



Published 9 September 2014

Members of the public are welcome to attend and listen to the discussion of items in the "open" part of the meeting. Please see notes at end of agenda concerning public rights to speak and ask questions.



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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, 17 September 2014 at 6.00 pm** to transact the following business.

Agenda

1. Minutes of the meeting held on 23 July 2014

Previously circulated.

2. Declarations of interests by members.

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 council's 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. Updating amendments to the scheme of delegations to officers in the council's constitution (Pages 1 - 44)

Report of Lawyer to the Council.

8. Matters referred from cabinet or other council bodies.

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

(a) Annual treasury management report 2013/14 (Pages 45 - 46)

Report of Councillor Mattock on behalf of the Cabinet.

9. 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 17 September 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 Planning Committee held on 5 August 2014 (Pages 47 - 60)

(b) Minutes of meeting of Conservation Area Advisory Group held on 26 August 2014 (Pages 61 - 64)

(c) Minutes of meeting of Scrutiny Committee held on 1 September 2014 (Pages 65 - 68)

(d) Minutes of meeting of Planning Committee held on 2 September 2014 (Pages 69 - 76)

(e) Minutes of meeting of Cabinet held on 3 September 2014 (Pages 77 - 82)



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, 15 September 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, 17 September 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
Fax (01323) 410322. E Mail: localdemocracy@eastbourne.gov.uk

For general Council enquiries telephone (01323) 410000
E-mail enquiries@eastbourne.gov.uk
Website at www.eastbourne.gov.uk

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Body:	Full Council
Date:	17 September 2014
Subject:	Updating amendments to the Scheme of Delegations to Officers in the Council's Constitution
Report Of:	Lawyer to the Council
Ward(s)	All
Purpose	To seek Council's approval to update the Officers Scheme of Delegations in the terms outlined in this Report.
Recommendation:	That Council 1) approves the amendments to the Scheme of Delegation flagged up in this Report and authorise the Lawyer to the Council to incorporate and publish them in the Council's Constitution. That Council further 2) notes that the Chief Finance Officer has assumed the responsibilities normally designated to the holder of the role of Deputy Chief Executive on an interim basis in the absence of a postholder in accordance with provisions in the Scheme of Delegations and 3) at this juncture formally delegates the responsibilities of the Deputy Chief Executive to the Chief Finance Officer henceforth until it otherwise directs
Contact:	Victoria Simpson, Lawyer to the Council and Monitoring Officer, 1 Grove Road, Eastbourne. Tel. (01323) 415018 or internally on extension 5018. Email: victoria.simpson@eastbourne.gov.uk

1.0 Introduction

- 1.1 The Scheme of Delegations to Officers ('the Scheme') forms part of the Council's Constitution. It is approved by annual Council and is the primary mechanism by which the authority delegates its powers to act to the Council's Chief Officers, who are thereby authorised to act on the authority's behalf and/or to sub-delegate their powers to others.
- 1.2 Part II of the Local Government Act 2000 and the regulations made under it prescribe how authorities may exercise their powers. Depending on whether the relevant function is executive or non-executive, it may be exercised by either Cabinet or full Council or delegated to either to a Committee of members or to an individual designated officer. All powers must in any event be exercised only in accordance with the law and the authority's own policies, and in such a way as to comply with any consultation requirements or other restrictions placed on the delegation.
- 1.3 The Scheme is integral to the effective day to day running of the authority. It

is published to satisfy the requirements in the Local Government Act 1972 which aim to ensure clarity and transparency. It is updated regularly, as is the list of Sub Delegations which sits underneath it. As well as being subject to yearly review by the Lawyer to the Council prior to its submission to Annual Council for approval, it has recently been considered by the Audit and Governance Committee which made suggestions regarding how it might be presented which will be considered at the next annual review.

