

Tuesday, 8 July 2014  
at 6.00 pm



## Planning Committee

Present:-

**Members:** Councillor Ungar (Chairman) Councillor  
Councillors Hearn, Jenkins, Miah, Murray, Murdoch and Taylor

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### **27 Minutes of the meeting held on 10 June 2014.**

The minutes of the meeting held on the 10 June 2014 were approved and the Chairman was authorised to sign the as them as a correct record.

### **28 Apologies for absence.**

An apology for absence was reported from Councillor Harris.

### **29 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.**

Councillor Murray declared a personal interest in item 9, Hampden Park Skate Park as he had previously been involved with the skating community to develop the skate park, but did not consider himself to be predetermined on the matter. Councillor Murray stated that he had no involvement in the design or specification of the application before the committee; however, Councillor Murray did not vote thereon.

Councillor Taylor declared a prejudicial interest in item 10, St Thomas A Becket School, Kings Drive as a Member of East Sussex County Council Planning committee and did not take part in the discussion or vote thereon.

Councillor Hearn declared a prejudicial interest in item 7, Coventry Court, Seaside Road as a Director of Eastbourne Homes and did not take part in the discussion or vote thereon.

Councillor Hearn declared that she considered herself predetermined as regards item 9, Hampden Park Skate Park; this related to her having been previously involved with consultation for the development of the site and promotion thereof and did not take part in the discussion or vote thereon.

### **30 6 St Annes Road. Application ID: 140677 (OSR).**

Outline application for access, appearance, layout and scale (Landscaping Reserved) for the proposed demolition of existing building and redevelopment to provide 8 No. self-contained flats. **UPPERTON**. Three letters of objection had been received. A further letter of objection was reported at the meeting.

The relevant planning history for the site was detailed within the report.

The observations of the Specialist Advisor (Planning Policy) and East Sussex County Council Highways were summarised within the report.

**RESOLVED: (Unanimous)** That permission be granted subject to the following conditions: 1) Approval of reserved matters (landscaping) 2) Submission of reserved matters 3) Time limit for submission of reserved matters 4) Time limit for commencement 5) List of approved plans 6) Hours of operation during construction 7) Submission of samples 8) Provision of privacy screens 9) Submission of details of doors/windows/joinery/flues 10) Floor levels 11) Submission of details of boundary walls 12) Obscure glazing with restrictors in ground floor side windows 13) Before occupation provision of vehicular access, parking, cycling and refuse stores 14) The building shall not be occupied until the existing access shown on the submitted plans has been stopped up and the kerb and footway reinstated 15) During any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site 16) The development shall not be occupied until parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles 17) Subject to completion of a Unilateral Undertaking to secure the payment of a computed sum for off-site affordable housing.

**Informative:**

- 1) Although this proposal indicates a new access, it is from Churchfield Square which is not an adopted highway and therefore highway conditions have not been issued in this instance
- 2) The applicant's attention is drawn to the need for a Sec 184 licence for closing up the existing access. The applicant should contact ESCC on 01273 482254 prior to commencement of development to complete the agreement and pay the necessary fee.

**31 Coventry Court. Application ID: (140770 (PPP)).**

Development of 23 residential units and 31 parking spaces, comprised of 13 terraced houses (8no x 3 bed and 5no x 2 bed), and 10 flats in two blocks (8no x 2 bed and 2no x 1 bed) – **DEVONSHIRE**. One letter of objection had been received. One further representation was reported at the meeting and additional conditions were recommended covering additional highway/affordable housing issues.

The committee were advised that apart from the original development of Coventry Court there is no material planning history. The demolition of the existing Coventry Court building was agreed on 30 October 2013.

The observations of the Planning Policy Manager, Strategic Housing Manager – Housing Strategy, Highways ESCC and Eastbourne Homes were summarised within the report.

The Environment Agency, County Archaeologist, ESCC Development Control Manager, Southern Water and Specialist Advisor (Arboriculture) did not submit a response to the consultation.

**NB:** Councillor Hearn did not take part in this item.

**RESOLVED A: (Unanimous)** That permission be granted subject to the following conditions: 1) Time limit 2) In accordance with plans 3) Samples of materials (++) 4) Site Construction and Compound Management Plan (++) 5) Traffic Management Scheme (++) 6) Scheme for surface water drainage (++) 7) Finished floor level details 8) Boundary treatment (//) 9) Parking areas provision (//) 10) Cycle parking provision (//) 11) Details of both hard and soft landscape works 12) Vehicle wheel washing equipment 13) Hours of operation 14) All permitted development rights removed (extensions, windows & doors, gates, fences walls, structures, development in rear garden) 15) 600mm clear obstruction, 16) Access to be laid out prior to occupation, 17) Limit to staircasing of shared ownership units

(++ Prior to commencement)

(// Prior to occupation)

**Informative:**

- 1) Pre-commencement conditions to be discharged
- 2) Pre-occupation conditions to be discharged
- 3) This Authority's requirements associated with this development proposal will need to be secured through a Section 278 Legal Agreement between the applicant and East Sussex County Council.

**32 Former NHS Dental Practice Board. Application ID: 140796.**

**140798** - Erection of three-court sports hall. **B) 140796** - Erection of three storey extension and external alterations to existing buildings. **UPPERTON.** One letter of objection had been received. One further objection was reported at the meeting.

The East Sussex County Archaeologist stated that the site has been subject to archaeological evaluation excavation which has shown the area of the proposed extension has been heavily disturbed during the 1970's construction work. Therefore he did not believe that any archaeological remains were likely to be affected by these proposals.

The committee were advised that Gildredge House School had submitted a revised application as an alternative to the one they had previously obtained planning permission for. The revised sports hall was substantially complete and the Council served a temporary stop notice to prevent further work to the building until such time as planning permission had been obtained.

Amendments to the scheme had now been received showing the building to be partially clad in a proprietary timber cladding system.

The cladding is to be formed by Western Red Cedar which is to be treated for weather protection but not stained. The committee agreed that the wood should be treated to retain its red colouring as they felt that this would be the most appropriate colour to blend with the surrounding landscape.

In the opinion of officers the revisions to the scheme overcame the concerns raised in the main report over the long and short range views of the site.

As the cladding system revision has recently been received it has not been the subject of formal public consultation; the views/recommendation of planning committee were considered valuable prior to commencing a further round of public consultation.

Councillor West, Ward Councillor, addressed the committee in support of the application.

**RESOLVED A: (By 6 votes with 1 abstention)** That Planning Committee authorise a further round of public consultation and subject to the public consultation raising no new material planning objections then the decision to Grant Planning Permission subject to conditions be delegated to the Senior Specialist Advisor in consultation with the Chairman to issue.

The conditions attached to the approval shall include:-

- 1) Details of the exterior cladding system and also colour of the main sports hall building
- 2) The sports hall shall not be brought into beneficial use until such time as the cladding system has been erected and the colour of the building has been complete in accordance with the details as approved.

**RESOLVED B: (Unanimous)** That permission be granted subject to the following conditions: 1) Commencement of development within three years 2) Drawing Nos. of approved plans 3) Samples of all materials

### **33 Hampden Park Skate Park. Application ID: 140686.**

Installation of a concrete plaza-style skate park including a concrete bowl – **HAMPDEN PARK**. One letter of objection had been received.

The observations of the Specialist Advisor (Arboriculture), Specialist Advisor (Planning Policy), County Archaeologist, East Sussex County Council Ecologist, Hampden Park Bowling Association and The Friends of Hampden Park were summarised within the report.

The Specialist Advisor (Environmental Health) and Highways ESCC made no comment.

The applicant supplemented the application with details relating to the construction method statement and also a construction of a temporary

interlocking track-way system to facilitate the construction of the development. In addition the applicant had confirmed that the spoil risings from the construction of this facility would remain on site and be used to create an informal banking to the northern part of the site.

Sandy Boyce-Sharpe, Friends of Hampden Park, addressed the committee querying the possibility of joining the BMX track and Skate Park in the same location.

Tom Gaudoin, addressed the committee in support of the application stating that the park was intended as a legacy arising from the Eastbourne Extreme event providing skating facilities for a number of users and abilities.

**NB:** Councillor Hearn did not take part in this item.

**RESOLVED: (Unanimous)** That permission be granted subject to the following conditions: 1) Time for commencement 2) In accordance with approved plans 3) Development shall be carried out in accordance with findings within the Biodiversity Survey and Report 4) Unsuspected contamination 5) Surface water drainage as stated in Planning Statement 6) Hours of operation during construction 7) Tree protection fencing 8) Tree protection Earthworks 9) Method and access statement in relation to site offices, access routes and storage in relation to trees.

