page 6).

6 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 11. Questions have been received from Mr Vivian Carrick (herewith - page 8).

7 Petitions

To receive petitions from councillors or members of the public in accordance with Council Procedure Rule 13 (if any).

8 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 12 (if any).

9 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).*

10 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 12.8 (if any).

11 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 9 December 2015.

12 Recommendations from Cabinet

(i) To consider the Recommendations from the meeting of the Cabinet held on 7 January 2016 (Minute Extracts herewith – page 9) – (see also the amended Contract Procedure Rules document herewith – page 14); and the non-budget related Recommendation from the meeting of the Cabinet held on 8 February 2016 (Minute Extract herewith - page 45) – (see also Report No 31/16 relating to The Council Plan 2016 – 2020 herewith – page 48).

(ii) To consider the Recommendations from the meeting of the Cabinet held on 8 February 2016 in respect of the financial matters leading up to the setting of the Council Tax (Minute Extracts herewith - page 69) – ((see also the proposed amendments to the budget which have been received from Councillors Osborne and Gardiner (herewith - page 80) and the Green Party

Councillors (herewith page 85)).

(iii) To consider and, if thought appropriate, adopt a formal resolution for the Council Tax for the year ending 31 March 2017 (Report No 32/16 herewith - page 88).

13 Notices of Motion

In accordance with Council Procedure Rule 14 Councillors Osborne and Murray have submitted Notices of Motion (herewith – pages 106 and 110 respectively).

14 Updating of Lewes District Council's Gambling Statement of Principles - Report

To consider the Report of the Director of Service Delivery (Report No 33/16 herewith – page 111).

15 Change of Polling Place for Lewes Priory Electors - Report

To consider the Report of the Assistant Director of Corporate Services (Report No 34/16 herewith – page 146).

16 Changes to Committee Memberships and Outside Body Representatives

To consider the Report of the Assistant Director of Corporate Services (Report No 35/16 herewith – page 153).

17 Updated Code of Conduct Policy - Employees - Report

To consider the Report of the HR Manager (Report No 36/16 herewith – page 156).

18 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.

12 (continued) Recommendations from Cabinet - Revised version of proposed amendments to budget from Councillor Gardiner

With regard to item 12(ii) on this Agenda, set out below are revised details relating to the proposed amendment that has been received from Councillor Gardiner, the original version of which can be found at the top of page 81 of the Agenda. The revised text of Councillor Gardiner's amendment reads as follows:

“3. I MOVE THAT £296,750 be added to the Council's General Fund Capital Programme over a minimum of 3 years: (£112,750 in 2016/17; £136,000 in 2017/18 and £48,000 in 2018/19) to be financed from the repatriated ring-fenced Environment Agency Levy in the Council's general fund revenue budget.”

Attached is a document that sets out information which replaces the details that are set out from mid-way down page 83 of the Agenda (ie after the words “Outline of Proposed schemes”) to the end of page 84 (document herewith - page 182).

12 (continued) Setting the Council Tax Revised details

The enclosed schedule of changes are required in respect of the

Appendices to Report No 32/16 entitled "Setting the Council Tax". The changes are required as a result of further information which has been supplied to the Council by Lewes Town Council in respect of its precept requirement for 2016/2017, details of which are explained in the attached document (herewith - page 185).

A handwritten signature in black ink, appearing to read 'Robert Cottrill', with a large, sweeping flourish at the end.

Robert Cottrill
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.



**CHAIR
Councillor RUTH O'KEEFFE**

**CHAIR'S ENGAGEMENTS
9 December 2015 – 25 February 2016**

Wednesday 9 December	7.30pm	Chair: To attend the Friends of Pestalozzi Village Trust Pestalozzi carol concert at St. Michaels Church, Lewes.
Wednesday 9 December	8.30pm	Chair: To attend the Shepherds Arise Carol Concert at St. John Sub Castro, Lewes.
Friday 11 December	7pm	Chair: To attend the RISE charity Forgotten Carols event.
Saturday 12 December	10am	Chair: To attend Cliffe Bonfire's Christmas Fair in Lewes Town Hall.
Saturday 12 December	11am	Chair: To attend Write For Rights Day at The House of Friendship, Lewes.
Saturday 12 December	12pm	Chair: To attend a Sussex Community Development Association (SCDA) event in Newhaven High Street.
Saturday 12 December	2.30pm	Chair and Consort: To attend the Big Band Christmas event at The Barn Theatre, Seaford.
Saturday 12 December	7pm	Chair: To attend the Lewes Festival Christmas Concert at St. John Sub Castro, Lewes.
Monday 14 December	7.30am	Chair: To visit the Royal Mail Delivery Office in Peacehaven as part of the Chair's Festive Visits.
Monday 14 December	8.30am	Chair: To visit the Royal Mail Delivery Office in Lewes as part of the Chair's Festive Visits.
Monday 14 December	12.30pm	Chair: To host a mulled wine and mince pies Christmas event for LDC staff at Southover House, Lewes.
Monday 14 December	2pm	Chair: To attend the Wallands School years three and four Christmas show, Lewes.
Monday 14 December	6.30pm	Chair: To attend the Tenants Of Lewes District (TOLD) Christmas Social at Landport Resource Centre, Lewes.

Friday 18 December	8am	Chair: To visit the Royal Mail Delivery Office in Seaford as part of the Chair's Festive Visits.
Friday 18 December	8.45am	Chair: To visit the Royal Mail Delivery Office in Newhaven as part of the Chair's Festive Visits.
Friday 18 December	7.30pm	Chair: To attend the Lewes Concert Orchestra at Lewes Town Hall.
Saturday 19 December	4.30pm	Chair: To attend LGB Brass's performance of A Christmas Carol at All Saints Centre, Lewes.
Saturday 19 December	7.30pm	Chair: To attend East Sussex Community Choir's performance of A Christmas Cracker at Lewes Town Hall.
Sunday 20 December	7.30pm	Chair: To attend the In The Bleak Midwinter concert in aid of Amnesty at St. John Sub Castro, Lewes.
Friday 25 December	2pm	Chair: To attend the House of Friendship Christmas Party, Lewes.
Tuesday 12 January	11am	Chair: To attend the Now! Charity Groups Grand Opening of the new training centre 'Training Now' in Hailsham.
Thursday 14 January	5.30pm	Chair: To attend the opening of The Refugee's Gift exhibition at Lewes Town Hall.
Saturday 23 January	7pm	Chair: To attend a Burns Night event in aid of Brighton Housing Trust's First Base Centre hosted by the Mayor of Peacehaven at the Meridian Centre, Peacehaven.
Wednesday 27 January	7pm	Chair: To attend the Holocaust Memorial Day event 'Don't Stand By', and provide the closing remarks, at Lewes Town Hall.
Tuesday 2 February	10am	Chair: To attend a U3A meeting at St Michael's Lower Hall, Lewes.
Saturday 6 February	12pm	Chair: To attend Seedy Saturday at Lewes Town Hall.
Thursday 11 February	10am	Chair: To attend the University of Brighton Winter Graduation Ceremonies: College of Life, Health & Physical Sciences at the Brighton Dome.
Friday 12 February	10am	Chair: To attend the University of Brighton Winter Graduation Ceremonies: College of Social Sciences at the Brighton Dome.

Council

25 February 2016

Questions from Members of the Public (Agenda Item No 6)

Questions submitted by Mr Vivian Carrick. To be put to Councillor Maskell, Cabinet Member for Housing:

Question 1: "Lewes District Council have confirmed to me that they have commissioned an economic impact study of the New Homes Project including Peacehaven in December 2015. When will the Council make this study available to the Public?"

Question 2: "Lewes District Council have confirmed to me that they have commissioned the Project Centre to carry out a further Car Park Study of Steyning Avenue Car Park in Peacehaven in December 2015. When will the Council make this study available to the Public?"

Question 3: "Please confirm in detail the title conditions of Piddinghoe Avenue, Steyning Avenue and Roderick South Car Parks in Peacehaven and why the title conditions of Steyning Avenue Car park was not satisfied?"

Agenda Item No: 13(i)



Cabinet recommendations for consideration by Council at the Meeting of the Council on Thursday, 25 February 2016

Cabinet – 7 January 2016

47 Adoption ‘Making’ of the Ringmer Neighbourhood Plan

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

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

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

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

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

Subject to a positive outcome from such an examination, it then

proceeded to a referendum; and

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

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

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

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

In accordance with the Neighbourhood Planning Regulations, following the outcome of the referendum it was for the Council to ‘make’ the neighbourhood plan so that it formally became part of the development plan for Lewes District. The South Downs National Park Authority would also formally adopt the neighbourhood plan.

Resolved:

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

DBSD

It was further

Recommended:

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

DBSD (to note)

Reasons for the Decision:

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

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

(Note: Councillor Gardiner declared his personal, non-prejudicial interest in this item as he had participated in the drafting process associated

with the Neighbourhood Plan. However, he was not a voting Member of the Cabinet).

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

Councillors are requested to bring with them to the meeting Report No 2/16 which was circulated with the agenda papers for the meeting of the Cabinet on 7 January 2016. 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.

51 Contract Procedure Rules

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

CPRs formed part of the Council's Constitution and determined how Officers contracted with external bodies. The CPRs ensured lawfulness and best practice in terms of the procurement of services, supplies or works. Clear and up-to-date CPRs played a key role in ensuring that best value was achieved for the authority and that the Council was not exposed to risk.

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

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

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

It was clear that the future would entail staff working across multiple organisations to deliver shared and closely integrated services. It was therefore important that staff could work to a set of common policies, rules and procedures in key areas, and therefore the revised CPRs would be put forward for adoption by both councils. An equivalent Report to Report No 6/16 had been considered by Eastbourne Borough

Council's Audit & Governance Committee at its meeting on 2 December 2015 and by its Cabinet on 9 December 2015, both of which had resolved to recommend the revised CPRs, as appended to Report No 6/16, with the exception of rule 18.1A, which applied only to Lewes District Council, for approval by Eastbourne Borough Council's full Council.

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

Recommended:

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

DCS (to note)

Reasons for the Decision:

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

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

† *Councillors are requested to bring with them to the meeting Report No 6/16 which was circulated with the agenda papers for the meeting of the Cabinet on 7 January 2016. 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.*

Since Cabinet's consideration of the draft Contract Procedure Rules document, it has been amended to incorporate the new European Union Thresholds which were updated from 1 January 2016; and paragraph 14.3 inadvertently referred to £75,000 and has been corrected to read £100,000 to align with paragraph 16.1. The amended version of the Rules is attached.

NB: The Rules will need to be updated when the new Concessions Regulations and Utilities Regulations come into force in April.

53 Meetings Timetable 2016/2017

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

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

Recommended:

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

ADCS (to note)

Reason for the Decision:

To facilitate the smooth running of the Council's business in the municipal year 2016/2017.

† *Councillors are requested to bring with them to the meeting Report No 8/16 which was circulated with the agenda papers for the meeting of the Cabinet on 7 January 2016. 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.*

Part 4

CONTRACT PROCEDURE RULES

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1. INTRODUCTION

1.1. BASIC PRINCIPLES

Contracts for the supply of works, goods, services and disposal of assets have a high profile in terms of public accountability. Not only does the public expect that the *Organisation* achieves best value from its procurement and contractual arrangements, but it also expects fair competition, the highest standards of honesty and integrity from those involved, and transparency in respect of all decisions made as part of this process.

Accordingly, all procurement or the disposal of assets carried out by the *Organisation* must:

- a. Achieve best value.
- b. Be consistent with the highest standards of integrity.
- c. Ensure fairness in allocating public contracts or disposal of assets.
- d. Comply with all legal requirements.
- e. Support the *Organisation's* corporate and departmental aims and policies.
- f. Comply with the *Organisation's* Procurement Strategy where there is a current one in place.

A contract is a legally enforceable agreement which gives rise to new rights and duties for those who agree to its terms. A contract is formed when the following key elements coincide:

- Offer.
- Acceptance.
- Consideration.
- Intention to create legal relations.
- Certainty of terms

This can include purchase orders, emails, letters and other forms where the above criteria are met.

1.2. OFFICER RESPONSIBILITIES

1.2.1. All officers responsible for purchasing or disposal must comply with these Contract Procedure Rules and the *Organisation's*:

- a. Financial Procedure Rules;
- b. Contract Manual;
- c. Code of Conduct; and
- d. all UK and European Union binding legal requirements.

Where there is a conflict between the *Organisation's* internal rules, codes and policies and these Contract Procedure Rules, then these Contract Procedure Rules will take precedence.

- 1.2.2. Officers must ensure that agents, consultants and contractual partners acting on the *Organisation's* behalf must also comply with the matters listed in 1.2.1.

1.3. MEMBERS RESPONSIBILITIES

Members should refer to the Code of Conduct at their *Organisation*. They should also have regard to the Councillor Protocol for Procurement Annexed to these Rules.

1.4. WHERE TO GET ADVICE

- 1.4.1. These Contract Procedures Rules are divided into two sections to cover the situations where the *Organisation* is acting either as a "purchaser" (when public procurement rules will apply) or as a "seller" or generating an income (when other regulatory requirements will apply).
- 1.4.2. *Officers* who are uncertain as to whether or not the Rules apply, or how the Rules apply, should seek advice from their *Procurement Team* and/or *Legal Services* at an early stage.

2. COMPLIANCE AND EXCEPTIONS

2.1. COMPLIANCE

Every contractual arrangement entered into by the *Organisation* shall comply with these Contract Procedure Rules unless an *exception* or *waiver* applies.

2.2. NON-COMPLIANCE

- 2.2.1. Any non-compliance with any of these Contract Procedure Rules must be notified to the *Chief Finance Officer* and the *Monitoring Officer* at the earliest opportunity.
- 2.2.2. Failure to adhere to these Contract Procedure Rules could result in disciplinary proceedings.
- 2.2.3. If these Contract Procedure Rules are not complied with, this will not invalidate any contract entered into by the *Organisation*, except where European or English law provides to the contrary.

2.3. EXCEPTIONS

- 2.3.1. These Rules do not apply to:
- a. Public services contracts which are excluded from the application of the PCR 2015 under Regulation 10 (Specific exclusions for services contracts) and Regulation 12 (Public Contracts between entities within the public sector).
 - b. Public contracts excluded from the application of the UCR 2006 under Regulation 6 (General exclusion).
 - c. Contracts of employment making an individual a direct employee of the *Organisation*.
 - d. Contracts for the acquisition or rental, by whatever financial means, of land, existing buildings or other immoveable property, or which concerns interests

- in or rights over any of them (other than those situations covered by Section 2 of these Rules).
- e. Unconditional grants; for example, for community services. When deciding if a grant is subject to procurement rules, officers must consider the project as a whole. It is possible that an arrangement referred to as a grant could actually meet the definition of a contract set out in the PCR 2015. Whatever the nature of the grant, legal advice should always be sought when considering the making of a grant, to determine whether it is in fact a contract.
 - f. In the case of Eastbourne Borough Council only contracts made to engage artists, orchestras, shows or similar events or attractions at the *EBC's* theatres and other such performance venues provided by the Council PROVIDED THAT the Senior Head of Tourism and Leisure consults the relevant *Cabinet Portfolio Holder* before agreeing to a contract for seasonal engagement of more than four weeks and that such services fall below the *Applicable Threshold Value* for *Schedule 3 Service Contracts*.

2.4. WAIVERS

2.4.1. Subject to paragraph 2.4.2:

- a. The *Cabinet* has power to waive any requirements within these *Rules* for specific projects, in which case its reasons for doing so shall be recorded in the Minutes of the *Cabinet* meeting;
- b. The *Accountable Officer* has power to waive any requirements within these Rules in cases of urgency, after consultation with the *Leader of the Council*. Any necessary resulting action must be reported to the next meeting of the *Cabinet*.
- c. The *Accountable Officer* has power to waive the requirement within these Rules that requires the use of *Constructionline* to select those to quote for Works contracts with a value above £25,000 and not exceeding £1,000,000.
- d. In cases of contracts above the *Applicable Threshold Level*, the *Accountable Officer* has power to waive any requirements within these Rules, so as to allow the use of the negotiated procedure without prior publication in the specific cases and circumstances laid down in Regulation 32 of the *PCR 2015*, after consultation with the *Leader of the Council*.
- e. In cases of contracts below the *Applicable Threshold Level*, the *Accountable Officer* has power to waive any requirements within these Rules, so as to allow negotiation with only one potential contractor without prior advertisement, requests for quotations or tenders where:
 - i. the circumstances are analogous to those set out in Regulation 32 of the *PCR 2015* for above the *Applicable Threshold Level* contracts;
 - ii. the contract is one to which Regulation 8 PCR 2015 (Specific exclusions in the field of electronic communication) applies;
 - iii. the contract is one to which Regulation 14 PCR 2015 (Research and development services) applies.

As a general principle, waivers should only be authorised where there are objectively demonstrable grounds for doing so.

- ### 2.4.2. Where a proposed contract is subject to the provisions of a European Union procurement Directive or UK legislation then there will be no power to waive or

depart from the requirements of the mandatory provisions set out in that legislation.

- 2.4.3. Nothing in these *Rules* prevents the acceptance of a quote or tender, or requires a waiver, simply because less than the minimum number of quotations or tenders have been submitted in response to a procurement process, as long as at least the minimum number of entities were actually requested to quote or tender as required under the *Rules*.

3. AUTHORITY FOR THE CONTRACT

- 3.1. Sufficient budget approval should be obtained before a procurement process is commenced. No contract for the supply of goods or services or for the execution of any work shall be entered into, nor any order given for such work unless the appropriate financial provision has been made in the capital or revenue estimates, except pursuant to a specific resolution of the *Organisation* or the *Cabinet*. (See also the Financial Procedure Rules).
- 3.2. The *Designated Officer* will be required to produce confirmation of the authorisation for the contractual arrangement before it is entered into. (see also the Scheme of Delegations to Officers).

SECTION 1 PURCHASING

4. PRE-PROCUREMENT CONSIDERATIONS

Officers should appraise the purchase, in a matter commensurate with its complexity and value, taking into account any guidance in the Contract Manual.

It is important that *Officers* have considered the content of these *Rules* and the Contract Manual in advance of undertaking a procurement process to ensure that all the relevant issues have been taken into account and any internal consultation undertaken. There are obligations which impact on purchasing decisions beyond the procurement regulations which may need to be taken into account as appropriate, for example:

- The Public Services (Social Value) Act 2012: how what is proposed to be procured might improve the economic, social and environmental well-being of the relevant area.
- Local Government Act 1999: best value duty.
- Local Government Act 1988: non-commercial considerations.
- Application of TUPE and pension rules.
- ICT and potential data security issues.
- State Aid

Where *Officers* consider that it may be helpful in undertaking some early **pre market engagement** with potential contractors they should refer to the Contract Manual or *Legal Services* for assistance.

4.1. TYPES OF CONTRACT

More detail can be found in the Contract Manual, but outlined below are the types of contract categories governed by the procurement regulations:

- Public Service Contract
- Public Works Contract
- Public Supply Contract
- Specialist Contracts
 - Design Contests
 - Subsidised Contracts Works and Services Contracts
 - Public Works Concession Contracts
 - Public Services Concession Contracts

- Framework Agreements
- Dynamic Purchasing Systems
- Innovation Partnership
- Utilities Contracts

4.2. WHAT IS BEING PROCURED?

Officers planning a procurement process must consider what type of contract is being considered in order to understand and plan the application of these Rules. For many purchases this will be a straightforward matter, however, this can be a complex area in relation to some projects. Further guidance can be found in the Contracts Manual or *Legal Services* should be consulted. In summary, it is necessary to have considered the following questions to determine the procurement rules applicable:

- 4.2.1. If the transaction involves more than one element (e.g. it includes works and services), is the transaction capable of being structured as an indivisible whole? If so what is the main object of the contractual arrangements?
- 4.2.2. Alternatively, are the elements of a mixed contract capable of being structured as stand-alone transactions? If so what are the main objectives of each of the contractual arrangements?
- 4.2.3. Where there is only a single subject matter for the transaction, or if (with regard to 4.2.2) the elements of a mixed transaction can be taken as separate contracts, do they amount to public contracts or concessions under the procurement regime? If so what is the correct classification of each contract and which set of regulations apply? Do the procurement regulations in relation to Utilities apply?
- 4.2.4. If there is a public contract (including a concession or utilities contract), is it one that requires advertisement and competition under the regulations or are there exemptions that apply?
- 4.2.5. In any event is the contractual arrangement one to which the *Treaty* obligations apply? If so, is the opportunity of certain cross border interest and so will require some form of advertisement and competition?
- 4.2.6. Regardless of how the public procurement regulations apply, do these *Rules* apply? Are there any *exceptions* or does there need to be a *waiver*?

5. PUBLIC SECTOR JOINT WORKING, USE OF CENTRAL PURCHASING ARRANGEMENTS AND FRAMEWORKS

- 5.1. In the event that recourse to a *central purchasing arrangement* or *framework agreement* is being considered or any form of joint working with other public sector bodies, then *Legal Services* must be consulted at an early stage. This is to ensure that the proposed arrangements have been established in accordance with the relevant procurement regulations and are available to be used by the *Organisation* in the way intended.
- 5.2. The *Organisation* fulfils its obligations under these Rules when it acquires supplies or services from a central purchasing body offering the centralised purchasing activity.

The *Organisation* also fulfils its obligations where it acquires works, supplies or services by:

- a. using contracts awarded by the central purchasing body;
- b. using dynamic purchasing systems operated by the central purchasing body; or
- c. by using a *framework agreement* concluded by the central purchasing body offering the centralised purchasing activity.

5.3. Call-off contracts entered into under a *framework agreement* must be awarded under the terms set out in the *framework agreement*. These may include a mini-competition between those contractors on the framework or the award of a contract to one contractor without re-opening competition. Where the *framework agreement* terms for call-offs are complied with then competitive quotations or tenders are not required under these *Rules*.

5.4. Where the *Organisation* is procuring through joint working with other contracting authorities, the procurement must be compliant with these *Rules* or those of the lead authority. In so far as that is the case and the process followed is compliant with the public procurement regulations, then the process will be deemed to comply with these *Rules*.

5.5. It should be noted that *Constructionline* is not a framework agreement.

6. SUMMARY OF THRESHOLDS AND PROCEDURES REQUIRED

6.1. The estimated value of a contract should be calculated at the moment at which the procurement procedure is to be commenced. The Public Contract Regulations 2015 and Utilities Contracts Regulations 2006 contain detailed rules as to how the estimated value of a contract is calculated and when the value of one contract has to be aggregated with contracts awarded by the *Organisation* as a whole to see whether it is over the threshold for the Regulations to apply. Guidance is attached at Annexure 2 but further clarification should be sought from *Legal Services* or the *Procurement Team* if needed.

Estimated Value of the Contract (excluding VAT) Service and Supplies	Estimated Value of the Contract (excluding VAT) Works	Minimum Requirement	Advertisement
Contracts Below £25,000 See Para. 8 for details	Contracts Below £25,000 See Para. 8 for details	Obligation to consider best value but no obligation to go out for a particular number of quotes. However	No requirement to advertise.

Estimated Value of the Contract (excluding VAT) Service and Supplies	Estimated Value of the Contract (excluding VAT) Works	Minimum Requirement	Advertisement
		consideration should always be given to whether three quotes should be sought. <i>Officer</i> discretion. Reason for direct award should be agreed with <i>Accountable Officer</i> and recorded by <i>Designated Officer</i> .	IF advertised then NO requirement to also advertise in <i>Contracts Finder</i> .
Contracts exceeding £25,000 and not exceeding £100,000 See Para. 9 for details	£25,000 and not exceeding £1,000,000 See Para. 9 for details	Seek minimum three written quotes. Must use <i>constructionline</i> to select those to be invited to quote for Works contracts unless waiver given.	No requirement to advertise. IF advertised then MUST also advertise in <i>Contracts Finder</i> .
Contracts exceeding £100,000 but under <i>Applicable Threshold Value</i> (EU) See Para. 10 for details	Contracts exceeding £1,000,000 but under <i>Applicable Threshold Value</i> (EU) See Para. 10 for details	Seek minimum four written tenders. No pre-selection stage for services/supplies contracts (so number of contractors invited to tender cannot be limited in this way) but suitability questions can be asked. Use of <i>constructionline</i> optional for PQQ process for works contracts.	Requirement to advertise in all cases. Advertise in <i>Contracts Finder</i> in all cases.
Above <i>Applicable Threshold Value</i> (EU)	Above <i>Applicable Threshold Value</i> (EU) See Para. 11 for	EU regulated process to be followed unless an <i>exception</i> or <i>waiver</i> applies. Consult <i>Legal</i>	Requirement to advertise in all cases.

Estimated Value of the Contract (excluding VAT) Service and Supplies	Estimated Value of the Contract (excluding VAT) Works	Minimum Requirement	Advertisement
See Para. 11 for details	details	<i>Services or Procurement Team.</i>	Advertise in <i>Contracts Finder</i> .
Where appropriate, any contractor properly nominated under section 20 of the Landlord and Tenant Act 1985 must also be invited to tender.			

7. SUMMARY OF ADVERTISEMENT RULES AND REQUIREMENTS

- 7.1. Where a proposed contract meets or exceeds European Union thresholds, (*Applicable Threshold Value*) a public contract notice or a Prior Indicative Notice (depending on the procedure) must be placed in the Official Journal of the European Union (OJEU) if and when required under the applicable Regulations
- 7.2. Any *national advert* should not be published until the OJEU advert has been published or after 48 hours of confirmation of receipt by OJEU of the notice.
- 7.3. Where procurement is commenced through a contract notice to the OJEU then the *Designated Officer* must also ensure that the contract is advertised on *Contracts Finder* within 24 hours of the time when the *Organisation* can publish a national advert (see above).
- 7.4. Where the *Organisation* chooses to advertise an opportunity to be awarded a below threshold contract (regardless of how specific that opportunity is) to which the Public Contracts Regulations 2015 would apply if it were above the *Applicable Threshold Value*, then if the estimated value of the contract opportunity is £25,000 or more, the *Designated Officer* must also advertise the opportunity through *Contracts Finder*. The information must be published in *Contracts Finder* within 24 hours of the time when it first advertises the award opportunity in any other way.
- 7.5. The contract is not 'advertised' for the purpose of triggering a requirement to advertise in *Contracts Finder* if the invitation to quote is only made available to a number of particular contractors who have been selected for that purpose either ad hoc or by virtue of their membership in some closed category such as a framework agreement.
- 7.6. *Officers* should also assess the need for wider advertisement in:
- a. relevant newspapers;
 - b. any national or trade journal applicable to the industry.

8. CONTRACTS BELOW £25,000

- 8.1. The *Designated Officer* has an obligation to consider securing best value for these contracts, but is under no obligation to go out for a particular number of quotes. However consideration should always be given to whether three quotes should be sought.
- 8.2. Where a decision is taken not to seek multiple quotes in any particular situation then the reason for direct award should be agreed with *Accountable Officer* and recorded by the *Designated Officer*.

9. CONTRACTS EXCEEDING £25,000 AND NOT EXCEEDING £100,000 OR £1,000,000 FOR CONTRACTS FOR WORKS

- 9.1. Where the appropriate *Designated Officer* estimates a contract is likely to fall within this category they shall, wherever practicable, obtain at least three competitive quotations in writing. Where practicable, at least one quote shall come from a local supplier.
- 9.2. It is not the intention that there should be any advertisement when obtaining quotations, but it should be noted that where the value of the contract is estimated to be £25,000 or more and the *Organisation* chooses to advertise then the requirements set out in paragraph 7.4 must be observed.
- 9.3. The procurement regulations provide that you cannot have pre-selection stage for a contract above £25,000 but below the *Applicable Threshold Value*. For this purpose only, the threshold that applies to works contracts is the same as for services/supplies contracts.
- 9.4. An invitation to supply a quotation shall, as a minimum, comprise the following information (which may, at the discretion of the *Designated Officer*, be bound within a composite letter):
 - a. Instructions for return.
 - b. The basis on which a quotation will be assessed and on which the winning quotation will be accepted.
 - c. Terms and conditions under which the works, goods or services are to be provided.
 - d. Specification of the works, goods or services to be provided.
 - e. Pricing schedule or similar from which the bid price can be readily ascertained.
 - f. A statement that the Council is under no obligation to accept any quotation.
- 9.5. The *Designated Officer* must keep a record of:
 - a. All contractors that were asked to provide a quotation

- b. The reasons why those particular contractors were selected to provide a quotation.
- 9.6. Where practicable, quotations shall be returned through the electronic tendering system of the *Organisation*. Where this is not possible contractors should be asked to provide quotations by a specified date in plain envelopes/packages which have been securely sealed and marked with the word "Quotation" followed by the contract or subject to which it relates. Telephone quotes are not to be considered. Email quotes may only be accepted if a separate email account is set up for the purpose of the quotation which cannot be accessed until after the deadline for return has passed.
- 9.7. Quotations should not be accessed or opened until after the deadline for return has passed. They should be opened in the presence of the *Designated Officer* plus one other *Officer*. The *Designated Officer* must record the following details on the Quotation Control Form or within the electronic tendering system:
 - a. The name of the company.
 - b. The value of the quote.
 - c. The date the quote was received.
 - d. The form in which it was received from the company.
 - e. The recommendation as to which quote if any to accept.
- 9.8. The *Designated Officer* shall seek the written authority of the *Accountable Officer* to authorise the recommendation by the *Designated Officer*. All documents relating to the quotation exercise shall be provided to the *Accountable Officer* by the *Designated Officer*. The *Accountable Officer* shall certify the acceptance of the quote on the Quotation Control Form or within the electronic tendering system. The Quotation Control Form can be found in the Contract Manual.
- 9.9. A quotation may be accepted on the basis on which it was indicated in the invitation to quote that the winning quotation would be identified i.e. either:
 - a. The lowest price quotation; or
 - b. The highest scoring quotation where evaluated against acceptance criteria previously disclosed to those participating in the competition.

No quotation which exceeds the approved budget provision shall be accepted until approval to further expenditure has been obtained.

10. CONTRACTS EXCEEDING £100,000, OR £1,000,000 IN CASE OF A CONTRACT FOR WORKS, BUT UNDER APPLICABLE THRESHOLD VALUE (EU)

- 10.1. All tendering procedures from planning to contract award and signature must be undertaken in a manner so as to ensure:
 - a. Sufficient time is given to plan and run the process;
 - b. Equal opportunity and equal treatment;
 - c. Openness and transparency;

- d. Probity; and
- e. Outcomes that deliver sustainability, efficiency and whole life costing.

10.2. Contract opportunities should be advertised by public notice, which may take the form of a notice or advertisement on a readily accessible website or other electronic media and/ or in the press, relevant trade journals or Official Journal of the EU (as appropriate). The *Designated Officer* may choose to place one or more public notices. Where the *Organisation* advertises an opportunity to be awarded at below *Applicable Threshold Value* (regardless of how specific that opportunity is) to which the Public Contracts Regulations 2015 would apply if it were above the *Applicable Threshold Value*, then if the estimated value of the contract opportunity is £25,000 or more, the *Designated Officer* must also advertise the opportunity through *Contracts Finder*. The information must be published in *Contracts Finder* within 24 hours of the time when it first advertises the award opportunity in any other way.

10.3. It should be noted that the procurement regulations provide that you cannot have pre-selection stage for a contract above £25,000 but below the *Applicable Threshold Value*. For this purpose only, the threshold that applies to works contracts is the same as for services/supplies contracts. It is possible to ask suitability questions and further guidance on this is in the Contract Manual.