2.0 Proposed amendments to the Scheme

- 2.1 In a measure designed to enhance transparency, executive decisions by officers must now be recorded and published. In addition, the new Openness in Local Government Regulations, which came into force in August 2014, now require all delegated decisions made by officers - whether executive or non-executive - to be recorded and published.
- 2.2 The requirement referred to in para 2.1 must be met where a decision has been delegated to an officer whether by a specific delegation or under a general authorisation and the effect of the decision is to grant a permission or licence, affect the rights of an individual or award a contract or incur expenditure which materially affects the authority's financial position. While these requirements do not effect confidential or exempt information, the legislation creates a new offence where a person with custody of a document which is required to be produced without reasonable excuse intentionally obstructs or refuses access to it.
- 2.3 The Scheme makes specific reference to the requirement to record officer decisions. The need to update these provisions to incorporate the new additional requirements affords an opportunity to incorporate a number of other minor amendments to better reflect the Council's powers.
- 2.4 The appended Scheme reflects the proposed changes. Council's authority to amend the Scheme accordingly is sought.

3.0 Delegation of Deputy Chief Officer responsibilities

- 3.1 Following the current vacancy of the role of Deputy Chief Executive following the departure of Julian Osgathorpe, Alan Osborne, Chief Finance Officer, has assumed the responsibilities of the Deputy Chief Executive role. He has done so at the direction of the Chief Executive as is permitted by para 2 of the Scheme of Delegations. It is proposed that this arrangement continue on an interim basis pending consideration of the overall new Strategy and Commissioning structure within future model phase 2.
- 3.2 Full Council is asked to note paragraph 3.3 above and to formally delegate to the Chief Finance Officer all the responsibilities of the Deputy Chief Executive role outlined in the Scheme and otherwise delegated to that postholder. This delegation will continue in the absence of any contrary delegation by Council unless the role of Deputy Chief executive is filled. This course of action does not require the Scheme to be further amended at the current time, nor does it prevent the performance of discrete responsibilities associated with the role by other Chief Officers as permitted by the Scheme.

3.3 For the avoidance of doubt, the responsibilities delegated to the Chief Finance Officer include but are not limited to the appointment of the holder of the Deputy Chief Executive role as one of two Deputy Electoral Registration Officers pursuant to section 52 of the Representation of the People Act 1983 as well as the election expenses and document holding responsibilities designated under SS 82 and 89 of that same Act respectively.

4.0 Consultation

4.1 None

5.0 Resource Implications

5.1 None

6.0 Other Implications: Environmental, Human Rights, Community Safety, Youth, Anti-poverty.

6.1 None

7.0 Summary of Options

7.1 Council is asked to approve the recommendations.

8.0 Conclusion

8.1 Council is recommended to approve the recommendations outlined above and to give the Lawyer to the Council delegated authority to amend the scheme of delegations to officers so that the updated version may be published as soon as possible.

Victoria Simpson, Lawyer to the Council and Monitoring Officer

Background Papers:

The Background Papers used in compiling this report were as follows:

The Localism Act 2011

The Local Government Act 2000 and regulations made thereunder.

To inspect or obtain copies of background papers please refer to the contact officer listed above.

Appendices:

Amended Scheme of Delegations to Officers

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**Scheme of Delegations to Officers
And
Proper Officer List**

EASTBOURNE BOROUGH COUNCIL

Part 3 - D1

Scheme of Delegation to Officers
& Proper Officer List
(Sept 2014)