**34 St Thomas A Beckett School, 3 Tutts Barn Lane. Application ID: 140737.**

Provision of a double mobile classroom unit to the south-west of the main building for a temporary period until August 2020 – **UPPERTON**. One objection and one observation had been received.

The relevant planning history for the site was detailed within the report.

The observations of the Specialist Advisor (Planning Policy), the Specialist Advisor (Arboriculture) and the Highways ESCC were summarised within the report.

County Councillor Rodohan addressed the committee expressing his concerns regarding the additional traffic arising from increased pupil numbers and the lack of travel plan from St Thomas A Beckett School.

The committee expressed concerns regarding the size of the proposed mobile classroom, the impact of the increase in traffic, the proximity to the main road, and requested that the school be asked to consider a School Bus system to alleviate the traffic issues along Kings Drive during 'pick up' and 'drop off' periods.

**NB:** Councillor Taylor did not take part in this item

**RESOLVED: (Unanimous)** Were the Planning committee to be making the final decision on this matter they would be minded to refuse consent based on the siting, impact on traffic and lack of transport plan.

**35 South Downs National Park Authority Planning Applications.**

None reported.

The meeting closed at 8.03 pm

**Councillor Ungar (Chairman)**

Monday, 14 July 2014  
at 6.00 pm



## General Licensing Committee

**Members:** Councillor Shuttleworth (Chairman) Councillor Ungar (Deputy-Chairman) Councillors Ansell, Cooke, Hearn, Liddiard, Murdoch, Murray, Thompson and Warner

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### **1 Minutes of the meeting held on 17 March 2014.**

The minutes of the meeting held on 17 March 2014 was submitted and approved and the Chairman was authorised to sign them as a correct record.

### **2 Apologies for absence.**

Apologies for absence were reported from Councillors Coles, Jenkins and Stanley.

### **3 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct (please see note at end of agenda).**

None were declared.

### **4 Historic Private Hire and Hackney Carriage Fee-Setting.**

The Committee considered the report of the Senior Specialist Advisor regarding the historic private hire and hackney carriage fee-setting that was referred back to the Committee by Scrutiny Committee.

The Council's hackney carriage and private hire licensing function were self-financing. The fees were levied and reviewed in consultation with Financial Management to ensure that the account had neither a surplus nor deficit on an ongoing basis.

At its meeting on 13<sup>th</sup> January 2014, the General Licensing Committee decided to consult on proposals to amend the hackney carriage and private hire licensing fees charged from April 2014. This was designed to introduce consistency between the two arms of the trade by setting new fee levels for the first time since 2001. It was also suggested that the historic difference between the hackney carriage proprietor fee and private hire licence fees be referred to Scrutiny Committee for consideration. Minutes of the meeting were included at Appendix 1.

At its meeting on 17<sup>th</sup> March 2014, the General Licensing Committee agreed the fee amendment proposed at the meeting on 13<sup>th</sup> January 2014. Minutes of the meeting were included at Appendix 2.

At its meeting on 2<sup>nd</sup> June 2014, the Scrutiny Committee considered the historic difference between the hackney carriage proprietor fee and private hire licence fees and referred their comments back to General Licensing Committee for consideration and final resolution to the matter. Minutes of the meeting were included at Appendix 3.

Between the financial years of 2001-2014, each hackney carriage proprietor paid £187 per year compared to £95 per year paid for each private hire vehicle licence. The £92 difference was held in reserve each year to reflect the requirement to fund patent unmet demand surveys, in accordance with section 16 of the Transport Act 1985 and subsequent case law. This supported a policy to impose a numerical limit on the number of hackney carriage proprietors within the Borough.

At its meeting on 21<sup>st</sup> April 2009, the General Licensing Committee lifted the limit on the number of taxis within the Borough. Minutes of the meeting were included at Appendix 4. The decision rendered differential fees unnecessary from that point onwards although it could be argued they ceased to be necessary when the cost of carrying out the last patent unmet demand survey in 2006 was met.

The situation was rectified following the decision of the General Licensing Committee to align the hackney carriage proprietor fee and private hire vehicle licence fees, which came into effect on 1<sup>st</sup> April 2014. The new fee arrangements ensured that the requirement to set the fees at a level to ensure the budget does not fall into deficit and remain self-financing was met going forward, in addition to removing the differential between the two arms of the trade by setting a flat £150 fee.

A breakdown of the hackney carriage and private hire licensing budget since 2005 was set out in appendix 5.

While insufficient financial data existed to reach a definitive assessment, it appeared that up to 2011 support charges had been set too low and as a result, the hackney carriage and private hire budget may have effectively been subsidised by the central Council budget. As the account had remained in surplus over a period of years, no fee increase to either fees were required to meet the overall cost of this function.

The arrangement now in place from April 2014 onward ensured that the fees were now at a level which reflected a considered prediction of the actual cost of financing this function going forward.

The evidence outlined in the report showed that a differential in charges levied on hackney carriage and private hire licence fees had been allowed to continue over a period of years, despite the justification for the fee arrangement arguably ceasing to exist. There had however been no increase in fees to either arm of the trade since 2001.

The report made the Committee aware that the fees levied against hackney carriage proprietors in previous years were in any event lower than the fees levied by other neighbouring authorities. Furthermore the new flat rate of £150 across both arms was comfortably the lowest in the County. The Council's fees up to April 2014 were £187 for hackney carriage drivers and £95 for private hire drivers. Given that the lowest charge elsewhere in the County was currently £180, it may be considered that even the differential rate levied on the hackney carriage trade was low compared with neighbouring authorities.

Whilst acknowledging that differential charges should not have been levied on the two arms of the trade, once the rationale for doing so had ceased to exist, the evidence of other authority charge levels showed that the differential could be viewed more as a case of a historic under-charge to the private hire trade rather than an over-charge to the hackney carriage trade. The new £150 charge had resulted in a significant reduction in charge to hackney carriage proprietors and a significant increase in charge to private hire vehicle proprietors. Importantly, the new fees set had achieved fairness and high value in the charging regime for both arms of the trade and compared favourably with the fees set by neighbouring authorities.

Mr Paul Culshaw, Hackney Carriage Proprietor, addressed the Committee and made reference to 6.2 of the report regarding human rights in respect of the setting of fees. The setting of fees for a legitimate purpose had ended for the unmet demand survey charge by 2008. He also advised that the hackney carriage proprietor fee was not necessary and proportionate and had been discriminatory since 2008.

He made reference to the comparison with neighbouring authorities which he felt was incorrect as the Committee were not comparing like for like. The Council were charged to recover costs without generating a profit and Mr Culshaw argued that Eastbourne may be providing a poorer service to the trade than neighbouring authorities as if it were not the fees would be more comparable.

Mr Culshaw then made reference to appendix 5 and the breakdown of the hackney carriage and private hire licensing budget since 2005. He advised the Committee that the figures displayed between 2008-2011, without any fee review or increase, showed that the licensing budget surplus had been inflated by irregular unmet demand survey charges.

Mr Culshaw concluded that Eastbourne must be considered in its own entirety and judged solely on fairness to be self-financing and reclaim expenses for the function in an even and proportionate manner.

Mr Peter Smith, UNITE Hackney Carriage trade addressed the Committee and referenced the Officers report which showed that since the requirement to fund unmet demand surveys ceased to be necessary, hackney carriage proprietors had paid additional monies of £92 to meet this survey and thus had been charged erroneously. He believed it was morally wrong to draw a line under the issue and recommended that the Committee decide to refund those hackney carriage proprietors fees that had been overcharged.

Councillor Shuttleworth thanked Mr Culshaw and Mr Smith for their representations. He referenced key information contained in the report for the Committee to consider during the debate. This included the fact that there had been no increase in fees since 2001 and although insufficient financial data existed to make a definitive statement, up to 2011 support charges may have been set too low and led to the hackney carriage and private hire budget being subsidised by the central Council budget to fund service delivery. Councillor Shuttleworth also referenced section 4.4 of the report which demonstrated that the fees levied, even in past years, were lower compared to neighbouring authorities.

Councillor Shuttleworth concluded by referencing section 4.5 of the report which noted that the situation could be viewed as one of historic undercharge to the private hire trade rather than an overcharge for the hackney carriage trade. He supported the fact that the issue had been reviewed and discussed at Scrutiny Committee. He suggested that for the Council to move forward, it should draw a line under the issue, now that the fees had been set which had achieved fairness and high value in the charging regime for both arms of the trade, moreover at a level which was not excessive compared with the fees set by other authorities.

