

Published 15 July 2014

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To the Members of the Borough Council

You are summoned to attend an **ordinary meeting** of the **Eastbourne Borough Council to be held at the Town Hall, Eastbourne, on Wednesday, 23 July 2014 at 6.00 pm** to transact the following business.

Agenda

1. Minutes of the annual and ordinary meetings held on 7 May 2014 (previously circulated).

2. Declarations of interests.

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).

3. Mayor's announcements.

4. Notification of apologies for absence.

5. Public right of address.

The Mayor to report any requests received from a member of the public under council procedure rule 11 in respect of any referred item or motion listed below.

6. Order of business.

The Council may vary the order of business if, in the opinion of the Mayor, a matter should be given precedence by reason of special urgency.

7. Matters referred from Cabinet or other council bodies.

The following matters are submitted to the Council for decision (council procedure rule 12 refers):-

- (a)** Article 4 Direction - The Park Close Conservation Area. (Pages 1 - 4)

Report of Councillor Ungar on behalf of the Planning Committee.

- (b)** Local Government Pension Scheme - Council's Policy re. Discretions (Pages 5 - 6)

Report of Councillor Troy Tester on behalf of the Cabinet.

8. Discussion on minutes of council bodies.

Members of the Council who wish to raise items for discussion (council procedure rule 14) on any of the minutes of the meetings of formal council bodies listed below must submit their request to the Head of Corporate Development no later than 10.00 am on Wednesday 23 July 2014. A list of such items (if any) will be circulated prior to the start of the meeting.

The following are appended to this agenda:-

- (a)** Minutes of meeting of Conservation Area Advisory Group held on 13 May 2014 (Pages 7 - 10)
- (b)** Minutes of meeting of Planning Committee held on 13 May 2014 (Pages 11 - 18)
- (c)** Minutes of meeting of Cabinet held on 14 May 2014 (Pages 19 - 26)
- (d)** Minutes of meeting of Scrutiny Committee held on 2 June 2014 (Pages 27 - 32)
- (e)** Minutes of meeting of Planning Committee held on 10 June 2014 (Pages 33 - 40)

- (f) Minutes of meeting of Audit and Governance Committee held on 25 June 2014 (Pages 41 - 48)

The following will be circulated prior to the meeting:-

- (g) Minutes of Planning Committee held on 8 July 2014
- (h) Minutes of meeting of General Licensing Committee held on 14 July 2014
- (i) Minutes of Conservation Area Advisory Group held on 15 July 2014
- (j) Minutes of Cabinet meeting held on 16 July 2014



Robert Cottrill
Chief Executive

Guidance notes:

Public right of address - A request by a member of the public to speak on a matter which is listed on the agenda must be **received** by no later than 12 noon on Monday, 21 July 2014. The request should be made to Local Democracy at the address listed below. The request may be made by phone, fax, letter or electronic mail. For further details on the rules about speaking at meetings please contact Local Democracy.

Items for discussion - Members of the Council who wish to raise items for discussion on any of the minutes of council bodies attached to the meeting agenda, are required to notify the Head of Corporate Development by 10am on Wednesday, 23 July 2014.

Disclosure of interests - Members should declare their interest in a matter at the beginning of the meeting, and again, at the point at which that agenda item is introduced.

Members must declare the existence and nature of any interest.

In the case of a disclosable pecuniary interest (DPI), if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation).

Further information – Councillor contact details, committee membership lists and other related information are also available from Local Democracy.

Local Democracy – 1 Grove Road, Eastbourne, BN21 4TW
Tel (01323) 415003/415021. Text Relay: 18001 01323 410000
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For general Council enquiries telephone (01323) 410000
E-mail enquiries@eastbourne.gov.uk
Website at www.eastbourne.gov.uk



www.eastbourne.gov.uk

Meeting: Council

Date: Wednesday 23 July 2014

Subject: Article 4 Direction - The Park Close Conservation Area

Report of: Councillor John Ungar on behalf of the Planning Committee

The Council is asked to consider the minute and resolution of the Planning Committee's meeting held on 4 March 2014 as set out below.

Further copies of the report to Cabinet are available on request – please see end of this report. A copy may be seen on the Council's website by following the link below:

<http://democracy.eastbourne.gov.uk/ieListMeetings.aspx?Cid=144&Year=0>

In addition to approving the request of the Planning Committee to give the committee delegated authority to deal with Article 4 Directions it is also recommended that the wording of the delegation is amended to allow for a more open interpretation to be made of the committee's delegated powers in future - see recommendation (3) below.

The Council is recommended to:-

(1) Approve the making of an Article 4 Direction for The Park Close Conservation Area in the form of the appendices attached to the report to the meeting of the Planning Committee on 4 March 2014 on this matter.

(2) Give the Planning Committee delegated power both to consider any representations made following the making of the Park Close Article 4 Direction and, if appropriate, to then confirm it.

(3) Give the Planning Committee delegated power to deal with the complete process of bringing in future Article 4 Directions in the Borough up to and including confirmation.

(4) In addition to the above, amend the Planning Committee's delegated powers at item (1) to insert between the words "including" and "enforcement" the following "(but not limited to)".

Note: The delegation will now read as follows (new wording underlined):

" (1) Exercise all the powers and duties of (i) the Council and (ii) the South Downs National Park Authority (under the terms of delegated arrangements) in respect of the control and authorisation of development subject to the requirements of (2)

below, including (but not limited to) enforcement of planning controls, Conservation Areas and Listed Buildings, the making and regulation of Tree Preservation Orders, and the making of Article 4 Directions insofar as such powers and duties fall outside the delegated authority of the Planning Manager.

(2) In exercising the Council's powers and duties under (1) above, the Committee is expected to give the approved Development (Borough) Plan prime consideration however, the Committee should also have regard to other material considerations including any emerging planning policies from the South Downs National Park Authority and to Government advice which may suggest acting otherwise.

(3) Respond to consultation by the Cabinet on the formulation of the Development (Borough) Plan and other planning policies."

92 Article 4 Direction - The Park Close Conservation Area.

The committee considered the report of the Specialist Advisor – Conservation and Design regarding the designation of Park Close as a Conservation Area. The definition of the area as a special architectural and historic interest had been compiled in the form of a detailed character analysis. The Council, in its role as a local planning authority, sought to manage any significant changes to the area in ways that maintain and strengthen its special qualities.

The Park Close Conservation Area Management Appraisal was considered by Cabinet on 23 October 2013. It set out the special nature of the area with a recommendation for protection of the setting of the heritage assets. The special nature of the area was partially controlled by virtue of being a Conservation Area, however even in a conservation area householders had the same "permitted development rights" as persons not living in conservation areas, unless this position was modified by the local planning authority.

The purpose of an Article 4 Direction, as outlined in the report, was to enable appropriate planning control to take place and to allow proper consideration to be given to certain types of proposed development that would normally not require planning consent but which, because of their setting and context, could be detrimental to the amenity of the area if not properly controlled.

Before making a direction at Park Close, the local planning authority must be satisfied that it was expedient that development that would normally benefit from permitted development rights should not be carried out unless permission is granted for it on an application.

A copy of the Article 4 Direction, the substance of which was recommended for adoption in principle by Cabinet on 23 October 2013 was included as an appendix to the report.

Members were recommended to support the Article 4 Direction being made to help maintain the special architectural and historic character of The Park Close Conservation Area. It was recommended that if approved the direction should not come into force until 12 months after confirmation, to allow for the required consultation and statutory procedure contained in the 1995 Order for making an

Article 4 direction.

The residents and wider community had been invited to comment generally on the introduction of Article 4 Direction during the consultation on The Park Close Conservation Area Appraisal and Management Plan.

RESOLVED: that Full Council be advised that the Planning committee support: 1) The making of an Article 4 Direction for The Park Close Conservation Area in the form of the Appendix attached to the report; 2) The delegation by Full Council to the Planning Committee of the power both to consider any representations made following the making of the Park Close Article 4 Direction and, if appropriate, to then confirm it; 3) The delegation by Full Council to the Planning Committee of the power to deal with the complete process of bringing in any future Article 4 Directions in the Borough up to and including confirmation.

For a copy of the report please contact Local Democracy at 1 Grove Road, Eastbourne, BN21 4TW. Tel. (01323) 415022 or 415021.
E-mail: localdemocracy@eastbourne.gov.uk

For further information please contact:
Clare Dales, Specialist Advisor, Conservation & Design Unit, 1 Grove Road, Eastbourne, BN21 4TW
Tel no: (01323) 415251
E-mail: clare.dales@eastbourne.gov.uk

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Meeting: Council
Date: Wednesday 23 July 2014
Subject: Local Government Pension Scheme 2014.
Report of: Councillor Troy Tester on behalf of the Cabinet

The Council is asked to consider the minute and resolution of the Cabinet meeting held on 14 May 2014 as set out below.

Further copies of the report to Cabinet are available on request – please see end of this report. A copy may be seen on the Council’s website by following the link below:

<http://democracy.eastbourne.gov.uk/ieListMeetings.aspx?Cid=125&Year=0>

The Council is recommended to:-

Adopt the policy for the exercise of the employer’s discretion within the Local Government Pension Scheme 2008 and 2014 as set out in appendix 2 and 2a of the report to Cabinet.

***7 Local Government Pension Scheme 2014**

7.1 Cabinet considered the report of the Deputy Chief Executive. The Local Government Pension Scheme (Benefits, Membership and Contributions Regulations 2008) required member employers to publicise a statement of policy on a number of compulsory regulation discretions.

7.2 In 2010, the Government commissioned an independent review into public service pensions. The review chaired by Lord Hutton, published its final report in March 2011 and set out a number of recommendations for change to ensure that pension arrangements were sustainable and affordable in the long term.

7.3 Following extensive consultation on the proposed changes, regulations to amend the Local Government Pension Scheme (LGPS) were laid before Parliament on 19 September 2013 and will come into force on 1 April 2014.

7.4 The regulations made a number of changes, in particular, the major changes were:

- The basis of the pension will now be based on a career average revalued earnings scheme as opposed to the current final salary arrangement.
- More employee contribution bands.
- A new definition of pensionable pay.

- A 50/50 option whereby members can choose to pay 50% contributions for 50% of the pension benefits.

Appendix 1 summarised the key changes.

7.5 In additions, the regulations also required each scheme employer to formulate and publish its policy in relation to how it would exercise its discretionary functions. In the main, the employer discretions were very similar between the current and new scheme. Appendix 2 & 2a summarised the discretions and the proposed policy for the council to adopt for both schemes.