A	General Principles										
1.	<p>These delegations are made under the powers contained in the Local Government Act, 1972, Section 101 and by reference to section 100G and the Local Government Act, 2000 Sections 14, 19 and 20, The Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 (as amended) and all other enabling powers. The delegations stem from the Council and Committees in respect of Non-Executive functions and from the Leader and Cabinet in respect of the discharge of Executive functions.</p> <p>The Proper Officer appointments are made under the relevant provisions mentioned in section D of this scheme. An officer or other person is authorised to exercise such powers as are shown in the Scheme of Delegations including those reasonably applied or incidental to the matters specified in respect of the functions of the Council. Functions, matters, powers, authorisations, delegations, duties and responsibilities etc. within the scheme shall be construed in a broad and inclusive fashion.</p>										
2.	<p>For the purposes of this scheme: If the post of an officer to whom a function is delegated (or which he/she has been appointed as a Proper Officer) is vacant, or if the post-holder is absent through sickness, on leave (of whatever type), <u>or otherwise unavailable, then</u> unless the Council otherwise decides:</p> <table border="1"> <tr> <td>i</td> <td>In the case of the Chief Executive, the delegation shall be exercisable by the Deputy Chief Executive, a formally-appointed Acting Chief Executive (to include an Interim Chief Executive) or any one of the Chief Officers (as defined below).</td> </tr> <tr> <td>ii</td> <td>In the case of a Chief Officer the delegation shall be exercisable by the Chief Executive or another Chief Officer.</td> </tr> <tr> <td>iii</td> <td>In the case of the Officer who carries the role of a Section 151 Officer the delegation shall be exercisable by the Deputy Section 151 Officer in relation to matters under Section 151 Local Government Act, 1972.</td> </tr> <tr> <td>iv</td> <td>In the case of the Officer who carries the role of Monitoring Officer the delegation shall be exercisable by the Deputy Monitoring Officer in relation to matters which are the responsibility of the Monitoring Officer.</td> </tr> <tr> <td>v</td> <td>In the case of a Head of Service the delegation shall be exercisable by the Chief Executive, Deputy Chief Executive or a Senior Head, or a Head of Service sub-delegated to in writing by one of these officers, provided that the officer exercising the delegation has the requisite professional qualification, where such is required (e.g. planning).</td> </tr> </table>	i	In the case of the Chief Executive, the delegation shall be exercisable by the Deputy Chief Executive, a formally-appointed Acting Chief Executive (to include an Interim Chief Executive) or any one of the Chief Officers (as defined below).	ii	In the case of a Chief Officer the delegation shall be exercisable by the Chief Executive or another Chief Officer.	iii	In the case of the Officer who carries the role of a Section 151 Officer the delegation shall be exercisable by the Deputy Section 151 Officer in relation to matters under Section 151 Local Government Act, 1972.	iv	In the case of the Officer who carries the role of Monitoring Officer the delegation shall be exercisable by the Deputy Monitoring Officer in relation to matters which are the responsibility of the Monitoring Officer.	v	In the case of a Head of Service the delegation shall be exercisable by the Chief Executive, Deputy Chief Executive or a Senior Head, or a Head of Service sub-delegated to in writing by one of these officers, provided that the officer exercising the delegation has the requisite professional qualification, where such is required (e.g. planning).
i	In the case of the Chief Executive, the delegation shall be exercisable by the Deputy Chief Executive, a formally-appointed Acting Chief Executive (to include an Interim Chief Executive) or any one of the Chief Officers (as defined below).										
ii	In the case of a Chief Officer the delegation shall be exercisable by the Chief Executive or another Chief Officer.										
iii	In the case of the Officer who carries the role of a Section 151 Officer the delegation shall be exercisable by the Deputy Section 151 Officer in relation to matters under Section 151 Local Government Act, 1972.										
iv	In the case of the Officer who carries the role of Monitoring Officer the delegation shall be exercisable by the Deputy Monitoring Officer in relation to matters which are the responsibility of the Monitoring Officer.										
v	In the case of a Head of Service the delegation shall be exercisable by the Chief Executive, Deputy Chief Executive or a Senior Head, or a Head of Service sub-delegated to in writing by one of these officers, provided that the officer exercising the delegation has the requisite professional qualification, where such is required (e.g. planning).										
3.	Where decisions are taken by officers under delegated powers the following conditions and rules shall apply:-										

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i	Powers shall be exercised in accordance with the Council's Constitution (including budgetary, financial and contractual procedural rules), in accordance with professional advice and advice, if appropriate, from the relevant lead service officer, in accordance with the Council's approved Policy Framework and other approved plans and policies and also with regard to all relevant legislative provisions.
ii	Any Officer exercising a delegation, except in cases of emergency, shall only do so: a. in accordance with the relevant policies and procedure of the Council, and b. where provision has been made for any expenditure within the relevant budget. In cases of emergency an Officer may, if justified by all of the circumstances, exercise delegations in a manner which is not in accordance with Council policies or procedures and / or where provision has not been made in any budget. A written record of the reasons for deviating from the policies and procedure and the expenditure without a relevant budget must be made and kept.
iii	The Officer exercising such power shall give effect to any resolution or decision of the Council, Leader, Cabinet, Cabinet Member or a Committee upon any matter of principle or policy in relation to the functions concerned.
iv	Where an Officer is authorised to take a decision or exercise a function either directly or by virtue of the provisions relating to absence detailed in "2" above, he/she may authorise any other officer specifically or generally to take such action as is necessary to implement that decision or exercise that function either in the name of the Officer so delegating or in the sub-delegate's own name.
v	Officers carrying delegations under this Scheme of Delegations, while retaining the delegation themselves, may also, in writing, further delegate the authority to exercise the delegation to another officer, although final responsibility for the actions taken under any such sub-delegation will remain with the original delegator. Officers entrusted with such sub-delegations may, with the written agreement of the relevant Senior Head or Head, further delegate the authority.
vi	Any sub-delegation is to be recorded in writing.
vii	A copy of any sub-delegation or its revocation shall be provided to the Deputy Chief Executive within five working days. The Deputy Chief Executive shall maintain a central register of sub-delegations and the current list of sub-delegations shall be shown on the intranet and be available to Members and Officers.
viii	An Officer may be required under this Scheme of Delegations to Officers to exercise a delegation after consultation with the Leader, a Cabinet Member or other nominated Councillors. Any sub-delegation or further sub-delegation of the original delegation will retain any original consultation requirement. The Officer dealing with a matter shall also arrange for any inter-departmental consultation that may be required.