Following a question from Councillor Ungar, the Monitoring Officer addressed the legal aspect of refunding the differential of the fees charged to hackney carriage proprietors between 2009 and 2014. As the costs of the hackney carriage and private hire licensing functions were met from a ring-fenced account, the cost of any refund would have to come from this account. Given the sums involved, this would result in an increase in fees for the whole trade in order to raise the funds. This created the possibility of a claim being submitted by those licence holders who would not benefit from a refund but would be funding it. She advised the Committee that in her view the comparative risk of a successful challenge to the historic fees levied was unlikely.

Councillor Ungar advised that the General Licensing Committee was a quasi-judicial body which had a responsibility to act within the law. He supported Councillor Shuttleworth's recommendation of drawing a line under the issue as he did not want to give hackney carriage proprietors false expectations by refunding them money only for them to be required to pay it back, due to an increase in fee. He concluded by advising that the good service provided by the authority could be put in jeopardy by refunding the money.

Councillor Cooke enquired further about the possibility of a legal challenge. The Monitoring Officer noted that while an accurate prediction of the likelihood of potential future challenges was difficult to make, an increase in fees now in the terms proposed in order to fund a refund could result in legal challenge by means of judicial review. She continued that it was comparatively less likely civil claims with regard to historic fees levied over time would be successful. Councillor Cooke made reference to the predicted surplus of £20,787 at the end of this financial year and asked whether it was possible to make a refund in this sum without raising the fees. Councillor Shuttleworth clarified comments made by the Monitoring Officer

that any steps taken by the Council to make a refund in respect of historic fees could be open to legal challenge.

Councillor Warner addressed the Committee and made reference to when the issue was originally agreed to be discussed at Scrutiny Committee. He stated that it was taken to Scrutiny Committee in the hope that the right thing could be done and he expected that as the Council had incorrectly levied charges at hackney carriage proprietors, an apology should be made and funds should be returned to those that had been overcharged.

Councillor Murray addressed the Committee and made reference to the suggestion made by Mr Culshaw that the Council were providing a poorer service which was why the fees were not comparable with neighbouring authorities. The Senior Specialist Advisor responded that he had hoped that the trade would be of the opinion that the licensing authority provide a good service in terms of the quality of drivers and value of service with the budget that is provided.

Councillor Murray then enquired about taxi drivers who sold their plates and whether any debts owed would be carried over to the owner. He asked whether this would negate problems in the future with people making claims. The Senior Specialist Advisor responded that a proprietor had to inform the Licensing Authority within 14 days of a transfer of a plate. Nothing in the statute made reference to the transfer of money for a plate and any debt therefore was out of the Council's remit. He advised the Committee to not consider this when making their decision. The Monitoring Officer clarified that any claims could potentially still come from taxi drivers who had sold on their plates but considered that they had paid too much to the authority prior to that, but reiterated her view as to the likelihood of success of such claims.

Councillor Ansell addressed the Committee and made reference to the discussions around what the safest option was for the Council and the potential for legal challenge. She made reference to the debate held at Scrutiny Committee on the 2<sup>nd</sup> June 2014 which centred on whether there was a middle option as opposed to either refunding in full and adding £30,000 in surplus to the account or drawing a line under the issue. She expressed disappointment that the debate tonight did not seem to consider a middle option and reiterated that the historic overcharge to hackney carriage proprietors had not been fair or right. She advised that there were funds available to potentially refund drivers and hoped that the Committee consider this when moving forward.

Councillor Murdoch addressed the Committee and made reference to the breakdown of the hackney carriage and private hire licensing budget since 2005, outlined in Appendix 5. He enquired whether the 2013/14 provisional budget both for total expenditure and income were at the current rate for what the authority charged. The Financial Services Manager responded that it would have reflected the rates relevant at the time. She added by referencing the 2014/15 budget and total income level, which was set in November 2013 and advised that the figure of £84,550 was a prudent figure and was likely to increase once the financial year ended. In a response to a question from Councillor Murdoch regarding achieving a surplus, the Financial Services Manager advised that the account was

looked at over a 3 year period to ensure it broke even and there would be no immediate knee jerk reaction in terms of increasing the fees should a deficit appear in year one, although the overall aim would be to balance the books.

Councillor Cooke reiterated that there had been unfairness practiced on the hackney carriage trade and suggested that the Committee look at some way of showing understanding of the situation. He suggested that the Committee could perhaps look at the option of identifying those hackney carriage proprietors that had been overcharged historically and potentially have their fee waived over a period of time.

Councillor Ungar reiterated that it was unfair to give false expectations to the trade and made reference to the fact that the report had stated that the private hire trade had underpaid historically. If the Committee chose to refund those hackney carriage proprietors, it would be unfair to claim the money back from the private hire trade. It was important for the Council to do the right thing for all parties involved and he reiterated that the Council, whilst acknowledging the historic issue, should draw a line under the issue having set a new fee structure and continue to provide a good service.

Councillor Thompson addressed the Committee and echoed Councillor Ungar's comments that it would be impractical to chase those private hire drivers who had underpaid. He made reference to the fee comparison with neighbouring authorities and reiterated that Eastbourne Borough Council's new fee structure was comfortably the lowest in the County and supported the recommendations to draw a line under the issue.

Councillor Hearn addressed the Committee and reiterated that a refund to those hackney carriage proprietors would only result in an increase in licence fees in the future.

Councillor Liddiard advised the Committee that they should look at making a decision that was right and not necessarily what was the easiest option.

Councillor Ansell urged the Committee to look at the issue intelligently and expressed her disappointment that a compromise was not being sought.

Councillor Cooke reiterated that the Committee as a whole admit that the differential charges were wrong which represented a key issue in the debate and advised that the Committee should make a decision that was right rather than expedient.

Councillor Shuttleworth acknowledged and accepted both sides of the debate. He referenced the point noted earlier that the fees had been left at the same level from 2001-2014 and considered that it was legitimate to suggest that an undercharge occurred during this period rather than an overcharge. He suggested that it would be reasonable for the Committee to move on from this issue in a way that was economically sustainable for the future, as raised by Councillor Murdoch earlier.

Councillor Shuttleworth proposed and was seconded by Councillor Ungar that the best course of action moving forward was to draw a line under the

issue relating to the historic setting of fees. The evidence laid out in the report showed that the differential could be viewed as a historic under charge to the private hire, rather than an over-charge for the hackney carriage trade. The new fee structure of a blanket £150 charge that had been implemented achieved fairness and high value for both arms of the trade.

Councillor Warner requested that a named vote be recorded for the proposal suggested, which was agreed by the Chairman.

**For:** Councillors Shuttleworth, Hearn, Murray, Murdoch, Thompson and Ungar.

**Against:** Councillors Ansell, Cooke, Liddiard and Warner.

**RESOLVED: (by 6 votes to 4)** That the Committee agree to draw a line under the issue relating to historic fee setting now that the new fee structure had been implemented which achieved fairness and high value for both arms of the trade and compared favourably with those fee levels set at other Sussex authorities.

## 5 **Street Trading Consent Income Associated with the Street Market.**

The Committee considered the report of the Senior Specialist Advisor regarding the setting of fees for the Street Market.

At its meeting on 23<sup>rd</sup> April 2012, the General Licensing Committee agreed that the fee levied for consent at the street market would be £5 per pitch and this would be "used for managing the enforcement of the market". This fee had been collected by Eastbourne Street Market Company and subsequently the Chamber of Commerce and duly paid to Eastbourne Borough Council.

The Street Market Company (ESMC) who collected the consent fees ceased trading at the end of 2013. The Eastbourne Chamber of Commerce opted to continue running the street market via *ad hoc* applications to the Licensing Authority at Eastbourne Borough Council.

The street market had been running smoothly for two years now and a review of the current fee had been undertaken. It was determined that the current £5 per pitch fee had been set too high and had created a surplus which exceeded the cost to the Council of the administration and enforcement of the street market.

Eastbourne and District Enterprise Agency Limited (EDEAL) had been given a five year contract that would allow them to act on behalf of Eastbourne Borough Council, carrying out Town Centre Management services. This included allocating and distributing the relevant consents to and collecting the relevant consent fees from market stall holders for onward transmission to Eastbourne Borough Council.

Once Eastbourne Borough Council's funding ceased as intended, EDEAL would support the role through its economic efficiencies by 31<sup>st</sup> March

2015. The services agreement would end on 31<sup>st</sup> March 2018 at which point a separate arrangement regarding consents would have to be put in place.

It was considered appropriate that the determination of the fee associated with street market pitches be delegated to a designated Council Officer, who would exercise the delegation in consultation with the chair of General Licensing Committee. This would ensure that the fee could be set at a level which if necessary could be adjusted to ensure that a surplus was not created.