10.4. Where a works contract is above the *Applicable Threshold Value* the pre-selection stage can use the Crown Commercial Services standard Pre Qualification Questionnaire or the industry-standard *PAS 91* for public contracts for Works. Constructionline PQQs are aligned to *PAS 91* and so can be used for this purpose.

10.5. The invitation to tender shall (unless otherwise agreed by *Legal Services*) state that no tender will be considered unless it is received by the date and time stipulated in the invitation to tender. No tender delivered in contravention of this clause shall be considered.

10.6. An invitation to tender shall (unless otherwise agreed by *Legal Services*), as a minimum, comprise the documents listed below:

- a. Form of tender, which must include a statement that the *Organisation* is under no obligation to accept any tender
- b. Certificate that the tender is bona fide
- c. Instructions to tenderers, including notification that where electronic means are not used that no tender will be considered unless it is enclosed in a sealed envelope or container which bears the word "Tender" followed by the subject to which it relates to but no other name or mark indicating the sender.
- d. Form of contract including contract conditions.
- e. Specification of the works, goods or services to be provided
- f. Bill of quantities or pricing schedule (as necessary)
- g. Award criteria for the selection of the successful tender.

11. ABOVE APPLICABLE THRESHOLD VALUE (EU) CONTRACTS

- 11.1. Whilst the rules set out in paragraph 10 above also apply to EU procurements, additional steps must also be taken in accordance with the law and relevant guidance. For this reason, additional time must be allowed at an early stage of project planning
- 11.2. Where the EU Procurement Rules apply, the *Accountable or Designated Officer* must consult with *Legal Services* in the very early stages of project planning, to determine the appropriate method of conducting the purchase and to ensure the correct procedures are followed.
- 11.3. Where EU Procurement Rules apply to a contract there are four main procedures available. These are the open, restricted, competitive dialogue procedures and competitive procedure with negotiation.
- 11.4. The *Accountable or Designated Officer* must consider the minimum time frames which apply to EU procurement projects and consult *Legal Services* at the outset.
- 11.5. Where the Public Contract Regulations 2015 or Utilities Contract Regulations 2006 require a prior indicative notice (PIN) or public contract notice to be placed in the Official Journal of the European Union (OJEU) then any *national advert* should not be published until the OJEU advert has been published or after 48 hours of confirmation of receipt by OJEU of the notice. Where a procurement exercise is commenced through a contract notice to the OJEU then the *Designated Officer* must also ensure that the contract is advertised on *Contracts Finder* within 24 hours of the time when the *Organisation* can publish a *national advert*.

12. EXTENSIONS AND CHANGES TO EXISTING CONTRACTS

- 12.1. No variation and/or extension must be made to a contract without an agreed budget.
- 12.2. Variations and/or extensions to existing contracts will normally be permitted **only** where all of the following criteria are met:
- a) The variation and/or extension is not so materially different from the scope of the original contract that a new procurement exercise needs to be run having regard to the provisions in Regulation 72 of the Public Contracts Regulations 2015; and
 - b) Value for money can be demonstrated; and
 - c) The variation and/or extension is approved by *Legal Services*.
- 12.3. Delegated authority to authorise extensions and variations are as follows:
- a) any extension or variation to a contract resulting in an increase of more than 10% of its total value or duration, to a maximum value of £50,000, must be authorised by the relevant *Chief Officer*;
 - b) any extension or variation resulting in an increase of more than £50,000 must be authorised by the relevant *Cabinet Portfolio Holder*;

- c) where the extension or variation would lead to a significant change in the level of service or have cost implications for future years outside of the *Organisation's* overall budget framework, *Organisation* approval must be given.

12.4. In **exceptional** and/or **extremely urgent** circumstances, extensions may be granted by the *Chief Officer* after consultation with the *Leader of the Council*. Any necessary resulting action must be reported to the next meeting of the *Cabinet* and if necessary, *Council*.

12.5. Where any variation or extension results in a need for budget virement, this will be subject to the virement provisions in the *Financial Procedure Rules*.

13. RECEIPT AND OPENING OF TENDERS

13.1. *Officers* should ensure that contractors who may tender are aware of the rules relating to the tendering process set out.

13.2. A tender should only be considered if received in accordance with the *Organisation's* tendering protocols set out in the invitation to tender or where otherwise agreed in consultation with *Legal Services*.

13.3. Where not submitted electronically through the approved procurement portal, the *Accountable Officer* or his or her nominated officer will keep the tenders securely. Tenders, however received, must not be opened or accessed until expiry of the time limit for submission and the time appointed for their opening.

13.4. Tenders must be opened in a fair and secure fashion in the presence of the *Designated Officer* and at least one other *officer*. The presence may be virtual where the electronic approved procurement portal is used.

13.5. The *Designated Officer* must record the following tender details:

- a) The names of those present during the Tender opening
- b) The date and time the Tenders were opened
- c) The name and estimated value of the contract.
- d) The *Accountable Officer* instigating the contract.
- e) The closing date and time for tenders to be received.
- f) The name of each invited tenderer.
- g) The tender amount. In the event of the value of the tender being unclear e.g. dependent upon further calculation or based on a schedule of rates, the Tender amount should be recorded as "To be assessed".
- h) In the event that an invited tenderer fails to tender, the tender sum should be recorded as "No Tender Received".
- i) With regard to tenders received after the specified date and time, the tender sum should be recorded as "Received Late" with the actual date and time received.

13.6. The *Designated Officer* must retain a copy of each tender in accordance with the *Organisations* Document Retention & Disposal Schedule.

13.7. Where information or documentation to be submitted by a tenderer is or appears to be incomplete or erroneous, or where specific documents are missing, the

Organisation may request the tenders concerned to submit, supplement, clarify or complete the relevant information or documentation within an appropriate time limit, provided that such requests are made in compliance with the principles of equal treatment and transparency.

- 13.8. This will generally mean that a request must not in reality lead to the submission of a new tender. In particular it relates to the identification of any obvious errors, ambiguity and incompleteness which might prevent the *Organisation* from being able to undertake the evaluation process and in particular those which are capable of simple explanation and can be easily resolved.
- 13.9. A request for clarification should not appear unduly to have favoured or disadvantaged the tenderer or tenderers to which the request was addressed.
- 13.10. A request for clarification of a tender should be made only after the *Organisation* has looked at all the tenders. Furthermore, that request must be sent in an equivalent manner to all undertakings which are in the same situation, unless there is an objectively verifiable ground capable of justifying different treatment of the tenderers in that regard, in particular where the tender must, in any event, in the light of other factors, be rejected.
- 13.11. In addition, a request should relate to all sections of the tender which are imprecise or which do not meet the technical requirements of the tender specifications if the *Organisation* wishes to raise queries or reject the tender because of them.
- 13.12. The *Accountable Officer* must accept a tender on the basis on which it was indicated in the invitation to tender that the winning tender would be identified i.e. either:
- a) The lowest priced tender; or
 - b) The tender that scores highest when evaluated against the acceptance criteria previously set by the *Accountable Officer* and disclosed to those participating in the competition.
- 13.13. A tender that is not the lowest priced or highest scoring tender can only be accepted by the *Cabinet*, in respect of those functions that are the functions of *Cabinet*, after considering a report by the *Accountable Officer*.
- 13.14. Tenders exceeding the approved estimate may only be accepted once approval to further expenditure is obtained. This may be approved by the relevant budget holder within delegated limits. Otherwise, approval by *Cabinet* or *Council* in accordance with the Constitution is required.

14. CONTRACT AWARD

- 14.1. *Designated Officers* or *Accountable Officers* have delegated authority to authorise contracts within their approved budget.
- 14.2. Contracts with a value greater than that allocated within the relevant budget must be authorised by *Cabinet*.
- 14.3. Any contract over £100,000 must be authorised by an *Accountable Officer* and executed as a deed or under seal. The Council seal is held by *Legal Services* and will

only be used once *Legal Services* receives the necessary authorisation from the *Accountable Officer* to bind the *Organisation* to the contract.

- 14.4. The award of a contract over £25,000 (including under a framework agreement) must be published in accordance with the Public Contracts Regulations 2015 and in *Contracts Finder*. Awards of contracts under the UCR 2006 must be published in accordance with those Regulations.

15. FINANCIAL CHECKS

- 15.1. In the case of contracts to be awarded which either have an estimated value in excess of £100,000, or where the *Accountable Officer* considers that the failure of the contractor to perform would result in a high risk to the *Organisation*, the *Accountable Officer* must request that the *Chief Finance Officer* carry out a financial status check on all applicants.
- 15.2. The financial status check will take into account the financial viability of the applicant, their ability to deliver the contract in financial terms and the current level of contractual relationship with the applicant.
- 15.3. The *Accountable Officer* may authorise a tender to be invited from a contractor whose financial status is not favourable, where to do so is necessary in order to secure a bid for the works, supplies or services and the risks associated with contract failure have been assessed and in his/her opinion are within acceptable limits. In such an event, the *Accountable Officer* must justify such a decision and maintain all records accordingly.
- 15.4. The financial checks will be carried out in compliance with the provisions of the Public Contracts Regulations 2015 (in particular Regulations 107 and 111 and associated guidance) depending on the value and type of public contract.

16. CONTRACT TERMS

- 16.1. **Every contract that exceeds £100,000 in value or contains a potentially significant risk must be in writing in a form approved by *Legal Services*.**
- 16.2. Note: *Legal Services* may also determine the format of any contract for a lesser value.
- 16.3. Other than in exceptional circumstances, and where the written consent of *Legal Services* has first been obtained, all contracts must be concluded formally in writing **before** the supply of any goods, service or the commencement of any work. The issue of an award letter or letter of intent is not acceptable for this purpose.
- 16.4. Every contract must include details of:
- a) The works, goods or services to be provided, supplied or carried out;
 - b) The price to be paid, with a statement of discounts or deductions;

- c) The time or times within which the contract is to be performed;
- d) Where appropriate, provision for the payment of liquidated damages where the contractor fails to complete the contract within specified timescales;
- e) A clause empowering the *Organisation* to cancel the contract in circumstances of corruption and/ or collusion and to recover any loss resulting from such cancellation;
- f) A clause requiring appropriate insurance cover;
- g) Where appropriate a requirement for the provision of a bond, parent company guarantee or other sufficient security for due performance of the contract. Where the contract value exceeds £1,000,000 the contract shall contain such a provision unless the *Chief Finance Officer* determines otherwise;
- h) Specific provision as to sub contracting where appropriate;
- i) A clause enabling termination in accordance with Regulation 73 of the Public Contract Regulations 2015 if it is above the *Applicable Threshold Value*; and
- j) A clause containing suitable provisions (having regard to guidance issued by the Minister for the Cabinet Office) to comply with the requirements of Regulation 113 of the Public Contract Regulations 2015 in relation to the payment of undisputed invoices within 30 days to contractors and sub-contractors.

16.5. The Safeguarding of Children and Vulnerable Adults and the relevance of other Council policies noted in the Corporate Procurement Policy.

16.6. In any contract where a contractor or subcontractor will have contact with members of the public, the *Designated Officer* is responsible for ensuring that it is a condition of the contract that the contractor, or subcontractor, will comply with the *Organisation's* 'Safeguarding Children and Vulnerable Adults Policy'. The *Designated Officer* is responsible for ensuring that the contractor has a copy, or has access to a copy, of this policy.

16.7. These Rules must moreover be read in conjunction with the *Organisation's* Corporate Procurement Policy. This Policy provides details of those other *Organisation* policies (such as those relating to Equalities and other supplier responsibilities) which ensure that all procurement activity reflects the *Organisation's* corporate standards and objectives.

17. RECORDS

17.1. The following records must be kept by the *Designated Officer*:

- a. forms of tender received from all tenderers
- b. all documentation from the three highest scoring tenderers until the end of the contract when the second and third tenderers documentation can be destroyed
- c. communication with unsuccessful tenderers
- d. the award criteria
- e. for above threshold contracts the information required for reporting and documenting in Regulation 84 of the Public Contracts Regulations 2015 including why an above threshold contract has not been divided into Lots. For below threshold contracts information may be required by the Cabinet office for reports to the Commission.

17.2. The documents detailed must be kept for at least six years after the end of the contract, or as specified by any Document Retention Policy approved by the *Organisation*.

SECTION 2 SELLING

18. DISPOSAL OF INTERESTS IN LAND

18.1. No sale or lease by the *Organisation* of land (where the value exceeds £50,000 or £25,000 if amenity land; or in the case of a lease, the estimated rent exceeds £25,000 per annum) shall be made except after auction or the invitation of tenders or expressions of interest following public advertisement, in at least one newspaper circulating in the *District* (or other appropriate means of advertising), unless specifically authorised by *Cabinet*. This shall not apply to the renewal of a lease made pursuant to the Landlord and Tenant Act 1954 or to the sale of *Organisation* dwellings under the right to buy scheme.

18.1A No sale or lease by Lewes District Council of land where the value exceeds limits referred to in Rule 18.1 above shall be made except after consulting with the Member(s) for the ward affected and, where the land falls within the area of a town or parish council, the clerk of that council.

18.2. The *Designated Officer* shall record the power under which land or an interest in land is disposed which is likely to be one of the following:

18.2.1 Local Government Act 1972 – Section 123 Disposal power in relation to land not held for planning or housing purposes

18.2.2 Town and Country Planning Act 1990 - Section 233 Disposal power in relation to land held for planning purposes

18.2.3 Housing Act 1985 – Section 32 Disposal power in relation to land held for purposes of Part II of the Housing Act 1985

18.3. The disposal of land or interests in land shall comply with the rules on State Aid.

18.4. Consideration should be given to the circumstances in which a public contract may be created through a disposal of land. *Legal Services* and/or guidance contained in the Contract Manual should be consulted.

19. DISPOSAL OF ASSETS

19.1. Assets for disposal must be sent to public auction except where better value for money is likely to be obtained by inviting quotations or tenders. (These may be invited by advertising on the *Organisation's* internet site or other appropriate means of advertisement). Quotations or tenders will not be required where an expert valuation has confirmed that an alternative method of disposal (such as where there is a *Special Purchaser*) will secure market or above market value. The method of disposal of surplus or obsolete assets other than land must be formally agreed with the *Chief Finance Officer*.

20. INCOME GENERATING CONTRACTS

20.1. The *Designated Officer* shall consult with *Legal Services* in relation to contracts where the *Organisation* is proposing to generate an income or receive a payment. Such contracts may include joint venture arrangements or concessions contracts. A concession contract may include contracts for the provision of works and services where the consideration under the contract includes the right to exploit the works or services to be provided. These may be governed by the public procurement rules.

20.2. Matters to consider will include:

- 20.2.1. Powers,
- 20.2.2. State aid,
- 20.2.3. Best value.

21. PURCHASE OF INTERESTS IN LAND

21.1. The *Designated Officer* shall record the power under which land is purchased.

21.2. The purchase of land shall comply with the rules on State Aid.

DEFINITIONS

22. DEFINITIONS

Word or Phrase	Meaning
Accountable Officer	For EBC and LDC this means the Chief Executive or Senior Head of Service responsible for the particular project. For EHL this means the Chief Executive or Managing Director as appointed by the Board.
Applicable Threshold Value	The threshold in relation to the estimated value of the contract as set out in the relevant procurement Directive above which an OJEU process must be followed. For the <i>Organisations</i> these are currently: Works: £4,104,394 Supplies/Services: £164.176 Schedule 3 service contracts for social and other specific services: £589,148 These are reviewed every 2 years to convert the Euro figures in to GBP. The next update is due 1 January 2016. The GBP values can go down.
Cabinet	For EBC and LDC this is the Cabinet of the Council. For EHL this is (1) the Board of Directors appointed in accordance with the Articles and Memorandum of Association or (2) a Committee,

Word or Phrase	Meaning
	where the matter relates to a function delegated to that Committee in both cases after considering a report from one or more of the Executives.
Cabinet Portfolio Holder	For EBC/LDC the member of the Cabinet designated as the lead member for the relevant function or service and if none the Leader of the Cabinet. For EHL any of the Executives as appropriate to the matter being considered.
central purchasing arrangement	This is an arrangement involving a “central purchasing body”. A “central purchasing body” means a contracting authority which provides centralised purchasing activities and which may also provide ancillary purchasing activities. Contracting authorities may acquire supplies, services, or works through a central purchasing body offering a centralised purchasing activity.
Chief Finance Officer	For EBC and LDC the person designated as the responsible officer under section 151 of the Local Government Act 1972; for EHL the Director Finance and Corporate Services.
Chief Officer	For EBC and LDC these are the Chief Executive, the Deputy Chief Executive, the Directors, the Senior Heads, the Monitoring Officer and the Chief Finance Officer. For EHL these are the Executives.
Code of Conduct	Employee and/or staff code of conduct or the Code of Conduct for Councillors, as applicable.
Constructionline	Constructionline is a national register of pre qualified local and national construction and construction related contractors and consultants. It is owned by Capita PLC and endorsed by the Department of Business Enterprise and Regulatory Reform (formerly the DTI). The Council uses this register as its selection method for construction related contracts. Firms or contractors who are not registered on Constructionline can apply to join it. Information on how to register, application rules and forms can be found at www.constructionline.co.uk
Contracts Finder	Contracts Finder is an electronic procurement portal and is the responsibility of the Crown Commercial Service (CCS) and the new Contracts Finder portal can be found at www.gov.uk/contracts-finder . The Council has issued guidance notes on how to use the portal.

Word or Phrase	Meaning
Council	For EBC and LDC this is the Council meeting. For EHL this is the Board of Directors.
Designated Officer	The Officer designated by the Chief Officer to deal with the procurement process in question.
District	The administrative area of the Organisation
EBC	Eastbourne Borough Council.
EHL	Eastbourne Homes Limited.
Exception or exception	A circumstance set out in paragraph 2.3 (Exceptions) of the Contract Procedure Rules.
Executives	For EHL this means the Chief Executive or Managing Director and the Services Directors (being the Director of Finance and Corporate Services and the Director of Operations).
Financial Procedure Rules	For EBC/LDC these are the Financial Procedure Rule that form part of the Constitution. For EHL these are the Financial Regulations.
Framework Agreement	An agreement between one or more contracting authorities and one or more economic entities, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged.
LDC	Lewes District Council.
Leader of the Council	For EBC and LDC this is the Leader of the Council as appointed under their respective Constitutions. For EHL this shall be the Chairman of the Board.
Legal Services	For LDC this means the Council's senior legal officer or a specialist lawyer in that officer's team; For EBC/EHL that means the Lawyer to the Council or a specialist lawyer in that officer's team.
Monitoring Officer	For EBC and LDC the person designated as the responsible officer under section 5 of the Local Government and Housing Act 1989; for EHL the Governance & Compliance Manager/Company Secretary.
national advert	An advertisement of the opportunity other than in OJEU.

Word or Phrase	Meaning
Officer or Officers	Any member of staff employed by the <i>Organisation</i> ; any person seconded to or made available to the <i>Organisation</i> ; any agent or consultant acting for the <i>Organisation</i> ; and in the case of EHL, any director of the company.
Organisation	Eastbourne Borough Council (“EBC”); Lewes District Council (“LDC”); Eastbourne Homes Limited (“EHL”).
PAS 91	PAS 91 is a standardised pre-qualification questionnaire which has been developed to reduce the need for suppliers to complete a variety of different pre-qualification questionnaires for different, and in some cases, the same clients. A copy is attached to the Contract Manual and can also be downloaded at: http://shop.bsigroup.com/en/Navigate-by/PAS/PAS-91-2013/
PCR 2015	Public Contracts Regulations 2015
Procurement Team	The Officers (if any) with designated responsibility in the relevant <i>Organisation</i> for advising on procurement processes
Rules	The Contract Procedure Rules.
Schedule 3 Service Contracts	Contracts listed in Schedule 3 of the PCR 2015 for social and other specific services.
Special Purchaser	A particular buyer for whom a particular asset has special value (i.e. an amount that reflects particular attributes of an asset that are only of value to a <i>Special Purchaser</i>) because of advantages arising from its ownership that would not be available to other buyers in a market.
Treaty	Treaty on the Functioning of the European Union
UCR 2006	Utilities Contracts Regulations 2006
Waiver or waiver	A circumstance set out in paragraph 2.4 (Waiver) of the Contract Procedure Rules.

1. ANNEXURE ONE: COUNCILLOR PROTOCOL FOR PROCUREMENT

COUNCILLOR PROTOCOL FOR PROCUREMENT

Introduction

- 1** The Council's governance arrangements provide for procurement to be managed in accordance with Contract Procedure Rules, and for Councillors to be guided in their work by the Protocol on Member/Officer Relations and the Code of Conduct for Members of the Council. The Code of Conduct for Members includes the need for Councillors to register their interests in any contract with the Council, but in other respects these documents make only limited reference to the role of Councillors in the specialist area of procurement.
- 2** This protocol is to guide Councillors in procurement procedures and to minimise the risk of any non compliance with UK and EU legislation.

Best Practice Guidance

- 3** A Councillor must not arrange or participate in any meeting or other form of communication with tenderers or potential tenderers for Council contracts that has not been arranged by Council officers.
- 4** A Councillor who is or will be involved in the process that leads to the award of any Council contract must not discuss the matter if they are approached by or on behalf of anyone interested in obtaining that contract.
- 5** A Councillor, who is a representative of an organisation that tenders or quotes for Council work, may not take part in the process that leads to the award of any contract in that area of service or be involved in the subsequent administration of that contract.
- 6** If a Councillor is a representative of an organisation that tenders or quotes for Council work, the organisation can only be awarded Council work through a process of open competition under Contract Procedure Rules.
- 7** The Council will not seek tenders or quotes from an organisation, or place work with an organisation using a schedule of rates or any call off arrangement, if a Councillor who is the Cabinet Member for that area of the Council's service is a representative of that organisation.
- 8** A Councillor must not seek to influence the procurement decisions of officers or do anything that compromises or is likely to compromise the impartiality of officers.
- 9** A Councillor must not pressurise any officer to change his/her professional opinion on procurement issues or give direct instructions to officers.

- 10** A Councillor must not take a proactive part to represent or in any other way advocate on behalf of any tenderer or contractor.
- 11** Any Councillor, who is a representative of an organisation that tenders or quotes for Council work, must declare that interest in the Register of Interests.
- 12** Confidential information relating to any tender, tenderer or prospective tenderer must remain confidential, and a Councillor must ensure that no confidential information is disclosed to unauthorised persons or organisations.

A breach of the above guidance may constitute, depending on the circumstances, a breach of the Code of Conduct for Members.

2. ANNEXURE TWO: GUIDANCE ON CALCULATING ESTIMATED CONTRACT VALUE

The Calculation

Calculation of the estimated value of a contract must be based on the total amount payable (excluding VAT). This has to be undertaken at the moment at which the call for competition is sent, or if no call for competition then at the moment at which the *Organisation* intends to commence an alternative process to select suppliers e.g. by seeking quotations.

The choice of method used to calculate the estimated value must not be made with the intention of excluding it from the public procurement regulations.

A procurement exercise must not be subdivided with the effect of preventing it from falling within the public procurement regulations unless justified by objective reasons.

The rules require that where there are separate operational units within the *Organisation*, the total estimated value of the works, supplies or services for all those units is taken into account when calculating the estimated value. This means the majority of procurements undertaken will need to take account of the overall *Organisation* spend.

However where a unit is independently responsible for its procurement or certain categories of its procurement, the values may be estimated at the level of the unit in question. This will apply where the separate operational unit independently runs the procurement procedures and makes the buying decisions, has a separate budget line at its disposal for the procurements concerned, concludes the contract independently and finances it from a budget which it has at its disposal. A subdivision is not justified where the *Organisation* merely organises a procurement exercise in a decentralised way.

The value must be estimated by the *Organisation* including:

- any form of option in relation to the contract (e.g. where there is an option to include possible additional services)
- any renewals that are provided for in the contract
- any prizes or payments to candidates or tenderers
- any payments that will be made by third parties to the supplier as a result of undertaking the contract

- in the case of insurance services, the premium payable and other forms of remuneration
- in the case of banking and other financial services, the fees, commissions payable, interest and other forms of remuneration
- in the case of design contracts, the fees, commissions payable and other forms of remuneration
- where the contract is or may be divided into lots, account has to be taken of the total estimated value of those lots
- in relation to framework agreements and dynamic purchasing systems, the value to be taken into consideration is the total for all the contracts envisaged during the term of the framework agreement or system
- in relation to innovation partnerships, the value to be considered is the maximum estimated value of the research and development activities to take place during all stages of the envisaged partnership as well as the supplies and services or works to be developed and procured at the end of the envisaged partnership
- in the case of works contracts, the calculation shall include both the cost of the work and the total estimated supplies and services that are made available to the contractor by the *Organisation* where they are necessary for executing the works

Specific Rules for Supply Contracts

In relation to supply contracts relating to the leasing, hire, rental or hire purchase of products, the value to be taken as a basis for calculating the estimated contract value is:

- in the case of fixed-term contracts, where that term is less than or equal to 12 months, the total estimated value for the term of the contract, or, where the term of the contract is greater than 12 months, the total value including the estimated residual value;
- in the case of public contracts without a fixed term or the term of which cannot be defined, the monthly value multiplied by 48.

Specific Rules for Services Contracts

In relation to service contracts which do not indicate a total price, the basis for calculating the estimated contract value is:

- in the case of fixed-term contracts, where that term is less than or equal to 48 months: the total value for their full term;

- in the case of contracts without a fixed term or with a term greater than 48 months: the monthly value multiplied by 48.

Aggregation Rules for Supplies and Services

In the case of supplies and services contracts which are regular in nature or which are intended to be renewed within a given period, the calculation of the estimated value of every contract must be based on one of the following:

- the total actual value of the successive contracts of the same type awarded during the preceding 12 months or financial year adjusted, where possible, to take account of the changes in quantity or value which would occur in the course of the 12 months following the initial contract; or
- the total estimated value of the successive contracts awarded during the 12 months following the first delivery, or during the financial year where that is longer than 12 months.

For this purpose, the notion of similar supplies means products which are intended for identical or similar uses, such as supplies of a range of foods or of various items of office furniture. Typically, a supplier active in the field concerned would be likely to carry such supplies as part of his normal product range. So for example the *Organisation* will need a certain amount of printer paper over the year, and it knows from the previous year it spent over the Applicable Threshold Value for that supply. This means that even if it wanted to buy one packet at a time, that single purchase would have to be treated as an above threshold purchase subject to the full procurement rules. The same concept applies to services contracts.

Lots and Small Lots

Where the contract is or may be divided into lots and the total value of those lots exceeds the Applicable Threshold Value then the full (OJEU) procurement rules apply to awarding a contract for each lot.

The *Organisation* may however award contracts for individual lots without applying the full procurement procedures (but under its own CPRs) provided the estimated value of the lot concerned is less than:

- £62,842 for supplies or services
- £785,530 for works

Provided the aggregate value of the lots awarded does not exceed 20% of the aggregate value of all the lots into which the proposed work, services or supplies has been divided.

Agenda Item No: 12(i)



Cabinet recommendations for consideration by Council at the Meeting of the Council on Thursday, 25 February 2016

Cabinet – 8 February 2016 (non-budget related item)

57 The Council Plan 2016 - 2020

The Cabinet considered Report No 22/16 which related to the draft Council Plan 2016 to 2020, a copy of which was set out at Appendix A thereto.

Following the Council election in May 2015, the Council had an opportunity to refocus on its vision, ambitions and priorities for the District over the next four years.

The Plan was a key corporate document which set out the Council's commitments to its residents and businesses and outlined a programme of important strategic projects and outcomes for the District. It drew upon a range of statistical data, as well as the views of key stakeholders, in order to inform and help shape the policy priorities for the Council.

The Plan aimed to encapsulate the continuing ambitious aspirations of the Council, the draft version of which continued the strong existing commitment to improving services for customers and communities, achieving more by working together with key partners and delivering efficient, customer focussed services. It was set against the challenging financial backdrop which required the Council to make the best possible use of its resources.

The draft Plan had been prepared having regard to the following:

- The Council's existing programme of transformation projects, community initiatives and policy commitments;
- The Residents' Survey 2015 which was conducted during the summer 2015; and

- The financial and policy drivers that were likely to impact the Council in the short to medium term.

It was divided into three sections namely;

- Customers – which focused on improved customer service and how the Council worked to make its communities more resilient, healthy and engaged;
- Place – which focused on growth and prosperity, how the Council delivered sustainable new housing and infrastructure, and how it kept the District clean and green; and
- Value for Money – following the recent Council decision to adopt a strategy for the development of shared services, the section focused on how the Council would deliver its savings, in part by the integration of the staff and services of Lewes and Eastbourne Councils.

Details relating to the consultation and engagement processes that had been undertaken in respect of the draft Plan were set out in paragraphs 13 to 17 of the Report whilst Appendix B thereto provided a list of the key partner organisations which had been invited to give feedback. Paragraphs 18 and 19 of the Report set out details relating to the adoption and delivery of the Plan.

Recommended:

57.1 That, following consideration of:

The draft Council Plan for 2016 – 2020, as set out at Appendix A to Report No 22/16;

The feedback from consultation with partner organisations and other stakeholders that commenced on 21 December 2015 and finished on 8 February 2016; and

Any recommendations arising from the Scrutiny Committee's consideration of the Report on 14 January 2016,

a final version of the draft Council Plan be prepared for consideration at the forthcoming Meeting of the Council on 25 February 2016 and that, subsequently, it be adopted.

Reasons for the Decision:

To enable the Council to set out its strategic vision, objectives and priority projects for the next four years and provide a firm basis for forward planning and performance management.

DBSD (to note)

† *Councillors are requested to bring with them to the meeting Report No 22/16 which was circulated with the agenda papers for the meeting of the Cabinet on 8 February 2016. 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.*

NB The Council Plan 2016 – 2020 is the subject of a separate Report to this Meeting of the Council. Therefore, please see Report No 31/16 which is attached.

Agenda Item No: 12(i) **Report No:** 31/16
Report Title: The Council Plan 2016 - 2020
Report To: Council **Date:** 23 February 2016
Cabinet Member: Councillor Andy Smith
Ward(s) Affected: All wards
Report By: Nazeya Hussain, Director of Business Strategy and Development
Contact Officer(s)-
Name(s): Sue Harvey
Post Title(s): Strategic Performance Manager
E-mail(s): sue.harvey@lewes.gov.uk
Tel No(s): 01273 471600 x 6119

Purpose of Report:

1. To consider and approve the final draft of the Council Plan 2016-2020 for publication.

Officers' Recommendations:

1. To agree the Council Plan for 2016-2020, which now incorporates those recommendations made by both Scrutiny Committee (14 January 2016) and Cabinet (8 February 2016), subject to 2 below;
2. To authorise the Leader of Council to agree final approval of the Plan following the addition of relevant financial information in accordance with the Council's approved budget for 2016/17 and to make any minor contextual changes

Reasons for Recommendations

3. To enable the Council to set out its strategic vision, objectives and priority projects for the next four years and provide a firm basis for forward planning and performance management.