	ix	Where an Officer is authorised to take decisions, action to implement such decisions shall be taken in the name of (but not necessarily personally by) that Officer.
	x	Any Officer to whom a delegation or sub-delegation is given may waive his/her right to exercise the delegation or sub-delegation and refer the matter back to the Council, the Leader, the Cabinet, the Individual Cabinet Member or to the relevant Committee or the original delegate for a decision.
	xi	When an Officer is taking any decision which could attract legal liability to the Council he/she shall consider whether or not the nature of the decision justifies it being taken in consultation with the Lawyer to the Council (e.g. termination of a contract).
	xii	Any decision which has financial implications other than those budgeted for shall be taken in consultation with the Council's Chief Financial Officer.
	xiii	Unless specifically stated no delegation authorises the taking of decisions as to whether or not simple cautions (as a punishment) should be administered to defendants or legal action should be taken by or on behalf of the Council.
	xiv	Subject to any express provision or instruction from the Council, the Leader, the Cabinet or other decision-making body of the Council to the contrary, any power to approve or deal also includes the power to refuse and the power to impose appropriate conditions.
	xv	Decisions taken under delegated powers shall be recorded. The Access to Information Rules shall apply in respect of any key decision taken by an Officer under delegated authority of the Leader or the Cabinet. An Officer exercising a delegated power shall, where necessary, append a note to the record of his/her decision detailing the steps taken to inform/consult with the Leader/Cabinet Members/Councillors and the responses received. In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 <u>and the Openness of Local Government Bodies Regulations 2014</u> , where a written statement of all executive <u>and non-executive officer</u> decisions <u>must be recorded, it is are</u> published as soon as is reasonably practicable after a decision has been made.
4.	Other matters	
	i	Those Officers designated as proper officers, authorised officers, appropriate person or any other statutory description of officer listed in Section D shall exercise the powers and have the responsibilities attributed to them by legislation.
	ii	The Chief Executive, Deputy Chief Executive, the Senior Heads and the Chief Finance Officer may appoint any appropriate officer to be a proper officer, authorised officer, appropriate person or any other statutory description of officer in respect of any legislation and written confirmation of such appointment shall be conclusive evidence of its application in particular

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		cases.
	iii	In the event that a post to which a delegation is given ceases to exist and its responsibilities are transferred to another post temporarily or permanently then the delegations given under this scheme shall be exercisable by the post to which the responsibilities have been transferred. There should be written confirmation of the change in responsibilities from the line manager, which shall be provided to the Deputy Chief Executive to be retained with the central copy of the Scheme of Delegations and sub-delegations.
	iv	An Officer acting up to or seconded to a post on which delegations have been bestowed in accordance with this Scheme Of Delegations shall be able to exercise those delegations in the same way as the original postholder.
5.	Interpretation	
	Act, Order or other legal provision	Any reference to an Act, Order or other legal provision shall include a reference to any modification or re-enactment thereof and any reference to any Directive, Act, Order or other legal provision shall include any Regulations, Orders, Rules, Instruments, Directions, Statutory Guidance or other legal provision made thereunder.
	Appropriate Senior Head	The Senior Head responsible for the function/service to which the particular exercise of the delegation applies.
	Appropriate Head	The Head responsible for the function to which the particular exercise of the delegation applies.
	Chief Officer	The Chief Executive, the Deputy Chief Executive, the Senior Heads and the Chief Finance Officer.
	Consultation	Consultation shall mean seeking the comments of the person(s) to be consulted with. Consultation shall not mean obtaining the consent of the person(s) to be consulted with. A written record of the consultation shall be retained by the officer.
	The Council	Shall include the Council, the Leader, the Cabinet, an Individual Cabinet Member or a Committee.
	In writing	When applied to a sub-delegation, further sub-delegation or the cancellation of such a sub-delegation or further sub-delegation from this Scheme of Delegations, "in writing" shall be taken to include email, whether or not by specific reference to the elements of the scheme within such an email, or by a combination of general sub-delegation and attachment to the email of part or parts of this Scheme. As provided for at A.3.vii above, the Deputy Chief Executive, or Officer delegated to by him/her, shall be responsible for maintaining an up to date register of such sub-delegations, further sub-delegations or retractions of such delegations and sub-delegations, which shall be available to view on the