*** 7.6 Resolved:** That full Council be recommended to adopt the policy for the exercise of the employer's discretion within the Local Government Pension Scheme 2008 and 2014 as set out in appendix 2 and 2a of the report.

(Note: Councillors Tutt and Mattock both declared personal interests in this matter – see minute 94 above.)

For a copy of the report please contact Local Democracy at 1 Grove Road, Eastbourne, BN21 4TW. Tel. (01323) 415022 or 415021.
E-mail: localdemocracy@eastbourne.gov.uk

For further information please contact:
Becky Cooke, Strategic Organisational Development Manager, ,1 Grove Road, Eastbourne, BN21 4TW
Tel: : (01323) 415106 or internally on extension 5106
E-mail: becky.cooke@eastbourne.gov.uk

(der\P:\council\14.07.23\Pension Scheme)

Tuesday, 13 May 2014
at 6.00 pm



Conservation Area Advisory Group

PRESENT:-

Councillor Shuttleworth (Chairman) and Councillors Cooke and Thompson

Officers:

Ms J Sabin, Customer Caseworker
Ms L Rawlinson, Senior Specialist Advisor

ADVISORS:

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

1 Minutes of the meeting held on 1 April 2014.

The minutes of the meeting held on 1 April 2014 were submitted and approved and the Chairman was authorised to sign them as a correct record.

2 Apologies for absence.

An apology of absence was reported from Councillor Belsey.

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).

Mr Crook declared an interest in applications 4,5 and 8 and remained in the room but did not take part in the discussion.

4 Planning Applications - Decisions of the Borough Council

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

NOTED.

5 Planning Applications for Consideration

The Customer Caseworker reported on planning applications for consideration in Conservation Areas. The Group's comments were set out in the schedule below.

1) 140357 (Full Plans) 1-5 SEASIDE

Cons area: Town Centre & Seafront

Proposal: Conversion of existing maisonette above take away restaurant to three self contained one bedroom flats with the ground to remain commercial in the form of a retail unit; with a single storey side extension to the ground floor providing additional space for the retail unit.

CAAG Comments: The Group raised no objections in principle subject to further details and amendments being submitted by the applicant in relation to the design, appearance and materials of the dormer windows, shopfront and doors.

2) 140376 (Householder) 3 PARK CLOSE

Cons area: Park Close

Proposal: Single storey rear extension to form study.

CAAG Comments: The Group raised no objections in principle, subject to amendments being made to the design of the new part of the extension. The Group recommended that the new part be set back from the previously approved extension, creating a shadow line which would resolve the awkward junction with the edge of the previously approved gable.

3) 140378 (Full Plans) 72 SEASIDE ROAD

Cons area: Town Centre & Seafront

Proposal: Removal and reinstatement of shopfront, with provision for separate access to first floor flat.

CAAG Comments: This item was not discussed at the meeting as it had already been approved under delegated powers.

4) 140399 (Listed Building Consent) ALL SOULS CHURCH, 53 SUSANS ROAD

Cons area: N/A

Proposal: Rebuild/repair existing brick-built boundary wall between All Souls Vicarage and Church Hall.

CAAG Comments: No objections raised.

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

5) 140467 & 8 (Full Plans & Listed Building Consent) 15 CORNFIELD TERRACE

Cons area: Town Centre & Seafront

Proposal: Removal of existing plastic roof light and plastic tiles on rear roof slope, and replace with conservation roof light.

CAAG Comments: No objections raised.

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

6) 140469 (Householder) HOLLY LODGE, 44A ST JOHNS ROAD

Cons area: Meads

Proposal: Demolition of existing garage and erection of single storey

accommodation.

CAAG Comments: No objections raised.

7) 140562 (Advertisement Consent) **CROWN AND ANCHOR, MARINE PARADE**

Cons area: Town Centre & Seafront

Proposal: Display of externally illuminated individual lettering, one externally illuminated fascia sign, three externally illuminated wall signs, one externally illuminated double sided projecting sign and nine floodlights, together with eight non-illuminated signs.

CAAG Comments: No objections raised.

8) 140563 (Full Plans) **ST SAVIOURS AND ST PETER'S CHURCH, SOUTH STREET**

Cons area: Town Centre & Seafront

Proposal: Alterations to existing Garden of Remembrance to form Columbarium.

CAAG Comments: No objections raised.

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

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

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

Cons Area: Upperton

Proposal: Replacement windows to basement flat.

CAAG Comments: The Group raised no objections to the replacement of the windows on the side and rear elevations, however strong objections were raised to the replacement of the windows on the front elevation. It was requested that consideration be given to replacing the glass with sealed double glazed units whilst draughtproofing the existing frames.

NOTED.

6 New Listings

The Customer Caseworker advised that there were no new listings.

NOTED.

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

The date of the next meeting was confirmed as the 15 July 2014 (at 6:00pm at the Town Hall).

The meeting closed at 6.43 pm

**Councillor Shuttleworth
(Chairman)**

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Tuesday, 13 May 2014
at 6.00 pm



Planning Committee

Present:-

Members: Councillor Ungar (Chairman); Councillors Hearn, Jenkins, Miah, Murray, Murdoch, Taylor and Stanley (as substitute for Harris).

(An apology for absence was reported from Councillor Harris)

1 Minutes of the meeting held on 22 April 2014.

The minutes of the meeting held on 22 April 2014 were submitted and approved and the Chairman was authorised to sign them as a correct record.

2 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.

Item 7 – St Andrews School – 72 Meads Street – Councillor Taylor declared a personal interest on the basis that family members attended the school. This was not deemed to be prejudicial and he remained in the room and voted thereon.

Item 9 – 2 Upwick Road – Councillor Ungar stated that he had predetermined the issue and therefore withdrew from the room whilst this item was considered.

3 32-34 Eshton Road. Application ID: 140177 (PPP).

Proposed single storey rear extension, together with an increase in the number of children from 48 to 56 at any one time – DEVONSHIRE. The County Archaeological Advisor and Environmental Health raised no objections to the proposal. Four letters of objection were reported from local residents. A letter of support from the resident of 30 Eshton Road was reported at the meeting.

The Highway Manager reported that the application was unlikely to lead to a severe impact on the operation of the highway around the site on the basis of a number of site visits and the traffic survey submitted. The Committee was advised that the published National Planning Policy Framework states that a development can only be refused on transport grounds where the impact is severe.

The Committee raised concerns regarding the increase in the number of children proposed and made reference to the application for the same increase which was dismissed on appeal in January 2014. Although the Committee noted the extended hours of operation of the nursery granted in 2013, it was considered that the impact on parking could still be significant. Concerns were also raised regarding the loss of outdoor space proposed.

RESOLVED: (Unanimous) That permission be refused on the grounds that
1) The proposed increase in the number of children from 48 to 56 at any one time would be capable of adding significantly to the demand for parking, to congestion and to potentially unsafe parking and other manoeuvres at already busy times of day; 2) The proposed extension would result in the loss of usable play space for the children, to the detriment of the amenities of the users of the nursery.

4 113 St Philips Avenue. Application ID: 140305 (HHH).

Two storey rear extension and alterations – ST. ANTHONYS. The County Archaeologist raised no objections to the proposal. Two letters of objection were reported from local residents. Two further letters of objection were reported at the meeting. Mrs Viney addressed the Committee on behalf of local resident Mrs Harker and raised concerns regarding loss of light and direct overlooking causing loss of privacy.

The applicant, Ms K Hadington responded and outlined the amendments made to the application to minimise the impact on neighbouring properties. The Committee was advised that the scheme now included the demolition of the existing garages.

RESOLVED: (Unanimous) That permission be granted subject to conditions: 1) Time for commencement; 2) In accordance with approved drawings; 3) Standard demolition and construction time condition; 4) Use of matching materials; 5) The proposed high level windows in the flank elevation facing 115 St Philips Avenue shall be recessed to provide external reveals and shall only be glazed in semi-obscure glass, and shall be fitted with restrictors so that they are incapable of being opened more than 200mm; 6) The proposed new window (shown on the approved plan as serving the dressing room on the first floor) in the flank elevation facing 111 St Philips Avenue shall only be glazed in semi-obscure glass and incapable of being opened.

5 Eastbourne College, Marlborough House, Old Wish Road, Application ID: 140194 (PPP) 140196 (LBC) 140397 (PPP).

a) 140194 - demolition of existing buildings and the re-development of the site to provide the following development: (i) Sports facilities consisting of a sports hall, swimming pool, squash courts, fitness suite, multi-purpose studio and changing facilities; (ii) 31 classrooms (net increase of 7); (iii) School shop; and (iv) Dining hall (b) 140196 - creation of a new access through the listed wall facing College Road and closing of existing access (c) 140397 - location of 12 temporary classrooms across the College campus to accommodate students during the construction period – MEADS.

The Conservation Area Advisory Group at its meeting on 1 April 2014 welcomed the detailed consultation undertaken by the applicants to address previous concerns raised. It considered the project to be imaginative, forward looking and one that would have a positive impact on the surrounding conservation area.

The Council's Specialist Advisors for Planning Policy and Economic Development raised no objections to the proposal. East Sussex County

Council's Highways, Archaeologist and Ecologist and Southern Water raised no objections subject to a number of conditions. English Heritage raised no objections to the demolition or the concept of a contemporary design at the site, provided that it respects the historic context. The Council's Specialist Advisor for Arboriculture requested an additional condition in relation to the application for temporary buildings to prevent damage to any trees on site 1 adjacent to Grassington Road which are subject to a Tree Preservation Order.

A letter of support was reported from Mr S Lloyd MP stating that the development will be a major additional asset to the College and requesting that through the construction phase the contractors be encouraged to offer local apprenticeships. The Committee was advised that the applicant had agreed to a Unilateral Undertaking in relation to employment initiatives.

A letter of support was reported from Mr N Howell, Planning Advisor to the Eastbourne Society supporting the contemporary design and scale of the proposal which is considered imaginative, impressive and respectful to the Conservation Area.

The Committee was advised that a Fire Consultant has been instructed as part of the project and the scheme will be fully compliant with the Building Regulations in terms of fire safety.

The Chairman reported on the comments of support received from Councillors Ansell and Elkin.

Mr Forbes-Wastie a local resident addressed the Committee in support of the proposal which will provide excellent facilities for both the school and Eastbourne.

Mr H Drake from the Devonshire Park Hotel welcomed the proposal which will complement and improve the area and blend well with the existing buildings and the Devonshire Park development.