Information

4. Following the District Council election in May 2015, the Council has an opportunity to refocus on its vision, ambitions and priorities for the Lewes District over the next four years.
5. The Council Plan is a key corporate document. It sets out the Council's commitments to its residents and businesses and outlines a programme of important strategic projects and outcomes for the District. The Plan draws upon a range of statistical data, including the views of residents and other key stakeholders, and consultees, to inform and help shape the policy priorities for the Council. [Page 48 of 189](#)

Development of the draft Council Plan 2016-2020

6. The Council Plan aims to reflect the continuing ambitions and aspirations of the organisation. It continues to emphasise the Council's strong commitment to improving services for customers and communities, achieving more by working together with key partners and delivering efficient, value for money services. The Plan is set against the challenging financial backdrop as outlined in the Council's Medium Term Financial Strategy.
7. The Council Plan has been prepared having regard to the following:
 - The Residents' Survey 2015 which was conducted during the summer 2015.
 - The Council's existing programme of transformation projects, community initiatives and policy commitments.
 - The financial and policy drivers likely to impact the Council in the short to medium term.
 - Feedback from consultation with key partners and other stakeholders. This feedback has been considered by the Council's Scrutiny Committee and Cabinet and has informed the final drafting.
8. The Plan is divided into three sections;
 - Customers – focussing on improved customer service and how we work to make our communities more resilient, healthy and engaged.
 - Place – focussing on growth and prosperity, how we deliver sustainable new housing and infrastructure, and how we keep the district clean and green.
 - Value for Money – here, following the Council's decision to develop shared services with Eastbourne Borough Council, the focus is on how the Council will deliver planned savings, in part by the integration of staff and services between Lewes and Eastbourne councils.

Consultation and engagement on the draft Council Plan 2016-2020

9. Engagement with local residents, stakeholders and elected members has been an important part of the development of the Plan.
10. Initial consultation through a Residents' Survey undertaken over the summer 2015, took account of the views of nearly 1,000 local residents. This independently run survey used an LGA approved research methodology. A weighted sample of residents ensured the demographics and make-up of the District (in terms of age, gender, ethnicity and electoral ward) was reflected. The survey provided a statistically robust evidence base on which to develop the Plan, ensuring it reflects the views, priorities and aspirations of local people. The full results of the Residents' Survey have been provided previously to all Members, and are published on the Council's website.
11. As well as the Residents' Survey, other methods of engagement have been adopted to gain feedback from partners and other stakeholders to inform the development of the Plan. Staff Forums have given staff an opportunity to understand and comment on the emerging Plan. In addition, the draft Plan was the subject of a period of stakeholder consultation (via the Council's website) which ran from 18th December 2015 to 8 February 2016.

12. Letters were sent to key partner organisations inviting them to comment on the Plan. Furthermore, the Plan was published on the Council's website and, via press releases, email alerts and social media posts, the wider community and local residents were also encouraged to give their views. Feedback received is summarised at Appendix C.
13. The Scrutiny Committee considered the draft Plan at its meeting on 14th January 2016 (see minute extract at Appendix B). Its comments were reported to Cabinet on 8th February 2016 and have also been taken into consideration as part of the consultation process.
14. Consultation responses and the views of the Scrutiny Committee have been taken into consideration in the drafting of the final version of the Plan.

Adoption and Delivery of the Council Plan

15. Following approval and adoption by Members, the final Council Plan will be published on the Council's website. Although covering a four year period, the Plan will be a dynamic document that will evolve over this timeframe.
16. Once approved by Council, it is intended that the final published version will also include a high level summary of the Council's medium term financial strategy and the impact of its budgets and spending plans on Council Tax precept levels for 2016/17. It is proposed that the Leader of the Council is delegated to approve this additional information along with any final contextual changes.
17. Progress against key success measures and project deliverables set out in the Plan will be reported to Members on a regular basis, as part of normal performance management arrangements. The Plan will be also be reviewed and refreshed each year, to ensure it continues to meet and reflect priorities and programmes over the short to medium term.

Financial Appraisal

18. The Council Plan has been drafted in light of current and planned projects and work programmes. It is consistent with the Medium Term Financial Strategy and draft 2016/17 budgets which also form part of the Council agenda. At the time of report writing, there are considered to be no significant financial implications arising from the Council Plan consultation or budget proposals.

Legal Implications

19. Cabinet may formulate the Council Plan but only full Council may adopt it; Regulation 4 of the Local Authorities (Functions and Responsibilities) Regulations 2000 refers.
20. In formulating the Plan, Cabinet may have regard to any recommendations submitted by Scrutiny Committee.
21. Scrutiny Committee is entitled to make its own recommendations direct to full Council.

Risk Management Implications

22. The risk management implications of individual decisions relating to the projects and initiatives covered in this report will be addressed as part of the planning and delivery of those individual projects.

Equality Analysis

23. Equality Analyses will be undertaken in relation to the individual projects which make up the Council Plan, and therefore it is not considered necessary to undertake an overarching analysis of the Plan as a whole.

Background Papers

Residents Survey report available online at <http://www.lewes.gov.uk/council/24056.asp>

Appendices

Appendix A – The final draft Council Plan 2016 – 2020

Appendix B – Minute extract from Scrutiny Committee meeting held on 14th January 2016

Appendix C – The results of stakeholder consultation on the Council Plan

Council Plan 2016 → 2020



CUSTOMERS PLACE VALUE FOR MONEY

FINAL DRAFT

Council Plan

2016 → 2020



CUSTOMERS PLACE VALUE FOR MONEY

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COMMUNITIES – Resilient, healthy and engaged communities

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PLACE – Growth and prosperity

PLACE – Clean and green district

VALUE FOR MONEY – Making best use of our resources

VALUE FOR MONEY – Our budget and spending 2016/17

- 3 Welcome to our Council Plan which sets out our priorities and key projects over the next few years. This four year sets out the key outcomes the Council will deliver with its partners for our District.
- 4
- 5
- 6 The Plan our has been informed and developed in consultation with our residents, partners and other stakeholders. We would like to thank everyone who took the time to contribute.
- 7
- 8
- 9 We will monitor the Plan and report progress to Cabinet each quarter. It will be a 'living plan' that will respond to changing times, and the financial context within which we operate, whilst keeping a focus on the needs of our local communities. We will refresh the Plan annually.
- 10
- 11
- 12

The data reported in this Plan comes from a variety of sources including the Council's 2015 Residents' Survey, our own performance data and the website 'East Sussex in Figures'. Any questions about the content of this Plan should be directed to the Business Strategy and Performance Team (bsp@lewes.gov.uk)

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Introduction from the Leader

Lewes District Council is an innovative, efficient and forward thinking council with a proven track record of delivering good quality services and responding dynamically to the changing needs of its customers and communities. We are committed to providing value for money for our residents, and keeping Council Tax levels as low as possible, despite the challenging financial climate.

Over the past five years we have reduced our costs by modernising, whilst at the same time delivering real improvements around the district, both on our own and in partnership. Local residents have noticed what we are doing. Satisfaction with how the Council runs things has improved from 45% to 63% since 2008.

Some of our recent achievements

- 68% of people who contacted us during 2015 rated the quality of service as good.
- Recycling rates have improved from 22% in 2012/13 to 26% in 2015; a green waste service is being trialled in Seaford so customers do not have to take garden waste elsewhere for disposal.
- 45 local entrepreneurs were supported with start-up training during 2015; 33 of these have started their own businesses. 118 young people have taken on apprenticeships at 56 local businesses.
- 110 new students started their first year at the University Technical College, Newhaven.
- Denton Island Growth Quarter development project in Newhaven commenced.
- Over £70 million of additional funding and investment has been attracted into our communities to deliver strategic infrastructure projects over the next 5-10 years.
- A further £18 million has been secured for flood defences and £10 million for a new Port access road in Newhaven.



**Councillor
Andy Smith**

“ This Plan shows how, over the next four years, we will work to make Lewes District an even better place in which to live, work and visit. There are significant challenges ahead, not least of which is the need to save £3 million by 2020.

As Leader of the Council, I have made a strong commitment to listen to and work with all political groups on the Council, key partners in the public, private, community and voluntary sectors and Council staff, to deliver some significant projects in the district as well as a major joint transformation programme in partnership with Eastbourne Borough Council. ”

The Lewes district

Our people and places



Our residents, businesses and visitors benefit from beautiful landscapes and historic environment. Our diverse and attractive countryside includes chalk cliffs and downlands, shingle beaches, heathland, wetland and areas of ancient woodland. Our County Town, Lewes, is at the heart of the district and is a popular historic tourist destination. The district has a vibrant and diverse contemporary arts scene and boasts a rich cultural heritage which is important to its economic prosperity

Lewes district has a population of **97,500**

77% of residents live within the five urban areas of Lewes, Newhaven, Peacehaven, Seaford and Telscombe Cliffs/East Saltdean. The rest live in our **23** rural parishes.



This diversity of landscapes and communities is a great strength. Community life is a strong and distinctive feature of the district. Residents identify closely with their own towns, villages and neighbourhoods. There are specific issues and challenges affecting some local communities in terms of employment, skills, and health and housing factors. Connectivity, rural isolation and access to services can also be an issue for some people.

Our population of 97,500 is projected to grow by 8% by 2027. Life expectancy is higher than the East Sussex average. However, around 20% of people are living with a limiting long-term illness or disability and this is likely to rise by 16.5% over the next decade or so. There is a higher than average occurrence of ill-health and mental health issues (including dementia) in some coastal communities. It is therefore important that we work with our partners to ensure the needs of our changing communities are met. We want to help support people in maintaining healthy and active lifestyles, and to remain living in their own homes.

We benefit from an entrepreneurial economy with self-employment being a significant feature of our district, representing 18% of the economically active population. Over 36% of residents are employed in managerial or professional roles.

Unemployment is below the East Sussex average. However, the proportion of people who are economically inactive but looking for work is notably higher in the district and there is a higher than average proportion of self-employed people.

Small companies of between 1 and 10 employees account for 88% of all local businesses. It is critical that we support these businesses to grow and prosper, through advice and guidance as well as suitable, high quality employment premises, so they can provide future employment within the district.

Alongside this, we want to put particular emphasis on supporting our young people to ensure they have the training and skills they need to thrive in the future.

Our commitments

We are making the following commitments to our residents, businesses and communities. These commitments can only be met by working with a range of partners in the private, public, community and voluntary sectors. We are proud of what we have achieved through strong partnership working over recent years, especially our work with town and parish councils. We will continue to seek new and cost-effective ways to work with others to shape and improve services and outcomes for local people.



CUSTOMERS

Our population has a higher percentage of residents over 65 years of age compared to the national average and this is expected to increase by around 45% between 2010 and 2030. These changes will need to be taken into account as we develop our services over the coming years.

Although not an area experiencing high levels of deprivation, there are some parts of our district which require more support than others, due to factors such as low incomes or social isolation. We will work to ensure that these needs are understood and reflected in the way our services are planned in the future.

We will deliver improvements for customers and communities.

PLACE

The Lewes district is a vibrant and diverse place. Balancing the need for growth with the desire to protect and enhance the environment is important to local people.

A recent survey showed that local people viewed provision of affordable housing, economic regeneration, supporting business and campaigning for improved road/rail infrastructure to be important roles for the Council. These views have been reflected in this Plan.

We will achieve investment in our towns and villages.

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VALUE FOR MONEY

The financial future is challenging throughout local government. The funding we receive from central Government is likely to reduce significantly over the next few years, ending completely from 2020. We need to find £2.7 million each year if we are to maintain a balanced budget.

At the same time, our 2015 survey indicated that residents would like the Council to keep Council Tax at or below the target rate of inflation. This Plan sets out how we will balance residents' priorities within our diminishing resources.

We will keep close control of our budgets and make the best use of our resources.

Communities

Resilient, healthy and engaged communities



The Council will continue to work with its partners to help local communities become stronger and better able to support themselves. Key to this is the provision of good, accessible information and on-going two way engagement with these communities.

Through our Community Safety Partnership we will work to address environmental crime and antisocial behaviour and aim to reduce the fear of crime. 69% of residents feel we are working to make the area safer, a 6% improvement compared to 2008.

With our leisure, tourism and cultural partners, such as Wave Leisure, we will work to promote healthy lifestyles and support people to maintain their health and wellbeing.

We will also continue to work with key voluntary organisations in the area; they provide a range of advice and support services to a wide cross-section of people, also helping vulnerable people to retain their independence.

82% of people who receive the Council's magazine *District News* think it provides useful information.

We will achieve this by

- Working with Wave Leisure and other health partners to provide information and activities to encourage healthy lifestyles, with a particular focus on the needs of specific parts of the district and an ageing population.
- Working closely with our voluntary sector partners (3VA, Sompriti, Citizens' Advice Bureau, AiRS and East Sussex Credit Union) to deliver key advice services and make effective use of grant funding.
- Working with our voluntary sector partner 3VA to promote dementia awareness across the district.
- Improved engagement with local communities, particularly focusing on how we connect with young people, through the delivery of a new social media strategy.
- Further develop our relationships with Town and Parish Councils to ensure we work collaboratively on local issues, such as housing, infrastructure and rural isolation.
- Working closely with cultural partners, such as East Sussex Arts Partnership and Cultural Advisory Board, to promote a strong arts and culture brand across the County.

Measuring our success

- Increased participation in leisure activities amongst older people and in rural areas.
- More visitors to our leisure facilities.
- Mystery visit satisfaction score of 80% or more at our leisure centres.
- Increased sign up to the Council's social media channels, particularly by young people.
- Residents feel we are working to make the area safer (as measured in the annual community safety survey carried out by East Sussex County Council).
- Reduction in levels of environmental crime and anti-social behaviour such as litter and dog-fouling at key hotspots in the district.
- Enhanced advice/sign-posting services for dementia sufferers and their families, provided through 3VA.
- Increased value of tourism to the local economy.

58% of people aged 18 to 34 would like to get more engaged with us through social media.

Customers

Improved customer service



We will work to improve our customer service by making better use of technology. Our aim is to deliver a better service to customers by joining up our systems and training our staff to handle a wide variety of calls.

In addition we will offer more services on-line, so they can be accessed by customers 24 hours a day, 7 days a week. We hope that this will provide more choice and convenience for our residents.

We will achieve this by

- Improving our customer service to ensure more enquiries can be dealt with by speaking to just one person.
- Delivering high quality services for our customers including options to self-serve on our website and increasing use of social media and email alerts.
- Investing in new technology to speed up and improve the service people receive when they contact us.

Measuring our success

- Increasing the proportion of phone calls answered within 30 seconds.
- Monitoring, acting on and learning from the customer complaints and compliments we receive.
- Increasing the number of people registering for our email alert service. We aim to sign up 1,500 new users each year.
- Customer contact – user satisfaction with the Council's website.
- Satisfaction with the quality of services provided by the Council.

Around **7,500** calls come to our switchboard each week

63% of customers contact us by phone; **75%** of these calls are about our waste and recycling services

20% of customers contact us via email

Over **800** e-forms are submitted via our website each month

83% of local residents use the internet

Place

Delivering sustainable new housing and infrastructure



Lewes is the second most expensive market town in England in which to buy a home. The average house price is £408,641, making it a challenging place for first time buyers as well as those on lower incomes. As the housing authority we have over 1,700 people on our housing register and in 2013 we estimated this would increase by 374 people per year. We estimate that only 244 Council homes will become available each year to meet this need.

As a Council, we have a clear commitment to deliver more new affordable housing. We have established a range of public/private arrangements which will see the Council using its assets to stimulate growth in the housing market at a local level. We have an ambitious house building programme, which will see over 5,800 new market and affordable homes built by 2030.

We recognise the need for infrastructure improvements to support new and existing homes and businesses. Our planning policies and the operation of the Community Infrastructure Levy are aimed at securing such improvements.

We will achieve this by

- Using our planning powers (including our policy to ensure 40% of new housing is affordable) to encourage and enable developers to deliver further, suitable and sustainable housing in the district.
- Working with our commercial partners (Santon) to implement the development of over 400 new homes (40% of which will be affordable) as part of the North Street Quarter Regeneration Scheme in Lewes.
- The Local Growth Fund project – delivering up to 30 new Council homes for rent on 7 sites owned by us.
- Working with local communities on Neighbourhood Plans, to guide future land use and identify where housing can be built.
- Campaigning for improvements to the A27 and A259, rail infrastructure and rail services.
- Installing photovoltaic panels on council buildings and encouraging local renewable energy projects.
- Enabling the delivery of key infrastructure projects in Newhaven, including flood alleviation and the Port access road.

Measuring our success

- Delivery of over 1,400 new homes across the district, 40% of these being affordable.
- 10 adopted Neighbourhood Plans in place by 2020.
- Flood Alleviation Scheme delivered to unlock development sites in Newhaven.
- Flood defences in Lewes completed in partnership with the Environment Agency.
- Southern part of Newhaven Port area made accessible for development.

Campaigning to improve local road and rail infrastructure is a *top priority* for local people

Place

Growth and prosperity



The district is an outstanding location for business and enterprise with a diverse community of over 4,700 businesses. They employ over 30,000 people from a wide catchment area.

Key sectors include public administration, cultural and visitor services and destinations, creative industries, education and health, retail and manufacturing.

Lewes, Seaford and Newhaven have good rail links to London, Gatwick and the Sussex coast and beyond. The district benefits from good access to the trunk road network, with the A27/A26 linking Lewes and Newhaven to neighbouring Brighton and Eastbourne. The nearby A23/M23 provides access to London, Gatwick and the M25.

The port of Newhaven offers cross channel passenger and freight services to Dieppe and beyond to northern European. There is great potential to open up a European market with in excess of 450 million customers.

We recognise the importance of inward investment and have an important role to play in enabling new and developing businesses. We will work closely with strategic and

economic partners to bring about investment in jobs, skills and training opportunities. This will contribute to the regeneration needed, especially in coastal and rural areas.

With our cultural partners we will present a distinct visitor brand for the district that promotes the vibrant arts and culture on offer.

We will achieve this by

- Developing the Enterprise Zone in Newhaven which has the potential to deliver 2,000 new jobs.
- Working in partnership to deliver super-fast broadband to businesses across the district.
- Providing advice and support to help businesses across the district to grow and invest, including small businesses and the self-employed.
- In partnership with others, ensure a clear arts and cultural brand for the district is developed.
- Provide visitor services across the district in line with our Tourism Strategy 2015-2018.
- Continue to make the case for Gatwick as the most sustainable location for a second runway in the South East.

Measuring our success

- Increase in the number of businesses assisted through the Business Rate Relief Scheme.
- Facilitate an annual visual arts festival in the district.
- Clear promotion of the district as a distinct visitor destination.
- Delivery of an annual business awards scheme with good uptake from local businesses.
- Level of investment into local businesses secured through partners.
- Enterprise Zone established, resulting in increased occupied commercial floor space of 55,000m² in Newhaven .
- Delivering increased broadband coverage and speed in the district.
- 700m² of new modern floor space for growing businesses on Denton Island.
- 140,000m² of commercial space, 300 public car parking spaces and a new 1,864m² health centre in Lewes.

Place

Clean and green district



Rightly, our residents value their high quality environment. They believe rubbish and litter is more of a problem now than in 2008. We expect the district to remain a clean and beautiful place to live, work and visit, as a result of continued effort to protect the quality of the local environment.

Our residents think good recycling and waste management services are vital to maintaining a clean and green district. We are currently below the national average recycling rate for district councils in the South East (42.9%). We will invest significantly in our recycling services and aim to encourage much higher rates of recycling.

Our parks, open spaces and nature reserves are highly valued by local residents and visitors alike. We have a strong track record of environmental enhancement and bio-diversity schemes which aim to preserve natural habitats for future generations.

We will achieve this by

- Introducing a waste service that prioritises recycling and ensures these services are easy to use and collections are frequent – recyclable waste (including food waste) to be collected every week and remaining household waste to be collected fortnightly.
- Extending the chargeable fortnightly green waste collection service, currently piloting in Seaford, to the whole of the district.
- Developing a high profile campaign on new recycling services, so residents are well informed.
- Working with our new grounds maintenance contractor, Town and Parish Councils and local volunteers to maintain high quality public parks and community spaces.
- Exploring new opportunities to increase income.
- Working with the police and other agencies to tackle environmental crime such as litter and fly-tipping.

Measuring our success

- Increased levels of recycling – we aim to recycle 47% of household waste by 2019.
- To enhance the provision of waste collection and disposal services in the district, through delivery of a new Materials Recovery Facility in Newhaven. This will make our waste operation more efficient and cost-effective and provide future commercial opportunities.
- The number of parks and open spaces devolved to local communities.

88% of local people are satisfied with our refuse collection service.

Our current recycling rate is around **26%**, better than in 2014/15 but short of our ambitious target.

74% of people are satisfied with our recycling service.

Value for money

Delivering sustainable services



The financial outlook for local government continues to be bleak. Having already absorbed cuts of 40%, we anticipate that our Revenue Support Grant will be completely withdrawn by 2020. We are already well on the way to managing this reduction, but recognise that we need to continue to remain agile and flexible in how we manage our services within a tightening financial environment.

We have an ambitious capital investment programme, which will yield new income streams for the Council. But at the same time, we must continue to explore new ways of delivering services.

A significant element of our future savings will be achieved through our Joint Transformation Programme, which will see us integrate all our services with Eastbourne Borough Council by 2020 and deliver savings of £2.7 million per year.

We will achieve this by

The formation of an integrated council with Eastbourne Borough Council through the full integration of management, services and ICT to:

- Protect services delivered to local residents while at the same time reducing costs for both councils.
- Create two stronger organisations which can operate more strategically within the region while still retaining the sovereignty of each council.
- Meet communities and customers' expectations to receive high quality, modern services focused on local needs and making best use of modern technology.
- Build resilience by combining skills and infrastructure across both councils.
- Develop a shared model of governance that enables the sovereignty and democratic legitimacy of each council to be maintained.

Measuring our success

- Council tax precept remains below the target rate of inflation.
- Deliver a balanced budget and savings of £2.7 million each year.
- Encourage our residents to self-serve, using our website.
- Percentage of invoices paid on time.

Our total spend reduced by 4% in 2013/14; we were in the lowest third compared to other similar councils.

We have reduced spending by 2% since 2012/13 and spend is in the lowest third amongst similar councils.

We increased the value of our assets by 6% in 2013/14.

Value for money

Our budget and spending 2016/17



Our budget and spending 2016/17

Text text text to come

Where does the money come from?

Pie chart to follow

Our capital programme 2016/17

Pie chart to follow

Where does the money go?

Pie chart to follow

2016/17 Council Tax

The average level of Council Tax (for Band D properties) in the Lewes district will be £X,xxx.xx for the year from 1 April 2016.

Minute extract from Scrutiny Committee meeting – 14th January 2016

1. The Council Plan 2016-2020

The Head of Business Strategy and Performance explained that the public consultation period for the Draft Council Plan was to end on 8 February 2016. She also explained that the purpose of the Council Plan was to provide information to the public about both continuing and new projects that the Council would be undertaking for the next four years.

The Committee considered Report No 13/16. The Committee thanked Officers for their work on the Draft Council Plan, and commented that the Plan was easy to read and accessible to the public. . The Plan followed the format previously established, but Committee members believed the format needed revision and expressed the following views:

- That the time allocated for public consultation had been shorter than would be desirable,
- That data and statistics in the Plan should show where they were sourced.
- That the projects included in the Council Plan, where the Council would be working in partnership but are not the lead agency for the work, should highlight the other organisations involved.
- There was concern that the plan included outcomes which were beyond the scope of LDC to achieve.
- That the Plan should explain how the commitments and targets would be monitored.
- That the information included relating to the New Homes Project should be re worked, to reflect the position of the Project at the time of publishing.
- That greater emphasis given to the Council's role in delivering environmental and cultural projects and initiatives.
- That projects should, where appropriate, be more inclusive (whilst acknowledging the specific needs of, say, older people, or rural areas)
- With regard to community safety, that it be made clear that outcomes are achieved in partnership with the Police and others.
- That a greater emphasis be given to our work in partnership with Wave Leisure and other health partners.
- That reference be made to the Community Infrastructure Levy and how it is used to support infrastructure development.
- That greater emphasis be given to business support, job creation and apprenticeships, and that this should not just focus on Newhaven.
- That it be made clearer that the Council will continue to improve customer service performance

requires improvement, particularly regarding telephony

Resolved:

- i.** That Report No 13/16 relating to the Draft Council Plan 2016-2020 be noted;
- ii.** That the feedback received from the consultation with the public and partner organisations relating to the Draft Council Plan 2016-2020 be noted; and
- iii.** That the Draft Council Plan 2016-2020 be recommended to Council, subject to the amendments proposed by the Committee.

The Results of Stakeholder Consultation on the Council Plan 2016 - 2020

The public and stakeholder consultation exercise resulted in comments from 38 individuals and 15 organisations, including a number of parish councils, local public bodies and lobby groups. The following sets out the primary themes which emerged from the consultation and a summary of the subsequent revisions made to the final draft of the Council Plan (shown at Appendix A).

Themes

Resilient, healthy and engaged communities

- Need to recognise the need to engage more and work with town and parish councils. **10 comments**
- Agree/strongly agree that this section of the Plan meets the priorities of people in the district. **9 comments**
- There must be good engagement with residents. **5 comments**
- Resilient, engaged and healthy communities section should include reference to the link between wellbeing and local cultural/arts activities. **3 comments** (from relevant organisations)

Revisions to the Plan (Pages 4, 5 and 6)

Revisions to the plan include increased emphasis on multi-agency/partnership working around age-related health issues, specifically those affecting coastal and rural areas. The link between wellbeing and culture is acknowledged. Further revisions highlight the importance of partnership working.

Improved customer service

- General agreement with suggested improvements to customer service. **10 comments**
- Positive experiences of LDC frontline services. **2 comments**
- Performance measures should focus on outcomes for residents. **2 comments**
- Move to more use of online services should not mean traditional customer service channels are removed (for customers/residents who do not use the internet as their primary means of communication/doing business). **2 comments**

Revisions to the Plan (Page 7)

Minor revisions to the Plan to include revised measures of success in relation to user satisfaction with the website and satisfaction with the quality of services received.

Delivering sustainable new housing and infrastructure

- Against developing on the site at Hollycroft, East Chiltington. The site is not suitable. **6 Comments**
- There is not enough infrastructure and services to support development in East Chiltington. **3 comments**
- Agree/strongly agree with this priority. **6 comments**
- Investment into A259 is needed. **3 comments**
- More affordable housing is needed for local people, particularly young people. **4 comments**

- Welcome the pause in the New Homes Project. Take the New Homes project out of the plan. **4 comments**
- Against development of The Buckle. **4 comments**
- The Lewes-Uckfield line is not needed. **2 comments**
- There has been poor consultation over the New Homes project proposals. **2 comments**
- Affordable housing should include social housing. **3 comments**
- Need more affordable housing for older people. **2 comments**
- Need clarity over the definition of affordable housing. **2 comments**
- Affordable housing needs to be genuinely affordable. **2 comments**
- Rather than affordable housing, people need fair rents in secure housing. **2 comments**

Revisions to the Plan (Page 8)

Revisions to the plan include clarity around some of the data and terminology used (mainly re affordable homes), greater emphasis on the delivery of strategic projects in partnership with others and revisions that reflect the current status of the New Homes project.

Growth and prosperity

- Agree/strongly agree with this priority. **9 comments**
- There should be greater emphasis of cultural activity under this theme – adding to quality of life, supporting inward investment, recruitment and retention. **4 comments** (from relevant organisations)
- Strongly oppose inclusion of reference additional runway at Gatwick. **6 comments**
- The Plan should include recognition of the cultural assets in the district. **2 comments** (from relevant organisations)
- The Plan should recognise the importance of tourism to the district. **2 comments**
- Creative industries should be recognised as a “key sector” as Lewes District has the highest concentration of registered creative industries in the county. **2 comments** (from relevant organisations)
- More investment in Seaford, including commercial space. **4 comments**
- Against widening of the A27. **3 comments**
- Against the North Street Quarter development. **2 comments**
- Need more regeneration/investment in Newhaven town centre. **2 comments**
- Welcome aims around tourism. **2 comments**
- Need investment in busses as well as rail. **2 comments**

Revisions to the Plan (Page 9)

Revisions to the Plan include greater emphasis on the importance of tourism and culture to local prosperity, health and wellbeing. This includes working in partnership with a range of cultural partners to encourage a strong tourism brand for the district. Additional measures of success have been included.

Clean and green district

- General support for the planned improvements to waste and recycling services/increased emphasis on recycling. **10 comments**

- Agree with this priority. **7 comments**
- Seaford household waste and recycling site should open more days per week. **4 comments**
- Keep weekly refuse collections. **3 comments**
- More street cleaning is needed. **2 comments**
- Support the aims around conserving and protecting the environment. **2 comments**
- Do not want to lose current recycling facilities (concern that the new Materials Recovery Facility might mean closure of recycling sites). **2 comments**
- Litter in Lewes town is a problem. **2 comments**

Revisions to the Plan (Page 10)

Revisions to the Plan include clarification in connection with the provision of new waste and recycling facilities, highlighting the importance of the Council's role in managing and protecting the natural environment and greater emphasis on how we work with town and parish councils to achieve this.

Delivering sustainable services

- Agree with this priority. **8 comments**
- Merger with Eastbourne to save money is a good idea. **2 comments**
- Need more detail on how the transformation programme would work, particularly around planning/need to retain planning services locally **3 comments**

Revisions to the Plan (Page 11)

Revisions to the Plan reflect the current position and communication strategy relating to the Joint Transformation Programme. Specific commitments from this important programme and a revised measure of success have been included.

General comments

- More health centre provision is needed on the coast. **6 comments**
- Would like to see more detail about the plans. **5 comments**
- Supportive of the Plan in general. **4 comments**
- The Plan needs to do more to address the needs of the most vulnerable people. **2 comments**

Revisions to the Plan

Mainly these comments have been addressed above. Narrative included in the introduction section explains that more detailed project/business plans exist which sets out specific milestones and targets. Progress over the short to medium term will be monitored through the Council's usual performance/project management arrangements. The measures of success used across the Plan have been reviewed and revised to ensure they are meaningful, relevant and measurable.

Agenda Item No: 12(ii)



**Cabinet recommendations for consideration by Council
at the Meeting of the Council on Thursday, 25 February 2016**

Cabinet – 8 February 2016 (budget related items)

59 General Fund Revenue Budget 2016/2017

The Cabinet considered Report No 24/16 which set out details relating to the 2016/2017 General Fund Revenue Budget.

Section 25 of the Local Government Act 2003 contained the statutory duty on the Chief Finance Officer to report to the authority on the robustness of the estimates it made when setting the Council Tax and on the adequacy of its proposed financial reserves.

The Chartered Institute of Public Finance and Accountancy had issued updated guidance in July 2014 (The Local Authority Advisory Panel Bulletin no. 99) in relation to reserves and balances which had been taken into account in the Report.

The Council's reserves and balances needed to cover all significant identified risks and operational service needs. As part of the annual budget and closing of accounts processes, the Council reviewed and approved the position on its reserves which was a mandatory requirement for all councils.

Savings could be achieved by reducing the annual level of contributions to reserves, but reserves were essential to ensure the financial sustainability of services. The earmarked reserves were not used to fund the recurring base budget or to fund initiatives that would add to the recurring base budget. A statement of the Council's Main Reserves projected through to 31 March 2017 was shown at Appendix D to the Report.

The Council Tax Collection Fund Balance and the Non Domestic Rates Collection Fund Balance were key components of the Council Tax setting process. A principle of the Medium Term Financial Strategy (MTFS) was to

achieve a zero balance (or as close as was possible) each year. A review of the likely Collection Fund position was to be made at 31 March 2016 which would include a review of the provision for doubtful debts.