		Council's Intranet.
	Emergency	Circumstances where action is necessary immediately and where inaction may lead to a loss of life, injury to a person or animal or damage to or loss of property.
6.	Abbreviations	
	Chief Executive(and Head of Paid Service)	CE
	Deputy Chief Executive	DCE
	Senior Head of Community	SHC
	Senior Head of Development	SHD
	Senior Head of Tourism and Leisure	SHTL
	Senior Head of Infrastructure	SHI
	Chief Finance Officer	CFO
	Head of Corporate Development	HCD
	Lawyer to the Council (and Monitoring Officer)	LC

A	General Principles		
	Planning (Listed Buildings and Conservation Areas) Act, 1990	P(LB&CA)A	
	Town and Country Planning Act 1990	TCPA	
	Town and Country Planning (Control of Advertisement) Regulations 1992	T and CP(CA) Regs	
	Town and Country Planning (General Permitted Development) Order 1985	GPDO	
B	Delegations		
	Subject to the foregoing, there are delegated to the Chief Officers those matters detailed in column 2 below subject to any consultation requirements set out in column 3 and any limitations listed in column 4 below and Chief Officers can make any decision that can be made by a Head or other Officer.		
	Delegation	Consultees	Limitations
	General		
1.	To manage the functions for which they are responsible as set out in Annex A.		
2.	To make consequential amendments to any Policy, Strategy, Consultation or similar document and sign notices, other than legal notices, arising from any decision of The Council.		
3.	To respond to consultations.	Relevant Cabinet Member	
4.	To dispose of lost or uncollected property.		
5.	To procure goods and services.	CFO	

	Delegation	Consultees	Limitations
6.	To exercise powers under Section 1 of the Localism Act 2011 (the general power of competence) in respect of the functions for which they are responsible as set out in Annex A .		
7.	To exercise powers and determine all matters relating to the supply of goods and services to other local authorities and public bodies in respect of the functions for which they are responsible as set out in Annex A .	CFO	
8.	To carry out the 'Proper Officer' and "authorised Officer" functions as identified in the list set out in Section D below.		
9.	To authorise Officers for the purposes of issuing Fixed Penalty Notices under any legislation within the purview of the Council.		
10.	To carry out minor development for which planning permission is not required.		
11.	To authorise Officers to carry out inspections, take samples, enter premises, form opinions and take any other necessary action as may be required by law or in accordance with the Council's functions and policies in relation to the functions for which they are responsible.		
	Contracts		
12.	To do all matters in relation to the letting of contracts.		In accordance with Contract Procedure Rules
	Delegation	Consultees	Limitations

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13.	To accept tenders received on any matter.		
14.	To sign contracts on behalf of the Council.		In accordance with Contract Procedure Rules
	Financial		
15.	To manage budgets allocated to the functions for which they are responsible as set out in Annex A., including authority to incur expenditure, and enter into contracts, on items included in the approved Revenue Estimates or Capital Programme except where the Council has placed a reservation on any such item.		In accordance with Financial Procedure Rules and Contract Procedure Rules
16.	To write off amounts as irrecoverable.	CFO/Relevant Cabinet Member	In accordance with Financial Procedure Rules
17.	To determine grant applications in relation to the functions for which they are responsible as set out in Annex A.		(NB this delegation does not relate to the award of grants to Voluntary sector organisations)
18.	To vary, in exceptional circumstances, annual fixed fees and charges, subject to any relevant Council policies.	Relevant Cabinet Member	
19.	To determine charges for the use of relevant services and events not covered by the annual review of fees and charges.	Relevant Cabinet Member	
20.	To take any action authorised by Financial Procedure Rules.		
21.	To submit bids for the Council to receive grants etc from outside bodies in accordance with the functions of the Council.	CFO	
	Assets		
22.	Disposal of surplus / redundant moveable assets (i.e. not land or buildings).		Not to include any item that may be considered to be of historical significance,