Initially it was proposed that a nominal fee of £1 be levied per pitch to cover associated administrative costs. Experience had indicated that this was a sufficient amount to cover costs and stimulate further interest by potential stall holders.

**RESOLVED: (with 1 abstention)** That the Committee delegate the setting of consent fees, in relation to the Street Market, to the Senior Head of Development in consultation with the Chairman of General Licensing Committee.

## **6 Member Training.**

The Committee was advised that Member Training had been scheduled to take place on the 8 October 2014.

**NOTED.**

The meeting closed at 6.52 pm

**Councillor Shuttleworth**  
**(Chairman)**

Tuesday, 15 July 2014  
at 6.00 pm



## Conservation Area Advisory Group

### **PRESENT:-**

Councillor Thompson (Chairman) and Councillors Belsey and Cooke

### **Officers:**

Ms J Sabin, Specialist Advisor (Planning)  
Mr L Palmer, Senior Specialist Advisor

### **ADVISORS:**

Mr Crook, Royal Institute of British Architects  
Mr Howell, Eastbourne Society

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### **8 Minutes of the meeting held on 13 May 2014**

The minutes of the meeting held on 13 May 2014 were submitted and approved and the Chairman was authorised to sign them as a correct record.

### **9 Apologies for absence.**

An apology for absence was reported from Councillor Shuttleworth.

### **10 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.**

Councillor Belsey declared a personal interest in item 7 – 56/58 and 60 Seaside and remained in the room but did not take part in the discussion.

### **11 Planning Applications - Decisions of the Borough Council.**

The decisions of the Planning Committee on applications in Conservation Areas were reported.

### **NOTED.**

### **12 Planning Applications for Consideration.**

The Specialist Advisor (Planning) reported on planning applications for consideration in Conservation Areas. The Group's comments were set out in the schedule below.

**1) 140626 (Full Plans) FLAT 1, 9 UPPERTON GARDENS**

Cons Area: Upperton

Proposal: Replacement windows to basement flat.

**CAAG Comments:** This item was not discussed as it had already been considered at the previous meeting.

**2) 140629 (Advertisement) EF INTERNATIONAL STUDY CENTRE, ROBOROUGH HOUSE, 1 UPPER AVENUE**

Cons Area: Upperton

Proposal: Display of one internally illuminated totem sign within the grounds of the study centre.

**CAAG Comments:** No objections raised.

**3) 140679 (Advertisement) 7 LUSHINGTON ROAD**

Cons Area: Town Centre & Seafront

Proposal: Display of three externally illuminated fascia signs to bay at front.

**CAAG Comments:** The Group raised strong objections to the display of any signage on the bay, as it would be out of character with the surrounding area. It was suggested that an appropriate location for signage would be behind the low boundary wall but no higher than the piers.

**4) 140715 (Full plans) 51 SEASIDE ROAD**

Cons Area: Town centre & seafront

Proposal: Conversion of rear part of ground floor shop to a one bedroom flat, and installation of UPVC windows at front and rear.

**CAAG Comments:** The Group raised no objections to the rear proposal but raised strong objections to the installation of UPVC windows to the front elevation.

**5) 140719 (Full plans) 2 GRANGE GARDENS**

Cons area: College

Proposal: Re-instatement of boundary wall and replacement of concrete paviours with red/multi clay paviours on forecourt.

**CAAG Comments:** The Group raised no objections in principle however suggested that the applicant consider narrowing the opening down to 3.5m.

**6) 140733 (Lawful Development Certificate) CONGRESS HOTEL, 31-41 CARLISLE ROAD**

Cons area: College

Proposal: The infilling of existing circulation routes to all floors required to separate the rooms on each floor as indicated on the submitted plans in order to become an independent boutique hotel. Any associated works to maintain means of escape from the newly formed independent hotel as required by the Fire Officer.

**CAAG Comments:** The Group only considered the external alteration displayed on the plans. Concerns were raised in respect of the platform lift on the front elevation and it was suggested that the lift was turned through 90° and screened by a matching rendered wall, with the existing railings reused on top.

**7) 140734 & 5 (Full Plans & Listed Building Consent) 56/58 and 60 SEASIDE**

Cons area: Town Centre & Seafront

Proposal: Provision of flat roof to rear wings of both properties and repairs to guttering to prevent rain water ingress to 60 Seaside.

**CAAG Comments:** No objections raised.

(NB: Councillor Belsey declared a personal interest in this item and remained in the room but did not take part in the discussion.)

**8) 140743 (Full Plans) CROWN AND ANCHOR, MARINE PARADE**

Cons area: Town Centre & Seafront

Proposal: Proposed new paved external seating area, awning to the side elevation and 3no. soft light floodlights, new signage, new solid timber glazed entrance doors to ground floor and to balcony on first floor, new render to facade to match existing. Existing iron gate and planting to be removed.

**CAAG Comments:** No objections raised to the now amended scheme that had omitted the seating area and awning at the side.

**9) 140773 (Full Plans) EASTBOURNE RAILWAY STATION, TERMINUS ROAD**

Cons area: Town Centre & Seafront

Proposal: Installation of a free-standing advertising panel within the station concourse, adjacent to the ticket barriers to replace an existing sign.

**CAAG Comments:** No objections raised.

**10) 140780 (Advertisement) 258 TERMINUS ROAD**

Cons area: Town Centre & Seafront

Proposal: Display of 3no. illuminated fascia signs and projecting sign to Terminus Road elevation, 1no. illuminated Harry Ramsden's logo to curved corner elevation and 1no. illuminated fascia sign above entrance doors to Grand Parade elevation.

**CAAG Comments:** No objections raised.

**11) 140799 (Householder) 8 LUSHINGTON ROAD**

Cons area: Town Centre & Seafront

Proposal: Proposed demolition of existing utility room and bathroom and the erection of extension to form kitchen/breakfast room and bathroom. Erection of attached garage/workshop with pavement crossover and dropped kerb.

**CAAG Comments:** The Group raised objections to the height and bulk of the roof, which would conflict with the predominant character of the rear outbuildings facing Lushington Lane and would set a precedent for future development. It was suggested that the extension should have a flat roof with a cornice and a garage door with vertical emphasis.

**12) 140801 (Full Plans) 16 LUSHINGTON LANE**

Cons area: Town Centre & Seafront

Proposal: Demolition of garages and erection of a pair of semi-detached dwellings.

**CAAG Comments:** The Group raised no objections in principle but suggested that the fenestration be improved in terms of style and proportion that matched more closely with other properties in the street.

**13) 140810 (Householder) FLAT 2, 15 DARLEY ROAD**

Cons area: Meads

Proposal: Replacement of one timber-framed window, to front, with PVC double glazed unit.

**CAAG Comments:** The Group raised strong objections to the use of UPVC on the front elevation and suggested that slim double glazing be inserted into the timber frames.

**14) 140821 & 2 (Full Plans & Listed Building Consent) CONGRESS THEATRE, CARLISLE ROAD**

Cons area: Grade II\*

Proposal: Restoration of glazed front facade and short side returns (not including ground floor other than cathodic protection of pilotis) with additional repairs to east elevation and projecting roof canopy (south facing).

**CAAG Comments:** The Group raised no objections to the proposal and welcomed the scheme and the opportunity to improve and repair the building. They agreed that the quality of materials and workmanship would be critical to its restoration.

Jefferson Collard, Senior Head of Development presented the application to the Group and responded to any questions.

**15) 140833 (Full Plans) TWIIN ENGLISH CENTRE, 25 ST ANNES ROAD**

Cons area: Upperton

Proposal: The conversion of the existing building with rear extension to provide 11 no. residential flats together with landscaping, waste and cycle storage. The proposals include the removal of the existing rear external escape gantry, and a single storey lower ground side addition.

**CAAG Comments:** This applications was not considered by the Group as it was a renewal of a previous scheme.

**16) 140845 (Full Plans) 9 MOAT CROFT ROAD**

Cons area: Old Town

Proposal: Proposed two storey extension to existing side elevation to form granny annexe.

**CAAG Comments:** The Group raised objections to the proposal, notably the bulk and design of the extension and its proximity to the side boundary, which was out of keeping with the surrounding area. The Group also noted deficiencies and a lack of detail in the plans submitted.

**17) 140863 (Advertisement) 7 GILDREDGE ROAD**

Cons area: Town Centre & Seafront

Proposal: Display of one non-illuminated projecting sign.

**CAAG Comments:** This application was not discussed as no plans had been submitted.

**18) 140863 (Full plans) 7 GILDREDGE ROAD**

Cons area: Town Centre & Seafront

Proposal: Proposed replacement of existing wooden framed window to upvc.