There was an estimated credit balance of £1,090,010 on the Council Tax Collection Fund which could be utilised in the 2016/2017 budget. The table in paragraph 11.2 of the Report related to the Council Tax Collection Fund and set out details of how the surplus would be redistributed to preceptors. However, it was reported at the meeting that the figures set out in respect of East Sussex County Council and Lewes District Council had been inadvertently transposed. Therefore the figures for those Councils should have read "East Sussex County Council £771,000" and "Lewes District Council £172,400".

The statutory Non Domestic Rating Return (NNDR1) had been due to be submitted before the deadline of 31 January 2016. The retained rates income for 2016/2017 had been estimated at £3.180m. A debit balance of £1,599,400 was estimated on the Business Rates Collection Fund at 31 March 2016 as a result of the provision needed in respect of business rates valuation appeals. The balance would be charged against the 2016/2017 budget as set out in paragraph 11.3 of the Report.

The Chief Finance Officer was the Council's principal financial advisor and had statutory responsibilities in relation to the administration of the Council's financial affairs under Section 151 of the Local Government Act 1972 and Section 114 of the Local Government Finance Act 1988. The budget proposals that were set out in the Report had been prepared in accordance with the Council's policy framework and had been reviewed by Corporate Directors, Heads of Service, Lead Councillors and the Scrutiny Committee. Paragraph 14 of the Report set out the statutory report of the Chief Finance Officer (Director of Corporate Services).

The General Fund Budget Summary for 2016/17 was shown at Appendix B to the Report together with the movement between 2015/2016 and 2016/2017. Paragraph 5.1(e) of the Report referred to the Business Rates retained by the Council under the retention arrangements that had been introduced by the Government from 1 April 2013. The amount shown was net of a tariff which was payable to the Government and a levy in respect of growth in business rates income. All such levies were payable into the East Sussex Business Rates Pool and were redistributed back to pool members for which the Council's share was estimated at £0.300m in 2016/2017.

Delivering the Deficit Reduction Plan remained a national priority. In December 2015, The Chancellor of the Exchequer had given the annual Autumn Statement to Parliament in which measures announced included:

- The current £1,000 business rates discount to retailers would come to an end; and
- Department for Communities and Local Government (DCLG)

would receive approximately 30% less funding over the period to 2020.

The provisional Local Government Finance Settlement for 2016/2020 had confirmed that the central government core grant to run local services nationally would fall by around 15% which, in respect of the Council, amounted to 15.4%. Such reduction included the assumptions over the New Homes Bonus (NHB) which was reflected within each council's overall figures as well as each council's ability to grow its tax base and raise council tax by 2%. Added to the effects of inflation, the overall reduction was over 30% and the grant reduction programme had been front-loaded.

Many councils were rebalancing budgets to reflect the reduction in core funding in respect of which many of them were using 100% of NHB to support ongoing expenditure. Report No 24/16 recommended that a small percentage namely, 4%, of the 2016/2017 NHB, be used by the Council in support of services.

The Government had announced that authorities could elect for a 4 year grant settlement. In return for relative funding certainty the Council would have to publish a 4 year efficiency plan with authority for changes being limited to Full Council. Whilst details were not yet available, advisers were suggesting that the MTFs and subsequent delivery of savings would suffice in that respect. Appendix H to the Report set out the Society of District Council Treasurers response to the Government Finance Settlement consultation.

Paragraph 4 and Appendix B to the Report set out details relating to the Council's council tax requirement for 2016/2017 in respect of which calculation for the average band D tax each year was outlined in paragraph 4.1 which, in the current year, amounted to £189.61. The aggregate Council Tax Requirement comprised two elements the majority of which was General Expenses for which, in the current year, the band D requirement was £172.11. The remainder namely, £17.50, was attributed to Special Expenses.

The Council's commitment to passing on reductions made by devolving responsibility for the upkeep of open spaces to Parishes meant that 2016/2017 General Expenses Band D tax would be recommended at £175.41 which represented a 1.9% increase and the Special Expenses element would reduce to £15.20. The aggregate for 2016/2017 in the sum of £190.61 was a 0.5% increase against the aggregate of £189.61 in the current year.

The Scrutiny Committee had considered a Report relating to the Finance Update – Including 2016/17 Budget Overview and Tax Base Setting at its meeting on 14 January 2016 and had not made any recommendations to Cabinet in respect thereof.

Resolved:

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|---|---|
| <p>59.1 That the contributions to reserves and use of reserves, as set out in Appendix D to Report No 24/16, be reviewed;</p> <p>59.2 That, following the Scrutiny Committee's consideration of a Report relating to the Finance Update – Including 2016/17 Budget Overview and Tax Base Setting at its meeting on 14 January 2016, it be noted that it had not made any recommendations to Cabinet in respect of the issues set out in Report No 24/16;</p> <p>59.3 That the Council Tax and Business Rates Collection Fund balances to be returned in 2016/2017, be noted, subject to the amendment of the sums in the table set out in paragraph 11.2 of the Report relating to the Council Tax Collection Fund to read "East Sussex County Council £771,000" and "Lewes District Council £172,400";</p> <p>59.4 That the statutory report of the Designated Chief Finance Officer, as required by section 25(1) of the Local Government Act 2003 and as set out in paragraph 14 of Report No 24/16, be considered;</p> <p>59.5 That completion of the statutory Non Domestic Rates Return (NNDR1) with retained rating income of £3,070,000 carried out in consultation with the Portfolio Holder, be noted;</p> <p>59.6 That the response of the Society of District Council Treasurers (SDCT) to the Government Consultation on the Finance Settlement, as set out in Appendix H to Report No 24/16, be noted; and</p> <p>59.7 That a balanced budget, without the use of reserves for recurring expenditure, acknowledging the use of £58,900 of New Homes Bonus (£1.592m total) for services, be agreed.</p> | <p>DCS</p> <p>DCS</p> <p>DCS</p> <p>DCS</p> |
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It was further

Recommended:

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| <p>59.8 That the Council be minded to accept the Government's proposal in respect of a four-year settlement, as outlined in paragraph 1.7 of the Report, subject to further detail and that the final decision be delegated to the Chief Finance Officer in consultation with the Cabinet Member (ie Portfolio Holder) for Finance, and that all members of the Cabinet, the Leader and Deputy Leader of the Liberal Democrat group, the Chair of the Audit and Standards Committee and the Chair of the Scrutiny Committee be advised when that final decision has been taken;</p> <p>59.9 That an aggregate Council Tax requirement of £6,823,300 (a Council Tax increase of 0.5% for the aggregate Lewes District</p> | <p>DCS (to note)</p> <p>DCS (to note)</p> |
|--|---|

Council Council Tax Requirement) comprising:

- a. A General Expenses Council Tax requirement of £6,279,340
- b. A Special Expenses Council Tax Requirement of £543,960,

be agreed; and

59.10 That following publication of the Final 2016/2017 Local Government Finance Settlement, the Director of Corporate Services be authorised to make the necessary adjustments to maintain the general expenses council tax requirement at the above level and to report any adjustments to the next Cabinet meeting.

DCS (to note)

Reasons for the Decisions:

Cabinet is required to approve the budget in accordance with the Council's Constitution. This budget Report sets out the level of General Fund revenue resources needed to support the Council's priorities and services.

The Council has a statutory duty to determine its Council Tax Requirement and level of Council Tax for the coming year. Cabinet makes a recommendation to Council on this matter having taken account of the Director of Corporate Service's statutory report on the adequacy of reserves and balances.

† *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 24/16 which was circulated with the agenda papers for the meeting of the Cabinet on 8 February 2016. 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.

60 Housing Revenue Account Budget 2016/2017

The Cabinet considered Report No 25/16 which related to the Housing Revenue Account (HRA) Budget 2016/2017.

The national HRA self-financing system allowed all income generated to be kept locally and made available to fund the maintenance and management of the housing stock, service debt and acquire and provide additional Social Housing.

Part 4 of the Housing and Planning Bill 2015 proposed:

- To give councils a duty to consider selling high-value homes and require them to make payments to central government calculated on the assumption that such homes would be sold as they became vacant;
- To require councils, along with housing associations, to charge market or near-market rents to tenants with household incomes that were above £30,000 a year (£40,000 in London); and
- To require councils to issue 2 to 5 year fixed term tenancies to nearly all new tenants.

Such measures were expected to be introduced from 1 April 2017 for which the proposals were at an early stage. It was not yet possible to evaluate the financial impact on the HRA with any certainty. The measures were likely to increase costs and reduce income, which would put further pressure on the Housing Business Plan.

The budgets had been prepared on the basis of the national HRA Accounting Code of Practice, with management, maintenance and debt financing costs offset by income from rents, service charges and other contributions.

The HRA Budget 2016/2017 reflected the organisational change that was taking place within the Council, the Government's proposed new policy on dwelling rents and the new priorities for capital and maintenance works. It did not include a contribution to finance the capital programme, and showed a total estimated balance in hand at year end in the sum of £2,458,112.

A provision had been made for movements in the pay bill in line with the expected national settlement. Salary budgets also allowed for contractual salary increments, employers pension contributions, organisation change and a 2% vacancy rate.

The budgeted employer's pension contribution rate for 2016/2017 was the same as that which had been proposed by the actuary following the three yearly review of the East Sussex Pension Fund that had been finalised in December 2013.

Inflation had been provided to cover known price changes, such as utility and contractual commitments. Additionally, the noted items that were set out in paragraphs 3.5 to 3.7 of the Report had been provided in the budget.

It was essential that the long-term Housing Business Plan was updated with current information on the condition of the housing stock in order to allow for expenditure on future major repairs and replacements to be synchronised with available resources. A provision of £457,000 for a stock

condition survey and associated administration had been included within the 2015/2016 supervision and management budget. The results of the survey would be used to inform a full update of the 30-year Plan which would also reflect the impact of the Government reforms which were explained in the Report.

Recommended:

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| 60.1 | That the Housing Revenue Account budgets for 2016/17, as set out in Appendix 1 to Report No 25/16, be approved; | DSD (to note) |
| 60.2 | That a reduction in dwelling rents of 1% be approved and be effective from 4 April 2016, as detailed in paragraph 9 of the Report; | DSD (to note) |
| 60.3 | That a reduction of 1% in Affordable Rents be approved and be effective from 4 April 2016, as detailed in paragraph 10 of the Report; | DSD (to note) |
| 60.4 | That an average garage rent increase of 1.4% be approved and be effective from 4 April 2016, as detailed in paragraph 11 of the Report, which is in line with the Business Plan and current Council policy on garage rentals; | DSD (to note) |
| 60.5 | That an increase of 0.9% in Private Sector Leased Property rents be approved and be effective from 4 April 2016, as detailed in paragraph 12 of the Report; | DSD (to note) |
| 60.6 | That revised Service Charges be implemented and be effective from 4 April 2016, as detailed in paragraphs 13 to 18 of the Report; and | DSD (to note) |
| 60.7 | That the 30-year Housing Business Plan be refreshed in 2016/2017. | DSD (to note) |

Reason for the Decisions:

To enable the Council to fulfill its legal obligations to produce a balanced Housing Revenue Account for 2016/2017.

† *Councillors are requested to bring with them to the meeting Report No 25/16 which was circulated with the agenda papers for the meeting of the Cabinet on 8 February 2016. 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.*

61 The Capital Programme 2015/2016 to 2018/2019

The Cabinet considered Report No 26/16 which related to the revised 2015/2016 Capital Programme, the 2016/2017 Capital Programme, the outline Capital Programme 2017/2018 to 2018/2019 and the associated Prudential Indicators.

As part of the annual budget cycle, the Cabinet considered what level of capital support to allocate to its policy programme. It also considered the medium term position in relation to likely capital needs and available resources.

Part 1 of the Local Government Act 2003 had introduced a framework for local authority capital expenditure and financing namely, the 'Prudential Capital Finance System'. The Local Authorities (Capital Finance and Accounting) (England) Regulations 2003, which defined that System, required local authorities to follow the 'Prudential Code for Capital Finance in Local Authorities' (the Prudential Code) when taking their decisions. The Code required authorities to set a number of 'Prudential Indicators' before the beginning of each financial year. Further details relating to the Prudential Capital Finance System were set out in paragraph 3 of the Report.

The approved Capital Programme for 2015/2016 was set out in lines 1 to 96 of Appendix 1 to the Report which had a total value of £25.353m which included the full cost of implementing new capital schemes although some of the expenditure would fall into 2016/2017 and, potentially, later years.

Details relating to a projection of the resources which would be available at 1 April 2016 to fund capital expenditure were set out in the table in paragraph 5.3.1 of the Report.

The Prudential Code required local authorities to plan their capital expenditure programme for at least three years ahead for which the most detailed information was available for the first year with the programme for years 2 and 3 being liable to variation.

The recommended Capital Programme for 2016/2017 to 2018/2019 was set out in Appendix 2 to the Report however, the items shown for 2017/2018 and 2018/2019 were provisional.

Paragraph 5.4.5 of the Report provided details in respect of the General Fund Capital Programme for which the Non-Housing Programme, as set out at lines 24 to 32 of Appendix 2 to the Report, had a proposed value in 2016/2017 of £3.196m.

Recommended:

- 61.1** That the revised 2015/2016 Capital Programme of £25.353m at Appendix 1 to Report No 26/16, be approved;

DCS (to
note)

- | | | |
|-------------|--|---------------|
| 61.2 | That the 2016/2017 Capital Programme of £9.171m at Appendix 2 to the Report, be approved; | DCS (to note) |
| 61.3 | That the outline Capital Programme 2016/2017 to 2017/2018 of £35.369m at Appendix 2 to the Report, be approved; and | DCS (to note) |
| 61.4 | That the Prudential Indicators in respect of the Capital Programme, as detailed in paragraph 6 of the Report, be approved and adopted for 2016/2017. | DCS (to note) |

Reasons for the Decisions:

As part of the annual budget cycle, the Cabinet considers what level of capital support to allocate to its policy programme. It also considers the medium term position in relation to likely capital needs and available resources. The Council's Constitution requires Cabinet to make a recommendation to Council on the level of the Capital Programme budget.

Part 1 of the Local Government Act 2003 introduced a framework for local authority capital expenditure and financing, the 'Prudential Capital Finance System'. The Local Authorities (Capital Finance and Accounting) (England) Regulations 2003, which define this system, requires local authorities to follow the 'Prudential Code for Capital Finance in Local Authorities' (the Prudential Code) when taking their decisions. The Prudential Code requires authorities to set a number of 'Prudential Indicators' before the beginning of each financial year.

† *Councillors are requested to bring with them to the meeting Report No 26/16 which was circulated with the agenda papers for the meeting of the Cabinet on 8 February 2016. 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.*

62 Annual Treasury Management Strategy Statement and Investment Strategy 2016/2017 to 2018/2019

The Cabinet considered Report No 27/16 which set out the proposed Treasury and Investment Strategies for 2016/2017 to 2018/2019. It also sought the determination of the 2016/2017 authorised borrowing limit; the Council's 2016/2017 Investment Strategy; and the method of calculating the Council's Minimum Revenue Provision.

The draft Strategy Statement was to be found at Appendix 1 to the Report which set out the background to the Council's treasury management activity in terms of the wider economy and the Council's own current and

projected financial position. It detailed the approach which would be taken to borrowing and the investment of cash balances. It explained the risks which were inherent in treasury management and how they were to be mitigated.

The content of the draft Strategy Statement followed the requirements of the Chartered Institute of Public Finance and Accountancy's revised Code of Practice which had been published in November 2011, and had been prepared with the general support of Arlingclose, the Council's Treasury advisers.

The Audit and Standards Committee had considered the draft Strategy Statement at its meeting on 25 January 2016 in line with the Code of Practice's recommendation that the annual Treasury Strategy should be subject to scrutiny. However, that Committee's review had not encompassed the Prudential Indicators as some of them were still subject to final calculation pending the finalisation of the draft Capital Programme.

The draft Strategy Statement that had been presented to the Audit and Standards Committee contained values which included capital expenditure, use of reserves, and capital financing requirement, which were best estimates at the time that its Report had been prepared and which might be revised when draft budget papers were finalised for consideration by Cabinet. However, any such revisions had been expected to be immaterial, with no bearing on the Strategy which was proposed. The Committee had not recommended that any changes be made to the Annual Treasury Management Strategy Statement and Investment Strategy 2016/2017 to 2018/2019.

Recommended:

- | | | | | | | | | | | |
|------------------------------------|---|---------------|-----------|-----------|-----------|------------------------------------|--------|--------|--------|--|
| 62.1 | That the Treasury Management Strategy Statement and Investment Strategy 2016/2017 to 2018/2019, as set out in Appendix 1 to Report No 27/16, be adopted; | DCS (to note) | | | | | | | | |
| 62.2 | That the Council's 'Prudential Indicators' for the year be those set out in Appendix B of the Strategy document; | DCS (to note) | | | | | | | | |
| 62.3 | That the Council's level of affordable borrowing, determined in accordance with the Local Government Act 2003, be subject to the following limits: | DCS (to note) | | | | | | | | |
| | <table border="0" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <td style="text-align: center;">2016/2017</td> <td style="text-align: center;">2017/2018</td> <td style="text-align: center;">2018/2019</td> </tr> <tr> <td>Authorised limit for external debt</td> <td style="text-align: center;">£76.5m</td> <td style="text-align: center;">£76.5m</td> <td style="text-align: center;">£76.5m</td> </tr> </table> | | 2016/2017 | 2017/2018 | 2018/2019 | Authorised limit for external debt | £76.5m | £76.5m | £76.5m | |
| | 2016/2017 | 2017/2018 | 2018/2019 | | | | | | | |
| Authorised limit for external debt | £76.5m | £76.5m | £76.5m | | | | | | | |
| 62.4 | That the Council's approach to allocating debt and associated costs between the Housing Revenue Account and General Fund be as set out in Section 9 of the Strategy Statement; and | DCS (to note) | | | | | | | | |
| 62.5 | That the Council's Minimum Revenue Provision be calculated as | DCS (to note) | | | | | | | | |

set out in Section 13 of the Strategy Statement.

note)

Reasons for the Decisions:

The Council has adopted the Chartered Institute of Public Finance and Accountancy's Code of Practice on Treasury Management. In accordance with the Code of Practice, the Cabinet recommends to Council an Annual Treasury Strategy Statement before the start of each financial year. This includes an Investment Strategy for the year ahead (which Government guidance notes should be adopted by full Council) as well as 'Prudential Indicators' which are required to be set in order to comply with the 'Prudential Code for Capital Finance in Local Authorities' (The Prudential Code). The majority of these indicators are an essential element of an integrated treasury management strategy.

The Local Authorities (Capital Finance and Accounting)(England)(Amendment) Regulations 2008 place a duty on local authorities to make a prudent provision for debt redemption. Guidance has been issued by the Secretary of State on determining 'Minimum Revenue Provision'.

Section 3 of the Local Government Act 2003 requires the Council to determine and keep under review how much money it can afford to borrow. This is known as the 'affordable borrowing limit'.

† *Councillors are requested to bring with them to the meeting Report No 27/16 which was circulated with the agenda papers for the meeting of the Cabinet on 8 February 2016. 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.*

Meeting of the Council
25 February 2016
RECOMMENDATIONS FROM CABINET
(Minutes 59 and 61)

Details of proposed amendments received from Councillor Osborne

General Fund Revenue Budget 2016/2017 Amendments:

1. I MOVE that up to £50,000 be ring fenced to assist the current privately owned business trading from land owned and leased by LDC to relocate within the Lewes District. This can be funded from the economic regeneration reserve.

The Council and Santon have received planning permission for the development on North Street Quarter. LDC owns approximately 35% of the site, which houses well established businesses. The Council is currently looking to end leases to allow the development to progress.

We do not want to see these important business move out of the District or to cease to operate, and are therefore asking the Council to consider providing financial assistance to help relocate them elsewhere within the District.

2. I MOVE THAT £50,000 is allocated from reserves for the development and implementation of an extension to private sector leasing scheme in Lewes District; This is an invest to save proposal.

LDC is consistently using temporary accommodation to house those in it has a statutory requirement to do so. This includes families with children, the vulnerable, those with mental health issues some that have faced violence in the home. Currently there are around 50 families in temporary homes including flats, hotels and B & B's. a few are in bed and breakfast housing in Eastbourne and a some 10 of these are in self-contained bed and breakfast, also in Eastbourne . This is because there is a lack of hotel accommodation in the District. The council has long term leases (3 years) on 11 private houses in the district to provide temporary accommodation (Private Sector Leasing). It is also expected that there will be increasing demands placed on the council for housing for those in urgent need. Specialist support is needed to assess and plan for future demand, as well as fulfil current demand in district. A robust business case to extend private sector leasing, designing a leasing package or number of packages which is attractive to landlords and a programme of implementation is work needed to assess whether the council can better meet its statutory duties to house those in desperate need.

£50k will allow the recruitment of specialist support to develop and implement a scheme.

Details of proposed amendment received from Councillor Gardiner

3. I MOVE THAT £396,000 be added to the Council's General Fund Capital Programme over a minimum of 2 years: (£209,000 in 2016/17 and £187,000 in 2017/18) to be financed from the repatriated ring-fenced Environment Agency Levy in the Council's general fund revenue budget.

Background

The last few months have seen many parts of this district under water. This has happened despite the fact that the track of the recent series of storms has passed 200 miles to the west of us. We have been fortunate in this, but as councillors we cannot depend on luck.

In the long term we have to deal seriously with climate change, which I trust no one in this chamber denies any longer.

In the short term, we have to do three things in concert, as none will be successful without the others:

1 Build protective barriers to stop flooding where possible loss of life and property dictate. We now have proposals to provide protection for much of Lewes and Newhaven. These defences may need raising in time because these have been designed to deal with a historical data set on rainfall and water levels which no longer hold true. However we can certainly prolong their lives by cutting the peak water flow.

2 Control the erosion of our cliff faces. I will not speak further about this as we have almost completed a proposal on this

3 Reduce the peak flow through the river catchment.

This is already under way, but as will be explained below, funding good schemes is at a premium.

We commend to you the work of the Adur and Ouse Rivers Trust (OART) and of the Sussex Flow Initiative, hosted by the Sussex Wildlife Trust. They are registered charities and members of the National Rivers Trust. Their work on the Ouse and Adur catchment areas, affords protection to many across the LDC area, and in Wealden and Adur. It extends far beyond the towns of Lewes and Newhaven, and this proposal will also look to support work in villages and in the countryside where water control is vital.

As far as the impact on flooding is concerned OART work is largely about influencing the in-channel river through

- altering the hydrology through slowing flows, and elongation of channels
- increasing in-channel capacity and
- reconnecting the river with its floodplain to increase floodplain storage.

The Sussex Flow initiative focuses more on

- flood management through tree and hedge planting
- retention ponds and
- contour bunds and leaky walls

All these procedures are now becoming popular via the national press.

It is estimated that the works already undertaken have reduced the peak flow rate down the Ouse by a measurable, though small amount, and this work needs more significant support, and a series of schemes is outlined below.

Of course the sooner one starts work on fundamental changes to our catchment, the sooner it can take effect. Even quick-growing trees take time to have an impact, and we may need them in ten years' time. But to plant woodland one needs a proper economic balance not just quick growing trees.

The current position

As you will know it is all too easy for good schemes to fall between possible funding bodies and never see the light of day.

OART and the Sussex Flow Initiative have a number of projects planned but not executed, which would over time reduce the peak downstream flows. As our catchment is not at this time high on the Environment Agency priority list, and the individual schemes are generally small, they are unlikely to be fully funded if at all. Some schemes will have their flood modelling and evaluation carried out using EA monies, but they will not be implemented by EA, and others will remain on the shelf. There are a number of 'shovel ready' schemes which have either received EA approval, or do not require major EA evaluation, which can be carried out during the dry (!) summer 2016 season or during the planting seasons over the following dormant period. Other schemes can be brought forward for summer 2017, with preparation work during 2016/2017.

Not only is there difficulty in accessing EA flood monies, which are (rightly) concentrated elsewhere at the present time, but Forestry Commission Grants will cease to be available after the next planting season and are intended for large planting schemes. The Woodland Trust provides trees for minimum orders of 500 trees, and this requires the mobilisation of a large number of tree planters. Yet on a short catchment such as the River Ouse, an accumulation of small schemes (each with 50-200 trees) can have a major impact, and these smaller schemes are more acceptable to landowners, but harder to fund. There are also a large number of known sites where small coppices of trees and hedging can make an impact, and on some sites the farmers and landowners have already been approached and are already convinced of the value, though they are not in a position to fund them.

There is also an army of volunteers and schoolchildren keen to plant trees, who appear during the planting season - October/November to February/March. (For example a volunteer force will plant about 6000 trees on the River Adur at Twineham over this winter). Both OART and Sussex Flow Initiative have capable people able to project-manage schemes, and able to diagnose and review potential sites, though this ability may need augmenting.

As suggested above, some localised surface water flooding will also require work away from the rivers themselves in order to provide local protection for villages. Planting trees on areas such as the downland scarp slopes or other sites within the SDNP area will have to be negotiated with the National Park as well as landowners, but they may not be averse to this if we plant near the foot of the slope, where many woodland areas already exist.

Maximizing benefit

As a District Council we must seek to maximise the benefit of any capital works, and the schemes below have many knock-on effects. We are fortunate that we can maximise the benefits of monies put into localised schemes in two areas: optimising schemes through OART and IST, and consequent environmental benefits

Optimisation of effort and effect

- i) We have two experienced local charities with officers already employed in this type of work, and capable of supervising schemes on the LDC's behalf. We can set up arrangements for passing funds to these bodies for execution of schemes which we will agree.

- ii) There is a veritable army of people willing to plant trees at the drop of a hat and at no expense (bar the supervision and insurance of their activity) including school groups, University of Brighton Ecology Group as well as concerned adults
- iii) Much work has already been completed on several schemes and remaining schemes mentioned below have been through a preliminary evaluation
- iv) There is known to be much goodwill amongst landowners and farmers towards cooperation with charitable organisations that we can feed into. Others involved with the project will see the work associated with charitable organisations which will itself have benefits in terms of goodwill etc.

Environmental and other benefits to LDC and its residents

- v) Some of the funding proposed can be used to lever in funds from other sources, where either matched-funding or pump-priming funds are needed.
- vi) Many schemes provide an educational opportunity for LDC residents and the possible development of self-help groups for future schemes beyond 2018, and a budget is proposed for public inclusion and education. The involvement of schoolchildren is especially important.
- vii) We can use hedge and woodland planting placed for flood reduction purposes to create 'environmental corridors' mentioned in our LDF, but hard to fund or achieve on their own, and which, while a positive LDF policy, has no funding at present
- viii) Water quality may be result from the operation of the schemes due to silt removal
- ix) Potentially a higher extraction rate will be possible as the peak flows are spread over a longer period.
- x) The schemes are a practical, positive and visible good that the LDC can itself achieve for many of its residents, and which will be seen as a positive worthwhile act by the LDC, adding to its reputation

Outline of Proposed schemes

Year 1 (2016/17)

. LDC internal officer costs -scoping of project, programme supervision, preparation of feedback 6 monthly reports to Cabinet, etc. in year 1	£5,000
☒ _On the ground delivery of the Anchor Floodplain and Clayhill Pond projects to include tree and hedgerow planting.	£47,250
☒ _Develop projects at Isfield, Sheffield Park, Buxted Park and two on the Bevern Stream to assess feasibility, benefits and true cost of each:	£72,500
☒ _Develop Woody Debris Dam Project –	£7,000
☒ _Deliver three small wood planting schemes and 1km of hedgerow –	£6,500
☒ _Develop evidence base for future work through NFM Modelling and sponsoring of student projects–	£43,000
☒ _Host three education/awareness events at pre-determined locations discussed and agreed with LDC (e.g. Ringmer, Wivelsfield, Kingston)	£3,000
☒ _Deliver three research based delivery plans for sub-catchments identified as priorities for flood mitigation and river enhancement projects including landowner liaison and “quick win” natural flood management projects for each –	£12,000

☒ _ Potential to expand SFI project to urban areas looking at promotion of SUDs and good water management in towns – Employment of Project Officer for two days per week for two years
£13,000

Following this strategy, by the end of year one we would have, subject to no unforeseen circumstances, delivered two flood alleviation projects, three landowner engagement/education workshops, increased the evidence base for future work, developed a woody debris project for delivery in year 2, delivered three sub-catchment project opportunity documents including project maps and developed a minimum of two further schemes including true costs to be discussed with LDC to agree priorities to take into year two. It is likely that the above process will highlight further, currently unknown opportunities which would be investigated and discussed with LDC in conjunction with the four highlighted above. Opportunities for matched funding etc. would be investigated

Total cost estimate for year one £209,000.

Year 2 (2017/18)

. LDC internal officer costs - programme supervision, preparation of feedback reports, report to Council etc. in year 1
£2,000

☒ _ Deliver a minimum of four to five further flood alleviation schemes as agreed with LDC in year 1, these are likely to consist of those projects developed in year one, but may also include other projects which develop through the activities listed above –
£116,500

☒ _ Deliver two further workshop/education events in locations to be decided in conjunction with LDC based on current priorities –
£2,000

☒ _ Deliver woody debris project developed in year 1 –
£17,500

☒ _ Deliver additional pond creation project for water attenuation –
£12,000

☒ _ Deliver 3 additional research based delivery plans for sub-catchments identified as priorities for flood mitigation and river enhancement projects including landowner liaison and “quick win” natural flood management projects for each –
£12,000

☒ _ Deliver an additional five small tree planting schemes and 2km of hedgerow –
£12,000

☒ _ Continuation of urban work began in year 1 – Employment of Officer for two days per week for two years –
£13,000

Total cost of project delivery in year 2 estimated at £187,000.

Total budget over two years estimated at £396,000

Note:

A project summary document has been prepared by officers of *Ouse and Adur Rivers Trust* and *Sussex Flow Initiative* for consideration by LDC which is circulated separately.

**RECOMMENDATIONS FROM CABINET
(Minute 59)**

Details of proposed amendments received from the Green Party Councillors

General Fund Revenue Budget 2016/2017 Amendments:

- 1. I MOVE THAT the Council sets aside up to £5,000 from the service priority budget to produce a business case for a sustainable homes fund on the basis that any such future scheme is break even to the Lewes District Council tax payer.**

The council's solar panel installation program has been of benefit to council home tenants, to the environment, and has raised funds for the council. Whilst the drop in the Feed-In-Tariff (FIT) looks at first glance to affect the viability of continuing such a program, in fact calculations from the Department of Energy and Climate Change indicate that it may well be worth continuing such a program. In addition, other new sustainable technologies such as air-source heat pumps could be a great investment for the council. The budget for a business case for a sustainable homes fund should enable the council to fully explore these investments that could reap returns for District residents, the environment and the council.

The case for continuing solar panel installation

Over 525 council houses throughout Lewes District have already benefitted from the installation of solar panels. Tenants reportedly immediately felt the benefits, with electricity for free during hours of daylight, and in some cases electricity bills up to 40% lower. At the same time, the funds raised through this scheme can be re-invested in council service.

The drop in the feed-in-tariff changes the viability of a future of the solar panel installation program. The feed-in-tariff was to be lowered from 12.47p for every KWh to only 1.63p per KWh; however it is only to be reduced to 4.39p per KWh.