			interest or value
	Data Protection and Freedom of Information		
23.	Respond to requests under Data Protection and Freedom of Information legislation.		
	Emergency powers		
24.	To take any action necessary with regard to the Council's Emergency Planning functions, including authority to incur expenditure.	HCD	
	Land		
25.	In accordance with Council policies, to manage land, property and other assets allocated to the functions for which they are responsible.		
26.	To determine property matters occurring on an occasional basis and in the interests of expediency.	CFO	
26A.	To determine applications to list assets of community value ('ACVs') and/or applications for compensation (under the Localism Act and related regulations) and/or reviewing the same, where directed by the CE		
	Health & Safety		
27.	To exercise all powers, functions, duties and responsibilities of the Council with regard to Health & Safety.		
	Equalities		
28.	To exercise all powers, functions, duties and responsibilities of the Council with regard to equalities.		

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	Legal		
29.	To make application for warrants of entry to land or property under the provisions of any legislation, other than warrants for possession of land or property, in relation to functions for which the Chief Officer is responsible.	Where practicable, with the LC	
30.	To sign, issue and serve all notices required by statute or otherwise to be given by the Council and all necessary advertisements.		
	Regulatory etc.		
31.	To issue fixed penalty notices where permitted by statute in relation to the functions for which they are responsible.		
32.	Grant, review, renewal and cancellation of authorisations under the Regulation of Investigatory Powers Act, 2000 in accordance with the Council's surveillance policy.		Only applies to Chief Officers HCD and LC.
33.	The making of ex gratia payments in cases of maladministration.	CFO	
	Licences, notices etc.		
34.	The determination of any application for permissions, consents or licences or for registration within the functions for which he/she is responsible.		Except where they are reserved to Council, the Leader, the Cabinet, a Cabinet Member or Committee
35.	The issue and service of any notice or requisition for information concerned with matters within the functions for which he/she are responsible.		
36.	The carrying out of works in default following non-compliance with any notice concerned with matters		

	within the functions for which the/she are responsible.		
37.	The management of any internal appeal, challenge or objection process against or in support of any of the Council's decisions, other than before a court or tribunal.		
38.	The incurring of expenditure on the reception and entertainment by way of official courtesy of persons representative of or connected with local government or other public services whether inside or outside the United Kingdom.		To maximum of £2000.
	Planning		
39.	To make application for all consents required in relation to planning permission in respect of Council land or property in relation to the functions for which they are responsible as set out in Annex A .		
	Regulation etc.		
40.	To make application for all consents required in relation to Building Regulation Approval in respect of Council land or property in relation to the functions for which they are responsible as set out in Annex A .		
	Staffing matters		
41.	To determine and take action in relation to all staff matters relating to permanent and temporary staff below Chief Officer level, allocated to the functions for which they are responsible.		Ill health retirement only in consultation with relevant Cabinet Member.
42.	To appoint officers as 'Authorised Officers', 'Inspectors', 'Proper Officers' or similar and to		