**CAAG Comments:** This application was not discussed as no plans had been submitted.

**19) 140867 (Advertisement) THE PILOT, 89 MEADS STREET**

Cons area: Meads

Proposal: Display of one painted wooden sign illuminated by LED spotlight on north elevation.

**CAAG Comments:** The Group raised objections to the size and type of the sign proposed, in addition to its illumination in a prominent location. It was suggested that a non-illuminated, hand painted sign direct onto the render in the same position on the building would be more appropriate and in keeping with the surrounding conservation area.

**20) 140745 (Pre-application) 19-21 BURLINGTON PLACE**

Cons area: Meads

Proposal: Erection of five storey extension at rear and conversion into nine self-contained flats with four parking spaces.

**CAAG Comments:** The Group raised no objections in principle to the pre-application. They did suggest that any full application submitted be accompanied by contextual drawings showing the proposal in relation to the neighbouring properties.

Mr John Allen addressed the Group in support of the pre-application and responded to any questions regarding the proposal.

(By virtue of Section 100B(4) of the Local Government Act 1972, the Chairman was of the opinion that the following recently received application, which was not listed on the agenda, should be considered in order that the applications might be referred to the Planning Committee at the earliest opportunity).

**21) 140678, 13 LUSHINGTON ROAD**

Cons Area: Town Centre and Seafront

Proposal: Demolition of existing flat roofed pre-fabricated garage and construction of a new brick built garage with pitched roof.

**CAAG Comments:** No objections raised.

**NOTED.**

**13 New Listings.**

The Specialist Advisor (Planning) advised that there were no new listings.

**NOTED.**

**14 Dates of future meetings - All at 6.00 p.m. at the Town Hall.**

The date of the next meeting was confirmed as the 26 August 2014 (at 6:00pm at the Town Hall).

The meeting closed at 7.59 pm

**Councillor Thompson (Chairman)**

# Cabinet



## Minutes of meeting held on Wednesday, 16 July 2014 at 6.00 pm

Present:-

Councillors **David Tutt** (Chairman and Leader of the Council), **Gill Mattock** (Deputy Chairman and Deputy Leader of the Council), **Margaret Bannister**, **Carolyn Heaps**, **Troy Tester** and **Steve Wallis**.

**Mr Ian Fitzpatrick.** The chairman announced that Mr Ian Fitzpatrick, the council's Senior Head of Community had been appointed Chief Executive of Eastbourne Homes Limited. Members congratulated Mr Fitzpatrick on his appointment.

### 11 Minutes of the meeting held on 14 May 2014

The minutes of the meeting held on 14 May 2014 were submitted and approved and the chairman was authorised to sign them as a correct record.

### 12 Declarations of interests

Declarations of disclosable pecuniary interests (DPIs) by members as required under Section 31 of the Localism Act and other interests as required by the Code of Conduct and regulation 12(2)(d) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012:

(a) Councillor David Tutt declared a personal (and non-prejudicial) interest in matters reported in minute 20 (Housing Futures) as he was a council appointed non-executive director of Eastbourne Homes Limited. He chose to withdraw from the meeting.

(b) Councillor Troy Tester declared a pecuniary interest in matters reported in minute 23 (Retail Rates Relief and Business Rates Re-occupation Relief) as his employer might be a beneficiary of the policies for which approval was being sought. He withdrew from the meeting.

### 13 Annual Accounts and Budget Outturn 2013-14

13.1 Cabinet considered the report of the Financial Services Manager presenting the annual accounts and final budget outturn figures for 2013/14 for the information of the cabinet. Under the Accounts and Audit Regulations 2011 the deadline for the Council to approve the annual account was 30 September, after the external audit had been completed.

13.2 A report to the cabinet meeting on 14 May 2014 had set out the provisional outturn for 2013/14. The forecast was for a credit variance of £190,000 on service expenditure. Since that time the work on closing

the accounts had been completed and the final outturn confirmed. The outturn formed part of the draft statement of accounts reported to the Audit and Governance Committee on 25 June 2014. The committee will be asked to formally approve the accounts at their September meeting.

13.3 The main change from the details of the service variances reported to the May cabinet related to the difference on the final housing benefits subsidy claim and the technical change required for the calculation for bad debts which had been previously based on a prudent judgement but now had to reflect historical evidence. The variance on funding increased by £714,000 due to additional government grant received to support small business rate relief and the budgeted levy due on business rates not required. The general fund balance at 31 March 2014 was £4.687m. Details of other reserves were included in the accounts. Transfer of £744,870 was made to the capital programme reserve in line with the budget strategy representing the balancing mechanism on capital financing costs. This included savings on external interest payable due to the continued use of internal balances and the actual timing of capital spending incurred compared to the expected cash flow profile.

13.4 The housing revenue account (HRA) figure previously reported to the cabinet in May had been a favourable variance of £274,000. The final net expenditure for the year was £525,00; a variance against budget of £178,000. This movement in variance was due to the technical change in the way the allowance for future bad debt had been calculated. The HRA balance as at 31 March 2014 was £2.704m. Transfer of £532,125 was made to the housing regeneration and investment reserve in line with the budget strategy and the 30 year housing business plan. This represented the variance between the budgeted and actual depreciation allowance.

13.5 An overview of the accounts was appended to the report. The full accounts was available to view on the council's website. Councillor Mattock expressed her appreciation for the work undertaken by the Financial Services Manager and her team for their work in presenting the annual accounts.

**13.6 Resolved:** (1) That the final outturn for 2013/14 be noted.

(2) That the transfer to reserves and provisions as set out in paragraphs 2.3 and 3.2 of the report be approved.

## **14 Medium Term Financial Strategy 2014-2019**

14.1 Cabinet considered the report of the Chief Finance Officer. The council's medium term financial strategy (MTFS) was a rolling 4 year strategy that took into account:

- The external financial environment
- The overall financial demands of services
- The council's existing and projected financial resources
- The council's political priorities and stated aims
- The council's sustainable service delivery strategy

- The council's corporate plan
- The major service strategies and plans

14.2 Over the life of the current parliament the coalition government had effectively reduced the general support to the council by some 40% in cash terms which equated to over 50% in real terms. In order to protect front line services the council had put in place a priority based budget system that had kept pace with the scale of cuts to funding and made provision for reinvestment in services. The council aimed to become less dependent on day to day revenues to run services, instead opting to use any spare financial capacity to enhance the capital programme. In 2013/14 the council had invested more in its capital programme than its general fund revenue activities.

14.3 The council's DRIVE programme provided a programme to deliver efficiencies that supported the council's corporate plan. The MTFs and capital strategy identify and direct resources at a strategic level, which were then compounded via the service and financial planning and budget setting process. In setting the last 5 yearly budgets the council had met its budget requirement from on-going resources in each year.

14.4 The council was working in partnership with Eastbourne Homes Ltd. (a wholly owned subsidiary) to deliver efficiency savings in partnership using shared services. All savings accruing to the housing revenue account were being reinvested in housing services.

14.5 The effect of inflation meant that there was a gap of c£400k per annum that needed to be met from efficiencies (approximately 2.5% of net spend) if services were to be protected. This was on top of the austerity programme reductions outlined above. Given the current reduction in grant and the inability to raise council tax in real terms, the council had to look to longer term measures to maintain sustainable finances. These include measures under the sustainable service delivery strategy (SSDS) and the growth of income streams.

14.6 The report set out the council's strategy in relation to dealing with the effects of inflation in the costs of goods and services and pay, pension costs, fees and charges, interest rates, council tax, government grants and retained business rates, savings, the scope for new or enhanced service provision the housing revenue account, reserves and the mitigation of risks. Appendix 1 to the report set out the potential risks and mitigating measures available to the council. Appendix 2 provided a summary of the MTFs 2014/2019. In order to maintain sustainable finances and fund its ambitions, the council would need to make new efficiency savings or income streams averaging £0.7m per annum for the next four years.

**14.7 Resolved (key decision):** (1) That the updated medium term financial strategy and associated plan 2014-19, as summarised in appendix 2 to the report, be approved.

(2) That the balance of assumptions made in the strategy be agreed.

(3) That the emerging budget proposals for 2015/16 be brought to cabinet in December prior to detailed consultation.

(4) That the principal risks of the strategy in appendix 1 to the report be agreed.

## **15 Sustainable Service Delivery Strategy (SSDS) - Update**

15.1 The Chief Executive presented the report of the Deputy Chief Executive on key initiatives carried out under the SSDs (future model phase 2, the adoption of the corporate landlord model for asset management and moves to shared corporate services). The future model programme aimed to improve service delivery whilst delivering savings estimated at £1.7m to £2m across the organisation. The current phase, phase 2, was estimated to save £1.2m - £1.5m.