RESOLVED: (Unanimous) (1) That planning permission and relevant demolition in a conservation area be granted in respect of 140194 subject to the completion of a Unilateral Undertaking relating to employment initiatives and to conditions: 1) Time for commencement; 2) Approval of drawings; 3) Submission of all external materials ; 4) The demolition and construction shall be carried out in accordance with biodiversity statement; 5) To avoid disturbance to nesting birds, any demolition of buildings or removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August); 6) No development shall take place until the developer has secured the implementation of a programme of archaeological work; 7) The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed; 8) The development shall not be occupied until the existing access shown on the approved plans to be blocked up has been stopped up and the kerb & footway reinstated; 9) The new access shall be in the position shown on the submitted plan; 10) The development shall not be occupied until a turning space for vehicles has been provided ; 11) Prior to demolition works commencing on site a Traffic Management Scheme

shall be submitted to and approved by the Local Planning Authority; 12) Provision of wheel washing facilities; 13) The development shall not be occupied until disabled parking area has been provided in accordance with the approved plans; 14) Prior to the commencement of development the developer must advise the Local Planning Authority (in consultation with Southern Water) of the measure which will be undertaken to divert the public sewers; 15) All existing trees, shrubs and other natural features not scheduled for removal shall be fully safeguarded during the course of the site works; 16) No bonfires or burning of materials shall take place within 6 metres of the furthest extent of the spread of the canopy of T4 and T5; 17) Details of works and impacts on trees T4 and T5; 18) The soil levels within the root spread of T4 and T5 of the applicants tree report (Ref: BM-1041tr) to be retained shall not be raised or lowered; 19) No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved by the Local Planning Authority; 20) Details of tree planting; 21) Any such trees that are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective within five years of planting shall be replaced; 22) Standard construction time condition; 23) Demolition method statement; 24) Standard unknown contamination condition; 25) Details of temporary structures or hoardings; 26) The terrace shall not be used other than between the hours of 0700 and 2200 on any day.

That an Informative be attached to the decision notice advising the applicant as follows:

1) Your attention is specifically drawn to the conditions above marked ++. These conditions require the submission of details, information, drawings, etc. to the Local Planning Authority PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT ON THE SITE and or PRIOR TO OCCUPATION OF THE BUILDING. Failure to observe these requirements will result in a contravention of the terms of the permission and the Local Planning Authority may take appropriate enforcement action to secure compliance. You are advised that sufficient time for the Authority to consider the details needs to be given when submitting an application to discharge conditions. A period of between five and twelve weeks should be allowed. A fee of £97 is payable for each submission to discharge conditions.

2) The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Southern House, Sparrowgrove Otterbourne, Hampshire SO21 2SW (Tel: 03303030119) or www.southernwater.co.uk.

(3) That Listed Building Consent be granted in respect of 140196 subject to conditions 1) Time for commencement; 2) Approval of drawings; 3) Materials to match the existing.

(4) That planning permission be granted in respect of 140397 subject to conditions 1) Time for commencement; 2) Approval of drawings; 3) The temporary buildings hereby permitted shall be removed and the land restored to its former condition on or before 31 December 2017; 4) That a method statement to be submitted prior to commencement of development

hereby permitted in relation to site 1 adjacent to Grassington Road; and thereafter the construction/installation of the temporary buildings shall be undertaken in accordance with the approved method statement. The statement should give due consideration to all trees on the site; (i) detailing access and installation of the classrooms in order to prevent damage to trees; (ii) the location of any site office, access routes, ground protection and material storage areas before commencement of construction to prevent damage to trees; (iii) details of proposed and existing functional services below ground (e.g. drainage, power communication cables and pipelines) indicating positioning to ensure any new services are installed in a location to avoid damage to the trees; and (iv) details of any tree protection fencing or hoarding to the root protection areas of the trees if necessary.

Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity.

6 Land at the Corner of Firle Road and, Beltring Terrace. Application ID: 140119 (OSR)

Outline application (for access, appearance, layout and scale) for demolition of house and garage at 60 Firle Road and garage at 13 Beltring Terrace and the erection of 4 no.1 bedroom apartments and 1 no. 2 bedroom house (with landscaping reserved) – DEVONSHIRE.

The Council's Planning Policy Manager raised objections on the grounds that the proposal is considered to create undue harm to the character of the area and residential amenity.

The Environment Agency recommended that in areas at risk of flooding consideration be given to the incorporation into the design and construction of the development of flood resilient and resistant measures. The Local Highway Manager raised no objections to the proposal.

Seventeen letters of objection were reported from local residents. Residents of Beltring Terrace, Ms A Suffolk and Mr Nolan addressed the Committee against the proposal. Concerns were raised regarding the impact of the development on the character of the surrounding area, parking, an increased risk of flooding and the close proximity of the development which may prevent the ability to maintain the neighbouring property.

The applicant, Mr Dowding responded and stated that the scheme had been amended to address the concerns raised. He considered that the development would enhance the area and advised that no objections had been raised by the Local Highway Manager in terms of parking.

RESOLVED: (Unanimous) That permission be refused on the grounds that by reason of the scale and layout of proposed development and the detailed design and appearance of the proposed buildings the proposals are inconsistent with the character and appearance of the surrounding residential area and are therefore contrary to saved policies.

In coming to this decision to refuse permission, the Local Planning Authority have had regard to the requirement to negotiate both positively and pro-actively with the applicant, in line with the guidance at paragraph 187 of the National Planning Policy Framework. However, the planning constraints leading to this refusal of permission, namely the proposed over development of the site and the detailed design of the proposed buildings, do not appear capable of resolution without major revision to the proposal.

Appeal: Should the applicant appeal the decision the appropriate action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

7 St Andrews School, 72 Meads Street. Application ID: 140288 (PPP).

Erection of a new sports hall (including changing facilities. WCs, office, storage and dance studio) located on existing playing field – MEADS.

A number of local residents raised objections to the proposal on highway grounds in terms of parking and congestion. A public consultation had been held at the pre-application stage following which a number of modifications had been made to the scheme.

The Design Review Panel had considered the scheme and a number of requested amendments had been made. The Conservation Area Advisory Group at its meeting 1 April 2014 raised no objections in principle to the provision of a sports hall, and considered that it would be an improvement to the facilities. Some concerns remained regarding the overall height and the design. The County Archaeological Advisor, Highways and the Environment Agency raised no objections to the proposal subject to conditions.

The Council's Specialist Advisor for Design and Conservation advised that any building should respond to the topography and character of the conservation area to which it is sited. The Council's Specialist Advisor for Planning Policy raised no objections to the proposal. The Council's Specialist Tree Advisor raised no objections subject to conditions to safeguard existing trees during construction.

RESOLVED: (Unanimous) That permission be granted subject to the completion of a Unilateral undertaking relating to employment initiatives and to conditions 1) Time for commencement; 2) In accordance with approved plans; 3) Scheme for the implementation of archaeological works; 4) Use shall not be brought into use until the site investigation and post archaeological investigation assessment has been supplied; 5) Unsuspected contamination is encountered; 6) Foul and surface water disposal; 7) Tree protection; 8) Samples of external materials; 9) Construction method statement (including information over excavated spoil and routing and location for its disposal; 10) Access way details location and external finishing; 11) Car parking layout including disabled parking spaces; 12) Service trenches details; 13) Site office/site compound; 14) Wheel washing facilities.

8 The Parkfield, Lindfield Road. Application ID: 140359 (NMC) 140309 (PPP) 140307 (ADV) 140544 (VOC).

(a) Application for non-material amendments to application ref: 120604 for the proposed change of use of public house (A4) to retail (A1) together with demolition of existing single storey extension and erection of two single storey extensions (Ref: 140359); (b) Advertisement consent for a Totem Advert (Ref: 140306); (c) Advertisement consent for Various signage (Ref: 140307); (d) Planning permission for installation of plant (Ref: 140309); (e) Application for variation of a condition of planning application Ref 120604 relating to landscaping and external finishes (Ref: 140544) – RATTON.

The application related to previous applications which were granted on appeal in relation to the change of use from a public house to a retail unit, which was also subject to a lawful development certificate (Ref: 120585).

RESOLVED: (Unanimous) (1) Permission be granted in respect of 140359 (NMC).

(2) That advertisement consent be refused in respect of 40306 (ADV) on the grounds that the proposed totem sign by virtue of its location, size and design would be detrimental to the visual amenity of the area contrary to saved policies UHT1, UHT4, UHT12 of the Eastbourne Borough Plan (Saved policies 2007) and policies B2 and D10A of the Eastbourne Core Strategy Local Plan (2013) and the National Planning Policy Framework (2012).

(3) That advertisement consent be approved in respect of 140307 (ADV) with standard conditions, approved drawings and condition in relation to hours of illumination limited to no later than 23:00 or after the premises are closed to the public (whichever is the earlier).

(4) That permission be granted in respect of 140309 (PPP) subject to conditions (1) Time Limit; (2) approved drawings; (3) Rating Noise level condition.

(5) That in respect of 140544 permission be granted for a variation of application 120604 relating to landscaping and external finishes.

9 2 Upwick Road. Application ID: 140155.

Application for approval of details reserved by condition of original permission (EB/2011/0193(FP)) and EB/2012/0753(FP)) - OLD TOWN.

Two applications for the redevelopment of the site at 2 Upwick Road for the erection of 6 houses, with car parking and landscaping had been approved on appeal. The current application sought approval of details reserved by condition attached to the original permissions granted.

East Sussex County Council Highways raised no objections subject to the wheel washing water not dispersing over the public highway.

Mr Cline addressed the Committee against the proposal and stated a complaint had been submitted to the Local Government Ombudsman regarding the planning process for the application. He also raised concerns regarding the accuracy of some of the drawings submitted and the support of the boundary wall.

Mr J Pearce addressed the Committee on behalf of the applicant and made reference to the extensive consultation undertaken with officers and appeal Inspector.

The Committee was advised that the Local Government Ombudsman complaint was not relevant to the application. With regard to the width of the accessway serving the site, the appeal Inspector had taken independent site measurements and based their determination on the measurements taken, which accorded with the submitted details.

(NB: Councillor Ungar withdrew from the room whilst this item was considered. Councillor Murray took the Chair).

RESOLVED: (Unanimous) In respect of 140155 that the details reserved by condition of original permission (EB/2011/0193(FP)) be approved: Condition 3: Samples of external materials; Condition 8: Protective fencing for trees; Condition 9: Details of wheel washing for construction traffic; Condition 11: Details of access road and turning area (including details of: finished surfacing materials, gradient and drainage).