The Department of Energy & Climate Change (DECC) and the Solar Trade Association (STA) both agree that rooftop photo-voltaics (PV) should still yield about 5% per annum (this was DECC's target return when setting the new tariffs), although this does include the reduced cost of electricity for tenants. As this 5% is better than interest rates that can be earned currently, break-even on PV should be reached after 13 years (the Feed-In-Tariff provides support for 20 years).

The costs of PV installations are expected to drop quite rapidly following the FIT cuts. Currently 4 KW installations cost about £6000, but this could fall to as little as £4000 if DECC are correct that manufacturers, suppliers and installers are making excessive profits and will respond to market forces.

In addition to the cost savings, solar panels make council properties more valuable and more attractive to tenants. If local firms are used for the installation, this also creates local employment.

Air-source Heat Pumps

According to Ofgem, the domestic Renewable Heat Incentive (RHI) is about to be refocused on heat-pumps rather than biomass. LDC has already looked at replacing storage heaters with air-source heat pumps. Given the changes in the RHI, and the drive to meet heat targets, this might prove to be a worthwhile investment for the council.

- 2. I MOVE THAT the Council sets aside a further £39,000 into the hardship fund that is being established to support vulnerable families from the imposition of a minimum contribution to council tax from 1 April 2016.**

This would double the amount that is being proposed in the budget and make sure that where there is genuine hardship the Council can assist those families who are moving to the 20% minimum payment of council tax. The new rate of council tax means that even those families who are surviving on benefits will be

required to pay some council tax, which could mean genuine hardship for those at the bottom end of the income scale or with any extra unexpected expenses. An increase in the hardship fund would enabled targeted assistance for the most vulnerable and poorest in our District.

3. I MOVE THAT – The Council sets aside up to £12,000 to assist with the relocation of the Skatehouse youth facility currently situated on the North Street site that is bound for development. This can be funded from reserves. The money can be allocated contingent on the Skatehouse finding a suitable venue.

Three popular youth recreation facilities are going to be displaced by the North Street Quarter joint District Council and Santon development venture. These are the Skatehouse (an indoor skateboarding facility), the Dance Academy (a dance studio), and Starfish (a music studio). All three are Community Interest Companies who provide more than just recreation: as well as chances to get active, they provide education, training, and pastoral care; offering a safe place for children and teenagers to meet (that parents are happy for them to visit), all at a low-cost to users.

The combined number of visits to these three venues every week has been estimated at 3000, although several of these will be repeat visits, so the total number of visitors will be lower. Apart from these three popular and excellent facilities, Lewes is particularly lacking in facilities for older children and teenagers, especially in the centre of town.

The Dance Academy and Starfish are in Phase 2-3 of the development, so have 2 - 3 more years in their present accommodation; however the Skatehouse lease ends in April. As the Skatehouse needs to move now, there is no possibility for its future to be funded through the Section 106 money from the North Street development, as this will not be released until Phase 2. As there will be more funding possibilities for the other youth venues, providing some funding for the Skatehouse does not necessarily set a precedent.

The Skatehouse is different from an outdoor skate park, not just because a roof makes it an all-weather facility, but also because there is supervision from 1st Aid trained, CRB-checked adults. The Skatehouse also runs various training and sponsorship schemes, rewarding star skaters with sponsorship that enables them to enter competitions. The director of Skatehouse England has said that it is the best and largest indoor skate park in the South East.

The value that local people place on the Skatehouse is shown by the petition (to be presented at the council meeting on 25th Feb) asking for LDC to help find a new venue and fund the relocation; on 9th Feb the petition is already over 3000 signatures.

According to the Skatehouse figures, at least 250 children, teenagers and young adults use their facilities every week, the majority of these come from Lewes, but a sizable minority travel from elsewhere in the District. The graphs below show the results of a survey on Sat Feb 6th looking at the ages of the skaters and where they came from, from a sample of 81 users who visited on that day. 62% (50 skaters) were between the ages of 11 - 20 years old. 36% of skaters came from Lewes (29 people), 26% from Ringmer or Newhaven, and the remainder from elsewhere.

The Skatehouse has calculated that relocating would cost a total of about £20,000, however they can provide volunteer man-hours equivalent to £8000, and so would only require £12,000 from council funding. They will retain and re-use the skeletal support structures but would need to replace the top part of the skate ramps.

The breakdown is as follows:

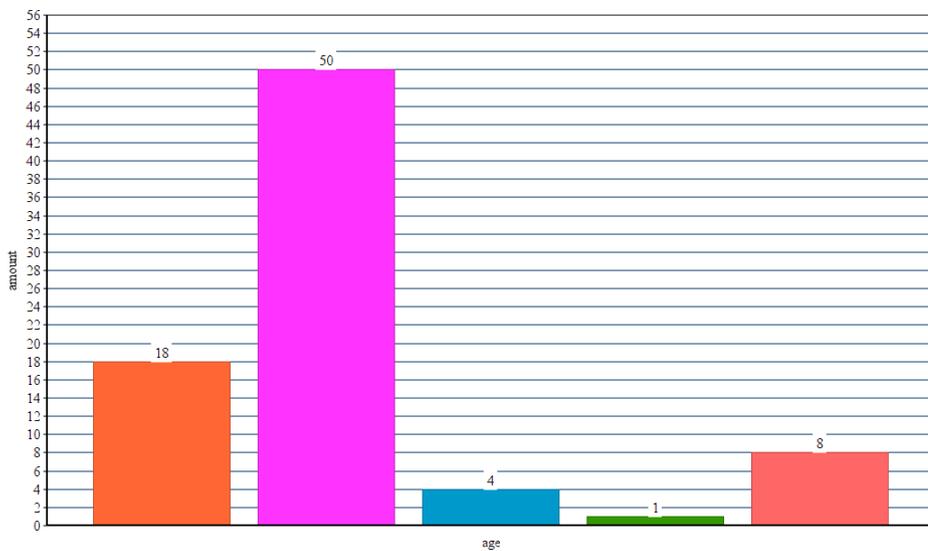
Amount	From	Details
£8000	The Skatehouse	1000+ man hours (approx 6 volunteers full time for 4 weeks)
£12,000	LDC	£10,000 plywood and building materials (cost of building a third of the present structure was £3000, so this is the scaled-up cost for the full park) £1,500 van hire costs

		£500	contingency
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The Skatehouse has been in discussion with LDC officers, Santon, Wave Leisure and others to explore possible new venues. They are re-writing their business plan, and are confident that they can now afford to pay more rent, and still offer the same or an increased service to users, thus giving them more options for where they can move. Whilst they would like to remain in Lewes, they have also been considering Newhaven, where 14% of their users came from in the sample survey. The Skatehouse have been in discussion with Santon about the possibility of temporarily storing their equipment whilst they look for a new venue, if (as is likely) they have not found a venue before the end of their lease.

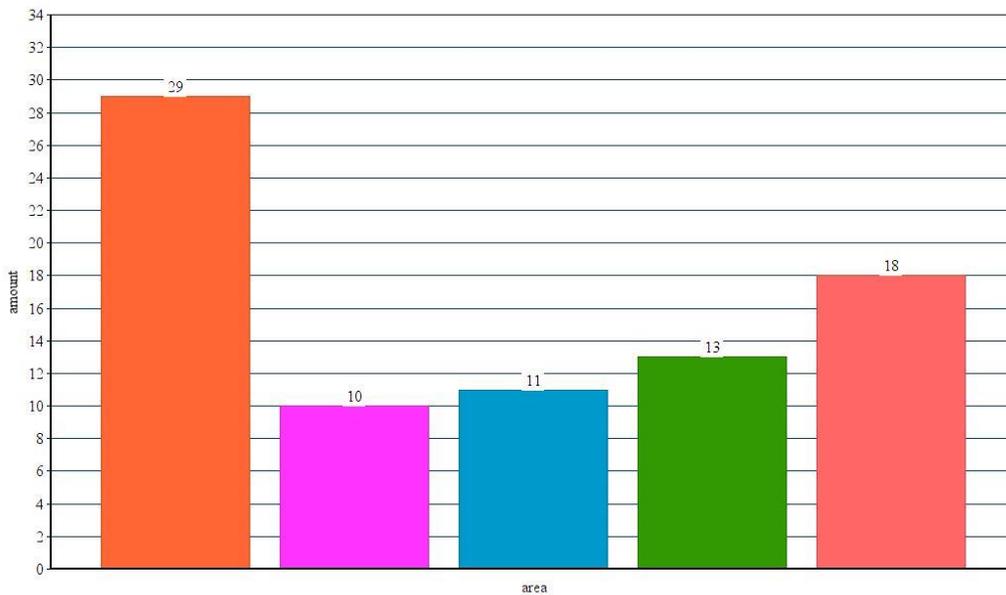
If this money is allocated from the LDC budget to aid the continuation of this facility, it could be contingent on the Skatehouse finding a suitable venue before the end of the financial year.

sample of users sat 6th feb 2016



1-10 11-20 21-30 31-40 40+

sample of users sat 6th feb 2016



Lewes Ringmer Newhaven Brighton Other

Agenda Item No: 12(iii) **Report No:** 32/16
Report Title: Setting the Council Tax
Report To: Council **Date:** 25 February 2016
Leader of the Council: Councillor Andy Smith
Ward(s) Affected: All
Report By: Alan Osborne, Director of Corporate Services
Contact Officer(s)-
Name(s): Alan Osborne
Post Title(s): Director of Corporate Services
E-mail(s): alan.osborne@lewes.gov.uk
Tel No(s): 01273 471600

Purpose of Report:

To explain to Council the process for determining the level of General Fund Council Tax Requirement and Council Tax for 2016/2017.

Officers Recommendation(s):

- 1 That Council approves an aggregate Council Tax requirement of £6,823,300 (a Council Tax increase of 0.5% for the aggregate Lewes District Council Council Tax Requirement), comprising
 - a. A General Expenses Council Tax requirement of £6,279,340 (a Council Tax increase of 1.9% for Lewes District Council's General Expenses).
 - b. A Special Expenses Council Tax Requirement of £543,960.
- 2 That Council approves the resultant Council Tax Band D tax rates as set out in Appendices E and F and the draft Council Tax resolution at Appendix G.

Reasons for Recommendations

- 1 In setting the Council Tax for 2016/2017, the Council needs to determine the level of the General Fund Council Tax Requirement for the year. The Localism Act 2011 also requires local authorities to determine whether their basic amount of council tax for a year is excessive.
- 2 The Council has adopted a system of 'Special Expenses' in respect of the cost of General Fund Open Spaces. In setting the basic of amount of council tax for 2016/2017, it is necessary for the Council to determine the costs which are to be its Special Expenses for the year, with all other costs being charged as its 'General Expenses'.

Information

3 General Fund Summary for 2016/2017

3.1 At its meeting on 8 February 2016 Cabinet considered the amount of the aggregate General Fund Council Tax Requirement for 2016/2017. The aggregate Council Tax Requirement is used to determine the amount of the Band D council tax for the year. The aggregate Council Tax Requirement comprises two elements. The majority part is General Expenses. The remainder is attributed to Special Expenses.

(a) General Expenses: Cabinet has recommended a Council Tax Requirement that incorporates a 1.9% increase in the General Expenses element of the council tax.

(b) Special Expenses: the Council is committed to passing on budget reductions enabled by devolving responsibility for the upkeep of open spaces to Town and Parish Councils. Devolution of sites to Newhaven Town Council and Hamsey Parish Council lead to a reduction in the Special Expenses element of the council tax.

3.2 The summary of the budget proposal on which the Council Tax Requirement is based is presented at Appendix A. The Final 2016/2017 Local Government Finance Settlement was published after Cabinet met on 8 February. The Final Settlement included a new Transitional Grant for some local authorities, with this Council receiving £84,000. In order to maintain the General Expenses Council Tax Requirement at the same level as recommended by Cabinet, this additional income is offset in the budget proposal by the introduction of an allocation for Transitional expenditure.

3.3 In recommending the budget proposal, Cabinet considered the medium term budget outlook. The budget proposal requires no use of reserves to finance recurring expenditure. It utilises £58,900 of New Homes Bonus for services (out of £1.6m to be received in total) and includes a savings target of £400,000 to be met from the Joint Transformation Programme. The total savings target for 2016/2017 to 2019/2020 is £3.2m.

3.4 The budget proposal comprises net General Fund expenditure in 2016/2017 amounting to £13,236,400. This is to be financed from:

	£	%
Government Grants	3,170,700	24.0
Retained Business Rates	3,070,000	23.2
Council Tax surplus returned to taxpayers	172,400	1.3
Council Tax Requirement	6,823,300	51.5
Total	13,236,400	100.0

3.5 The Council Tax Requirement equates to an average annual Band D Council Tax of £190.61 for 2016/2017. The elements are:

	£	Band D Council Tax 2016/17 £	Band D Council Tax 2015/16 £	Change	Change %
General Expenses	6,279,340	175.41	172.11	3.30	1.9
Special Expenses	543,960	15.20	17.50	(2.30)	(15.1)
Total	6,823,300	190.61	189.61	1.00	0.5

3.6 Section 65 of the Local Government Finance Act 1992 requires the Council to consult with representatives of Non-Domestic Ratepayers before setting the Council Tax for the year. Accordingly, the Leader of the Council has sent a briefing note explaining the Council's overall revenue and capital spending plans and the proposed Council Tax to representatives of the local business community and invited comments. The budget proposal has been brought together using feedback from:

- Service managers and Union representatives at the Council
- Residents Survey 2015
- Scrutiny Committee consideration of the emerging budget in January 2015
- Town and Parish Councils
- Voluntary Sector partner organisations
- Tenants of Lewes District (TOLD) organisation

4 General Fund Reserves

4.1 The Council retains reserves to support revenue and capital expenditure. The total value of General Fund Reserves at 1 April 2016 is projected to be £8.140m. £2.157m is contributed to reserves in 2016/2017. £4.295m is allocated for use in the year. The total value of General Fund Reserves at 31 March 2017 reduces to £6.002m.

4.2 A statement showing each of the Councils reserves and how they are to be used through to March 2017 is attached at Appendix B.

5 Special Expenses

5.1 The Council introduced a system of 'Special Expenses' in respect of the cost of General Fund Open Spaces, with effect from 1 April 2014. As a result, the cost of each Open Space is charged, through the Council Tax, only to the residents of the Town/Parish area in which that Open Space is located.

5.2 The Special Expenses to be charged in each Town/Parish area of the District in 2016/2017 are shown in Appendix C. In total, £543,960 is to be charged as

Special Expenses, allocated across six local areas within the District as shown below.

Part of the District	(a) Total cost 16/17 £	(b) Taxbase 16/17	(c)=(a)/(b) Special Expense 16/17 Band D £	(d) Special Expense 15/16 Band D £
Lewes	298,720	6,069.2	49.22	53.52
Newhaven	98,630	3,583.3	27.52	44.91
Telscombe	51,430	2,463.5	20.88	21.34
Seaford	54,540	9,365.0	5.82	5.82
Peacehaven	39,570	4,574.0	8.65	8.94
Chailey	1,070	1,275.0	0.84	0.84
TOTAL SPECIAL EXPENSES	543,960	35,797.1	-15.20	-17.50

5.3 The cost of Open Spaces which will be charged as Special Expenses is derived from the 2016/2017 budget, including the cost of the grounds maintenance contract, site specific items (eg water supplies), provisions for direct costs (eg repairs to fences and tree planting) and management costs. Cabinet has agreed that six sites will be devolved to Newhaven Town Council and one site to Hamsey Parish Council. As a result, the Council will no longer incur any expenditure on these sites in 2016/2017 and no Special Expenses will be chargeable in respect of them.

5.4 The aggregate of Special Expenses has reduced by £68,030 between 2015/2016 and 2016/2017 of which £53,240 is attributable to devolution.

6 The Council Tax Resolution

6.1 The schedule of Town and Parish precepts for 2016/2017 is shown at Appendix D. A summary of all preceptors' requirements is shown at Appendix E.

6.2 The draft determinations to be made in accordance with the Local Government Finance Act 1992 are shown at Appendix F. This information forms the basis of the Council Tax Draft Resolution shown at Appendix G.

6.3 The Localism Act 2011 introduced a requirement for a local authority to determine whether its basic amount of council tax for a financial year is excessive, in which case a local referendum would be needed. The Secretary of State has confirmed that the 2016/2017 referendum trigger point for a District Council is to be the higher of a 2% increase in Council Tax or £5.

6.4 The 'excessiveness' calculation is made by reference to the District Council's proposed council tax requirement which includes its own Special Expenses, but excludes Town and Parish Council precepts. As noted in paragraph 3.5, this

basic amount of tax for 2016/2017 at £190.61 is £1 higher than the 2015/2016 level and is not, therefore, excessive.

7 Future funding

7.1 As part of the Finance Settlement, the Government announced that authorities can elect for a 4 year grant settlement. In return for relative funding certainty the Council will have to publish a 4 year efficiency plan with authority for changes being limited to Full Council. Councils have until Friday 14 October 2016 to respond to the offer. At the time of writing this report, no further information details have been given.

Financial Appraisal

8 This is covered in the paragraphs above and the 'General Fund Revenue Estimates' report to Cabinet dated 8 February 2016.

Legal Implications

9 These are as shown in the 'General Fund Revenue Budget' report to Cabinet. In addition, the Local Government Finance Act 1992 requires the Council, by 11 March 2016 to make a series of calculations in respect of its budget and council tax amounts for 2016/2017. These are set out in Appendix G.

Risk Management Implications

10 This is as shown in the 'General Fund Revenue Estimates' report to Cabinet.

Equality Screening

11 This is as shown in the 'General Fund Revenue Budget' report to Cabinet.

Background Papers

General Fund Revenue Budget 2016/2017 – Cabinet Report 8 February 2016
<http://lewes.cmis.uk.com/cmis5/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/505/Meeting/630/Committee/190/Default.aspx>

Department for Communities and Local Government 'The Referendums Relating to Council Tax Increases (Principles) Report (England) 2016/2017
<https://www.gov.uk/government/publications/council-tax-in-2016-to-2017-updated>

Appendices

Appendix A : 2016/2017 General Fund Budget Summary
Appendix B : Statement of Council Reserves projection to March 2017
Appendix C : Special Expenses 2016/2017
Appendix D : Schedule of Town and Parish Council Precepts
Appendix E : Summary of all Preceptors' Requirements
Appendix F : Local Government Finance Act Determinations
Appendix G : Council Tax Draft Resolution

General Fund Budget Summary	2015/16 Budget £	2016/17 Budget £	Year on year change £
Service Delivery			
Housing and Environment	3,086,600	2,587,800	(498,800)
Planning and Revenues	392,900	364,200	(28,700)
Customer Service	1,877,600	1,821,700	(55,900)
Waste and Recycling	2,511,300	2,800,400	289,100
	7,868,400	7,574,100	(294,300)
Business Strategy and Development			
Business Strategy and Performance	702,800	694,000	(8,800)
Regeneration and Investment	784,200	540,300	(243,900)
Strategic Policy	457,800	468,700	10,900
	1,944,800	1,703,000	(241,800)
Corporate Services			
Property and Facilities	507,800	456,400	(51,400)
Legal	428,600	417,400	(11,200)
Democratic Services	677,500	617,300	(60,200)
Human Resources	399,800	395,500	(4,300)
Information Technology	1,245,200	1,389,600	144,400
Finance	781,200	732,800	(48,400)
Audit, Fraud and Procurement	265,300	265,600	300
	4,305,400	4,274,600	(30,800)
Corporate Strategy and Programmes	826,700	835,700	9,000
Financing, interest, grants, etc	685,200	706,500	21,300
Recharges to the Housing Revenue Account	(3,255,400)	(3,208,000)	47,400
Reserves used to finance non-recurring expenditure	(795,800)	(490,100)	305,700
Transition expenditure	0	84,000	84,000
Efficiency Savings (Corporate)	(281,000)	(400,000)	(119,000)
Recurring Net Expenditure	11,298,300	11,079,800	(218,500)
Contributions to Reserves	2,466,000	2,215,500	(250,500)
Reduction in Contribution from NHB	0	(58,900)	(58,900)
Net Budget Requirement	13,764,300	13,236,400	(527,900)
Council Tax (Increase @ 1.9%) [A]	(6,632,400)	(6,823,300)	(190,900)
Council Tax Collection Fund Surplus	(65,000)	(172,400)	(107,400)
Retained Business Rates	(3,006,900)	(3,070,000)	(63,100)
Retained Business Rates Deficit on Collection Fund	0	639,800	639,800
Contribution from Uncommitted Reserve	0	(639,800)	(639,800)
Government Grants:			
- Revenue Support	(1,704,000)	(995,000)	709,000
- New Homes Bonus	(1,376,500)	(1,592,000)	(215,500)
- Housing Benefit and Council Tax Support administration	(484,800)	(424,300)	60,500
- Section 31 Grant	(75,400)	(75,400)	0
- New Burdens	(21,700)	0	21,700
- Transition Grant	0	(84,000)	(84,000)
Use of General Fund Revenue Balance	(397,600)	0	397,600
Sources of Finance	(13,764,300)	(13,236,400)	527,900
Taxbase [B]	34,979.8	35,797.1	
Aggregate Council Tax = [A] ÷ [B]	£189.61	£190.61	£1.00 0.53%

General Fund Reserves - projection to March 2017

	Updated Budget 2015/16				Budget 2016/17			
	Balance at 1 April '15 £'000	Contributions & transfers £'000	Commitment £'000	Balance at 31 March '16 £'000	Contributions & transfers £'000	Commitment £'000	Balance at 31 March '17 £'000	
1 Strategic Change	(2,357)	(2,786)	3,056	(2,087)	(2,346)	2,650	(1,783)	
2 Asset Maintenance	(2,444)	(511)	908	(2,047)	(304)	205	(2,146)	
3 Vehicle and Equipment Replacement	(2,490)	(320)	1,577	(1,233)	(320)	1,315	(238)	
4 Economic Regeneration	(353)	0	220	(133)	0	60	(73)	
5 Revenue Grants and Contributions	(284)	0	0	(284)	0	65	(219)	
6 Unallocated	(3,680)	737	587	(2,356)	813	0	(1,543)	
7 TOTAL	(11,608)	(2,880)	6,348	(8,140)	(2,157)	4,295	(6,002)	

Town/Parish Area Special Expenses - Site Listing

	2015/16 £	2016/17 £	Change
Lewes			
Barons Down	83	80	-3
Bell Lane	8,160	8,190	30
Castle Banks	417	420	3
Grange Road	19	20	1
Jubilee Gardens	1,238	1,240	2
Landsdown Place	161	160	-1
Lewes Library Site	706	710	4
Lewes Railway Land LNR	32,954	35,260	2,306
Malling Railway Cutting	785	790	5
Malling Street	7,781	7,810	29
Phoenix Causeway / Little East Street	14,233	14,290	57
Southover Grange Gardens	90,120	90,860	740
The Gallops	3,762	3,780	18
Timberyard Lane	1,076	1,080	4
Valence Road	320	320	0
Waite Close	781	780	-1
Watergate Lane	76	80	4
Stanley Turner	76,633	67,970	-8,663
Convent Field	74,360	64,880	-9,480
Sub-total	<u>313,665</u>	<u>298,720</u>	<u>-14,945</u>
Newhaven			
Avis Road Rec (to be devolved)	7,960	0	-7,960 D
Castle Hill, Newhaven	1,345	1,350	5
Court Farm Road Island	364	370	6
Denton Island	12,769	12,820	51
Drove Park (to be devolved)	1,462	0	-1,462 D
Huggets Green (West Quay)	6,645	6,670	25
Meeching Down Open Space	9,727	9,770	43
Newhaven Town Centre	4,708	4,730	22
Riverside Park (to be devolved)	393	0	-393 D
Valley Road / Parkour (to be devolved)	4,650	0	-4,650 D
West Quay (South) Open Space	721	720	-1
Denton Rec (to be devolved)	7,213	0	-7,213 D
Eastside Rec (to be devolved)	31,375	0	-31,375 D
Fort Road Rec, Outdoor Gym and Skate park	63,219	62,200	-1,019
Sub-total	<u>152,551</u>	<u>98,630</u>	<u>-53,921</u>
Telscombe			
Fairlight Avenue	28	30	2
Telscombe Cliff tops	18,495	18,570	75
Telscombe Playing Fields	33,041	32,830	-211
Sub-total	<u>51,564</u>	<u>51,430</u>	<u>-134</u>

Town/Parish Area Special Expenses - Site Listing

	2015/16 £	2016/17 £	Change
Seaford			
Alfriston Road OS	675	680	5
Anthony's Close	345	350	5
Aquila Park	485	490	5
Bowden Rise	1,399	1,400	1
Brickfields, Seaford	1,266	1,270	4
Chalvington Close Verge	593	600	7
Chalvington Field	12,142	12,190	48
Foster Close OS	775	780	5
Hurdis Road	1,307	1,310	3
Katherine Way Open Space	1,790	1,800	10
Micklesfield OS	4,777	5,530	753
Normansal Park OS	1,585	1,590	5
Rookery Way	705	710	5
Seaford Close	811	810	-1
St. Crispian's	7,125	7,150	25
Valley Dip Play Area	3,945	3,960	15
Downs Rec	13,839	13,920	81
Sub-total	<u>53,564</u>	<u>54,540</u>	<u>976</u>
Peacehaven			
Firle Road Walkway	1,890	1,900	10
Lake Park	3,404	3,420	16
Meridian Park	16,516	16,590	74
Peacehaven Cliff Tops	17,582	17,660	78
Sub-total	<u>39,392</u>	<u>39,570</u>	<u>178</u>
Chailey			
The Martlets, South Chailey	1,068	1,070	2
Hamsey			
The Malthouse, Cooksbridge (to be devolved)	185	0	-185 D
TOTAL	<u>611,989</u>	<u>543,960</u>	<u>-68,029</u>

D = Special Expenses will not be charged in 2016/2017 as a result of the devolution of these sites. Following devolution, the Town/Parish Councils will bear the cost of managing and maintaining the sites as part of their own budget requirements.

TOWN AND PARISH COUNCILS
- COUNCIL TAX PRECEPTS, BAND D TAXBASE AND BAND D COUNCIL TAX

2015/16 COUNCIL TAX PRECEPT £	2015/16 BAND D TAX BASE number	2015/16 BAND D COUNCIL TAX £	TOWN / PARISH	2016/17 COUNCIL TAX PRECEPT £	2016/17 BAND D TAX BASE number	2016/17 BAND D COUNCIL TAX £
29,116	619.5	47.00	Barcombe	29,695	622.8	47.68
46,963	1,264.3	37.15	Chailey	51,867	1,275.0	40.68
82,522	1,110.0	74.34	Ditchling	81,082	1,098.7	73.80
4,539	188.8	24.04	East Chiltington	4,665	195.0	23.92
500	68.8	7.27	Falmer	500	70.3	7.11
8,887	118.5	75.00	Firle	9,230	123.6	74.68
9,804	176.9	55.42	Glynde and Beddingham	10,128	180.8	56.02
17,696	242.5	72.98	Hamsey	17,228	239.5	71.93
0	91.7	0.00	Iford	0	92.4	0.00
47,865	427.0	112.10	Kingston	47,885	425.9	112.43
780,496	5,861.1	133.16	Lewes	861,072	6,069.2	141.87
352,429	3,396.5	103.77	Newhaven	439,126	3,583.3	122.55
52,340	1,065.5	49.12	Newick	52,849	1,070.6	49.36
375,721	4,405.8	85.28	Peacehaven	396,284	4,574.0	86.64
10,322	127.7	80.83	Piddinghoe	10,322	128.7	80.20
52,102	658.5	79.12	Plumpton	52,368	661.1	79.21
89,468	1,827.1	48.97	Ringmer	91,451	1,841.7	49.66
8,809	212.7	41.42	Rodmell	9,646	209.8	45.98
0	41.3	0.00	St Ann Without	0	40.2	0.00
0	32.9	0.00	St John Without	0	31.9	0.00
521,314	9,203.9	56.64	Seaford	612,553	9,365.0	65.41
0	23.2	0.00	Southease	0	23.0	0.00
9,666	258.1	37.45	South Heighton	10,080	263.9	38.20
3,323	79.8	41.64	Streat	2,715	81.0	33.52
0	10.1	0.00	Tarring Neville	0	9.7	0.00
220,881	2,416.6	91.40	Telscombe	221,112	2,463.5	89.75
6,404	160.2	39.98	Westmeston	6,333	161.6	39.19
52,963	890.8	59.46	Wivelsfield	53,969	894.9	60.31
2,784,130	34,979.8	79.59		3,072,160	35,797.1	85.82
		(average)				(average)

COUNCIL TAX PRECEPT REQUIREMENTS	Council Tax Precepts			Band D Council Tax		
	2015/16 £	2016/17 £	Change £	2015/16 £	2016/17 £	Change £
Lewes District Council (LDC)						
LDC Council Tax Requirement (including Special Expenses*)	6,632,448	6,823,300	190,852	189.61	190.61	1.00
Add Town and Parish Councils	2,784,130	3,072,160	288,030	79.59	85.82	6.23
Total Lewes District Council	9,416,578	9,895,460	478,882	269.20	276.43	7.23
East Sussex County Council	42,113,231	44,814,389	2,701,158	1,203.93	1,251.90	47.97
East Sussex Fire Authority	2,975,732	3,104,325	128,593	85.07	86.72	1.65
Sussex Police & Crime	5,033,943	5,330,546	296,603	143.91	148.91	5.00
TOTAL COUNCIL TAX PRECEPT REQUIREMENTS	59,539,484	63,144,720	3,605,236	1,702.11	1,763.96	61.85
Special Expenses*						
LDC Council Tax Requirement	6,632,448	6,823,300	190,852	189.61	190.61	1.00
Less: Total amount to be charged as Special Expenses	(611,989)	(543,960)	68,029	(17.50)	(15.20)	2.30
Council Tax to be levied on all LDC taxpayers	6,020,459	6,279,340	258,881	172.11	175.41	3.30
Band D taxbase and increase				34,979.8	35,797.1	817.3
- percentage increase						2.34%

LEWES DISTRICT COUNCIL
PRECEPT FOR 2016/2017
Calculations Required under Local Government Finance Act 1992

Item	Section	Description	£	£
s.31A Calculation of Council Tax Requirement				
<u>Expenditure</u>				
1		LDC revenue expenditure to be charged to revenue accounts	78,417,700	
2		Parish and Town Council precepts	3,072,160	
3	s.31A(2)(a)			81,489,860
4	s.31A(2)(b),(c),(d)	Contributions re. contingency, balances and reserves		2,675,900
5				84,165,760
<u>Income</u>				
6	s.31A(3)(a)	Revenue income including grants to credit to revenue accounts	73,607,800	
7	s.31A(3)(b)	Collection Fund surplus	172,400	
8	s.31A(3)(d)	Use of reserves	490,100	
9				74,270,300
10	s.31A(4)	Council Tax Requirement (R)		9,895,460
s.31B Calculation of basic amount of council tax including local precepts				
11	s.31B(1)	R Council Tax Requirement	9,895,460	
12		T Taxbase	35,797.1	
13		R / T Basic amount of Council Tax incl local precepts and Special Expenses B		276.43
s.34 Calculation of basic amount of council tax excluding local precepts				
14	s.34(2)	Total of Town and Parish precepts	3,072,160	
15		Total of LDC expenditure to be charged as Special Expenses	543,960	
16		A Aggregate amount of all Special Items	3,616,120	
17		T Taxbase	35,797.1	
18		B - (A / T) Basic amount of Council Tax excl local precepts and Special Expenses		175.41

COUNCIL TAX

DRAFT RESOLUTION

Section A

1. That the expenses incurred by the Council set out in paragraph 2 below be approved as Special Expenses chargeable to the residents of each of the Town/Parish areas indicated and that any other expenses (excluding local precepts) incurred by the Council be approved as general expenditure for the purposes of Section 35 of the Local Government Finance Act 1992.