15.2 Since the last report to cabinet in February 2014 good progress had been made against a number of the scheduled programme milestones, including:

- Channel shift plan.
- On-going channel shift activities.
- Detailed plan for consultation with residents and tenants.
- First data migration for revenues and benefits.
- Induct Eastbourne Homes staff into future model programme.
- Further development of organisation design including both corporate management structures.

However, during February and March 2014, progress on the areas of the programme that were behind schedule was not satisfactory. This led the programme board to agree to suspend the business process create and construct work-stream whilst detailed plans and solutions were developed to address technology and other issues. The overall impact of the re-planning work was to extend the programme by 6 months. A revised timetable was given in the report indicating completion of staff recruitment and transition to the new model of working by June 2015 and 'go live' by August 2015. Staff had been kept fully informed of these developments. This extension would have an impact on the programme costs, which would be borne by all three delivery partners, with the majority of these costs being absorbed by the commercial partners. It was not anticipated that this would have a material impact on the benefits realisation and confidence remained that the principles of the business case as taken to cabinet in July 2013 still applied.

15.3 Good progress had been made on the development of a detailed implementation plan for the adoption of the corporate landlord model since Cabinet gave the go ahead in December 2013. A programme for the migration of all asset management activities, where it was efficient and effective to do so, to a 'centralised' model would be achieved. The introduction of the model would be cost neutral from April 2015 moving towards a net income contributor as the model matured. Capital receipts from the asset challenge programme would be aligned with the medium term financial strategy. The plan was fully aligned with the future model

target operating model, including incorporation of opportunities arising through closer collaboration with Eastbourne Homes Ltd. and associated procurement strategies as well able to integrate with any future recommendations for shared services. The plan provided for annual performance reviews through the Strategic Property Board with a full re-evaluation of the model in 2018 to tie in with the recommendations of the procurement strategy. Work had been undertaken with the council's strategic procurement partners to prepare a procurement strategy for the implementation of the corporate landlord model ready for go live in 2015.

15.4 The iESE brief to explore the potential opportunities for sharing corporate services between Eastbourne and Lewes was progressing well. At this stage, iESE believed that efficiencies in the region of 10-15% were possible by sharing services between the authorities. They also recommended that the councils adopt a phased approach to the next, more detailed, exploration of potential, focussing on human resources, legal and property in the short term. Finance and information and communication technology would follow, though opportunities to merge some roles in these units might emerge in the short term. Approval had already been given to progress the development of full business cases and potential implementation plans for human resources, legal and property and it was anticipated that these would be reported back to cabinet with recommendations later this year.

15.5 The future model programme was currently on budget. Additional costs would be incurred during the extended programme period, with the majority of these costs being absorbed by the commercial partners, and the overall impact on the business case would be immaterial. Any change to the overall budget would be reflected in the council's capital programme. The corporate landlord implementation and associated procurement strategy would be cost neutral, with additional staff costs and the planned maintenance programme being funded through increased yield and procurement savings. This would be addressed as part of service and financial planning process for 2015/16.

**15.6 Resolved (key decision):** (1) That the updates to the future model programme plan (phase two) including revised programme milestones be noted.

(2) That progress made in relation to alternative service delivery models for corporate services be noted and the development of a detailed business case and implementation plans as outlined in the report be approved.

## **16 Devonshire Park Project**

16.1 Cabinet considered the joint report of the Senior Head of Tourism and Leisure and Senior Head of Development informing members on the costs and programme for the Congress Theatre Façade restoration and Devonshire Park design stage and seeking agreement to the revisions and amendments as necessary.

16.2 The project was currently on track and the consultants had completed the first stage of the procurement process for the design team and quantity surveyor (QS). The procurement process had been run in accordance with European Union procurement regulations with shortlists drawn from a pre-qualification questionnaire process including financial checks. The tender briefs had been issued and tenders for both the conservation architect led design team and QS were due back this month with appointments due to be made in August. In addition the conservation management plan had been tendered and was due for completion later this month.

16.3 The replacement of the Congress Theatre façade had had a full design team in place for some time. The full specification of the works had been completed in consultation with English Heritage and the tenders had been returned and analysed. The listed building application for the works had also been submitted.

16.4 Previously, in December 2012, cabinet approved, amongst other matters, the allocation of up to £700,000 to progress the Devonshire Park project to RIBA Stage C (this is the 'concept' stage to determine the general approach to layout, design and construction – now referred to as stage 2) and in May 2013, the release of £850,000 to enable the repair of the Congress Theatre façade. The predicted costs of both projects were based on estimates from the consultants employed at the time. Since that time, external project managers had been appointed for each of the projects and had carried out detailed analysis of the required work. This analysis had shown that further works and consultancy services were needed.

16.5 The original estimate of £850,000 for the works to the Congress Theatre façade had been based on estimates prepared in 2012 for a like for like replacement of the façade. The works were limited to only the south façade and excluded the ground floor. Following detailed analysis and the advice of English Heritage the extent of the works had expanded. The works now involved extra areas of expenditure which were:-

- With the agreement of English Heritage, to double glaze the whole of the front elevation. The cost would be partly offset by energy savings (estimated to be in the order of 20% each year) and a better environment for the theatre users.
- The structure supporting the façade would now be included with the cathodic protection system which would be extended to cover the ground floor decorative columns.
- Works would now extend to the east elevation at the request of English Heritage. Works would be limited to essential repairs until a decision was made on the larger scheme.
- Replacement signage using the latest LED technology.
- Works would extend to the canopy which was at roof level. It was decided sensible to include this work now and link it to the cathodic protection work.

- Carrying out the works whilst maintaining business as usual would mean building a protective screen inside the building while the façade works were undertaken. This was considered essential to ensure no impact on theatre revenue.

16.6 This is now a larger and different project than the one on which the original estimate was prepared and had the support of English Heritage. It also took into account the impact of keeping the theatre open during the works, and it brought forward work that would have been necessary in later stages making a saving on future works and reducing future costs. Some of the costs would be recouped in the form of energy savings in perpetuity from the new glazing being installed. These extra costs amounted to £1.1 million as compared with the original allocation of £850,000. Despite the extra work the programme was expected to be completed in April 2015 with a start on site this coming August.

16.7 In terms of meeting the extra costs for the Congress Theatre works the council had recently received an unapplied capital receipt of £750,000 and together with the savings arising from the project of about £10,000 per annum which would support £200,000 of capital financing, which together amounted to £950,000. The balance (£150,000) would be met from the capital programme reserve, which currently stood at £1m. Therefore there was no significant effect on the Council's underlying financial position. Also by protecting the business continuity arrangements included in the tender, the Council would avoid approximately £800,000 of potential loss of income/damages claims for cancellations.

16.8 The assessment had also indicated that there was likely to be a shortfall in the £700,000 budget originally agreed to carry on the Devonshire Park design work to RIBA Stage 2. As the work was currently out to tender the actual cost was as yet unknown. To prevent delay in awarding contracts it was recommended that a further sum of £250,000 be made available should it be needed.

**16.9 Resolved (key decision):** (1) That the progress on the main Devonshire Park project and the related project for the replacement of the Congress Theatre Façade be noted.

(2) That a variation to the capital programme of £1.1million for the additional works to the Congress Theatre be approved bringing the total budget to £1.95m.

(3) That up to £250,000 from the capital programme reserve be utilised for the scheme costs to achieve RIBA Stage 2 to develop a concept plan for the Devonshire Park Complex be approved bringing the total budget to £950,000.

## 17 Little Chelsea - Traffic Survey

17.1 Cabinet considered the report of the Senior Head of Development on the findings of a consultation undertaken by Little Chelsea traders in

the local community about traffic in their neighbourhood. The survey had almost 200 respondents and the full results were contained in an appendix to the report. In summary the key findings were:-

- Around 90% would like to see more temporary closures of Grove Road and South Street for special events (a view strongly supported at a public meeting held on 26 June).
- At least 60% would like traffic volumes and speeds reduced along these streets. Through traffic ought to be diverted back to Gildredge Road which had plenty of capacity and was originally designed as a two way street.
- At least 65% thought that running buses along these streets hadn't benefited them.
- Some businesses and residents needed vehicle access so full pedestrianisation was impractical. A 'shared space' option where pedestrians, cyclists and vehicles rub along together was considered the most popular.
- Nearby parking remained important and more short stay loading bays were essential.

17.2 It was believed that the ideas and suggestions generated by the Little Chelsea traffic survey could fit with both the East Sussex County Council transport strategy and the local plan for the town centre. Notwithstanding this, when considering transport proposals it was important to look at the wider impacts and the wider needs of all modes of transport. This was considered to be a timely piece of data that should be fed into the wider work that was currently being undertaken on reviewing the strategy for Eastbourne town centre, including the ring road. It is also recommended that the two councils look to support the Little Chelsea area in their desire to see more temporary road closures to allow special events take place.