(2) In respect of 140156, that the details reserved by condition of original permission (EB/2012/0753(FP)) be approved: Condition 3: samples of external materials; Condition 7: Protective fencing for trees; Condition 8: Facilities for cleaning wheels of construction traffic; Condition 10: Details of access road and turning area (including: finished surfacing materials, gradient, kerb radii, drainage, stepped access to No. 2 Upwick Road).

10 South Downs National Park Authority Planning Applications.

None were reported.

The meeting closed at 8.50 pm

Councillor Ungar (Chairman)

Cabinet



Minutes of meeting held on Wednesday, 14 May 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**, **Troy Tester** and **Steve Wallis**.

(An apology for absence was reported from Councillor Carolyn Heaps.)

1 Minutes of the meeting held on 19 March 2014.

The minutes of the meeting held on 19 March 2014 were submitted and approved and the Chairman was authorised to sign them as a correct record.

2 Declarations of interests by Members.

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 Tutt declared personal (and non-prejudicial) interest in matters reported in minute 7 (local government pension scheme) as he was a County Council appointed member of the East Sussex Investment Panel.
- (b) Councillor Mattock declared personal (and non-prejudicial) interest in matters reported in minute 7 (local government pension scheme) as she was a scheme member.

3 Towner - Transition to Trust.

3.1 Cabinet considered the report of the Senior Head of Tourism and Leisure. Cabinet has previously considered a number of reports recommending that the Towner should be managed and operated by a charitable trust. The Trust model was supported by the Arts Council and would enable the pursuit of an artistic, innovative vision which could appeal to diverse sources of income support. Alternative models had been considered but for the reasons set out in the July 2013 report to Cabinet had not been considered to be as effective as the Trust model.

3.2 The Chairman welcomed Emma Morris, the Trust's chief executive, to the meeting. She spoke about the work being undertaken to establish the Trust and take over the running of the Towner. She thanked the Council for their support. The Trust had been very successful in appointing high profile trustees from a range of backgrounds with an impressive range of skills and expertise. The Council was very pleased

that David Dimbleby had been appointed as Chair of Trustees. The Trust had now been registered as a charity.

3.3 The Trust and the Council would enter into a number of legal agreements which were currently being negotiated. Details of the Collection Agreement, the Funding Agreement and the lease were set out briefly in the report. There would also be a staff transfer agreement which dealt with transfer of the staff and pensions issues. The Council's funding agreement with the Arts Council would be novated to the Trust.

3.4 The Trust would lease the building from the Council for a peppercorn rent. The responsibility for repair and maintenance between the Trust and the Council would be split. The Council would have responsibility for the maintenance of the structure of the building and its external decoration. The Trust would be responsible for the internal repairs.

3.6 The Council would loan its art collection to the Trust who would be required to look after and conserve it on the same basis as present. The Council would have to consent to the disposal of any item from its collection.

3.7 The Funding Agreement required the Council to approve the Trust's business plan for the period up to 2018 prior to the transition. Funding would then be provided in 3 year periods linked to the Arts Council funding periods. Council funding would continue at the current level for the duration of the initial funding period.

3.8 Staff currently employed at the Towner would transfer on the same terms and conditions as they were on now. Information had been shared and where appropriate consultation had taken place with both the trade union, Unison, and individual employees. The Trust would enter into an Admission Agreement with the East Sussex Pension Fund in respect of transferring employees who are in the scheme. It was not anticipated that new staff employed by the Trust would be entered into this scheme. The Council would remain liable in relation to the deficit in the fund up to the date of the transfer. Conversations with the Trust about the details of the pensions arrangements were ongoing.

3.9 The lease constituted a disposal for an undervalue of more than £2million less than best consideration and the Council was therefore required to seek the Secretary of State's consent for the disposal. The application for consent must be accompanied by a valuation which complied with the technical appendix in Circular 06/03 (Local Government Act 1972 general disposal consent (England) 2003 disposal of land for less than the best consideration that can reasonably be obtained). Obtaining the valuation and the consent might take some weeks and would have impact on the timescale for the transition.

3.10 On behalf of the Council, the Chairman expressed his thanks to the Trust and all those who had assisted in its establishment and to David Dimbleby for having agreed to become the Trust's chair. He looked

forward to working together with the Trust and wished the Trust every success in the future. He acknowledged the important role of the Towner in raising the profile of the town.

3.11 Resolved (key decision): (1) That Cabinet confirms its decision to transfer the management and operation of the Towner Art Gallery to the Towner Trust.

(2) That delegated authority be granted to the Chief Finance Officer, in consultation with the lead Cabinet member for finance, to make all decisions in relation to pension arrangements and funding.

(3) That the Chief Finance Officer, in consultation with the lead Cabinet member for finance, be authorised to transfer funding in accordance with the funding agreement.

(4) That the Chief Executive, in consultation with the Leader of the Council, be granted delegated power to take decisions referred to in the legal agreements once the transition has taken place.

(5) That delegated authority be granted to the Chief Executive, in consultation with the Leader of the Council, to:

- (i) Approve the trust's business plan in accordance with the funding agreement;
- (ii) approve the collection policy;
- (iii) negotiate, agree and approve the sealing of all the legal documents associated with the transfer to trust; and
- (iv) take all measures necessary to transfer the Towner to the trust.

4 Corporate Performance - Quarter 4 2013/14.

4.1 Cabinet considered the report of the Deputy Chief Executive reviewing the council's performance against corporate plan priority indicators and action targets; financial performance of general fund revenue expenditure, housing revenue account and capital programme; and treasury management activities for the third quarter of 2013/14. (The financial aspects and associated appendices were circulated in a supplementary report on this occasion in view of the need to complete work to enable production of provisional end-year figures as at 31 March 2014.) Throughout the year, performance against these key indicators and milestones was reported to Cabinet on a quarterly basis and to Scrutiny Committee members each month.

4.2 Resolved (key decision): (1) That the performance against national and local performance indicators and actions from the 2010/15 corporate plan (2013 refresh) be agreed.

(2) That the provisional general fund outturn on services expenditure for 2013/14 of £14.593m, a net over spend of £25,000 against the revised budget, be agreed.

(3) That the transfers to and from reserves, as set out at appendix 3 to the report, be agreed.

(4) That the provisional balances on non-earmarked revenue reserves as at 31 March 2014 as shown in paragraph 3.1 of the report, be agreed.

(5) That the provisional housing revenue account surplus for 2013/14 (of £274,000) be agreed.

(6) That the final capital programme and outturn for 2013/14 of £16.2m, a variance of 3.7% against the final programme, be agreed.

5 Sussex Energy Saving Partnership.

5.1 Cabinet considered the report of the Senior Head of Community considering what the Council had already done to help people reduce their energy use and proposing an additional approach in which the Council could improve the town's energy efficiency.

5.2 The Council had a proven track record of helping people reduce their fuel costs. These included:

- Solarbourne solar panel programme.
- Eastbourne first 'Energy Cafe' event was held in February 2014.
- Supporting Warm Homes and Healthy People.
- Saving Eastbourne's Energy.
- Decent Homes investment programme for Council owned homes
- Engaging the Building Research Establishment to identify the most appropriate solution to thermal failings in non-traditionally constructed Council houses.

5.3 Councils across both West and East Sussex had considered how by working together they could come up with a practical way to roll out a programme of energy efficiency measures to help people reduce the need for and cost of energy. This was the Sussex Energy Saving Partnership (SESP) which would be operating under the brand 'Your Energy Sussex'. The UK based multi-national company Carillion was selected to deliver the energy saving programme on behalf of the SESP.

5.4 A low-cost borrowing facility valued at £66 million had been arranged by West Sussex County Council to support the SESP. It would pump prime initiatives and establish a revolving fund that as original loans were repaid resources would become available for future schemes. This funding would be available to support projects across both West and East Sussex, including Eastbourne. The intention was for this funding to be accessible to both individual households and organisations such as charitable bodies, landlords and businesses.

5.5 The Council's role would now develop to include

- Working with Carillion to engage with residents, community groups and local businesses.

- Consider the delivery of energy efficiency improvements to the Council's own property estate with Carillion being offered the opportunity to tender for such works, using existing budgets.
- Engage with social housing providers to work with Carillion by offering the company the opportunity to deliver energy efficiency works.
- Refer residents who could benefit from energy efficiency improvements and/or renewable generation to Carillion.
- Act as advocates for the SESP.
- Adopt a joint approach to marketing and use of the Your Energy Sussex brand.

5.6 Resolved (key decision): That the Council (1) Formally signs up as a strategic partner to the Sussex Energy Saving Partnership.

(2) Actively participates in the governance arrangements established to oversee the work to be delivered under contract.

(3) Support work with the partnership's contractor to identify and, where most beneficial, engage the company in delivering energy efficiency measures across Eastbourne.

6 Housing Policy Review.

6.1 Cabinet considered the report of the Senior Head of Community. The Council's landlord service faced a number of challenges arising from the changes being introduced to the welfare/social security system. The primary changes which directly affected tenants, especially those with a low income, were:

- Spare room subsidy.
- The phasing out of direct payment of housing costs to social landlords, as universal credit was introduced over the next four years.

The changes which would affect tenants and non tenants alike were: Universal credit.

- Local support for council tax.
- Changes in the scope and extent of social security assistance for disabled people.
- The introduction of a more rigorous sanctions regime for unemployed and low income working people receiving social security payments.

The changes might affect the need to encourage people to downsize from larger to smaller properties. In addition, this report introduced the option to offer a new type of tenancy to households with high supported needs.

6.2 The Council currently had in place a Tenant Incentive Scheme (TIS) designed to encourage people to downsize their home by providing a financial incentive that could also help cover the costs of moving home. In 2013/14, the budget for the TIS doubled to cater for an increase in demand the previous year. By the end of quarter 2, that budget had been fully spent and provision had been made to allow expenditure in 2013/14 to double. Changes were proposed to the TIS which would rename it as the Tenant Support Scheme (TSS); provide a financial

incentive only for non-working age people in receipt of or eligible for a state retirement pension to downsize their home; and reimbursement of expenses up to a limit of £750 per household.