- 2.

Town/Parish area	Special Expense 2016/2017 £
Lewes	298,720
Newhaven	98,630
Telscombe	51,430
Seaford	54,540
Peacehaven	39,570
Chailey	1,070
Total	543,960

Section B

1. That:-
 - (a) the revenue estimates for 2016/2017;
 - (b) the revised 2015/2016 Capital Programme;
 - (c) the Capital Programme 2016/2017 to 2018/2019
 - (d) the Prudential Indicators in respect of the capital programme; as reported elsewhere on this Council Agenda, be approved.
2. That it be noted that the following amounts have been calculated for the year 2016/2017 in accordance with regulations made under Sections 31(B)(4) and 34(4) of the Local Government Finance Act 1992 as amended:-
 - (a) 35,797.1 being the amount calculated by the Council, in accordance with regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 as amended, as its Council Tax base for the year (Item T in the formula in Section 31B of the Local Government Finance Act 1992)

(b)	<u>Part of the Council's area</u>	<u>Tax Base</u>
	<u>Parishes of:-</u>	
	Barcombe	622.8
	Chailey	1,275.0
	Ditchling	1,098.7
	East Chiltington	195.0
	Falmer	70.3
	Firle	123.6
	Glynde/Beddingham	180.8
	Hamsey	239.5
	Iford	92.4
	Kingston	425.9
	<u>Towns of:-</u>	
	Lewes	6,069.2
	Newhaven	3,583.3
	Parish of Newick	1,070.6
	Town of Peacehaven	4,574.0
	<u>Parishes of:-</u>	
	Piddinghoe	128.7
	Plumpton	661.1
	Ringmer	1,841.7
	Rodmell	209.8
	St. Ann Without	40.2
	St. John Without	31.9
	Town of Seaford	9,365.0
	<u>Parishes of:-</u>	
	Southeast	23.0
	South Heighton	263.9
	Streat	81.0
	Tarring Neville	9.7
	Town of Telscombe	2,463.5
	<u>Parishes of:-</u>	
	Westmeston	161.6
	Wivelsfield	894.9

being the amounts calculated by the Council, in accordance with regulation 6 of the Regulations as amended, as the amounts of its Council Tax base for the year for dwellings in those parts of its area to which one or more special items relate.

3. That the following amounts be now calculated by the Council for the year 2016/2017 in accordance with Sections 31A to 37 of the Local Government Finance Act 1992, as amended:-

- (a) £84,165,760 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act
- (b) £74,270,300 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act
- (c) £9,895,460 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year (Item R in the formula in Section 31B of the Act)
- (d) £276.43 being the amount at 3(c) above (Item R) all divided by the amount at 2(a) above (Item T), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including local precepts)
- (e) £3,616,120 being the aggregate amount of all special items referred to in Section 34(1) of the Act
- (f) £175.41 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by the amount at 2(a) above (Item T), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates

(g) Parts of the Council's area

	£		£
Barcombe	223.09	Piddinghoe	255.61
Chailey	216.93	Plumpton	254.62
Ditchling	249.21	Ringmer	225.07
East Chiltington	199.33	Rodmell	221.39
Falmer	182.52	St. Ann Without	175.41
Firle	250.09	St. John Without	175.41
Glynde/Beddingham	231.43	Seaford	246.64
Hamsey	247.34	Southeast	175.41
Iford	175.41	South Heighton	213.61
Kingston	287.84	Streat	208.93
Lewes	366.50	Tarring Neville	175.41
Newhaven	325.48	Telscombe	286.04
Newick	224.77	Westmeston	214.60
Peacehaven	270.70	Wivelsfield	235.72

being the amounts given by adding to the amount at 3(f) above the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at 2(b) above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate.

(h) Parts of the Council's area

	Ratio Band	6/9 A £	7/9 B £	8/9 C £	9/9 D £	11/9 E £	13/9 F £	15/9 G £	18/9 H £
Barcombe		148.73	173.51	198.30	223.09	272.67	322.24	371.82	446.18
Chailey		144.62	168.72	192.83	216.93	265.14	313.34	361.55	433.86
Ditchling		166.14	193.83	221.52	249.21	304.59	359.97	415.35	498.42
East Chiltington		132.89	155.03	177.18	199.33	243.63	287.92	332.22	398.66
Falmer		121.68	141.96	162.24	182.52	223.08	263.64	304.20	365.04
Firle		166.73	194.51	222.30	250.09	305.67	361.24	416.82	500.18
Glynde/Beddingham		154.29	180.00	205.72	231.43	282.86	334.29	385.72	462.86
Hamsey		164.89	192.38	219.86	247.34	302.30	357.27	412.23	494.68
Iford		116.94	136.43	155.92	175.41	214.39	253.37	292.35	350.82
Kingston		191.89	223.88	255.86	287.84	351.80	415.77	479.73	575.68
Lewes		244.33	285.06	325.78	366.50	447.94	529.39	610.83	733.00
Newhaven		216.99	253.15	289.32	325.48	397.81	470.14	542.47	650.96
Newick		149.85	174.82	199.80	224.77	274.72	324.67	374.62	449.54
Peacehaven		180.47	210.54	240.62	270.70	330.86	391.01	451.17	541.40
Piddinghoe		170.41	198.81	227.21	255.61	312.41	369.21	426.02	511.22
Plumpton		169.75	198.04	226.33	254.62	311.20	367.78	424.37	509.24
Ringmer		150.05	175.05	200.06	225.07	275.09	325.10	375.12	450.14
Rodmell		147.59	172.19	196.79	221.39	270.59	319.79	368.98	442.78
St Ann Without		116.94	136.43	155.92	175.41	214.39	253.37	292.35	350.82
St John Without		116.94	136.43	155.92	175.41	214.39	253.37	292.35	350.82
Seaford		164.43	191.83	219.24	246.64	301.45	356.26	411.07	493.28
Southeast		116.94	136.43	155.92	175.41	214.39	253.37	292.35	350.82
South Heighton		142.41	166.14	189.88	213.61	261.08	308.55	356.02	427.22
Streat		139.29	162.50	185.72	208.93	255.36	301.79	348.22	417.86
Tarring Neville		116.94	136.43	155.92	175.41	214.39	253.37	292.35	350.82
Telscombe		190.69	222.48	254.26	286.04	349.60	413.17	476.73	572.08
Westmeston		143.07	166.91	190.76	214.60	262.29	309.98	357.67	429.20
Wivelsfield		157.15	183.34	209.53	235.72	288.10	340.48	392.87	471.44

being the amounts given by multiplying the amounts at 3(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

4. That it be noted that for the year 2016/2017 the major precepting authorities have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwelling shown below:-

Precepting Authority	Valuation Bands							
	A £	B £	C £	D £	E £	F £	G £	H £
East Sussex County Council	834.60	973.70	1112.80	1251.90	1530.10	1808.30	2086.50	2503.80
Sussex Police & Crime Commissioner	99.27	115.82	132.36	148.91	182.00	215.09	248.18	297.82
East Sussex Fire Authority	57.81	67.45	77.08	86.72	105.99	125.26	144.53	173.44

5. That, having calculated the aggregate in each case of the amounts at 3(h) and 4 above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of Council Tax for the year 2016/2017 for each of the categories of dwellings shown below:-

Bands £ Ratio	40,000	52,000	68,000	88,000	120,000	160,000	320,000	>320,000
	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9
	A £	B £	C £	D £	E £	F £	G £	H £
Barcombe	1,140.41	1,330.48	1,520.54	1,710.62	2,090.76	2,470.89	2,851.03	3,421.24
Chailey	1,136.30	1,325.69	1,515.07	1,704.46	2,083.23	2,461.99	2,840.76	3,408.92
Ditchling	1,157.82	1,350.80	1,543.76	1,736.74	2,122.68	2,508.62	2,894.56	3,473.48
East Chiltington	1,124.57	1,312.00	1,499.42	1,686.86	2,061.72	2,436.57	2,811.43	3,373.72
Falmer	1,113.36	1,298.93	1,484.48	1,670.05	2,041.17	2,412.29	2,783.41	3,340.10
Firle	1,158.41	1,351.48	1,544.54	1,737.62	2,123.76	2,509.89	2,896.03	3,475.24
Glynde/Beddingham	1,145.97	1,336.97	1,527.96	1,718.96	2,100.95	2,482.94	2,864.93	3,437.92
Hamsey	1,156.57	1,349.35	1,542.10	1,734.87	2,120.39	2,505.92	2,891.44	3,469.74
Iford	1,108.62	1,293.40	1,478.16	1,662.94	2,032.48	2,402.02	2,771.56	3,325.88
Kingston	1,183.57	1,380.85	1,578.10	1,775.37	2,169.89	2,564.42	2,958.94	3,550.74
Lewes	1,236.01	1,442.03	1,648.02	1,854.03	2,266.03	2,678.04	3,090.04	3,708.06
Newhaven	1,208.67	1,410.12	1,611.56	1,813.01	2,215.90	2,618.79	3,021.68	3,626.02
Newick	1,141.53	1,331.79	1,522.04	1,712.30	2,092.81	2,473.32	2,853.83	3,424.60
Peacehaven	1,172.15	1,367.51	1,562.86	1,758.23	2,148.95	2,539.66	2,930.38	3,516.46
Piddinghoe	1,162.09	1,355.78	1,549.45	1,743.14	2,130.50	2,517.86	2,905.23	3,486.28
Plumpton	1,161.43	1,355.01	1,548.57	1,742.15	2,129.29	2,516.43	2,903.58	3,484.30
Ringmer	1,141.73	1,332.02	1,522.30	1,712.60	2,093.18	2,473.75	2,854.33	3,425.20
Rodmell	1,139.27	1,329.16	1,519.03	1,708.92	2,088.68	2,468.44	2,848.19	3,417.84
St Ann Without	1,108.62	1,293.40	1,478.16	1,662.94	2,032.48	2,402.02	2,771.56	3,325.88
St John Without	1,108.62	1,293.40	1,478.16	1,662.94	2,032.48	2,402.02	2,771.56	3,325.88
Seaford	1,156.11	1,348.80	1,541.48	1,734.17	2,119.54	2,504.91	2,890.28	3,468.34
Southeast	1,108.62	1,293.40	1,478.16	1,662.94	2,032.48	2,402.02	2,771.56	3,325.88
South Heighton	1,134.09	1,323.11	1,512.12	1,701.14	2,079.17	2,457.20	2,835.23	3,402.28
Streat	1,130.97	1,319.47	1,507.96	1,696.46	2,073.45	2,450.44	2,827.43	3,392.92
Tarring Neville	1,108.62	1,293.40	1,478.16	1,662.94	2,032.48	2,402.02	2,771.56	3,325.88
Telscombe	1,182.37	1,379.45	1,576.50	1,773.57	2,167.69	2,561.82	2,955.94	3,547.14
Westmeston	1,134.75	1,323.88	1,513.00	1,702.13	2,080.38	2,458.63	2,836.88	3,404.26
Wivelsfield	1,148.83	1,340.31	1,531.77	1,723.25	2,106.19	2,489.13	2,872.08	3,446.50

Section C

1. That the Council's relevant basic amount of council tax for 2016/2017 is not excessive in accordance with principles approved under Section 52ZB of the Local Government Finance Act 1992, as amended.

As the billing authority, the Council has not been notified by a major precepting authority that its relevant basic amount of Council Tax for 2016/2017 is excessive and that the billing authority is not required to hold a referendum in accordance with Section 52ZK Local Government Finance Act 1992, as amended.

Notice of Motion received from Councillor Osborne:

“Motion on Housing and Planning Bill 2016

This Council notes:

The Government’s proposal to extend the Right to Buy to Housing Association tenants is to be paid for by a forced sell off of the most expensive Council Housing stock. The proposals in the Bill allow the Secretary of State to require a regular payment from councils based on an amount determined by central government in secondary legislation.

The LGA “First 100 Days” campaign highlighted there are 1.7 million households on waiting lists for affordable housing across England and that there are more than 3.4 million adults between 20 and 34 living with their parents.

Social rents are not subsidized, they are set at levels which pay in full for the management, maintenance and renewal of properties and the debt interest.

The so called 'Pay to Stay' will see rents for a 2 bed property in Lewes District double from approx. £100 pw to £200 pw if they are charged at the Local Housing Allowance Limit and go up to £269 pw if at market level.

60,000 households in England will be unable to afford to remain in their council properties from April next year as a result of ‘Pay to Stay’ (according to report commissioned by the LGA).

214,000 households will be affected by the ‘Pay to Stay’ policy in England.

Proposals to increase rents for ‘high-income’ tenants are likely to be a disincentive to work and may well disproportionately affect women. The Resolution Foundation found that a household with two earners (in Oxford for e.g.) which took on one more hour of work per week (tipping earnings over £30,000) would see rent increase by £4,000 a year.

The policy will reduce spending power and there will be a negative effect on the local economy.

The Government’s proposals would remove flexibilities of councils to offer different kinds of tenancies in response to local need.

The requirement to review each tenancy every five years would be a significant administrative burden and difficult to police.

Proposals on planning in the Bill, including national interventions in local plan making and new performance regimes, risk putting additional strain on stretched local planning authorities while taking away local community influence.

Proposals to exempt Section 106 affordable housing contributions will likely cut £3 billion of investment from the supply of affordable and social rented properties. The Government's own impact analysis suggests that for every 100-starter homes built through section 106 agreements, between 56 and 71 affordable or social rented homes will not be built.

This Bill is a further attack on the freedom of local authorities with 34 new powers being given to the Secretary of State.

Motion

Council opposes the forced sell off of council housing to pay for this plan and is concerned that the Government's Bill also:

- i) Will have the unintended consequence of reducing the availability of much-needed council housing
- ii) Effectively gives Government the freedom to decide how much it would like to 'tax' each council with housing stock, and to define high value for their area to deliver that figure.
- iii) Could hamper the ability of local authorities to invest in new affordable council housing and create the right mix of housing that local residents can afford.
- iv) Will lead to an increase in the housing benefit bill as more people are forced to move into the more expensive private-rented sector, and do little to help councils reduce homelessness and reduce spending on temporary accommodation.
- v) Will put more pressure on existing local infrastructure because of the proposals to exempt 200,000 starter homes from the Community Infrastructure Levy and other infrastructure spending pots.
- vi) That local planning authorities, will no longer have enough flexibility to shape the number, type and quality of Starter Homes within and across developments alongside other types of affordable housing. It is vital that new housing products are delivered in response to the needs of residents and economies in local housing markets as assessed locally by councils as part of developing their local plans.
- vii) That the process for determining the additional income from the so called 'Pay to Stay' is unlikely to reflect the reality for tenants and councils or the difficulty of adjusting rents in line with fluctuating household incomes.
- viii) Local Authorities' will be taking all the risk and Government all the benefit as the payment due from councils, is based on a national estimate whether or not that estimate is borne out in reality.
- ix) It may create more need for housing if parents ask adult earning children to leave to reduce household income below the 'Pay to Stay' threshold.
- x) It will be costly to administer and police. Collection rates will be difficult to maintain.

- xi) It may damage the relationship between the council and its tenants
- xii) It is likely that the policy may encourage an increase in Right to Buy that would reduce the numbers of higher income tenants.
- xiii) We are concerned the Government's proposals would remove flexibilities on councils to offer different kinds of tenancies in response to local need.
- xiv) The requirement to review each tenancy every five years would be a significant administrative burden on councils.

Council resolves:

1. To work with other neighbouring authorities to oppose the current government proposals to force councils to sell off high value stock (or any equivalent charge based on estimates of high value stock);
2. To write to local MPs, asking them to support the Council's position and to speak up in parliament for;
 - a) To push for more social housing and to push for a genuine "one for one" replacement but not at the cost of losing more council housing.
 - b) To leave Councils free to manage their housing assets and to retain 100 per cent of receipts to invest in new and existing homes. As a minimum all councils should retain sufficient funds to replace each home sold on a like for like basis. This should also apply to council Right to Buy, as required rent reductions reduce the capacity of councils to replace those homes sold under the scheme.
 - c) To recycle the discount on Starter Homes in perpetuity, as is the case in council exception schemes, or extend it, so that more families can benefit.
 - d) To make voluntary the proposals to increase rents for 'high-income' tenants, as it will be for housing associations. Councils should also retain any additional income to reinvest in new and existing housing. Local flexibility on rents would enable councils to ensure that housing remains affordable for tenants, particularly key groups likely to be affected such as those working in education, healthcare and other public services.
 - e) To leave Councils free to manage their tenancies in a way that drives best value from stock while supporting strong local communities.
 - f) To allow councils to set planning fees locally to ensure effective, responsive and fully funded council planning services.
 - g) To amend the Bill to give councils greater flexibility on Article 4 planning directions, which remove the automatic right to convert properties between different types of use, to manage the problems caused by concentrations of houses in multiple occupations in small areas. Amendments to notice period and compensation provisions for Article 4 directions would allow local authorities to respond to resident and landlord concerns and local priorities more effectively.

- h) To provide flexibility for local authorities to exempt certain types of development and development on certain land or in certain areas from the permission in principle development order as well as from the register of land.

- i) To press the government to publish Draft regulations as soon as possible to allow for effective scrutiny.”

Notice of Motion received from Councillor Murray:

“This council acknowledges the strong belief of many of our local residents that Lewes Crown Post Office is under threat.

It further takes on board the fact that the downgrading of the Crown Post Office to an in-store franchise is likely to have a detrimental effect upon the viability of the upper part of Lewes High Street, (which it has already noted to be vulnerable within planning documents), and of many local businesses which depend upon it to send out many packages and parcels every day (the rise of internet shopping and working from home makes this ever more important). It notes the reduction in range of services that franchising brings about and the value that having these services within the town has to residents.

It further notes that a petition against the plans has gathered a large number of signatures, over 1000 in the first 48 hours of the petition, showing sizeable public opposition to franchising proposals being put forward by Post Office Ltd.

The council therefore resolves to publicly announce that it supports the efforts of local residents to keep a Crown Post Office in Lewes and opposes any proposals to downgrade it and lessen the service available to our residents. It asks the leader of the council and the chief executive to write to the Communications and Corporate Affairs Team at Post office Ltd outlining the damaging effects upon Lewes residents and businesses of these proposals and requesting that the Crown post office be retained in its current form at its current location.

NOTES

On January 19th Post Office Ltd announced plans to franchise 39 of its branches, and close three. Lewes Post Office is on the list of those to be franchised once a suitable retailer is found. Lewes is a busy Post Office - customers are well aware of the queues frequently experienced at peak times. Yet the Post Office wants to sell the valuable building and put the Lewes PO into a local shop, which will lead to longer queues, less services offered, and an all round inferior service, which will affect businesses and individual customers. Lewes Post Office has been on the same site for over 100 years - a site that serves the town well. The process is out to consultation at the moment but the consultation is mainly focused on finding another business to take on the service rather than dealing with the issue of whether the post office should stay at its current location.”

Agenda Item No: 14 **Report No:** 33/16
Report Title: Updating of Lewes District Council's Gambling Statement of Principles
Report To: Council **Date:** 25 February 2016
Cabinet Member: Cllr Paul Franklin
Ward(s) Affected: All Wards
Report By: Gillian Marston, Director of Service Delivery
Contact Officer(s)-
Name(s): Susan Lindsey
Post Title(s): Licensing Officer
E-mail(s): Sue.lindsey@lewes.gov.uk
Tel No(s):

Purpose of Report:

To consider and adopt the amended Gambling Statement of Principles revised after the statutory three year period.

Officers Recommendation(s):

- 1 That Full Council adopt the Gambling Statement of Principles following approval of these by the Licensing Committee on 26th January 2016
-

Financial Appraisal

There are no additional financial implication to this report

Legal Implications

The legal section contributed to the drafting of the report and recommendations considered by the Licensing Committee on the 26th January 2016. A copy of the report is appended. The correct constitutional procedures are being followed with regard to the adoption by the Full Council of the updated Gambling Statement of Principles.

Risk Management Implications

The following risks will arise if the recommendations are not implemented:

- a. Lewes District Council will not have a three year Statement of Principles as required under the Gambling Act 2005
- b. No new risks will arise if the recommendations are implemented

Appendices

- A Licensing Committee Report 26 January 2016
- B Licensing Committee Minutes 26 January 2016
- C Gambling Statement of Principles

Agenda Item No: 6

Report No: 19/16

Report Title: Updating of Lewes District Council's Gambling Statement of Principles

Report To: Licensing Committee Date: 26 January 2016

Report By: Director of Service Delivery

Contact Officer(s)-

Name(s): Susan Lindsey
Post Title(s): Licensing Officer
E-mail(s): sue.lindsey@lewes.gov.uk
Tel No(s): 01273 484354

Purpose of Report:

To consider and approve the amended Gambling Statement of Principles revised after the statutory three year period.

Officers' Recommendation

- That the Licensing Committee receives and considers the revised Gambling Statement of Principles at Appendix A
- That the Licensing Committee, having been provided with feedback from the consultation, delegates authority to the Head of Service Delivery to make any amendments to the draft statement in accordance with the committee's comments and recommends the amended statement to the Council for approval.
- That the Licensing Committee does not at this time ask the Head of Service Delivery to complete a Local Area Profile

1. Reasons for Recommendations

- To ensure a comprehensive and workable Statement of Principles is in place and that Lewes District Council complies with the requirements of the Gambling Act 2005.
-

2. Information

- 2.1 The Gambling Act 2005 requires Licensing Authorities to prepare and publish for a three year period, a Statement of Principles for their area which we propose to apply when exercising our functions under the Act.

- 2.2 The Act places a duty on the Council to develop a Statement of Principles that promotes the three licensing objectives:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
 - Ensuring that gambling is conducted in a fair and open way, and
 - Protecting children and other vulnerable persons from being harmed or exploited.
- 2.2 The current Statement of Gambling Principles was approved by this Council, and came into effect on 1st March 2013.
- 2.3 The Act further requires Licensing Authorities to constantly keep their statement of principles/policy under review, which must be adopted and republished every three years.
- 2.4 The amended Statement of Principles attached as Appendix A has been the subject of a 3 month consultation which included members of the trade, responsible authorities, current licence holders and elected members

3. **Changes**

- 3.1 The Gambling Commission has introduced new provisions which require gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks. Gambling operators will be required to undertake a risk assessment of all of their existing premises by 06 April 2016. A risk assessment will also be required when submitting an application for a new or varied licence.
- 3.2 Following 06 April 2016 operators must also undertake a review of their assessments when certain triggers are met, for example when significant changes are made to the premises, ie:
- Any building work or premises refit where gambling facilities are relocated within the premises.
 - The premises licence is transferred to a new operator who will operate the premises with its own procedures and policies which are different to those of the previous licensee.
 - Any change to the operator's internal policies which as a result requires additional or changes to existing control measures; and/or staff will require retraining on those policy changes.
 - The entrance or entrances to the premises are changed, for example, the door materials are changed from metal with glazing to a full glass door or doors are reallocated from egress to ingress or vice versa. New gambling facilities are made available on the premises which were not provided previously, for example, bet in play, handheld gaming devices for customers, Self Service Betting Terminals, or a different category of

gaming machine is provided. 10 Westminster City Council's Guidance on Undertaking Local Gambling Risk Assessment

- The premises operator makes an application for a licence at that premises to provide an activity under a different regulatory regime, for example, to permit the sale of alcohol or to provide sexual entertainment on the premises.

3.3 The statutory guidance states that 'Licensing Authorities will *find it useful* to complete their own risk assessment (referred to as Local Area Profiles) of the local environment as a means of 'mapping out' local areas of concern, which can be reviewed and updated to reflect changes to the local landscape'. The purpose of the local area profile is to highlight specific risk that operators will need to address in their risk assessment, ie:

- The types of premises and their operation in the local area surrounding these premises
- The footfall in the local area, for example, does it predominately comprise residents, workers or visitors, is it a family orientated area, popular with children and young people.
- Transport links and parking facilities.
- Educational facilities.
- Community centres.
- Hospitals, mental health or gambling care providers.
- Homeless or rough sleeper shelters, hostels and support services.
- The ethnicity, age, economic makeup of the local community.
- Crime and anti-social behaviour

(the above examples are not exhaustive and would be modified to fit the Lewes District profile)

3.4 Since the implementation of the Gambling Act 2005 Lewes District has seen the closure of 3 betting shops. Only one application has been received to extend an existing licensed premises, and no new premises have applied. It is therefore of questionable value, at this time, for the council to commit the possibly considerable staff time and resources to the completion of a Local Area Profile.

3.5 It is, therefore, for the Committee to decide whether the Lewes District would *find it useful* to undertake its own Local Area Profile to highlight any specific risks that operators will need to address in their risk assessment.

4. Consultation

4.1 The amended Statement of Principles has been subject to a period of statutory consultation as required by legislation. We have consulted with all other responsible authorities, the trade, local stakeholders and other

interested groups and have provided an online consultation facility available to the public residents and business.

4.2 The consultation period of three months commenced on 1st September 2015 and concluded on 1st December 2015.

4.3 We have received three written responses to the formal consultation and these responses are attached as Appendix B, C and D

5. **Decision**

5.1 To agree / or not, to the amendments requested in the consultation responses

5.2 To agree / or not / or defer a decision, to implement a Lewes District Local Area Profile.

Financial Appraisal

Legal Implications

Sustainability Implications

Equality Screening

Appendices:

Appendix A - Statement of Principles

Appendix B - Response to consultation – The Racecourse Association Ltd

Appendix C - Response to consultation – Coral Racing Ltd

Appendix D - Gosschalks Solicitors

Licensing Committee

Minutes of a meeting of the **Licensing Committee** held in the **Telscombe Room, Southover House, Southover Road, Lewes** on **Tuesday 26 January 2016** at **13.30pm**.

Present:

Councillors S Adeniji (Chair), B Bovington, M Chartier, P Gander, J Harrison-Hicks, I Linington and S Murray

Officers Present:

R Brittle, Committee Officer
A Couper, Lawyer
S Lindsay, Licensing Officer

	Minutes	Action
15	<p>Minutes</p> <p>The minutes of the meeting held on 26 November 2015 were approved as a correct record and signed by the Chair.</p>	
16	<p>Apologies for Absence/Declaration of Substitute Members</p> <p>Apologies for absence had been received from Councillors W Botting and S Gauntlett.</p>	
17	<p>Urgent Items</p> <p>The Chair had agreed, in accordance with Section 100B(4)(b) of the Local Government Act 1972, that Membership of the Licensing Committee be considered as a matter of urgency in order that the Committee could make it decisions based on the most recent information which was available and delays in confirming the membership of the committee could be avoided.</p>	
18	<p>Membership of the Licensing Committee</p> <p><u>Resolved:</u></p> <p>18.1 That it be noted that Councillor I Linington had replaced Councillor S Osborne on the Licensing Committee for the remainder of the municipal year 2015/2016.</p>	
19	<p>Updating of Lewes District Council's Gambling Statement of Principles</p> <p>The Committee considered Report No. 19/16, which set out the revised Gambling Statement of Principles as required by the Gambling Act 2005.</p>	

The Act required Licensing Authorities to prepare and publish a Statement of Principles for a three year period.

The Licensing Officer explained that the Act placed a duty upon the Council to ensure that the Statement of Principles promoted the three licensing objectives. They were:

- Preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime.
- Ensuring that gambling was conducted in a fair and open way, and
- Protecting children and other vulnerable persons from being harmed or exploited.

The amended Statement of Principles had been the subject to a three month consultation, which had included members of the gambling trade, responsible authorities, current licence holders and elected Members.

The Licensing Officer highlighted the changes in the Statement, which included updated contact details, and the inclusion of details regarding representations which would not be taken into account.

The statutory guidance stated that licensing authorities would find it useful to complete their own risk assessments (referred to as Local Area Profiles) of the local environment as a means of 'mapping out' local areas of concern, which could be reviewed and updated to reflect changes to the local landscape. The Licensing Officer however, advised the Committee that conducting a Local Area Profile would not be useful for the Council as since the implementation of the Gambling Act in 2005, the Council had only received one application to extend existing licensing premises, and no new premises had applied. There had also been a closure of three betting shops in Lewes.

Resolved:

- 19.1** That the revised Gambling Statement of Principles, as set out in Report No. 19/16 be noted;
- 19.2** That authority be delegated to the Director of Service Delivery to make any amendments to the draft statement in accordance with the Committee's comments;
- 19.3** That the Scrutiny Committee recommends that the amended statement be approved by Council; and
- 19.4** That the Licensing Committee agrees that it does not require the Director of Service Delivery to complete a Local Area Profile at this

time.

The meeting ended at 13:50pm

S Adeniji

Chair



Lewes District Council

STATEMENT OF GAMBLING PRINCIPLES

Gambling Act 2005

**Lewes District Council
Licensing Section
Southover House
Southover Road
Lewes
East Sussex BN7 1AB**

licensing@lewes.gov.uk

Telephone number: 01273 471600

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*This Statement of Licensing Principles was approved by **Lewes District Council***
All references to the Guidance refer to the Gambling Commission's Guidance to Licensing Authorities, 4th edition.
www.gamblingcommission.gov.uk/licensing_authorities/information_for_licensing_auth/guidance_to_las.aspx

PART A

1. The Licensing Objectives

In exercising most of our functions under the Gambling Act 2005, we, as the licensing authority, must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

It should be noted that the Gambling Commission has stated: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".

This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives and
- in accordance with the authority's statement of licensing policy

2. Introduction

Lewes District covers an area of 292 square kilometres, much of which forms part of the Sussex Downs Area of Outstanding Natural Beauty and around half, including the historic County Town of Lewes is included in the South Downs National Park. We have 14.5 km of coastline running between the outskirts of Eastbourne and Brighton.

Most of the District's 99,479 residents live in the four main urban areas (Lewes, Peacehaven and Telscombe, Newhaven and Seaford), with around 14% living in the many villages, hamlets or isolated settlements.

We are required by the Gambling Act 2005 to publish a statement of the principles which we propose to apply when exercising our functions. This statement must be published at least every three years. The statement must also be reviewed from "time to time" and any amended parts re-consulted upon. The statement must be then re-published.