**17.3 Resolved:** (1) That East Sussex County Council be asked to take into account the Little Chelsea Traffic Survey data in their work in reviewing the transport network in Eastbourne town centre, which includes the ring road.

(2) That the Senior Head of Development work with East Sussex County Council on behalf of the Council and otherwise assist the Little Chelsea traders to temporarily restrict traffic in the area to facilitate the holding of occasional community events, where legal grounds for doing so exist.

(3) That the Little Chelsea traders be thanked for their initiative in undertaking the survey and publishing the results.

## **18 Eastbourne Brand Development: A Shared Identity**

18.1 Cabinet considered the report of the Senior Head of Tourism and Leisure on proposals to appoint an experienced brand development professional to work with the council, its stakeholders and community representatives to help define the 'Eastbourne Brand', as a credible and authentic identity that will set the scene for the overarching marketing

and communications plan for the borough. Implementation of proposals from March 2015 was desired.

18.2 The aims were to:

- Conduct an agreed number of consultations with elected members and stakeholders to fully understand the context and scope of opportunity, generate ownership, 'buy-in' and support.
- Undertake an audit of the variety of logos, straplines, marketing collateral and platforms in use by the council and stakeholders at any given time.
- Assess the council and its partners' performance against existing 'brands', key messages and marketing.
- Develop and produce a recognisable 'brand' for Eastbourne that embodies the spirit of the town, its attractions and aspirations which is credible and able to be owned by its communities and stakeholders.
- Develop and present a suite of marketing materials to demonstrate how the brand can be communicated to diverse audiences through design and marketing campaigns.

18.3 The objectives would be, as much as possible, to:

- Develop a credible and authentic identity for Eastbourne which embodies and conveys the ambition of the borough, its heritage and uniqueness.
- Deliver clear recommendations on brand, use of multiple platforms and campaigns regarding the diverse audiences and purpose of communication.
- Produce a design guide for the council which is suitable for print, digital and multi-media campaigns.

**18.4 Resolved:** (1) That the Senior Head of Tourism and Leisure be given delegated authority, in consultation with the lead cabinet member, to procure a suitably experienced brand agency to undertake the work proposed in the report.

(2) That approval is given to expenditure of up to £30,000 from the economic regeneration fund to fund this work.

## 19 Housing Investment Plan

19.1 Cabinet considered the report of the Senior Head of Community providing an update on the council's housing investment plans and seeking approval for first stage development of a new housing delivery company and to extend the scope of the Solarbourne green energy initiative. If the council was to maintain its current progress on the housing and economic development fronts it would need to consider how to invest in ways that did not impact adversely on the housing revenue account (HRA), find new ways to help subsidise affordable housing and also generate surpluses for investment in socially necessary projects.

19.2 Delivery to date had focused on 3 areas:

- Local authority new build. Providing new housing on mainly council owned land. A first phase was underway to provide 35 new homes by December 2015.
- Empty homes programme. Bringing empty properties back into use, including redundant retail units. Phase 1 comprised 20 affordable homes supported by £360k of grant secured from the Homes and Communities Agency and the refurbishment and commercial letting of 3 retail units. To date 7 properties have been acquired to deliver the 20 new homes and 3 retail units in the Devonshire ward identified as priorities from a neighbourhood improvement perspective with completion of all homes by March 2015.
- Driving Devonshire Forward (DDF). A ward focused neighbourhood improvement project. A local steering group had been established to co-ordinate delivery and to prioritise and bring forward initial projects. In addition to the retail units highlighted above, these included public realm improvements to key areas and working with the local business community to improve the Seaside Road retail offer.

Delivery of Phase 1, creating a total of 55 new homes and 3 commercial units, had been passed to Eastbourne Homes Limited (EHL) which had assigned the work to the Housing and Economic Development Project (HEDP) team. The HEDP was a joint initiative between Eastbourne Borough Council and Eastbourne Homes Ltd.

19.3 An extensive programme of work for the period 2014-2018 had been developed by the council, which would form a second phase of the housing investment plan. Two new bids for funding had been made within the last six months, the first to the Local Growth Fund (LGF) and the second to the National Affordable Housing Programme (NAHP). Details of the scale of bids and overall phase 2 work was summarised in the report and would realise a total of 116 units at a total scheme cost of £14,348,626. Delivery of the programme was subject to successful outcome of bids and the overall development programme being self-financing.

19.4 The HRA business plan (2012 – 2042) was currently being reviewed in the light of the first 2 years of the government's new 'self-financing' regime. This would take into account the developments mentioned above and increased incidence of right-to-buy since increased discounts were introduced in 2012. The business plan with detailed 10 year projections would be updated in the autumn, when the outcome of the bids to the LGF and NAHP programmes were known.

19.5 The HDEP had been asked by the council to investigate options to extend delivery, taking advice on partnerships and having regard to what other councils were doing. Other Councils considering new housing development had in a majority of cases opted for a simpler delivery vehicle structure rather than more complex partnership arrangements. Examples were detailed in the appendix to the report. Accordingly the board recommended that further work be undertaken on the viability and practicality of the council establishing a new wholly owned investment

subsidiary which would be able to take forward and deliver investment in housing and other related areas of activity. The advantages and disadvantages of this approach were set out in the report. If the scope of delivery or levels of funding required change then there would still be opportunity to consider partnerships at a later date or to establish development specific joint venture arrangements for individual schemes or specialist housing.

19.6 On balance, establishing such a company offered more advantages than disadvantages to Eastbourne. Strategic oversight and direction of the company and its activities would remain firmly with the council, making sure that the company's activities are in line with corporate priorities, policies and strategies. A detailed assessment of the risks and the legal and financial options available would be necessary and matters to be considered included the company structure and governance; legal and financial issues, including risks to the council; branding; operating budget and funding; delegations; and ownership and management of properties developed by the company.

19.7 The council occasionally received requests from owner occupiers to buy back homes sold to them under right-to-buy. As the offer value of these homes was normally at full market value, even though they might have been sold at a substantial discount, the current policy was to reject such requests given the council's limited resources and poor value for money. However, there were a limited number of cases where the exercise of the right-to-buy was undertaken in good faith but the purchaser had become seriously vulnerable due to circumstances beyond their control, such as deteriorating health. In such cases, the household might be threatened with homelessness if they could not maintain mortgage payments on the property. In such exceptional cases, the council could buy full or part share in such a property, leaving the resident in situ as a shared ownership occupier or tenant. If such a scheme was adopted, certain criteria and safeguards would be required to mitigate any risk to the council as outlined in the report.

19.8 In 2011/12 the council undertook a programme to install solar panels on a council homes and commercial properties. This scheme was extremely popular with residents as electricity generated during the day offset the household's energy cost. For the council the scheme had provided an income in excess of £100k per annum from the government's feed in tariff (FIT) and has assisted reduce the town's carbon footprint. In November 2011, the government reduced the FIT rate new installations from April 2012. At that point an assessment of the viability of systems identified that the programme was no longer financially viable. Over the past two years photo voltaic (PV) systems had decreased in cost. Whilst FIT rates had also reduced, a recent viability assessment indicated that it was now feasible to restart the programme. As there were a number of issues affecting viability there was a need to continually assess the business case at short intervals before investing.

**19.9 Resolved (key decision):** (1) That up to a total of £14,348,626 for housing investment in the period 2014 through 2018 be provisionally released (subject to successful bids) from the housing regeneration allocation within the capital programme.

(2) That the Senior Head of Community be given delegated authority, in consultation with the lead Cabinet member, to undertake preparatory work to set up a council owned housing delivery company and report back to cabinet in the autumn.

(3) To approve provision of £200,000 for a housing rescue emergency fund to help vulnerable people avoid the loss of their home by funding the purchase of properties originally built and provided by the council where strict criteria are met.

(4) To approve provision of £500,000 to commence a second ('Solarbourne') photo-voltaic (PV) programme.

(5) That the Senior Head of Community be given delegated authority, in consultation with the Chief Finance Officer and lead cabinet member for finance, to commence a second PV programme on the basis that market conditions (cost and FIT rate) result in systems being self-financing (including provision of a sinking fund to cover reduced warranties).

## **20 Housing Futures**

20.1 Cabinet considered the report of the Senior Head of Community proposing a new agreement for Eastbourne Homes Limited to continue as the council's arm's length management organisation (ALMO) to manage the majority of Council owned homes.