6.3 The Council's tenancy policy offered a number of different tenancy options, with a presumption in favour of secure tenancies. The policy included introductory tenancies to help people settle into their new home in a way that contributed positively to the wider community and demoted tenancies to help the Council manage those who did not discharge in a responsible way the obligations placed upon them in their tenancy agreement. An additional tenancy option was now also available, tailored to suit the needs of families with multiple needs, called the family intervention tenancy, its terms tied in with the government's troubled families programme. Cabinet was asked to consider adding this to the Council's options.

6.4 Resolved (key decision): (1) That the Tenant Incentive Scheme be renamed the Tenant Support Scheme (TSS).

(2) That the TSS provide for a financial incentive only for people of non-working age in receipt of or eligible for a state retirement pension to downsize their home, the incentive being set at £250 per excess bedroom released.

(3) That the TSS provide that reimbursement of expenses up to a limit of £750 per household be made available to any tenant of non-working age downsizing to assist with the costs of moving home, subject to the expenditure being receipted and evidenced as being connected solely with moving home.

(4) That the addition of the Family Intervention Tenancy to the Council's Tenancy Policy be approved.

7 * Local Government Pension Scheme 2014.

7.1 Cabinet considered the report of the Deputy Chief Executive. The Local Government Pension Scheme (Benefits, Membership and Contributions Regulations 2008) required member employers to publicise a statement of policy on a number of compulsory regulation discretions.

7.2 In 2010, the Government commissioned an independent review into public service pensions. The review chaired by Lord Hutton, published its final report in March 2011 and set out a number of recommendations for change to ensure that pension arrangements were sustainable and affordable in the long term.

7.3 Following extensive consultation on the proposed changes, regulations to amend the Local Government Pension Scheme (LGPS) were laid before Parliament on 19 September 2013 and will come into force on 1 April 2014.

7.4 The regulations made a number of changes, in particular, the major changes were:

- The basis of the pension will now be based on a career average revalued earnings scheme as opposed to the current final salary arrangement.
- More employee contribution bands.
- A new definition of pensionable pay.
- A 50/50 option whereby members can choose to pay 50% contributions for 50% of the pension benefits.

Appendix 1 summarised the key changes.

7.5 In additions, the regulations also required each scheme employer to formulate and publish its policy in relation to how it would exercise its discretionary functions. In the main, the employer discretions were very similar between the current and new scheme. Appendix 2 & 2a summarised the discretions and the proposed policy for the council to adopt for both schemes.

*** 7.6 Resolved:** That full Council be recommended to adopt the policy for the exercise of the employer's discretion within the Local Government Pension Scheme 2008 and 2014 as set out in appendix 2 and 2a of the report.

(Note: Councillors Tutt and Mattock both declared personal interests in this matter – see minute 2 above.)

8 Departing staff members

8.1 The Chairman reported that two senior members of staff would shortly be leaving the Council:

8.2 Julian Osgathorpe, Deputy Chief Executive, had been appointed to a new role at the London Borough of Lambeth and would leave this summer.

8.3 Tracey McNulty, Senior Head of Tourism and Leisure, had been appointed to a new role at the the City and County of Swansea and would leave after Airbourne later this summer.

8.4 The Chairman expressed his appreciation for their work for the Council. In particular he made special mention of the contribution that Julian Osgathorpe had made to the Council's transformation programme which was key to the Council's ability to maintain the delivery of essential services to the people of Eastbourne in a period of reducing resources and funding.

9 Exclusion of the Public.

Resolved: That the public be excluded from the remainder of the meeting as otherwise there was a likelihood of disclosure to them of exempt information as defined in schedule 12A of the Local Government Act 1972. The relevant paragraphs of schedule 12A and descriptions of the exempt information are shown beneath the item below. (*The*

requisite notice having been given under regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.)

10 Alternative Employment Procedure (AEP).

Cabinet considered the report of the Head of Corporate Development and noted that one employee was subject to the procedure at present. They noted the actions taken to manage implications of change for displaced individuals.

(Notes: (1) Exempt information reasons 1 and 2 – Information relating to an individual or likely to reveal the identity of an individual.

(2) The above minute was made public, however the Cabinet's deliberations thereon and the submitted report remain confidential.)

The meeting closed at 6.30 pm

Councillor David Tutt
Chairman

Monday, 2 June 2014
at 6.00 pm



Scrutiny Committee

Present:-

Members: Councillor Ansell (Chairman) Councillor Shuttleworth (Deputy-Chairman) Councillors Belsey, Cooke, Murray, Thompson and Ungar

1 Minutes of the meeting held on 3 February 2014.

The minutes of the meeting held on 3 February 2014 were approved and the Chairman was authorised to sign them as a true and accurate record.

2 Apologies for absence.

There were none.

3 Hackney Carriage Proprietor Fee Levied.

Members were advised that the setting of hackney carriage and private hire licensing fees was subject to the specific requirements of the Local Government (Miscellaneous Provisions) Act 1976. It was a requirement that such fees are reasonable and imposed 'with a view to recovering the costs of issue and administration'. The Council's hackney carriage and private hire licensing function was self-financing. The fees must not be used to raise revenue but instead were set at a level which aims to cover the cost of administering the function within the constraints of regulation.

The power to set fees had not been delegated to officers but rather to Committee. On the 13th January 2014 General Licensing Committee decided to consult on proposals to amend the hackney carriage and private hire licensing fees charged from April 2014, with a view to introducing consistency between the two arms of the trade going forward by setting new fee levels for the first time since 2001. On the 17th March 2014, General Licensing Committee agreed the fee amendment proposed on the 13th January 2014 and thereafter consulted on be adopted with effect from 1st April 2014.

Further, at the meeting of 13th January 2014, the current Chair of Scrutiny Committee suggested General Licensing Committee also refer the historical difference between the Hackney Carriage Proprietor fee and Private Hire Vehicle licence fee to Scrutiny Committee for consideration.

Between 2001 and 2014, each Hackney Carriage Proprietor paid £187 per year for their licence compared to the sum of £95 per year paid by each Private Hire vehicle licence. The difference of £92 was held in reserve each year to reflect the requirement to fund patent unmet demand surveys. Such surveys were required at 3 year intervals in accordance with section 16 of the Transport Act 1985 and subsequent case law in order to support a policy to impose a numerical limit on the number of Hackney Carriage

Proprietors within the Borough. However, on 21st April 2009, the numerical limit on the number of taxis ceased following a direction by the General Licensing Committee. The effect of that decision was to render differential fees unnecessary from that point onward.

The situation was rectified by the alignment of the Hackney Carriage Proprietor fee and Private Hire Vehicle licence fees following the decision of 1st April 2014 by the General Licensing Committee. The new fee arrangements (the first such changes since 2001) ensured that the requirement to set the fees at a level to ensure the budget did not fall into deficit and remained self financing was met going forward, as well as removing the differential between the Private Hire Vehicle licence fee and Hackney Carriage Proprietor fee.

While insufficient financial data existed to reach a definitive assessment, it appeared that up until 2011 support charges may have been set too low and as a result the Hackney Carriage and Private Hire budget had effectively been subsidised by the central Council budget. As a result, the account remained in surplus over a period of years and no fee increase to the Hackney Carriage and Private Hire licence fees was needed to meet the overall cost of this function.

From 2014, the fees are now at a level which reflects a realistic prediction of the cost of financing this function going forward.

The committee discussed the possibility of refunding the differential of the fees charged to Hackney Carriage Licence owners between 2009 and 2014 in the interests of fairness and queried the legalities of such a refund. The Lawyer to the Council advised that drawing such a refund from Council Reserves – a pot which effectively belonged to the people of Eastbourne – could potentially be the subject of judicial review. In addition the committee were advised that there was no legal requirement to 'refund' any perceived overpayments and that the risk of successful challenge to the historic fees levied was unlikely. The regularisation of the fees from 2014 onward has brought necessary equality and fairness to both arms of the trade.

The committee discussed the pros and cons of any such refund and it was apparent that a number of Councillors felt that a refund would be the most appropriate and fair course of action. However, it was acknowledged that this may be the more complicated option given the turnover of licence holders in relevant years. Further the ring-fenced budget was currently estimated to be in credit in around the sum of £20,787 by the end of April 2015, which would mean that a shortfall of up to £30k would need to be found to refund the full differential should that be the desired course of action. The Financial Services Manager clarified that accounting rules required any shortfall to come from the ring-fenced taxi account and did not permit Council reserves to be drawn on. As a result the £30K shortfall could only be found by increasing the fees for the current and future trade. The Lawyer to the Council confirmed noted that any such increase could potentially be challenged by those members of the trade on whom those increased fees were levied.

Members discussed the value of a refund which acknowledged the differential to the value of the £20K predicted profit in the 2014/15 budget only in recognition of the perceived unfairness of the previous charging policy for Hackney Carriage licencees.

The Chair expressed disappointment that such an option had not been placed before Committee but was informed that it could be considered by General Licensing Committee.

The committee also noted that the evidence showed that a differential in charges levied on Hackney Carriage and Private Hire licencees was allowed to continue between 2009 and 2014, although the justification for this fee arrangement had ceased to exist in 2009. However it was equally important to acknowledge that there had been no increase in fees to either arm of the trade since 2001.

Further, evidence shows that the Eastbourne fee rate for Hackney Carriage drivers over these past years had been one of the lowest in the County. The proposed charge of £150 across both arms of the trade going forward was comfortably the lowest in the County (other districts charge from £180 to £350). Given that the lowest charge elsewhere in the County is £180 and our differential charges over the last 5 years has been £187 for Hackney Carriage drivers and £95 for Private Hire drivers, it was the latter that was out of step rather than the former.

Therefore, whilst acknowledging that differential charges should not have been levied between 2009 and 2014, the evidence of other authority charge levels shows that the differential was more a case of an historic under-charge to the Private Hire trade rather than an over-charge to the Hackney Carriage trade. Further, the blanket £150 charge agreed by Licensing Committee going forward, resulted in a significant reduction in charge to Hackney Carriage drivers and a significant increase in charge to Private Hire drivers. As a result, the matter had been resolved and achieved fairness and high value in the charging regime for both arms of the trade in comparison with all other Sussex authorities going forward.

The committee requested that their comments be reported back to the Licensing Committee for their consideration and final resolution to this matter.

RESOLVED: That the committees comments be reported back to the Licensing Committee for their consideration and final resolution to this matter.

4 Corporate Performance and Provisional Outturn- Quarter 4 2013/14.

Members considered the report of the Deputy Chief Executive and Chief Finance Officer updating Members on the Council's performance against Corporate Plan Priority actions, indicators and milestones for 2013/14

Members were advised that Appendix 1 detailed activities and outturns of the performance indicators listed within the Corporate Plan 2013/14.