The Gambling Act requires that the following parties are consulted by licensing authorities:

- The Chief Officer of Police;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

List of persons this authority consulted:

- The Chief Officer of Sussex Police
- The East Sussex Fire & Rescue Service
- The East Sussex Ambulance Service
- East Sussex Child Protection Committee
- Sussex Downs and Weald Primary Care Trust
- Planning and Environmental Services, Lewes
- Representatives of Premises Licence Holders
- Representatives of Operating Licence Holders
- Representatives of Local Businesses/Chamber of Commerce
- Local Residents Associations
- The Bingo Association
- GamCare
- British Beer and Pub Association
- Association of British Bookmakers
- Casino Operator's Association
- Racecourse Association Ltd
- Plumpton Racecourse
- British Amusement Catering Trade Association (BACTA)
- British Casino Association
- British Holiday & Park Homes Association
- District Councillors
- Tourism and Community Services from the District
- Local Authorities Coordinators of Regulatory Service (LACORS)
- Solicitors, Licensed Property Agents and Licensing Consultants
- Public Consultation via www.lewes.gov.uk

It should be noted that this statement of licensing principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

The consultation took place from 1 September 2015 to 1 December 2015. The Statement was published via our website and copies placed at Lewes District Council Reception, Southover House, Southover Road, Lewes to invite comment. As part of the process, the HM Government Code of Principles was considered:

<https://www.gov.uk/government/publications/consultation-principles-guidance>

The full list of comments made in relation and the consideration by the Council of those comments is available by request to licensing@lewes.gov.uk

The final Statement of Policy was approved at a meeting of the Full Council on * and was published via our website on *

3. Declaration

In producing the final statement, we declare that we have had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

4. Responsible Authorities

We are required by regulations to state the principles we will apply in exercising our powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, we designate the Children, Families and Schools section, Children's Safeguard & Quality Assurance, East Sussex County Council for this purpose.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are at Appendix A .

5. Interested parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence at any time. These parties are defined in the Gambling Act 2005 as follows:

"For the purposes of this Act a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person-

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)"

We are required by regulations to state the principles we will apply in exercising our powers under the Gambling Act 2005 to determine whether a person is an interested party. Our principles are:

Each case will be decided upon its merits.

This authority will not apply a rigid rule to its decision making. We will consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities ~~at 8.11 to 8.19~~. We will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

Interested parties can be persons who are democratically elected such as councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the Councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, we will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

- If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the licensing department at Lewes District Council, Southover House, Southover Road, Lewes BN7 1AB (e.mail licensing@lewes.gov.uk , telephone 01273 471600).

We will not take into account representations which are:

- Repetitive, vexatious or frivolous
- From a rival business where the basis of the representation is unwanted competition
- Moral objections to gambling
- Concerns about the expected demand for gambling
- Anonymous

Details of applications and representations referred to a Licensing Sub Committee for determination will be published in reports that are made publically available and placed on the Councils website in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details will, however, be removed from representations in the final website version of reports.

Names and addresses of people making representations will be disclosed to applicants and only be withheld from publication on the grounds of public safety where the Licensing Authority is specifically asked to do so.

6. Exchange of Information

We are required to include in our statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between ourselves and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between ourselves and the other persons listed in Schedule 6 to the Act.

The principle we apply is that we will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. We will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Should any protocols be established as regards information exchange with other bodies then they will be made available.

7. Enforcement

We are required by regulation under the Gambling Act 2005 to state the principles to be applied by ourselves in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

Our principles are that:

We will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and

- Targeted: regulation should be focused on the problem, and minimise side effects.

As per the Gambling Commission's Guidance to Licensing Authorities we will endeavour to avoid duplication with other regulatory regimes so far as possible.

We have adopted and implemented a risk-based inspection programme, based on;

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this statement of licensing policy

The main enforcement and compliance role for us as a licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which we authorise. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by ourselves but should be notified to the Gambling Commission.

We also keep ourselves informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

Bearing in mind the principle of transparency, our enforcement/compliance protocols/written agreements are available upon request to [Lewes District Council, Licensing Section, Southover House, Southover Road, Lewes BN7 1AB. E.mail: \[licensing@lewes.gov.uk\]\(mailto:licensing@lewes.gov.uk\)](#).

8. Licensing authority functions

We as the licensing authority are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- Issue *Provisional Statements*
- Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue *Club Machine Permits* to *Commercial Clubs*
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register *small society lotteries* below prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

It should be noted that we are not involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

PART B PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

1. General Principles

Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

(i) Decision-making

We are aware that in making decisions about premises licences we should aim to permit the use of premises for gambling in so far as we think it:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos) and also that unmet demand is not a criterion for a licensing authority.

(ii) Definition of "premises" – In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in the third edition of its Guidance to Licensing Authorities that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."

We take particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.

- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity names on the premises licence.

The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

We will consider these and other relevant factors in making our decision, depending on all the circumstances of the case.

The Gambling Commission's relevant access provisions for each premises type are reproduced below:

Casinos

- The principal access entrance to the premises must be from a street (defined as any bridge, road, lane, footway, subway, square, court, alley, or passage whether a thoroughfare or not). No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises

Betting Shops

- Access must be from a street or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks

- No customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre

Bingo Premises

- No customer must be able to access the premise directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

(iii) Premises "ready for gambling"

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, we will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that we are entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

(iv) Location – We are aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to our decision-making. As per the Gambling Commission's Guidance to Licensing Authorities, we will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

(v) Planning:

The Gambling Commission Guidance to Licensing Authorities states:

In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

We will not take into account irrelevant matters as per the above guidance. In addition we note the following excerpt from the Guidance:

When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

(vi) Duplication with other regulatory regimes - We seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. We will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. We will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, we will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

Licensing objectives - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, we have considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime – We are aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime we will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. We are aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

Ensuring that gambling is conducted in a fair and open way – We have noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section.

Protecting children and other vulnerable persons from being harmed or exploited by gambling – We have noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). We will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

We are also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

As regards the term “vulnerable persons” it is noted that the Gambling Commission does not seek to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” We will consider this licensing objective on a case by case basis.

Conditions - Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures we will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. We will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

We will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

We will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

We are aware that tracks may be subject to one or more than one premises licence, provided each licence

relates to a specified area of the track. As per the Gambling Commission's Guidance, we will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

It is noted that there are conditions which we cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- conditions in relation to stakes, fees, winning or prizes.

Door Supervisors - The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be Security Industry Authority licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary.

2. Adult Gaming Centres

We will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy us that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

We may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

3. (Licensed) Family Entertainment Centres:

We will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy us, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

This licensing authority may consider measures to meet the licensing objectives such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

We will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. We will also make ourselves aware of any mandatory or default conditions on these premises licences, when they have been published.

4. Casinos

We have not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but are aware that we have the power to do so. Should we decide in the future to pass such a resolution, we will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

We will attach conditions to casino premises licences according to the principles set out in the Gambling Commission's Guidance bearing in mind the mandatory conditions listed in the Guidance, and the Licence Conditions and Codes of Practice published by the Gambling Commission.

We will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

5. Bingo premises

We note that the Gambling Commission's Guidance states:

Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

We also note the Guidance regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate

sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

6. Betting premises

We will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

7. Tracks

We are aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, we will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

Gaming machines - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

Betting machines - This licensing authority will take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

Applications and plans

The Gambling Act requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to such areas.

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

We appreciate that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information in order for us to satisfy ourselves that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.

8. Travelling Fairs

We are responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

We will also consider whether the applicant falls within the statutory definition of a travelling fair.

It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. We will work with our neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

9. Provisional Statements

Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission and they do not have to have a right to occupy the premises in respect of which their provisional application is made. Tracks do not require an operating licence.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. We will be constrained in the matters we can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

In addition, we may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

10. Reviews:

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for us to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;

- in accordance with any relevant Code of Practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of principles.

The request for the review will also be subject to the consideration by ourselves as to whether the request is frivolous, vexatious, or whether it will certainly not cause us to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

We can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which we think is appropriate.

Once a valid application for a review has been received by ourselves, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application is received us, and we will publish notice of the application within 7 days of receipt.

We must carry out the review as soon as possible after the 28 day period for making representations has passed.

The purpose of the review will be to determine whether we should take any action in relation to the licence. If action is justified, the options open to us are:-

- (a) add, remove or amend a licence condition imposed by the licensing authority;
- (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

In determining what action, if any, should be taken following a review, we must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

In particular, we may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, we must, as soon as possible, notify our decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

PART C

Permits / Temporary & Occasional Use Notice

1. Unlicensed Family Entertainment Centre gaming machine permits

Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to us for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use

An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing authorities might wish to consider asking applications to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- that staff are trained to have a full understanding of the maximum stakes and prizes.

It should be noted that a licensing authority cannot attach conditions to this type of permit.

We will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school

children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. We will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

2. (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))

Automatic entitlement: 2 machines

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify ourselves as the licensing authority.

We can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

Permit: 3 or more machines

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and we must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*”

We consider that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy us that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy us that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

It should be noted that we can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

3. Prize Gaming Permits

The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.

We have prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- that the gaming offered is within the law
- Clear policies that outline the steps to be taken to protect children from harm.

In making our decision on an application for this permit we do not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance. (Gambling Act 2005, Schedule 14 paragraph 8(3)).

It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but we cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

4. Club Gaming and Club Machines Permits

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations.

Members Clubs and Miner's welfare institutes – and also Commercial Clubs – may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulation and these cover bridge and whist clubs, which replicates the position under the Gambling Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

The Commission Guidance also notes that licensing authorities may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or

(e) an objection has been lodged by the Commission or the police.

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance to Licensing Authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

5. Temporary Use Notices

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

We can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".

In considering whether a place falls within the definition of "a set of premises", we need to look at, amongst other things, the ownership/occupation and control of the premises.

We expect to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

6. Occasional Use Notices:

We have very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. We will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

Contact details of Responsible Authorities:

Licensing Authority
Lewes District Council
Southover House
Southover Road
Lewes
East Sussex BN7 1AB
Tel: 01273 471600
Email licensing@lewes.gov.uk

Planning Authority
Lewes District Council
Southover House
Southover Road
Lewes
East Sussex BN7 1AB
Tel: 01273 471600

The Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP
Tele: 0121 230 6500
Email info@gamblingcommission.gov.uk

The Licensing Officer
Bexhill Police Station
Terminus Road
Bexhill on Sea
East Sussex
TN39 3NR
Tel: 101

East Sussex Fire & Rescue Service
Fire Safety Department
Lewes Fire Station
North Street
Lewes
East Sussex BN7 2PE
Tel: 0303 999 1000

Environmental Health
Lewes District Council
Southover House
Southover Road
Lewes
East Sussex BN7 1AB
Tel: 01273 471600

Head of Childrens Safeguards and Quality Assurance
East Sussex County Council
PO Box 5, County Hall
St Anne's Crescent
Lewes
East Sussex BN7 1SW
Tel: 01273 481000

HM Customs & Revenue
Crown House
11 Regent Hill
Brighton
East Sussex BN1 3ES
Tel: 0845 300 0627

Glossary of Terms

Adult Gaming Centres	<p>Adult gaming centres (AGCs) are a new category of premises introduced by the Act. Persons operating an AGC must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the Council. They will be able to make category B, C and D gaming machines available to their customers.</p> <p>Although the term "adult gaming centre" has been commonly used in relation to some premises with licences under section 34 of the Gaming Act 1968, such as amusement arcades, that is perhaps a misleading description. Arcades licensed by virtue of section 34 are not permitted to have machines that are the equivalent of category B machines, nor is there a statutory ban on children and young persons entering the premises (though most arcades located in city centres choose not to admit under 18s)</p>
Alcohol licensed premises gaming machine permits	<p>The Council can issue such permits for any number of category C or D machines in licensed premises. There is an automatic entitlement for alcohol on licence holders to make available 2 gaming machines of category C or D for use in alcohol licensed premises.</p>
Applications	<p>Applications for licences and permits.</p>
Authorisations	<p>This policy relates to all authorisations, permits, licences etc, which the Council is responsible for under the Gambling Act 2005.</p>
Betting Machines	<p>A machine designed or adapted for the use to bet on future real events (not Gaming Machine).</p>
Bingo	<p>A game of equal chance.</p> <p>Bingo has no statutory definition. It is to have its ordinary and natural meaning. Under the previous legislation, two types of bingo could be offered:</p> <ul style="list-style-type: none"> • Cash bingo, where the stakes paid made up the cash prizes that were won; or • Prize bingo, where various forms of prizes were won, not directly related to the stakes paid. <p>Traditionally cash bingo was the main type of bingo played in commercial bingo halls (Part II of the Gaming Act 1968). They could also offer prize bingo, largely as interval games (section 21 of the 1968 Act). Under the 2005 Act, the distinction between these two versions of the game is being abolished for commercial operators, and the holder of a bingo operating licence will be able to offer any type of bingo game, whether cash or prize. That means that premises with a bingo premises licence, or a casino premises licence (where the operator holds a bingo as well as a casino operating licence), will be able to offer bingo in all its forms.</p> <p>Apart from commercial bingo halls, prize bingo is traditionally a game played in arcades, especially seaside amusement arcades, or travelling funfairs. For these operators, prize bingo is being</p>

	<p>subsumed within the allowances for prize gaming in the Act. This means that adult gaming centres, both licensed and unlicensed family entertainment centres, and travelling fairs,(or any premises with a prize gaming permit) will be able to offer prize gaming, which includes prize bingo.</p> <p>In this form of gaming , the nature of the prize must not be determined by reference to the number of people playing the game and the nature or the size of the prize must not be determined by reference to the amount paid for or raised by the gaming.</p>
Casino	An arrangement whereby people are given an opportunity to participate in one or more casino games.
Children	Individual who is less than 16 years old.
Club Gaming Machine Permit	Permit to enable the premises to provide gaming machines (3 machines of Category B, C or D).
Club Gaming Permits and Club Machine Permits	Club gaming permits allow members' clubs and miners' welfare institutes (but not a commercial club) to provide gaming machines and games of chance. These clubs and commercial clubs may apply for a club machine permit which allows the holder to have up to 3 gaming machines of Category B, C or D.
Code of Practice	Means any relevant current code of practice under section 24 of the Gambling Act 2005.
Default Conditions	Conditions that will apply unless the Council decide to exclude them. This may apply to all Premises Licenses, to a class of Premises Licence or Licenses for specified circumstances.
Disorder	Disorder is intended to mean activity that is more serious and disruptive than mere nuisance.
FECs	Family entertainment centres.
Gaming	Prize gaming if the nature and size of the prize is not determined by the number of people playing the amount paid for or raised by the gaming. The prizes will be determined by the operator before the play commences.
Gaming Change Gaming	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants.
Occasional Use Notices	Where there is betting on a track on up to eight days in a calendar year, betting may be permitted by an occasional use notice without the need for a premises licence. A track includes a horse race course, dock track and temporary tacks for races or sporting events.
Operating Licence	Authorised individuals or companies to provide facilities for certain types of remote or non remote gambling. These licenses are issued by the Gambling Commission and generally cover the principal commercial forms of gambling operating. A single licence cannot authorise both remote and non remote activities; separate operating licenses are needed for this. Conditions may be attached.

Personal Licence	Except for small scale operations, for each operating licence, at least one person who holds a specified management office must hold a personal licence. These licences are issued by the Gaming Commission with the aim of ensuring that individuals who control facilities for gambling or are able to influence the outcome of gambling are suitable to carry out those functions. These licences are not transferable and cannot be held by companies but companies are likely to want their key staff to hold a personal licence.
Premises	Premises is defined in the Act as "any place". Different premises licence cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being separate premises will always be a question, of fact in the circumstances. However, the Council does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.
Premise Licence	Authorises the provision of facilities for gambling on premises for casinos, bingo, betting including tracks, adult gaming centres and family entertainment centres. The premises licence may also include details of conditions. These licences will be valid for the life of the premises, subject to any review that may be triggered and lapse in certain circumstances, with no annual renewal required, although there is an annual fee. These licenses are transferable to someone else holding a valid operating licence.
Prize Gaming Permits	This permit allows the provision of facilities for gaming and prizes on specified premises. "Prize gaming" refers to gaming where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming.
Temporary Use Permits	These licences authorise the person or company holding a relevant operating licence to use the premises temporarily for providing facilities for gambling where there is no premises licence. Such premises may include hotels, conference centres and sporting venues.
Unlicensed Family Entertainment Centre Gaming Machine Permits	These allow the use of Category D gaming machines in these premises to a person who occupies or plans to occupy the premises to be used as an unlicensed family entertainment centre. An application for this permit cannot be made where a premises licence is in effect on the same premises.
Vulnerable Persons	The Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children. The Commission will not seek to define "vulnerable persons", but it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to mental health needs, learning disability or substance misuse relating to alcohol or drugs.
Young Person	Persons who are 16 to 18 years old

Table of Delegations of Licensing Functions

Matter to be dealt with	Full Council	Sub-Committee	Officers
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)		At Cabinet	
Application for premises licence		If a representation made	If no representation made
Application for a variation to a licence		If a representation made	If no representation made
Application for a transfer of a licence		If a representation made	If no representation made
Application for provisional statement		If a representation made	If no representation made
Review of a premises licence		X	
Application for club gaming/club machine permits		If a representation made	If no representation made
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Determination whether a Hearing needs to be held			X
Determination whether a representation is relevant			X
Determination of an appropriate Hearing procedure			X

Agenda Item No: 15 **Report No:** 34/16
Report Title: Change of Polling Place for Lewes Priory Electors
Report To: Council **Date:** 25 February 2016
Ward(s) Affected: Lewes Priory
Report By: Catherine Knight, Assistant Director of Corporate Services
Contact Officer(s)-
Name(s): Abigail Blanshard
Post Title(s): Electoral Services Manager
E-mail(s): abi.blanshard@lewes.gov.uk
Tel No(s): 01273 484116

Purpose of Report:

To recommend to Council that the polling place for Lewes Priory electors be changed to account for a change in venue availability.

Officers Recommendation(s):

- 1 To approve the Returning Officer's proposal that the Projectile Hall, Lewes Leisure Centre, Mountfield Road, Lewes be designated as the polling place for Lewes Priory ward electors (Polling District LHC).
-

Reasons for Recommendations

- 1 To enable the Council to meet its statutory duty to keep its polling places under review, in accordance with the Electoral Registration and Administration Act 2013, Schedule A1 to the Representation of the People Act 1983 and guidance published by the Electoral Commission.

Information

- 2 A full review of the Council's polling districts and the places where electors are asked to vote was undertaken in 2014 and its recommendations were approved by Full Council at its meeting on 17 July 2014.
- 3 Although the next full review is not due until 2017 after the Local Government Boundary Commission for England's full East Sussex Electoral Review is complete, it is necessary to change this particular polling venue in advance of the Police and Crime Commissioner Election in May 2016.
- 4 At the review in 2014, Council designated the Southdown Building, Sussex Downs College, Mountfield Road as the polling place for Polling District LHC. Since the review, Sussex Downs College has informed us that it is no longer available to the Council for use as a polling venue.

- 5 As such it is proposed that the Projectile Hall, Lewes Leisure Centre, Mountfield Road be designated as the new polling venue for Lewes Priory electors.
- 6 The venue will provide electors with ample parking, disabled access and has a separate entrance from that of the Leisure Centre. It is close to the venue that was agreed by Council in 2014 and therefore does not change the distance that electors are required to travel.
- 7 The relevant District Ward Councillors representing Lewes Priory electors, Councillors Catlin, O’Keeffe and Rowell, have already been consulted on the proposed change.

Implementation

- 8 The suitability of the Projectile Hall, Lewes Leisure Centre as a polling venue has been evaluated. We have used a similar hall at the Downs Leisure Centre for all elections since 1983 and can see no reason why this venue should not work equally successfully.
- 9 Any change in polling place will become effective at all elections held after this date. Residents will be notified of the change by letter well in advance of the next scheduled elections. A reminder of the change will also be included on the poll cards for the area at the next elections. A notice of the change of polling station will also be displayed in advance of the election.

Financial Appraisal

- 10 There are no financial implications arising from the recommendation in this Report. Election costs are borne by the body for whom the election is being held.

Legal Implications

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

Equality Screening

- 12 I have undertaken an equality analysis which concluded that the decision is robust, there is little potential for discrimination or adverse outcomes, and opportunities to promote equality have been taken.

Risk Management Implications

- 13 I have completed the Risk Management questionnaire and have identified that the main risk is that the Council would fail in its statutory duty to comply with the requirements for reviewing polling places. We will avoid this by keeping polling places under review in accordance with legislation.

Background Papers

- 14 None

Appendix

- 15 Equality Analysis Screening Report (Appendix 1)

Appendix 1: Equality Analysis Screening Report

Title:	Change of Polling Place for Lewes Priory Electors
EA Lead :	Abigail Blanshard
EA Team:	Electoral Services
Date Commenced:	25 February 2016
Target Completion Date:	5 May 2016
Reason for assessment:	Report to Council

Context and Scope

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

That the polling place for Lewes Priory electors be changed to account for a change in venue availability.

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

No commitment of resources involved. The change of venue should not materially impact upon other organisations.

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

The proposed venue meets the requirements to provide a venue which is accessible to all electors.

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

It is the duty of the Council to ensure that those Polling Places that we designate give all electors in the area such reasonable facilities for voting as are practicable in the circumstances and we must, so far as is reasonable and practicable, designate as polling places only places which are accessible to electors who have a disability.

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

	Race (includes ethnic or national origins, colour, & nationality)			Disability (includes mental & physical)			Gender (includes gender reassignment)			Pregnancy (includes maternity & paternity)			Sexual Orientation (includes heterosexual, homosexual & bisexual)			Religion & Belief (includes all faiths, beliefs & agnostic)			Age (includes all age groups)		
Impact	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None
Tick if relevant			X	X					X			X			X			X	X		

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

The proposed Polling Venue provides electors with disabled access and ample parking, there are no other obvious impacts on people with protected characteristics and therefore our general duties under the Equality Act 2010 are not compromised.

7. What is the scope of this analysis?

To ensure that no unlawful discrimination would result from the Council's recommended decision.

Information gathering and research

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

It is the duty of the Council to ensure that those Polling Places that we designate give all electors in the area such reasonable facilities for voting as are practicable in the circumstances and we must, so far as is reasonable and practicable, designate as polling places only places which are accessible to electors who have a disability.

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

None identified

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

None identified

Analysis and assessment

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

The main finding was that no unlawful discrimination would result from the Council's recommended decision.

12. What positive outcomes were identified?

There is excellent disabled access to the proposed venue and there is ample parking available.

13. What negative outcomes were identified?

The Polling Venue is on the edge of the Polling District which may mean a longer walk for those who will be travelling on foot, however, the proposed location is equi-distant to the Polling Venue that was agreed by Council in 2014.

Action planning

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

Issue Identified	Action Required	Lead Officer	Required Resources	Target Date	Measure of Success
Sussex Downs College is no longer available to us as a polling venue.	Assign Lewes Leisure Centre as the replacement polling venue.	Abigail Blanshard		5 May 2016	That the Projectile Hall, Lewes Leisure Centre be in use as a Polling Venue for the Police & Crime Commissioner Election

Summary Statement

Between 25 February 2016 and 5 May 2016 Equality Analysis was undertaken by Abigail Blanshard on the decision to recommend to Full Council that the Polling Station for Lewes Priory Electors be changed.

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

The assessment identified:

No major changes are required. The EA demonstrates the service/policy/decision/project is robust, there is little potential for discrimination or adverse outcomes, and opportunities to promote equality have been taken.

Approval

Director/Head of Service	Jackie Gavigan
Signed	
Dated	2 February 2016

Agenda Item No: 16 **Report No:** 35/16
Report Title: Changes to Committee Memberships and Outside Body Representatives
Report To: Council **Date:** 25 February 2016
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 and appointments to Committee memberships.

To note the changes and appointments to Outside Body representatives.

Officers Recommendation(s):

- 1 That the changes to the Committee memberships, as set out in paragraph 4 of the Report, be confirmed and noted.
 - 2 That the changes to the Outside Body representatives, as set out in paragraph 6 of the Report, be noted.
-

Reasons for Recommendations

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

Information

- 2 Councillor S Osborne (as Leader of the Liberal Democrat Group) has informed me that her Group wishes to make some changes to Committee memberships.
- 3 Following the most recent changes to the Cabinet portfolios, Councillor A Smith (as Leader of the Council) has informed me that he wishes to make some changes and new appointments to Outside Body representatives.

Committee memberships

- 4 The Leaders of the Political Groups informed me of the appointments that their Groups wished to make to those Committee memberships as follows:

- 4.1 **Employment Committee** – Councillor M Chartier replaces Councillor A Lambert.
 - 4.2 **Licensing Committee** – Councillor I Linington replaces Councillor S Osborne (this seat has been gifted to the Conservative group by the Liberal Democrat Group until the next review of memberships in May 2016).
- 5 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.

Outside Body representatives

- 6 The Leader of the Council, following consultation with the Leaders of the other Political Groups, informed me of the changes to representatives and new appointments on the following Outside Bodies:
- 6.1 **East Sussex Flood Risk Panel** – Councillor P Franklin replaced Councillor B Giles.
 - 6.2 **Impact Seaford** – Councillor P Franklin replaced Councillor R Blackman.
 - 6.3 **South East England Councils** – Councillor B Giles replaced Councillor A Smith (as substitute rep).
 - 6.4 **Coast to Capital** – Councillor A Smith appointed as rep (this is a new body which Councillor Smith attends in his capacity as Leader of the Council).
 - 6.5 **Community Safety Partnership** – Councillor T Nicholson to act as Chair (instead of Councillor E Merry who is currently appointed as Chair. Councillor Merry remains as a rep alongside Councillor Nicholson).
 - 6.6 **iESE Transformation Ltd** – Councillor E Merry appointed as a substitute rep (Councillor Smith remains as a rep in his capacity as Leader of the Council).
 - 6.7 **Supporting People Strategic Forum** – Councillor R Maskell appointed as rep (this is a new body which Councillor Maskell attends in his capacity as Cabinet Member for Housing).
 - 6.8 **Team East Sussex** – Councillor A Smith appointed as rep (this is a new body which Councillor Smith attends in his capacity as Leader of the Council).
- 7 In accordance with Council Procedure Rules (Procedures for Appointments, page D23, paragraph 4.3), the Assistant Director of Corporate Services has made these appointments which were confirmed by Cabinet at its meetings on 7 January and 17 February 2016.

Financial Appraisal

8 There are no financial implications arising from this Report.

Legal Implications

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

Risk Management Implications

10 There are no risk management implications arising as a result of this Report. 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

11 This is a routine, procedural Report with no potential for negative impacts. Therefore, an Equality Analysis is not required.

Background Papers

12 None

Appendices

13 None

Agenda Item No: 17 **Report No:** 36/16
Report Title: Updated Code of Conduct Policy - Employees
Report To: Council **Date:** 25 February 2016
Cabinet Member: Councillor Elayne Merry
Ward(s) Affected: All
Report By: Helen Knight, HR Manager
Contact Officer(s)-
Name(s): Helen Knight
Post Title(s): HR Manager, Shared Service
E-mail(s): Helen.knight@lewes.gov.uk
Tel No(s): 01273 661365

Purpose of Report:

To update the Council's Code of Conduct for employees.

Officers Recommendation(s):

- 1 To note the report and approve the updated Policy.
-

Reasons for Recommendations

- 1 Employment Committee agreed this updated policy on 7 December 2015, it now requires full Council agreement before it can be published and implemented.

Information

2

- 2.1 The Council seeks to review its existing HR policies regularly to ensure they are up to date, in line with employment law and fit for purpose. These revisions have been undertaken in consultation with the Council's Assistant Director of Corporate Services and Head of Democratic Services, as well with consideration to ACAS best practice guidance and the needs of the business.
- 2.2 Some legislative changes have occurred which have been incorporated into this revised policy under the guidance of the Council's Legal Services. The most significant revisions are around Safeguarding, Intellectual Property, Purchasing and E cigarettes which can be found in paragraphs 14, 18, 30 and 33.

2.3 Unison has been consulted regarding this updated policy.

Financial Appraisal

3 There are no financial implications of this report

Legal Implications

4 The Councils Legal Services team have contributed to the revision of this policy.

Risk Management Implications

5 No new risks will arise if the recommendations are implemented.

Equality Screening

6 This policy has been subject to an Equality Impact Initial Assessment undertaken by one of the HR Business Partners in 2015 which is attached as Appendix 1.

Background Papers

7 Code of Conduct for Employees

Appendices

8 Equality Impact Assessment for Revised Code of Conduct.

Appendix 1: Equality Analysis Report Template

Title:	Code of Conduct
EA Lead :	Karen Joyce
EA Team:	HR Team
Date Commenced:	6th August 2015
Target Completion Date:	28th September 2015
Reason for assessment:	Revision and updating of Code of Conduct

Context and Scope

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

See paragraph 15 of the guidance.

Revision and updating of the Code of Conduct

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

None

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

See paragraph 16 of the guidance.

Relates to LDC employees and Councillors only

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

See paragraph 16 of the guidance.

In line with other Local Authorities

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



	Race (includes ethnic or national origins, colour, & nationality)			Disability (includes mental & physical)			Gender (includes gender reassignment)			Pregnancy (includes maternity & paternity)			Sexual Orientation (includes heterosexual, homosexual & bisexual)			Religion & Belief (includes all faiths, beliefs & agnostic)			Age (includes all age groups)		
Impact	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None
Tick if relevant	x			x			x			x			x			x			x		

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

See paragraph 2 of the guidance.

The revised and updated Code of Conduct has a positive impact on all of equalities groups as it encompasses the Equalities Act 2010 and other LDC policies such as Dignity at Work. It has been further enhanced with a section which covers Safeguarding Children which has improved the Age equality group profile.

7. What is the scope of this analysis?

See paragraph 16 of the guidance.

The Code of Conduct applies to all LDC employees and Councillors and therefore encompasses all equalities groups covered within the Equalities Act 2010

Information gathering and research

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

See paragraph 17 of the guidance.

The current Code of Conduct, current legislation and the Councils Core Values and other Local Authorities

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

See paragraph 18 of the guidance.

Safeguarding children and Intellectual Property. Additional paragraphs have been inserted based upon LDC Safeguarding Policy and legislation changes.

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

See paragraphs 19 & 20.

None as internal LDC Policy only

Analysis and assessment

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

See paragraph 22 of the guidance.

None identified given the narrow scope of the policy update.

12. What positive outcomes were identified?

See paragraph 23 of the guidance.

Updated and revised Code of Conduct policy that is line with current legislation and the Council values.

13. What negative outcomes were identified?

See paragraph 23 of the guidance.

None

Action planning

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

Issue Identified	Action Required	Lead Officer	Required Resources	Target Date	Measure of Success



Lewes District Council

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Summary Statement

Between *(insert start date)* and *(insert end date)* Equality Analysis was undertaken by *(insert Lead Officer)* on the *(insert strategy, policy, service, decision, action, project or procedure)*.

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

The assessment identified: *(*delete as appropriate)*

*The policy/service/decision/project was found to have positive outcomes for *(insert the relevant protected characteristic groups)* by *(insert the key benefits)*.

*No major changes are required. The EA demonstrates the service/policy/decision/project is robust, there is little potential for discrimination or adverse outcomes, and opportunities to promote equality have been taken.

*Minor adjustment is required. There are potential problems or missed opportunities, and so actions have been identified to remove barriers and better promote equality. The EA Action Plan will be incorporated and monitored within the service/project plan.



Lewes District Council

*Major adjustment is required. There is potential for adverse outcomes or missed opportunities to promote equality. (*Insert compelling justifications for continuing the policy/service/decision/project or state that it will be discontinued until remedial action has been taken*). Actions have been identified to remove barriers and better promote equality, and will be undertaken as a matter of priority. The EA Action Plan will be incorporated and monitored within the service/project plan.

The policy/service/decision/project needs to be immediately removed or discontinued as unlawful discrimination is likely to occur. Actions have been identified to remove barriers and better promote equality, and these will be undertaken as a matter of priority. The EA Action Plan will be incorporated and monitored within the service/project plan. Once actions have been undertaken, the position will be reassessed.