20.2 The council was responsible for the homes of nearly one in ten of Eastbourne's households, made up of a mixed portfolio of 3,554 residential and 614 leasehold properties with a programme to add in 2014-2016 to that number a further 43 properties. The council's housing stock was currently managed by Eastbourne Homes Limited (EHL). The current management agreement had been in place since 2005 and was due to end on 31 March 2015.

20.3 A review of the future of the council's role as a social landlord was formally launched in May 2013 with a Housing Futures Board set up to oversee this important project. Details of the consultation outcomes were summarised in the report and showed that the majority of tenants supported the council's preferred option of a continued partnership with EHL. The report on the consultation process and outcomes was appended to the report.

20.4 A future agreement with EHL would need to include:

- Co-location of team members from both EHL and the council at the council's offices at 1, Grove Road to reduce costs.
- Sharing some senior level professionals/managers to reduce costs.

- Integrating 'back office' services including IT, human resources, and financial management and administration across EHL and the council.
- A single customer contact centre at the Grove Road office.
- Potential to generate savings (up to £1.5m) to the council split between the general fund and the housing revenue account (subject to final decisions on level of integration/sharing).

20.5 To make sure that the new management agreement could be drawn up in a timely way, for implementation by/before 1 April 2015, and that it closely reflected the needs of the council, development of the revised agreement would be undertaken by the council's legal and housing teams with external expertise bought-in when required. The proposed agreement was for a 20 year period with a break clause every 5 years. This would provide EHL with security to plan and invest sufficiently far ahead, trade effectively and provide reassurance for subcontractors, whilst allowing the council to consider changes at 5 yearly stages.

**20.6 Resolved (key decision):** (1) That the outcome of the housing futures consultation undertaken (which is in favour of the 'EHL in Partnership' option for the future management of Council-owned homes) be noted.

(2) That approval is given to the development of a new management agreement for Eastbourne Homes Limited to continue as the council's arm's length management organisation to manage the majority of council owned homes for up to 20 years with a review and break clause every 5 years.

(3) That the Senior Head of Community be given delegated authority, in consultation with the lead cabinet member, to enter into the management agreement once finalised.

(4) That a budget of up to £50,000 to complete the housing futures project be approved.

(Note: See minute 12 above as to the personal interest declared by Councillor Tutt in this matter. Councillor Tutt withdrew and Councillor Mattock took the chair for this item.)

## **21 Private Housing Renewal Policy 2014-2018**

21.1 Cabinet considered the report of the Senior Head of Community setting out a policy to help the council address the issues of housing disrepair and the needs of people with disabilities.

21.2 The housing renewal policy 2014-2018 was drafted to reflect the current economic climate and limited capital finance available to the council. A copy of the policy was appended to the report. The policy included:

- Maintaining an emphasis on delivering loans, where assistance required was in excess of £1,000, through the council's partner organisation Parity Trust.
- Taking enforcement action where necessary to encourage private landlords to improve the quality of the accommodation provided to local households.
- A limited grants programme to help vulnerable households over 60 or who were disabled, with savings of less than £10,000, to maintain their homes.
- Explore and where practicable take advantage of opportunities arising from the Your Energy Sussex (Sussex Energy Saving Partnership) initiative and national energy efficiency initiatives to help reduce fuel bills for people in Eastbourne.
- Encourage the bringing back into use of empty properties to provide more homes.
- Home security and sanctuary schemes targeted towards vulnerable households including those at risk of homelessness due to fear of violence.
- Continued effective joint working with other agencies, for example, continued joint work with the East Sussex Fire and Rescue Service as part of their vulnerable household inspection programme to promote energy efficiency alongside fire safety.

21.3 Since 2010, financial resources have not been made available from the government to the council to directly fund improvements to privately owned homes, with the exception of the disabled facilities grant programme for those with disabilities. As at 31 March 2014, approximately £400,000 was available over the duration of the policy.

**21.4 Resolved (key decision):** (1) That the housing renewal policy 2014-2018 be approved.

(2) That the arrangements made in 2008 to work with Parity Trust to support loan finance to help property owners maintain their homes for the life of the proposed housing renewal policy 2014-2018 be continued.

## **22 Review of Community Grants Programme**

22.1 Cabinet considered the report of the Senior Head of Community on the findings of a review of the community grants programme policy and procedures and seeking approval to revisions to the community grants policy and priorities for small grants for the year 2015/16. The current policy was agreed by cabinet on 30 May 2012.

22.2 Consultations had included:

- A survey of 3VA members.
- A survey of people who attended the Funding Fair 2013.
- A discussion with the Equality and Fairness Stakeholder Group.
- Liaison with staff and elected members involved in the grants process.
- Discussions with an officer of 3VA who supported and advised groups on applications.

Overall, comments were positive, and the additional support provided by council officers through training workshops and individual advice and support from 3VA, was highly valued. Further detail on comments received was given in the report.

22.3 To ensure organisations did not spend time on ineligible applications, in future, a two-stage process was proposed with a short expressions of interest form (similar to that used by the Big Lottery) which asked critical information to enable officers to identify quickly those applications which would not meet the council's criteria or priorities. Only those which met the eligibility criteria and addressed one of the agreed priorities would then be invited to apply in full. A number of other amendments were recommended by the Grants Task Group and these were set out in the report together with a copy of the revised policy as an appendix.

22.4 The following priorities for funding through the small grants programme in 2015/16 (with relevant council corporate priorities shown in brackets):

- Projects that help groups develop their volunteer base (thriving communities).
- Projects that support health and wellbeing (thriving communities).
- Environmental projects (quality environment).
- Projects which will deliver new activities for young people (thriving communities).

**22.5 Resolved (key decision):** (1) That the findings of a recent review of the community grants policy and procedures be noted.

(2) That the amendments proposed by the Grants Task Group to the community grants policy as set out in paragraph 3 of the report be approved.

(3) That the priorities proposed by the Grants Task Group for the small grants programme for the year 2015/16 be approved.

## **23 Retail Rates Relief and Business Rates Re-occupation Relief**

23.1 Cabinet considered the report of the Senior Head of Community seeking approval of local policies on retail rate relief and business rates reoccupation relief.

23.2 On 5 December 2013 the government announced 2 initiatives to help businesses. Firstly, that it would provide relief of up to £1,000 to all occupied retail properties with a rateable value of £50,000 or less in each of the years 2014/15 and 2015/16 and secondly that it would provide a 50% business rates discount for 18 months for businesses moving into previously empty retail premises between 1 April 2014 and 31 March 2016. Central government would reimburse councils within the rates retention scheme for the actual costs to them for reliefs that fell under these schemes.

23.3 It would be necessary for the council to have a local policy for each of the reliefs as the powers under which they are granted were discretionary ones. The proposed local policies had been developed in line with government guidance and were appended to the report.

23.4 In short, retail rate relief would be available to properties that were being used for the sale of goods to visiting members of the public (e.g. florists, bakers, greengrocers, butchers, greengrocers, jewellers, stationers, newsagents), for the provision of certain services to visiting members of the public (e.g. hair and beauty services, travel agents, dry cleaners), for the sale of food and/or drink to visiting members of the public (e.g. bars, sandwich shops). A list of the types of hereditaments considered to be retail was contained within the policy. Certain types of business would not qualify for relief including those providing financial services, estate and letting agents, employment agencies, medical services and professional services. Approximately 800 businesses had been contacted that the council believed might benefit from this relief. At the end of April 330 businesses had applied for the relief.

23.5 Properties that would benefit from reoccupation relief would be occupied properties that:

- When previously in use, were wholly or mainly used for retail as set out below.
- Were empty for 12 months or more immediately before their reoccupation.
- Become occupied between 1 April 2014 and 31 March 2016.
- Were being used for any use except as hereditaments being used as betting shops, payday loan shops and pawn brokers.

23.6 For the purposes of the policy, retail was described as hereditaments that were being used for the sale of certain goods and/or services to visiting members of the public. The council did not hold data on the number of businesses reoccupying retail premises therefore it was impossible to give an accurate assessment of the numbers likely to benefit.

**23.7 Resolved (key decision):** That the proposed local policies on retail rate relief and business rates reoccupation relief as set out in the appendix to the report be adopted.

(Note: See minute 12 above as to the pecuniary interest declared by Councillor Tester in this matter. Councillor Tester withdrew from the meeting.)

**Ms Tracey McNulty, Senior Head of Tourism and Leisure.** The chairman reported that this would be the last cabinet meeting that Ms McNulty would attend prior to her taking up her new appointment with the City and County of Swansea. Members expressed their appreciation for the contribution that Ms McNulty had made in initiatives furthering the borough's ambitions for tourism and cultural development.

The meeting closed at 7.19 pm

**Councillor David Tutt  
Chairman**

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