The first section of Appendix 1 listed all the Corporate Plan priority actions whose in-year milestones had already been fully completed this year.

The second section of Appendix 1 listed the ongoing actions showing all milestones that were scheduled for completion in 2013/4 and any incomplete milestones from earlier in the year along with commentary to explain the context behind them.

Of the 38 Key Performance Indicators reported in the Corporate Plan this quarter, 9 were currently showing as "Red," 16 were showing as "Green," 4 were showing as "Amber" and 9 were "data only" or contextual PIs. The off target PIs were;

- TL_060 Online accommodation referrals made
- DE_009 Increased allotment plot numbers
- ECSP_004 Violent crime in a public place
- CD_052 Number of homes where Category 1 hazards have been remedied
- CD_055 Number of completed adaptations
- CD_056 Average number of days for assistance with adaptations
- CD_156 Number of households living in temporary accommodation
- CS_003 Sickness absence – average days lost per employee
- CS_011 Telephone call abandonment rate

Members noted the position of the General Fund as of the end of the year showed a net spend on service expenditure of £14.593m. The provision outturn variance of £25,000 showed a movement of £65,000 compared to the December projected variance of £40,000.

Service expenditure for the year was a variance of £(190,000) mainly as a result of:

- Catering Service £182k
- Grounds Maintenance settlement of disputed sum £122k
- Housing Benefits Administration £77k
- Dotto Train £71k
- Settlement of Land Charges Claims 48k

These had been offset principally by the following favourable variances:

- Housing Benefit Subsidy and recovery of HB Overpayments (290k)
- Refuse Collection Contract (£154k)
- Savings and additional income in Bereavement Service (£130k)
- Bed and Breakfast (69K)
- Downlands income and grant (61k)

The General Fund Summary figures included the transfers to and from reserves as shown in Appendix 3 of the report.

The summary of capital expenditure was shown at Appendix 5 of the report. The revised capital programme for 2013/14 was £16.2m and the outturn £15.6m representing a variance of £597,072 or 3.7%. A detailed reason

for the variance against each scheme was shown at appendix 5 of the report.

The report provided an overview of performance against the authority's priority actions and indicators as at the end of 2013/14. Revenue expenditure was in line with budget monitoring predictions and the outturn variance represented less than 0.14% of net budgeted expenditure.

The council continued to have general balances in excess of the declared minimum which provided flexibility for future investment in corporate plan priorities over the medium term as well as providing funding for invest to save schemes and asset management requirements.

The Housing Revenue Account outturn delivered a surplus representing 1.8% over turnover. The HRA balance was in line with expectations and was sufficiently robust to support the housing self-financing 30 year business plan. 96% of the capital programme was delivered in year and in line with resources allocated.

NOTED.

The meeting closed at 7.29 pm

Councillor Ansell (Chairman)

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Tuesday, 10 June 2014
at 6.00 pm



Planning Committee

Present:-

Members: Councillor Ungar (Chairman) Councillor Harris (Deputy-Chairman)
Councillors Hearn, Jenkins, Miah, Murdoch and Taylor and
Thompson (as substitute for Murray).

11 Minutes of the meeting held on 13 May 2014.

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

12 Apologies for absence.

An apology for absence was reported from Councillor Murray.

13 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.

None reported.

14 11 Meads Street. Application ID: 140389 (PPP).

Proposed erection of first floor balcony at rear together with external staircase and removal of existing pitched roof over rear projection – MEADS. Three objections had been raised.

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

Specialist Advisor Design and Conservation raised no comments.

RESOLVED: (By 6 votes to 2) That permission be granted subject to the following conditions: 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission 2) The development hereby permitted shall be carried out in accordance with the approved drawings no. 229000-03 Rev A submitted on 30 April 2014 3) The 1.8m in height privacy screen shown on the approved drawing 229000-03 Rev to the northern edge of the terrace hereby permitted shall be installed prior to the commencement of the use of the terrace and maintained permanently thereafter.

15 12 Manvers Road. Application ID: 140420 (HHH).

Proposed loft conversion, including hip to gable roof enlargement with rear dormer. Also included are 2 x rooflights to the front roof slope and proposed new window in to the gable end – OLD TOWN. One objection had been received.

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

RESOLVED: (Unanimous) That permission be refused on the grounds that the proposal due to the size, scale and design would be an intrusive form of development that fails to respect the host property and would therefore be likely to result in material harm to the appearance of the site and surrounding area and would be contrary to policies UHT1 and UHT4 of the Eastbourne Borough Plan Saved Policies 2007, policies B2 and D10A of the Eastbourne Core Strategy Local Plan 2013 and the NPPF 2012.

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

16 12 Netherfield Avenue. Application ID: 140370 (HHH).

Side, Rear and Basement Extension with associated internal alterations to provide enlarged accommodation – ST ANTHONYS.
 Three objections had been received.

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

Councillor Tutt, Ward Councillor, address the committee on behalf of the neighbouring residents stating that there were major concerns regarding subsidence due to the removal of soil, which may result in the need for underpinning and cause major structural damage to neighbouring properties. The scheme would result in overshadowing and loss of light to neighbouring properties and increase the risk of flooding.

The committee discussed the proposal and agreed that the scheme would be detrimental to the neighbouring properties for the reasons highlighted above.

RESOLVED: (Unanimous) That permission be refused on the grounds that the application fails to demonstrate how the development would be constructed (construction method statement) and in the absence of this information and given the proximity of the development to the boundaries of the site it considered that the development may have an adverse structural impact upon the integrity of the adjacent property/plot. In addition, the application fails to satisfactorily demonstrate how the excavated spoil would be disposed of and in the absence of this information it is considered that:-

- if the spoil is left on site may give rise to loss of residential amenity through direct overlooking from raised ground level and may also increase surface water run off causing an increase in localised flooding and,
- if the spoil is removed from the site then there may be conflict with existing access arrangements to the site which may give rise to localised highway and pedestrian safety issues and
- if the spoil is removed from the site then there may be damage to the quality of the public realm to the front of the site which would detract from the character and amenity of the area.
- 2. The application fails to demonstrate how the development will be constructed (construction method statement) and in the absence of

this information and given the proximity of the development to the boundaries of the site it considered that the development may have an adverse structural impact upon the integrity of the adjacent property/plot.

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

17 14 Manvers Road. Application ID: 140425 (HHH).

Proposed loft conversion, including hip to gable roof enlargement with rear dormer. Also included are 2 x rooflights to the front roof slope and proposed new window in to the gable end – OLD TOWN. One objection had been received.

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

RESOLVED: (Unanimous) That permission be refused on the grounds that the proposal due to the size, scale and design would be an intrusive form of development that fails to respect the host property and would therefore be likely to result in material harm to the appearance of the site and surrounding area and would be contrary to policies UHT1 and UHT4 of the Eastbourne Borough Plan Saved Policies 2007, policies B2 and D10A of the Eastbourne Core Strategy Local Plan 2013 and the NPPF 2012.

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

18 44 Kings Drive. Application ID: 140441 (HHH).

Proposed first floor extension over garage to form en-suite shower/dressing room together with internal alterations, including installation of staircase to increase ceiling height of lower ground floor rooms – UPPERTON. One letter of objection had been received.

The County Archaeologist raised no comments. The Environment Agency stated that although the site is located in an area that was within a flood zone, the risk of flooding from a proposal for a first floor extension above the garage was unlikely to have any impact that would increase the risk of flooding.

Mr Hesketh addressed the committee in objection stating that the proposal would result in a loss of light to his property.

RESOLVED: (By 7 votes with 1 abstention) That permission be granted subject to the following conditions: 1) The development hereby permitted shall be carried out in accordance

with the following drawings received on 2 April 2014:

- Drawing Number 223700-01 - Existing Site Plan & Proposed Block Plan
- Drawing Number 223700-03 - Proposed Plans & Elevations
- Drawing Number 223700-04 - Proposed First Floor Plan & Sections

2) That all materials used in the external surfaces of the development hereby permitted shall match those on the existing building in terms of type, texture and colour.

3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window, dormer window, rooflight or door other than those expressly authorised by this permission shall be constructed without planning permission obtained from the Local Planning Authority.

19 Shinewater Playing Fields. Application ID: 131017.

Erection of 4no. floodlights, measuring 18m in height, and a covered terrace, measuring 8m wide, 3m in depth and 2.8m high, to the football ground. Floodlights to be in operation on Saturday afternoons and for 1no. weekday fixture per week – LANGNEY.

Eight objections and three comments of support had been received.

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

The Estate Manager and Specialist Advisor (Environmental Health) had no comment. The Specialist Advisor (Arboriculture) recommended a condition on tree protection and service trench details to be supplied and agreed.

Councillor Shuttleworth, Ward Councillor, addressed the committee in support of the application stating that the space was a well-used community hub, supported by many volunteers, who had improved the area greatly over a number of years. Councillor Shuttleworth felt that the impact would be minimal compared to the benefits the lighting would achieve for the community in the area.

Members felt that the usage and hours of lighting should be limited.

RESOLVED: (By 5 votes to 2 with 1 abstention) That permission be granted subject to the following conditions: 1) Time for Commencement 2) Approved Drawings 3) Submission of samples of the materials to be used in the construction of the covered terrace/stand 4) The floodlighting (columns & lamps) hereby approved shall be implemented at the site in accordance with the details that accompanied the application and be retained as such thereafter 5) Plan TCBY.08/100B is used for the location and elevation details of the covered terrace/stand and shall not be used for the location of the floodlighting columns. For the avoidance of doubt the floodlighting columns shall be in accordance with the lighting assessment submitted with the application 6) The floodlights hereby approved shall not be in operational use outside of the following times:

- 13:00 to 18:00 hours on Saturdays
- 13:00 to 22:00 hours on Tuesdays.

20 Eastbourne Centre Adverts. Application ID: 140237 (ADV).

Free standing signboard with perimeter LED illumination displaying Hotel logos and information at hotel entrances. "V" Hotel logo fixed to bulkhead. Bar Entrance (South Elevation). Free standing

signboard with perimeter LED illumination displaying Hotel logos and information "VISTA" Bar logo fixed to ceramic balcony. Grand Parade (South East Elevation). Hotel logo manifestation to existing glazed balustrades – MEADS. Three letters of objection had been received. A letter of support was received from Stephen Lloyd MP concerning the refurbishment works planned for the hotel.

The site was currently being considered for Listed Building status, however no decision had been made by English Heritage at this stage.