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	undertake enforcement functions excluding the issuing or defending of legal proceedings in respect of functions for which the officer is responsible.		
C	Subject to the foregoing, there are delegated to the Officers listed below those matters detailed in column 2 subject to any consultation requirements in column 3 and any limitations in column 4.		
1.	Chief Officers, the Head of Corporate Development and the Lawyer to the Council shall exercise the following powers or may authorise suitably experienced or qualified officers who shall have, save for any consultation requirements and limitations listed, the range of powers set out below. The powers referred to shall not include the following:		
	a	Powers where an individual officer is required by law to hold a relevant qualification and he/she does not hold that qualification.	
	b	Powers which fall outside the individual's actual authority as determined by his/her post or are not covered by the authorisation issued by or on behalf of the delegating Officer.	
	c	Any situation where an individual Officer is prevented, for whatever proper reason, from exercising such power.	
	d	Powers to determine whether or not civil or criminal proceedings should be issued once evidence to support the issue of such proceedings is available save as set out below in respect of Cautions and Administrative penalties.	
	e	Powers to authorise civil or criminal proceedings.	
No	Function	Consultation	Limitation
	Chief Executive		
2.	The taking of any action required in connection with the organisation or holding of neighbourhood, parish, district, county, general or European elections or referenda.		
3.	To take urgent action on behalf of the Council.		The Leader or Deputy Leader will be kept informed, if they are available.
3a.	The grant and supervision of exemptions from political restriction.	LC	Chief Officers (in absence of Chief Executive)

	Chief Officers other than the Chief Executive			
4.	In the absence of the Chief Executive, to take urgent action on behalf of the Council.		The Leader or Deputy Leader will be kept informed, if they are available.	
	Deputy Chief Executive			
5.	To confirm the appointment of staff on the satisfactory completion of probationary period.	Relevant Chief Officer.		
6.	To implement the Council's pay and grading procedure.	HCD, CFO.		
7.	To implement any nationally agreed pay settlements.	HCD, CFO.		
8.	To maintain a register of politically restricted posts and ancillary matters.			
9.	To convene and cancel meetings of the Council, the Leader, the Cabinet, Cabinet Members, Committees and all other Council bodies.			
	Senior Head of Community			
10.	To make payments of housing and Council Tax or similar benefits.			
11.	To take all necessary actions including legal enforcement relating to the demand, collection and the recovery of Council Tax, Rates and any other local levy or collected taxes.			
12.	To determine entitlement to mandatory or discretionary rate relief.	Relevant Cabinet Member		
13.	To serve on the Valuation Officer notice of objection to any proposals for alteration of the Valuation List.			

Part 3 – D14

14.	To make proposals for the alteration of the Valuation List or for inclusion of particular properties in the Valuation List.			
15.	To sign off Valuation Agreements.			
16.	To determine any applications for Housing, Council Tax or similar benefits.			
17.	To determine and take all action in relation to the management and maintenance of the Council's housing accommodation including the letting, transfer, exchange and repossession of dwellings, garages, open spaces and parking spaces. To determine and where appropriate give consent for alterations or extensions to former Council houses and flats.			
18.	To investigate allegations of housing benefit or council tax benefit fraud.			
19.	To determine whether or not a simple caution or administrative penalty should be administered following an investigation into an alleged criminal offence	LC where appropriate	There must be a full admission It must be a first offence It must be in the public interest It must not be a complex fraud or attempted fraud	
20.	To administer simple cautions and administrative penalties.			SHI
21.	To implement the Council's policies regarding Community Safety and the reduction of crime and			SHI

	disorder.			
22.	To take any action to combat anti-social behaviour including the issue of fixed penalty notices.			SHI
24.	To exercise the Council's functions relating to homeless persons.			
25.	To determine applications for appropriate Housing Grants and the taking of all steps concerned with certification of payment of the same.			
26.	To cast any vote the Council may have at General Meetings of Eastbourne Homes.			
27.	To devise, manage and maintain the Housing Register maintained by the Council under the relevant statutory provisions in accordance with the Council's Housing Allocations Policy.			
28.	To nominate people on the Council's Housing Register to properties managed by Eastbourne Homes and the Registered Social Landlords in accordance with the Council's allocations policy.			
28A	To exercise the Council's regulatory and any associated management functions in relation to fitness and standards of housing and residential accommodation.			SHI
28B	To exercise the Council's regulatory and any associated management functions in relation to houses in multiple occupation and private housing.			SHI
28C	To exercise all the Council's functions in relation to Cremations, Burials and all Bereavement-related			SHI