Approval

Director/Head of Service	Helen Knight, HR Manager – Shared Service
Signed	
Dated	December 2015

Code of Conduct for Employees

1. Introduction

- 1.1 This Code is designed to ensure that the integrity of the Council and its employees is maintained and that employees have clear guidance on the conduct required of them while employed by the Council.
- 1.2 The Code describes the conduct required in a range of circumstances which you may come across as part of your duties. These are detailed below, but they are neither exhaustive nor exclusive and other circumstances will arise where you will have to consider what conduct the Council would expect. The Code provides sufficient information for all employees to be aware what is required of them.
- 1.3 In such circumstances, you should realise that the Council's (and your) principal aim is to serve the public, who expect a high standard of integrity and service from the Council. You should, therefore, avoid doing anything that could reflect adversely on the Council. If any doubt exists as to the proper course of action, seek advice from your manager or Head of Service.
- 1.4 This Code sets out the minimum standards of conduct that employees are expected to observe when carrying out their duties. You should take time to read this and make sure you understand it. If you require clarification you should speak to your manager.

2. Status of the Code

- 2.1 The Code applies to all employees and casual workers of the Council. Agency workers and consultants should also ensure that they observe the principles described. Failure to adhere to the code may make an employee liable to disciplinary action and in some cases a breach of the Code could result in criminal prosecution.
- 2.2 This Code of Conduct sits aside other policies and procedures which you should read and understand including;
 - Anti-Fraud and Corruption Strategy
 - The Whistleblowing Policy
 - The IT Security Policies
 - The Social Media Guidelines
 - Equality Policy
 - Safeguarding Policy
- 2.3 The Code supplements any specific provisions regarding work conduct or rules in:
 - Your terms and conditions of employment.
 - Council's Constitution.

- The national conditions of service applicable to your post.

3. Actions Required

- 3.1 Some of the provisions in this code require employees to disclose information to the appropriate manager. Where this is required employees should inform their line manager or Head of Service and make an entry in the Disclosure Book held by the Head of Democratic Services or complete a Close Personal Relationships Declaration Form.
- 3.2 The appropriate managers for Heads of Services to disclose information to are the Directors and for the Directors the appropriate manager is the Chief Executive, for the Chief Executive it is the Leader of the Council.

4. Standards

- 4.1 Local government employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to councillors and fellow employees with impartiality.
- 4.2 You will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service.
- 4.3 You must report to the appropriate manager any impropriety or breach of procedure. In particular you are required to work within the framework of the National Law, the Council's Constitution and the National Conditions of Service for your particular employment group, as adopted by the Council.
- 4.4 If you do not feel able for any reason to notify your manager or an appropriate manager within the Council you must express your concerns about any breach of procedure or impropriety to any one of the designated posts or bodies listed in **Whistleblowing Policy** without fear of recrimination.
- 4.5 You must also have regard to the Council's Values and Behaviours and any Council policies which may have a bearing on how Council employees should conduct themselves, e.g. Equality Policy, Dignity at Work Policy.

5. Disclosure of Information

- 5.1 It is generally accepted that open government is best. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public.
- 5.2 The authority itself may decide to be open about other types of information.
- 5.3 You must be aware of which information this authority is and is not open about, and act accordingly.



6. Confidential Information

- 6.1 All information or knowledge obtained during the course of your employment must be treated as confidential, unless and until it is formally made public.
- 6.2 It should not be disclosed to any person except to another appropriate employee or otherwise in the course of your employment for legitimate purposes.
- 6.3 Above all, it must not be disclosed for your own advantage or that of anyone known to or connected to you.

7. Computers and Information

- 7.1 The Council has established policies and procedures concerning Data Protection and IT security which you are required to follow, these policies and procedures can be found on Info link.
- 7.2 For all new employees, within the first six months of employment your manager will draw your attention to other policies and procedures which should be read in conjunction with this code as part of your induction.
- 7.3 Before any new employee, consultant, agency worker or casual worker can access any of the Council's IT systems they will have to undergo several pre - employment/work checks including HR obtaining two employment references and ensuring that there are no unexplained breaks in employment for the last 3 years.
- 7.4 You must read the LDC IT Security policies and successfully complete the IT quiz before access to the IT system is given.
- 7.5 You should not use any information obtained in the course of your employment for personal gain or benefit, nor should you pass it on to others who might use it in such a way.
- 7.6 Any particular information received from a councillor, which is personal to the councillor and does not belong to the authority should not be divulged without the prior approval of that councillor, except where such disclosure is required or sanctioned by the law.

8. Personal Interests

- 8.1 Your off-duty hours are your own personal concern; however you must not put yourself in a position where your job and personal interests conflict or you could bring the Council into disrepute through your actions. This could lead to disciplinary action being taken against you.

9. Personal Information

- 9.1 Most employees have access to and are able to access and/or alter sensitive personal data.



- 9.2 You must not, in any circumstances, make any alteration, including insertion, deletion or amendment to any financial or non- financial record in which you have an interest, however tenuous.
- 9.3 A list of such interests, though not exhaustive, will include:
- Property, owned, leased, rented or licensed either by you or with others (including subdivided properties)
 - Neighbours, including the street in which you live, or people living near by
 - Close personal relationships as defined in policy Close Personal Relationships at Work
 - Organisations such as sports clubs and other similar bodies in which you have an ongoing interest, have membership of, or have been in any way involved with in the recent past.
- 9.4 All Members and staff involved in benefit administration and investigation must register with the Head of Democratic Services any interest that they have in property within the Lewes District Council area that they rent to tenants (even when those tenants are not claiming benefit).
- 9.5 If you work in benefit administration or investigation you will be asked to declare any such interest when you first join the Council and are required to register an interest should the position change during the course of your employment.
- 9.6 No written rules can hope to cover all possibilities or situations and you must, if any doubt exists, contact your line manager for advice on how to proceed. In his/her absence the query should be referred upwards.

10. Political Neutrality

- 10.1 Employees serve the authority as a whole. It follows they must serve all councillors and not just those of the controlling group, and must ensure that the individual rights of all councillors are respected.
- 10.2 Subject to the authority's conventions, employees may also be required to advise political groups in their official capacity within the Council and they must do so in ways which do not compromise their political neutrality.
- 10.3 Employees, whether or not politically restricted, must follow the authorities' policies and procedures and must not allow their own personal or political opinions to interfere with their work.
- 10.4 Local Authority employees holding politically restricted posts are disqualified from membership of any local authority, other than a parish or community council, from being an MP or MEP and are subject to prescribed restrictions on their political activity.
- 10.5 The Local Government Officers (Political Restriction) regulations 1990 and the Local Government (Politically Restricted Posts (No 2) Regulations 1990 covers the posts which are politically restricted.



These are:

- Specified posts, such as the Chief Executive and the Monitoring officer. Chief Officers and their deputies are restricted without exemption or appeal;
- All posts which reach or exceed the grade PO11 or above. These posts are automatically included on a list which employing authorities are under a duty to prepare unless exemption for individuals is granted.
- All posts which meet the duties - related criteria for determining a 'sensitive' post, irrespective of remuneration level unless the post holder appeals successfully against determination. These posts are defined as those which (i) give advice on a regular basis to the employing authority, to any committee or sub-committee or another joint committee on which the authority is represented (but excluding purely factual information or speak on behalf of the authority on a regular basis to journalists and broadcasters.

10.6 The political restrictions are deemed to be incorporated in the contract of employment of every local authority employee who holds a politically restricted post.

Politically restricted post holders are advised of the fact on appointment.

11. Relationships with Councillors

- 11.1 Employees are responsible to the authority through its senior managers. For some, their role is to give advice to councillors and senior managers and all are there to carry out the authority's work.
- 11.2 Mutual respect between employees and councillors is essential to good local government.
- 11.3 Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should, therefore, be avoided.

12. Relationships with the Local Community and Service Users

- 12.1 Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the authority.

13. Relationships with Contractors

- 13.1 All relationships of a business or private nature with external contractors, or potential contractors, must be made known to the appropriate manager using the Close Personal Relationships at Work Policy and disclosure form.
- 13.2 Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process.

- 13.3 No part of the local community should be discriminated against.
- 13.4 If you engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, you must declare that relationship to the Head of Service and take no part in the contract or in the awarding of that contract.

14. Safeguarding

- 14.1 The Children's Act 2004 includes a specify duty on District Councils to have regard to the need to safeguard and promote the welfare of children and to co-operate with other agencies to improve the well-being of children and young people, therefore all employees are expected to work to promote safeguarding within the Council and with members of the public
- 14.2 You should ensure that all policies relating to Safeguarding of Children and Vulnerable Adults as agreed by the authority are complied with in addition to the requirements of the law.
- 14.3 You have a responsibility to report any safeguarding concerns over the welfare of children, young people or vulnerable adults. This extends to the identification of signs of abuse; poor practice by staff, councillors and others acting for or on behalf of the council, and allegations brought to our attention by a member of the public in line with the Safeguarding policy.

15. Appointment and other Employment Matters

- 15.1 Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post.
- 15.2 In order to avoid any possible accusation of bias, you should not be involved in an appointment where you are related to an applicant, or have a close personal relationship outside work with him or her

You should also complete the form to disclose the personal relationship under the Councils Personal Relationships at Work Policy whether the relationship exists at the start or develops during the course of employment.

- 15.3 Similarly, you should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, etc. In particular;

(i) The provisions of the Scheme of Conditions of Service for NJC APT & C Staff, Section 1, Paragraph 6(a) is deemed to apply to all employees of the Council. "Every candidate for any appointment under the employing authority shall, when making an application disclose in writing to the Chief Executive of the authority

whether to his knowledge he is related to any member of the authority or to a holder of any senior office under the authority.

- 15.4 Deliberate omission to make such a disclosure will disqualify the candidate, and if the omission is discovered after appointment they shall be liable to dismissal.
- 15.5 It shall be the duty of the Chief Executive to report to the authority or appropriate committee any such disclosure made to them.
- 15.6 The Local Authorities (Standing Orders) (England) Regulations 2001 also prescribe the procedure to be followed in respect of the appointment of Chief Officers and their dismissal in the event of misconduct.
- 15.7 You must complete the Close Personal Relationships at work Declaration form if you have a connection in a private, social or domestic capacity with someone who also works for the Council.

16. Outside Commitments

- 16.1 Staff employed by the Council have conditions of service which require them to obtain written consent to take any outside employment.
- 16.2 Staff should be clear about their individual contractual obligations and should not take outside employment which conflicts with the authority's interests.
- 16.3 Any member of staff who wishes to take up other paid employment should first get the consent of their manager, Head of Service or Directors, they in turn and the Chief Executive must get the consent of the Council.
- 16.4 In practice the Council will not normally object, provided that there is not, or will not be in the foreseeable future, any possible conflict of interest between the two appointments and that the principles set out in this Code are adhered to.

17. Inventions and Patents

- 17.1 Staff must follow the authority's rules on the ownership of intellectual property (*see 18 below) or copyright created during your employment.
- 17.2 Inventions made before 1 June 1978 are the property of the Council if made in the course of the Council's employment. However the Patents Act 1977 states that after 1 June 1978 inventions are only the property of the employer if:
 - They have been made in the course of the employee's normal duties, or
 - They have been made in the course of duties specifically assigned to the employees and where invention might be reasonably expected; or
 - It was made in the course of the employee's duties and at the time the employee had (because of the nature of his or her duties and particular responsibilities arising from them) a special obligation to further the interests of the employer.



18. Intellectual Property.

- 18.1 Under the Intellectual Property Act 2014 it is now a criminal offence for the intentional copying of UK or EU registered design, this does not apply to unregistered designs although a civil case can be brought against someone believed to have deliberately copied unregistered designs. Therefore employees must ensure that they do not intentionally copy someone else's intellectual property.
- 18.2 The Council will continue to own the rights to any design(s) that employees produce as part of the employment with the Council under the terms and conditions of their employment
- 18.3 The Intellectual Property Act 2014 applies to all designs created on or after 1st October 2014, unless the design was created under a contract which existed prior to this date and which also specifies who owns the design.

19. Personal Interests – General

- 19.1 Employees must declare to an appropriate manager any non-financial or financial interests that you consider could bring about conflict with the authority's interests.

20. Personal Interests - At Work

- 20.1 Employees must refrain from becoming involved in a Council capacity with any matter in which you have a direct or indirect interest. This rule is an absolute one in cases of direct financial interest.
- 20.2 It also applies in cases of indirect interest, for example, through membership of any organisation in negotiation with the Council, through family or friends or by any other relationship or association where an outsider might suspect that the relationship could influence your or the Council's views.
- 20.3 The important thing is that it must be crystal clear to an outsider that everything is open and above board; there must be no room for suspicion, however ill-founded that suspicion might be,
- 20.4 In any case, where you do have an interest, either direct or indirect, you must not take part in any Council capacity in connection with the matter in question without the prior knowledge and consent of your Head of Service which will only be given in suitable and probably rare circumstances;
- 20.5 Any interest must be notified to your Head of Service formally. This can take the form of a general disclosure - for example, an employee working in the Planning Service Area would inform the Head of Planning Policy generally of that interest, and the fact that planning applications would be made;
- 20.6 A record of the interest should be made in the Disclosure Book maintained by the Head of Democratic Services;

- 20.7 Staff must not attempt to seek information or in any way discuss with your colleagues the matter in question.
- 20.8 Above all, workers must deal with colleagues, Council Members, other organisations and the public in a prompt and courteous manner.

21. Personal Interests - Out of Work

- 21.1 The general rule is that you're off duty hours are your personal concern and broadly speaking you are entitled to spend your free time as you wish.
- 21.2 You must never put yourself in a position where there may be, or is suspected to be, a conflict between your official position and your private interest, whether remunerated or not. It is impossible to draw up a comprehensive list, but a few examples will serve to illustrate those occasions when conflict may arise (and therefore the activity should not be embarked upon) and those where conflict is unlikely (and therefore the activity may be in order unless and until a conflict does arise, in which case it must be discontinued forthwith)
- Any employee within any Service Area is precluded from drawing plans for planning permission, building regulation consent, or any other purpose over which this Council exercises statutory control.
 - Any Solicitor is precluded from acting in any conveyancing matter where the Council is involved in the same transaction as a mortgagee, vendor or purchaser or in making a grant.
 - Any member of Estates is precluded from giving independent valuation advice in respect of properties which are the subject of acquisition, disposal or mortgage by the Council or from acting in connection with any negotiations for such purposes.
 - Any member of Finance is precluded from altering computer records relating to any financial dealings that they themselves may have with the Council, e.g. Council Tax records.
 - All employees are precluded from having any dealings with a Contractor to the Council where they or a close relative have any relationship, however remote, with that contractor.
 - All employees are precluded from accepting any gift or legacy made to them as a consequence of their job whether they know about it or not.
 - Employees should never knowingly become Power of Attorney, trustees, executors or beneficiaries of customers' wills. Employees should not be involved in witnessing wills or other legal papers or documents for customers'.
- 21.3 The following are generally permissible within the Code of Conduct (but subject of disclosure where necessary)
- Any individual employee acting for themselves or in certain circumstances for their immediate family.
 - Any employee preparing plans and drawing for approval by another Local Authority.
 - Any employee (subject to general statutory and regulatory provisions) acting for or giving independent service in connection with any matter where the

District Council is not - nor likely to be - involved in any capacity, however remote.

22. Equality Issues

- 22.1 All employees are expected to work to eliminate discrimination, promote equality and good relations.
- 22.2 You should ensure that policies relating to equality issues as agreed by the authority are complied with in addition to the requirements of the law.
- 22.3 All members of the local community, customers and other employees have a right to be treated with fairness and equity.

23. Separation of Roles during Tendering

- 23.1 If you are involved in the tendering process and dealing with contractors you should be clear on the separation of client and contractor roles within the authority.
- 23.2 Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 23.3 If you are in a contractor or client service area you must exercise fairness and impartiality when dealing with all customers' suppliers, other contractors and subcontractors.
- 23.4 If you are privy to confidential information on tenders or costs for either internal or external contractors you should not disclose that information to any unauthorised party or organisation.
- 23.5 If you are contemplating a management buyout you should, as soon as you have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding processes.
- 23.6 You should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

24. Corruption

- 24.1 It is a serious criminal offence to corruptly receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in your official capacity.
- 24.2 If an allegation is made it is for you to demonstrate that any such rewards have not been corruptly obtained:
In particular:-

- 24.3 Under the **Bribery Act 2010**, it is an offence for employees corruptly to accept any gifts or consideration as an inducement or reward for:
- Doing, or refraining from doing, anything in their official capacity; or
 - Showing any favour or disfavour to any person in their official capacity.
- 24.4 Under the **Bribery Act 2010**, any money, gift or consideration received by an employee in public service from a person or organisation holding or seeking to obtain a contract will be deemed by the courts to have been received corruptly unless the employee proves to the contrary.
- 24.5 Any gifts, hospitality or bequests received or offered, should be recorded in the Council's Hospitality Register kept by the Head of Democratic Services.
- 24.6 If there is any doubt as to whether the gift or hospitality needs to be recorded you should record it.
- 24.7 Records keeping details of any trips abroad on Council business and copies of the necessary form should be kept and are available from the Head of Democratic Services.
- 25. Use of Resources**
- 25.1 You must ensure that you use public funds entrusted to you in a responsible and lawful manner.
- 25.2 You should strive to ensure value for money to the local community and to avoid legal challenge to the authority In particular:
- 26. Use of Council Facilities**
- 26.1 All Council facilities, including telephones, stationery, stamps, photocopying and printing services, depot equipment, vehicles and transport are provided for official use only they are not intended for personal use* Please see the Contract Hire Car Policy for further details.
- 26.2 At the discretion of the Head of Service, but normally only in exceptional circumstances, you may be permitted to avail yourself of certain of the Council's services and equipment, provided that all appropriate reimbursements are made to the Council.
- 26.3 However, such reimbursement can never properly recompense the Council, because of added hidden costs, such as maintenance, loss of employee's time, etc. and the use of facilities in this way if permitted at all, will only be permitted sparingly.
- 26.4 Council facilities must not be used at any time for the employee's private gain.



27. Postage and Stationery Facilities

- 27.1 You are not permitted to put private mail through the office mail system, which carries the official stamp of the Council, for either franking or use of stamps, at any time.
- 27.2 Employees are not to use for personal purposes any stationery or equipment which carries the official titles of the Council.

28. Telephones

- 28.1 The Council's telephone system is provided for the conduct of the Council's business and except in exceptional circumstances, personal incoming calls are to be discouraged, since they occupy switchboard lines that members of the public may wish to use.
- 28.2 When they do occur, you are asked to keep them as brief as possible.
- 28.3 If an external personal call has to be made, it should be recorded - either directly on the telephone system itself in the case of the Council's main switchboard or on a telephone record pad available from your service area, and subsequently paid for.

29. Claims for Expenses and Payments

- 29.1 If you are required to complete timesheets, flexi records, overtime claims and or other similar documentation, which has been signed and thus represents a claim for payment, you should check it thoroughly for accuracy.
- 29.2 Where inaccuracies in claims are found and appear to have been purposely falsified, these may be regarded as fraud for which you are liable to instant dismissal for gross misconduct.

30. Purchasing

- 30.1 If you are required to make a purchase of any kind on behalf of the Council you must not use any personal loyalty cards to gain financially from the transaction.

31. Sponsorship - Giving and Receiving

- 31.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local Government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply.
- 31.2 Particular care must be taken when dealing with contractors or potential customers.
- 31.3 Where Lewes District Council wishes to sponsor an event or service neither you, nor any partner, spouse or relative must benefit from such sponsorship in a direct



way without there being full disclosure to an appropriate Head of Service of any such interest.

- 31.4 Similarly, where the authority through sponsorship grant aid, financial or other means, given support in the community, you should ensure that impartial advice is given and that there is no conflict of interest involved.

32. Protective Clothing and Safety Equipment

- 32.1 The Council provides all necessary protective clothing and equipment to employees who may be exposed to a risk of injury or undertake work that requires it.
- 32.2 If you are issued with or are required to obtain or use this equipment, you must ensure that they are used at all times, both for your own protection and the protection of others who may be working in close proximity to you.

33. Fire Precautions

- 33.1 You must be particularly careful in avoiding activities which may cause fire and to make sure that cigarette ends, matches and other inflammable materials are properly extinguished.
- 33.2 Smoking including the smoking of E Cigarettes is not allowed inside any of the Council buildings and should only be undertaken in designated areas outside of the building(s). This does not include outside the front area of the building(s) where the general public and service users have access.
- 33.3 The fire precautions are included in the employees' induction programme and notices are posted throughout Council buildings, giving instructions for action to be taken in the case of fire, and the authorised exits in case of emergency.
- 33.4 Fire practices are held from time to time without warning and you should follow the instructions immediately and implicitly.

34. Personal Possessions

- 34.1 The Council accepts no responsibility for the loss or damage to any of your personal possessions and this includes bicycles and vehicles parked in the council's office's car parks or premises.
- 34.2 You are strongly urged never to leave money or valuables in a place where they may be stolen. Personal lockers should be used where provided.
- 34.3 You should never leave personal belongings untended in areas where the general public have access even for short periods of time.
- 34.4 You are advised to be security conscious of your personal belongings at all times.

35. Press and Media



- 35.1 You must not deal directly with the press or the media in relation to any of the Council's business or affairs unless you are required to do so as part of your duties or you have been expressly authorised by your Head of Service.
- 35.2 If in a personal capacity you attend and or speak at a public meeting or in a personal capacity speak to the press it must be made very clear that you are not representing, speaking or acting on behalf of the Council.

Any breach of this code of conduct may lead to the disciplinary policy being invoked and could lead to disciplinary action being taken.

Date of policy	August 2015
Policy drawn up by	Human Resources
Policy ratified by	CMT
Policy review date	January 2017

DRAFT

SUMMARY OF PROPOSALS FOR LDC FUNDING OF UPPER OUSE FLOOD PROTECTION AND WATER RETENTION WORK

Note: These details replace the details shown on pages 83 and 84 of the Council Papers for 25 February 2016. The cost has been reduced from £400,000 to just under £300,000 and the programme spread from two years to three years.

Year 1 (2016/17)

- Finalise work for and instigate delivery of the Anchor Floodplain and Clayhill Pond projects – currently the Anchor project has had £25,000 invested in partnership between OART and the Environment Agency. The cost of delivery of these two programmes, including all management costs in year one would be **£47,250**.
- Develop projects at Sheffield Park and Isfield to assess feasibility, benefits and true costs of each. The Sheffield Park project is in conjunction with the National Trust and £150,000 worth of funding has been secured for this project against a cost of £200,000 for delivery. The cost of developing these two projects, including all management costs in year one would be **£36,000**
- Develop Woody Debris Dam Project for delivery in years 2 and 3 – total cost year one would be **£7,000**
- Deliver three small woodland planting schemes and one kilometre of hedgerow – total cost **£6,500**
- Host three education/awareness events at pre-determined locations agreed with LDC through future discussion (e.g. Ringmer, Wivelsfield, Plumpton). Total Cost of **£3,000**
- Deliver two research based delivery plans for sub-catchments identified as priorities for flood mitigation and river enhancement projects including landowner liaison and “quick win” natural flood management projects for each – total **£8,000**
- Investigate feasibility of comprehensive Natural Flood Management (NFM) model for use in future scheme planning and delivery. This is a highly complex but valuable piece of work for informing project priorities

now and into the future. Should this be feasible then delivery of the model would be in year two – total **£5,000**.

Following this approach, by the end of year one we would have, subject to no unforeseen circumstances, delivered two flood mitigation projects, three landowner engagement/education workshops, developed two further large scale projects and a woody debris dam project for delivery in year two, delivered two sub-catchment surveys and produced opportunity maps and documents for both, delivered three small woodland schemes and 1km of hedgerow and investigated the feasibility and cost of production of a comprehensive catchment model. The total cost of this work in year one would be **£112,750**.

Year Two (2017/18)

- Deliver Sheffield Park and Isfield Projects developed in year one. Total year 2 cost **£54,000** to include all management costs.
- Develop two projects on the Bevern Stream for delivery in year three. This project would be delivered in conjunction with the University of Sussex “Ouse Project”. cost year 2 : **£19,000**.
- Deliver a minimum of one further flood storage pond from site identified through year one development and evidence gathering – total cost including management **£10,000**.
- If feasibility is shown for NFM Model in year one then development and delivery of this model would be undertaken in year two. This would need to be done by external consultants. Total cost - **£25,000**.
- Deliver two workshop/education events in locations to be discussed with LDC in terms of priorities. Total cost **£2,000**.
- Phase one delivery of Woody Debris Dam project developed in year one. Total year 2 cost cost including management **£10,000**.
- Deliver two research based delivery plans for sub-catchments identified as priorities for flood mitigation and river enhancement projects including landowner liaison and “quick win” natural flood management projects for each – total **£8,000**.

- Deliver an additional three small tree planting schemes and 2km of hedgerow – total **£7,500**.

As such in year two we would deliver two further flood mitigation schemes and develop a further two for delivery in year three, delivered a minimum of one further flood storage pond, completed NFM model (subject to feasibility), delivered two further education/awareness events, begun delivery of the Woody Debris Dam project, delivered two further catchment walkovers and opportunity maps and delivered a further three tree planting schemes and 2km of hedgerow. The total cost for year two would be **£136,000 (£111,000** if feasibility study of NFM model proves to be non-viable).

Year 3 (2018/19)

- Deliver two projects on the Bevern Stream developed in year two. Total year three cost including management **£32,500**.
- Deliver phase two of Woody Debris Dam project. Total year 3 cost - **£7,500**.
- Deliver two research based delivery plans for sub-catchments identified as priorities for flood mitigation and river enhancement projects including landowner liaison and “quick win” natural flood management projects for each – total **£8,000**.
- Complete delivery of any project which has, for unforeseen circumstances, not been delivered in accordance with the above programme

Total cost of year three would be **£48,000**.

Total cost of three year programme to include delivery of NFM model - **£296,750**.

Council Meeting 25 February 2016

Amendments – Agenda Item 12(iii)

Report No 32/16

Setting the Council Tax

Explanation

Through this report, Council determines its Council Tax Requirement for 2016/2017 and the resultant levels of Council Tax for the year.

The LDC Council Tax Requirement includes the Council Tax Requirements of the Town and Parish Councils in the area. Each Town and Parish Council issues a 'precept' to LDC, as formal notification of the amount of its own Council Tax Requirement.

An error was made by Lewes Town Council when issuing its precept to LDC. An amended notice was received following the preparation of the Agenda. The changes listed below are required to reflect the Council Tax Requirement which Lewes Town Council had approved but notified incorrectly.

Required changes

Agenda page 96 Appendix D Schedule of Town and Parish Council Precepts

TOWN / PARISH		2016/17 COUNCIL TAX PRECEPT £	2016/17 BAND D TAX BASE number	2016/17 BAND D COUNCIL TAX £
AS SHOWN	Lewes	861,072	6,069.2	141.87
CORRECTED	Lewes	860,072	6,069.2	141.71

AS SHOWN	Total all precepts	3,072,160	35,797.1	85.82
CORRECTED	Total all precepts	3,071,160	35,797.1	85.79

Agenda page 97 Appendix E Summary of all Preceptors' Requirements

	COUNCIL TAX PRECEPT REQUIREMENTS	Council Tax Precepts			Band D Council Tax		
		2015/16 £	2016/17 £	Change £	2015/16 £	2016/17 £	Change £
AS SHOWN	Add Town and Parish Councils Precepts	2,784,130	3,072,160	288,030	79.59	85.82	6.23
CORRECTED	Add Town and Parish Councils Precepts	2,784,130	3,071,160	287,030	79.59	85.79	6.20
AS SHOWN	Total Lewes District Council	9,416,578	9,895,460	478,882	269.20	276.43	7.23
CORRECTED	Total Lewes District Council	9,416,578	9,894,460	477,882	269.20	276.40	7.20
AS SHOWN	TOTAL COUNCIL TAX PRECEPT REQUIREMENTS	59,539,484	63,144,720	3,605,236	1,702.11	1,763.96	61.85
CORRECTED	TOTAL COUNCIL TAX PRECEPT REQUIREMENTS	59,539,484	63,143,720	3,604,236	1,702.11	1,763.93	61.82

Agenda page 98 Appendix F Local Government Finance Act Determinations

s.31A Calculation of Council Tax Requirement						
			AS SHOWN		CORRECTED	
<u>Expenditure</u>						
1		LDC revenue expenditure to be charged to revenue accounts	78,417,700		78,417,700	
2		Parish and Town Council precepts	3,072,160		3,071,160	
3	s.31A(2)(a)			81,489,860		81,488,860
4	s.31A(2)(b),(c),(d)	Contributions re. contingency, balances and reserves		2,675,900		2,675,900
5				84,165,760		84,164,760

10	s.31A(4)	Council Tax Requirement (R)		9,895,460		9,894,460
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s.31B Calculation of basic amount of council tax including local precepts						
13		R / T Basic amount of Council Tax incl local precepts and Special Expenses B		276.43		276.40

s.34 Calculation of basic amount of council tax excluding local precepts						
14	s.34(2)	Total of Town and Parish precepts	3,072,160		3,071,160	
15		Total of LDC expenditure to be charged as Special Expenses	543,960		543,960	
16		A Aggregate amount of all Special Items	3,616,120		3,615,120	
17		T Taxbase	35,797.1		35,797.1	
18		B - (A / T) Basic amount of Council Tax excl local precepts and Special Expenses		175.41		175.41

Agenda page 101 Appendix G Council Tax Draft Resolution

AS SHOWN	<p>3 (c) £9,895,460</p> <p>(d) £276.43</p> <p>(e) £3,616,120</p>	<p>being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year (Item R in the formula in Section 31B of the Act)</p> <p>being the amount at 3(c) above (Item R) all divided by the amount at 2(a) above (Item T), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including local precepts)</p> <p>being the aggregate amount of all special items referred to in Section 34(1) of the Act</p>
CORRECTED	<p>3 (c) £9,894,460</p> <p>(d) £276.40</p> <p>(e) £3,615,120</p>	<p>being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year (Item R in the formula in Section 31B of the Act)</p> <p>being the amount at 3(c) above (Item R) all divided by the amount at 2(a) above (Item T), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including local precepts)</p> <p>being the aggregate amount of all special items referred to in Section 34(1) of the Act</p>

3 (g) Parts of the Council's area -Lewes	AS SHOWN £366.50	CORRECTED £366.34
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3 (h) Parts of the Council's area

	Ratio Band	6/9 A £	7/9 B £	8/9 C £	9/9 D £	11/9 E £	13/9 F £	15/9 G £	18/9 H £
AS SHOWN	Lewes	244.33	285.06	325.78	366.50	447.94	529.39	610.83	733.00
CORRECTED	Lewes	244.23	284.93	325.64	366.34	447.75	529.16	610.57	732.68

5 Council Tax amounts

	Ratio Band	6/9 A £	7/9 B £	8/9 C £	9/9 D £	11/9 E £	13/9 F £	15/9 G £	18/9 H £
AS SHOWN	Lewes	1,236.01	1,442.03	1,648.02	1,854.03	2,266.03	2,678.04	3,090.04	3,708.06
CORRECTED	Lewes	1,235.91	1,441.90	1,647.88	1,853.87	2,265.84	2,677.81	3,089.78	3,707.74