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

The Tourism Manager and Eastbourne Hotels' Association made no comment on the signage. The Conservation Officer considered that the proposed signage was unsympathetic to the building and its setting within the Conservation Area and the seafront in relation to: location, materials, finishes and method of installation where specified.

The Conservation Area Advisory Group raised major objections to the proposal. It was felt that the proposed scale, material, colour, form and illumination were inappropriate for the surrounding Conservation Area.

RESOLVED: (By 7 votes to 1) That permission be granted subject to the following conditions: (1 – 5) Standard Advert Conditions (6) - provision of a lighting assessment – adjacent Devonshire Mansions.

21 Eastbourne Centre Refurbishment. Application ID: 140192 (PPP)

Internally refurbish ground to first floor public areas of existing hotel. Refurbishment of the hotel exterior and creation of new stepped access at corner of Grand Parade and Lascelles Terrace to allow direct access to the hotel bar – MEADS. Five objections had been received.

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

The Tourism Manager and Eastbourne Hotels' Association made no response.

The Specialist Advisor Conservation commented that the application had also been considered within the context of the significant contribution the T & G centre had within the associative and historic importance and contribution of the building in the history of the Trades Unions movements in British social history. There were concerns that works represented significant harm to the fabric and fittings of the hotel specifically loss of: double height internal spaces, Original light fittings, concealment / removal of original surfaces, creation of new stepped access – adversely affect the intended balance and proportion of the exterior to the Eastbourne Centre, commemorative plaque – moved to unspecified location.

The Conservation Area Advisory Group raised objections to the provision of a portacabin on the front terrace, and considered that this would have an adverse impact on the exterior of the building and the wider conservation area. Strong concerns were raised regarding the loss of the original

internal features, such as the lighting in the double height restaurant and the mural, which had particular historical references to the trade union movement.

The Highways department commented that the pavement around this site has been adopted as public highway. In theory the area of land in question could be used for construction of the access following: an application for a stopping up order for area, the legal process to be completed before anything built, the application be subject to public consultation and the control of land returns to original.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Time 2) Materials (AS SUBMITTED) 3) Approved Drawing 4) Limited hours of demolition / construction (in line with standard 5) Submission of materials – ceramic tiles for external balcony terrace 6) Siting of Plaque

22 Land at rear of 11-23 Eshton Road. Application ID: 140157 (VCO).

Removal of condition 4 (obstruction) attached to planning permission ref: EB/2005/0523 - demolition of works/store and single storey extension, and erection of live/work unit – DEVONSHIRE. 14 Objections had been received.

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

The Housing Services Manager and Highways ESCC made no comment.

The County Archaeologist - did not believe that any significant archaeological remains were likely to be affected by these proposals and made no recommendations/request for conditions in this instance.

RESOLVED: (By 4 votes to 3 with 1 abstention) That permission be granted.

23 Inglewood Nursing Home, 9 Neville Avenue. Application ID: 140451 (PPP).

Proposed 2-storey extension to provide 10 additional residents bedrooms complete with en-suite facilities, and alteration of existing rooms to provide improved circulation, an additional lounge and en-suite facilities to existing rooms. Also relocation of external store and associated changes to car parking – HAMPDEN PARK. Seven objections had been received.

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

The observations of the Specialist Advisor Planning Policy, Specialist Advisor Arboriculture, East Sussex County Council Highways, East Sussex County Council Adult Social Care and Environment Agency were summarised within the report.

Mr Talbot addressed the committee in objection stating that the proposal would be a creeping over development of the site and that the scheme would increase the parking issues in the local vicinity.

Mr Franks, agent for the applicant, addressed the committee stating that the applicant had tried to resolve the current issues with the roof terrace, and stepped the development down towards the neighbouring properties to minimise the impact.

The committee agreed that the scheme would be an overdevelopment of the site, which would be detrimental to the surrounding area.

RESOLVED: (By 5 votes with 3 abstentions) That permission be refused on the grounds that the proposal by reason of the continuous unbroken length of roofline is incongruous, out of scale and style in an area where the predominant pattern of development is characterised by detached and semi-detached properties and as such the development would be visually dominant and out of character with the street scene. The proposal would be contrary to policies UHT1, UHT4 and HO20 of the Eastbourne Borough Local Plan (Saved policies, 2007) and B2 and D10A of the Eastbourne Core Strategy Local Plan (2007-2027).

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

24 Planning Performance - 2013 and First Quarter of 2014

The committee considered the report of the Senior Specialist Advisor – Planning providing a summary of performance in relation to key area of the Development Management Services for the relevant period.

Members will be aware that together the Council deals with a whole host of planning applications covering a range of differing forms of development. Given the many varied types of planning application received Central Government require that all Councils report the performance in a consistent and coherent manner. To this end and for reasons the many varied applications were clumped together into three broad categories Major, Minor and Others.

In broad terms the types of application falling into these categories were outlined within the report.

In analysing the performance for the processing of these differing types of application the Government do allow 13 weeks for the processing major applications and 8 weeks for processing the Minor and Other categories. The figures within the report gave the development control performance figures against these categories and over the calendar year 2013 and the first quarter of 2014.

In addition the report also included information about the recent appeal decisions and Members noted that any decision made to refuse an application opens the potential for an appeal by the applicant to the Planning Inspectorate.

The majority of the applications received were granted planning permission, however for those that were refused and challenged through to an appeal it was considered important to analyse the appeal decisions in order to determine and evaluate whether lessons needed to be learned, or interpretations needed to be given different weight at the decision making stage.

In addition the evaluation of the appeal decisions would also go some way to indicate the robustness and the correct application of the current and emerging policy context at both a local and national level.

Councillor Taylor raised the issue of receiving reports on Enforcement action, and Councillor Jenkins raised the issue of reports from the Difficult Properties Group – The Chairman agreed to discuss this with the Senior Specialist Advisor – Planning at their next meeting.

NOTED.

25 Planning Register.

This item was withdrawn and would be reported to a future meeting.

26 South Downs National Park Authority Planning Applications.

There were none.

The meeting closed at 8.56 pm

Councillor Ungar (Chairman)

Wednesday, 25 June 2014
at 6.00 pm



Audit and Governance Committee

Present:-

Members: Councillor Ungar (Chairman) Councillors Mattock, Cooke, Heaps, Taylor and Tester

1 Minutes of the meeting held on 12 March 2014.

The minutes of the meeting held on 12 March 2014 were 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 Ede and Harris.

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.

None were declared.

4 Update: Members and Standards.

The Committee considered the report of the Monitoring Officer in relation to Member Standards. It was noted that no new formal complaints had been received during this quarter and none remained outstanding.

The Committee also noted that no dispensations had been applied or issued and no member training had taken place since the last quarterly report.

At the last meeting, the Committee was informed that the current standards regime was the subject of a degree of commentary. The Monitoring Officer advised that where developments or events of interest had occurred at other individual authorities, these would be referred to in the next training on standards delivered to members.

RESOLVED: That the information in relation to complaints against members and the update on Standards related matters be noted.

5 Update: The Regulation of Investigatory Powers Act (RIPA) and related legislation.

The Committee considered the report of the Monitoring Officer regarding an update on the Council's usage of its powers under the Regulation of Investigatory Powers Act (RIPA) and related legislation.

The Committee advised that for the period from March 2014 to June 2014 no applications were made under the Act in respect of covert surveillance.

RESOLVED: The Committee noted that no application had been made by officers of this authority to engage in activity regulated by the Regulation of Investigatory Powers Act (RIPA) during the quarter leading up to 1 June 2014.

6 Arrangements in Place for Exercising Delegations to Officers.

The Committee considered the report of the Monitoring Officer in relation to the arrangements in place for exercising delegation to officers.

Eastbourne Borough Council was currently undergoing a change programme called Future Model in order to improve efficiency and customer service in response to the significant ongoing financial pressures on local authorities. Now in its second phase, Future Model had created new officer roles and flatter structures of accountability which increased the need to ensure that officers fully understood the extent of the powers delegated to them. This was important to ensure that the authorities' actions were not open to challenge.

Full Council delegate a raft of powers to chief and other officers on an annual basis via the Scheme of Delegations to Officers, which is part of the Council's Constitution. The delegations help the authority to discharge its day to day functions effectively and with clarity.

The Scheme of Delegations was last revised and approved at Annual Council on 7 May 2014 to reflect a change to the Council's senior management team's responsibilities which occurred as part of phase 1 of the Future Model.

In addition, the Deputy Chief Executive maintained a central register of sub-delegations and the current list of sub-delegations was available on the Council's Intranet to Members and Officers. Officers regularly update the list of sub-delegations to reflect the delegations in force at any given time.

In response to a question from Councillor Taylor, the Monitoring Officer clarified that the sub-delegations given to officers reflected those officers' duties and responsibilities. They inhered throughout the Council's structure and varied depending on the different services such as Customer First.

The Committee sought assurance that those officers who held delegated powers were aware of the extent of their powers. Councillor Mattock

addressed the Committee and assured that the number of officers she dealt with on a regular basis were aware of the powers that they have.

Councillor Cooke enquired about the timescale for reviewing the Scheme of Delegation document to see if it might be made more user-friendly to view. The Monitoring Officer responded that major reviews of the document would be made annually at Annual Council in May, although minor updates may on occasion occur during the year. The Monitoring Officer referenced the complexity of the delegations which need to be in place to ensure the effective running of the organisation and stated that the scheme needed to reflect that accurately. She acknowledged that it would assist in ensuring clarity if it were possible to create a representation of the Scheme of Delegations in diagram form and agreed to take these comments on-board when the next major review was carried out.

The Committee requested that the Delegations to Officers be part of the Member Development Plan for the forthcoming year and Staff Induction for new members of staff to ensure maximum awareness.

RESOLVED: (1) That the report be noted.

(2) That the Delegations to Officers be part of both the Member Development Plan for the forthcoming year and Staff Inductions for new officers.

7 Protecting the Public Purse Fraud Briefing 2013.

The Committee received a verbal report from the Council's external auditors BDO on the recent "Protecting the Public Purse Fraud Briefing 2013."

The Committee had received a verbal presentation from Mr Lloyd Thomas, representing BDO prior to the meeting in private, given the sensitivity of the data and the potential for misuse of the information by fraudsters.

The Committee asked Mr Lloyd Thomas whether there were any controls that the Council had not put in place to address fraud. He responded that the Council needed stronger counter fraud measures to tackle corporate fraud and advised that there was money to be made by the Council by strengthening these measures.

In response to a question from the Committee, the Chief Finance Officer informed them that from 1 November 2014, the Government's Single Fraud Investigation Service would be implemented and there was an option for the Council's fraud team to move employment to the Department for Work and Pensions (DWP). The fraud team's effort and success had been recognised by the Council's Corporate Management Team and a business case was being put together as part of the Service and Financial Planning process that recommended the Council retain its fraud team and create funding through recovery for future years. The final decision would be made by Members.

The Chief Finance Officer also advised that from November 2014, the fraud team would be moving away from housing benefit and working on wider fraud potential under a risk management basis programme.

The Committee thanked Mr Lloyd-Thomas for his presentation.

NOTED.

8 Internal Audit Report to 31st March 2014.

The Committee considered the report of the Internal Audit Manager regarding a summary of the activities of Internal Audit for the fourth quarter of the financial year 2013/14.

Audit work carried out to date against the audit plan for 2013/14 was set out in appendix A. The Internal Audit Manager made reference to the main points from the appendix which included annual audits for BDO, work on benefits, grant claims, a review of void management, land charges and searches, no consultancy work and five planned reviews that were postponed. Further main points from appendix A were detailed in the report.

A list of all final audit reports issued from 1 April 2013 to 31 March 2014 and the level of assurance attained were detailed in the report. The Committee was advised that during this quarter, one review had been issued with an assurance level of inadequate which was Tenancy management. The Internal Audit Manager reassured the Committee that work had already begun on putting the required controls in place and as a result the assurance level should improve by the time of the next meeting.

Further information on reports issued in final during the year with an assurance level below excellent was set out in Appendix B, with any issues highlighted in the reviews which informed the assurance level given.

A brief explanation for a number of outstanding high and medium priority recommendations from audits, reasons why they had not been implemented along with the month when the next follow up date was due were set out in appendix C. The comments made by the Corporate Management Team following consideration of outstanding high risks were set out in appendix D. The only outstanding high risk remained Catering which had arisen as a result of the Council taking back the Catering function in-house and inheriting poor controls as a result. While the structure had not yet been fully realised, the Internal Audit Manager reassured the Committee that the recommendations listed in Appendix D were being actioned.

The Committee was advised that one fraud over £10K had been reported in the last quarter which meant that only two frauds had been reported this financial year.

The Fraud Investigations Manager reported that there had been a total of six cases over £10K but four of these had been classed as customer error. This was an indication that the team were working well to spot frauds earlier and claims suspended promptly when discrepancies were found, to help minimise overpayments.

In total the Benefits team had identified £465,332.56 in overpayments and £443,360.00 in weekly incorrect benefit. They had also administered £12,864.20 in sixteen administrative penalties, eight Formal Cautions to customers and 13 prosecutions.

The Internal Audit Manager advised that the work referred to in the report had been used as the basis for the opinion of the overall effectiveness and adequacy of the internal control environment, in addition to other ad hoc work undertaken by the auditors. It was the opinion of the Internal Audit Manager that internal controls across the authority were generally found to be sound.

The Corporate Management Team had discussed potential governance issues to be reported in the Annual Governance Statement. The results of these discussions were reported in the Annual Governance Statement report.

The Committee was advised that the Public Sector Internal Audit Standards came into effect from 1st April 2013 therefore the work of the Internal Audit section was assessed for compliance against these standards. It was found that the Internal Audit function was "generally conforming" to the standards with a 94.85% rating. Areas of partial or no conformance were listed in the table attached to the report, in addition to an explanation and actions to be taken where appropriate. The Committee was advised that progress would continue to be made to address the issues to ensure better compliance and this would be reported to the Committee.

The Committee supported the idea of a comparison in terms of compliance with the standards with neighbouring authorities. The Internal Audit Manager advised that they would discuss benchmarking with Wealden District Council.

The Committee were informed that the Public Sector Internal Audit Standards had requested that the Internal Audit Manager obtain a professional qualification such as CMIIA or CCAB. The Internal Audit Manager advised that she had attended an interview in London that would hopefully obtain the qualification.

Councillor Cooke enquired why Theatre Reconciliations had appeared in Appendix B with an assurance level of inadequate when the Committee had been advised all issues had been resolved. The Internal Audit Manager clarified that Appendix B listed all reports that had been issued in final throughout the year with an assurance level below excellent. The Committee was reassured that all issues with Theatre Reconciliations had been resolved.

The Committee discussed the till discrepancies high risk listed in Appendix D for Catering following a query by Councillor Taylor. The Chief Finance Officer suggested that should deficiencies remain by the time of the next follow up, the Committee would invite the relevant Head of Service to attend the meeting. This was supported by the Committee.

RESOLVED: That the report be noted.

9 Annual Governance Statement.

The Committee considered the report of the Internal Audit Manager regarding the Annual Governance Statement which detailed the key elements of the systems and processes of the Council's governance arrangements.

The Annual Governance Statement is a report produced at the end of the year on the control environment of the Council and is a statutory document that accompanies the statutory Statement of Accounts once adopted. The Statement provided a structure in which to consider the Council's governance arrangements and their effectiveness. This ensured that major control issues were identified and action taken to address these issues.

Appendix 1 of the report detailed the framework for gathering the assurances and how that affected the relationship with partners, stakeholders and the community. Following the framework should ensure that the Council meets the six principles of corporate governance.

A timetable for the gathering of assurances to produce the Annual Governance Statement was set out in Appendix 2 of the report.

Appendix 3 showed the Manager's Assurance Statement which included coverage of the Bribery Act, Safeguarding, Regulation of Investigatory Powers Act 2000 (RIPA) and frauds over £10K. The statement was intended to cover the operational, project and partnership responsibilities of the Heads of Service. It could also be used to highlight any concerns and subsequent actions required to improve governance throughout the Council.

Once these statements had been completed by the relevant Heads of Service they are passed through the Chief Executive and Deputy Chief Executive. The comments made on the statements are considered for inclusion in the Annual Governance Statement.

The Internal Audit Manager reported that a review of the layout of the Annual Governance Statement had been carried out during this year incorporating the requirements of the Chartered Institute of Public Finance and Accountancy (CIPFA) alongside findings and comments made in the document "Improving Council Governance – A Slow Burn", issued by Grant Thornton in 2013.

The new layout aimed to make the information easier to read and understand with the different areas being given fuller descriptions of how the points are dealt with at Eastbourne. The Council's external auditors BDO had also viewed the new layout and responded that the additional information had added contextual information around what the Council does to set priorities, manage performance and assess risk. A new section had also been added which reflected on the significant issues identified in the previous year – Theatre Reconciliations and how these had been addressed.

The governance issues and subsequent action plan had been compiled from a number of sources including reports of internal and external audit, the Corporate Management Team (CMT), Scrutiny and Standards reports,

external review bodies, managers assurance statements, evidence from the Council's Monitoring Officer and review by the Chief Finance Officer, Deputy Chief Executive and Internal Audit Manager.

The Internal Audit Manager advised that completed Managers' Assurance Statements had been returned from all Heads of Service and from Eastbourne Homes Limited. Four of these Managers' Statements mentioned minor concerns over capacity. It was acknowledged that with shrinking economic resources, the capacity profile of the organisation had changed and needed to be considered as part of ongoing and future restructures and changes in service delivery. It was felt that at this stage this did not represent a significant governance issue.

After consultation with the Council's Corporate Management Team, the Internal Audit Manager reported that there was one area of internal governance that met the criteria to report as an issue that required disclosure. The area of significant governance issues was Catering and the issue with control weaknesses, identified when the service was taken back in-house. The Committee had been given assurances that the required controls were being put in place.

Once the Statement had been approved by the Audit and Governance Committee it would be given to the Chief Executive and Leader of the Council to sign before it is published alongside the Statement of Accounts.

Councillor Cooke made reference to the Annual Governance Statement and advised that the section which stated "the committee conforms to the best practice identified in CIPFA (Chartered Institute of Public Finance and Accountancy) was not correct and the Audit and Governance Committee was not fully compliant in terms of membership. Councillor Ungar responded that given the size of the authority, it would be difficult to omit Cabinet and Scrutiny Committee members from sitting on Audit and Governance Committee.

The Chief Finance Officer clarified that the Annual Governance Statement reported on the Council's governance framework for the year ending 31 March 2014. It did however recognise the evolution of Audit and Governance Committee following a recent member briefing and this would be reflected in the final statement. Councillor Ungar requested that Councillor Cooke email his concerns that had been previously raised regarding terms of membership following the Committee and this would be taken on-board and incorporated into the final statement. This was agreed by the Committee.

The Committee thanked the Council's Internal Audit Team for their significant efforts in preparing the Annual Governance Statement.

RESOLVED: (Unanimous) That the Annual Governance Statement for 2013/14 as appended to the report be approved subject to the caveat in respect of the Committees membership.

10 Annual Accounts 2013/14.

The Financial Services Manager presented the draft annual accounts for 2013/14.

The Accounts and Audit Regulations 2011 require the Council to formally approve and publish the Statement of Accounts for financial year ending 31 March 2014 by 30 September 2014.

It is the responsibility of the authority's Chief Finance Officer to certify that the accounts represent a true and fair view of the authority's financial position by 30 June in addition to ensuring the preparation of the statement is in accordance with the CIPFA/LASAAC Code of Practice on Local Authority Accounting in the United Kingdom (The Code).

The Statement of Accounts would be considered by Cabinet at its meeting on the 16 July 2014.

The Financial Services Manager reported that there had been no major changes to the Code this year however there were a few changes that had been included in the 2013/14 final accounts preparation. Further details were contained in the report.

The Annual Governance Statement was not reported within the Statement of Accounts but instead sits alongside the statement giving members assurance that the data supporting the figures included in the accounts are based on sound financial systems.

The provisional financial outturn for the general fund, housing revenue account and capital expenditure had been reported to Cabinet at its meeting on 14 May 2014. An analysis of the Council's financial activity for 2013/14 was set out in the Forward of the Statement of Accounts and an overview of the key issues, was attached at appendix 1 to the report.

The draft Statement of Accounts 2013/14 were circulated separately prior to the meeting.

The Council's external auditors BDO LLP are required to report back to the Committee at its September meeting with their independent opinion of the accounts. The Committee was advised that BDO were due to start their work on 7 July 2014. The accounts would be open for public inspection between the 7 July and 1 August 2014.

RESOLVED: That the draft annual accounts for 2013/14 be noted.

The meeting closed at 7.13 pm

Councillor Ungar (Chairman)