Part 3 – D16

	services.			
	Chief Finance Officer (Section 151) Officer			
29.	To take any action relating to borrowing in accordance with the Council's Treasury Management Strategy and any other relevant Council budgetary policy.			
30.	To borrow by way of bank overdraft from the Council's current bankers, in accordance with the Treasury Management Strategy and any other relevant Council budgetary policy, subject to annual review by the bank and the Relevant Cabinet Member.	Relevant Cabinet Member		
31.	To make payments into the insurance fund.			
32.	To make payments in respect of any claims where the Council's insurers may be involved.			
33.	To invest available funds on appropriate terms and in accordance with the Council's investment strategy.			
34.	To make payment of any sums due from the Council.			
35.	To make repayments to the Council's Pension Fund from those reserves earmarked for pension's contribution.			
36.	To write off of debts in accordance with the Council's Financial Procedure Rules.			
37.	To investigate and report upon any allegations of fraud or dishonesty.			
	Senior Head of Infrastructure			
38.	To implement the Council's policies regarding Community Safety and the reduction of crime and			SHC

	disorder			
39.	To take any action to combat anti-social behaviour including the issue of fixed penalty notices.			SHC
41.	To determine and communicate the Council's position relating to Goods Vehicle Operators licences.			
42.	Regulatory functions. To exercise <u>all</u> the Council's regulatory and any associated management functions <u>for which the Council has responsibility, including but not limited to the following relating to:</u>			
	a. Amenities on the highway			
	b. Animal welfare and control			
	c. Caravan Sites			
	d. Environmental protection			
	e. Fitness and Standards of Housing			SHC
	f. Food Safety and Hygiene			
	g. Gambling			
	h. Gaming permits			
	i. Hackney Carriages and Drivers			
	j. Health and Safety at Work			
	k. Houses in Multiple Occupation and Private Housing			SHC
	l. House to house collections			
	m. Highway management			
	n. Licensable activities under the Licensing Act 2003			
	o. Lotteries			

Part 3 – D18

	p.	Markets			
	q.	Motor Salvage Operators			
	r.	Pest Control			
	s.	Leisure Boats			
	t.	Private Hire Vehicles drivers and operators			
	u.	Public Health			
	v.	Public Safety			
	w.	Registration Plates			
	x.	Residential Accommodation			SHC
	y.	Scrap metal dealers			
	z.	Shops and Sunday trading			
	aa.	Street Collections			
	bb.	Street Trading			
	cc.	Water and Sewerage			
	dd.	Street Closures			
	ee.	Cremations, Burials and all Bereavement-related services			SHC
43.		To determine whether or not a simple caution should be administered following an investigation into an alleged criminal offence.	LC where appropriate	There must be a full admission It must be a minor matter It must be in the public interest It must be a first offence	
44.		To administer simple cautions			SHC
45.		All matters relating to the investigation and prosecution of matters under the Health & Safety at Work legislation		Using duly appointed inspectors as appropriate	
46.		To issue and serve notices pursuant to the Building Act 1984 and Building Regulations and to carry out			

	works in default.			
47.	To determine applications for Planning permission, listed building consent, conservation area consent, express consent to display advertisements, hazardous substances consent pursuant to the Planning Acts, including:		The delegation shall not be exercised in relation to:	
	a) development specified in the GPDO where expressed planning permission is required by reason of limitations or conditions by that order and b) determinations in connection with prior notification procedure under T&CP (General Permitted Development) Order c) In accordance with an agency agreement with the South Downs National Park Authority, applications and other matters in that part of the South Downs National Park within the Eastbourne Area.		a) applications comprising 'major' development within the meaning of the T&CP (General Permitted Development) Order. b) applications for development which conflicts materially with the Local Development Plan, County Development Plan or any adopted South Downs National Park Authority Development Plan.	
			c) applications materially affecting ancient monuments, and sites of special scientific interest.	
			d) where the application has been made by a member (or their spouse/partner) or an officer (or their spouse/partner) who are part of the Corporate Management Team or work in the planning	

Part 3 – D20

			division.	
			e) applications requiring the Secretary of State to be notified under the Town and Country (Development Plans and Consultations) (Departures) Direction 2009.	
			f) where the Planning Officer dealing with the matter considers that the application should be dealt with by the Committee.	
			g) where a member of the Council not more than 28 days after validation of an application requests otherwise.	
			h) where the Chairman, Opposition Spokesperson or a Ward Councillor requests that the matter be determined by the Committee at any point up to the Officer formally making and implementing the decision.	
			i) Where more than six letters of objection have been received on material consideration grounds.	
			j) Where an objector has	

			made known their wish to address the Committee within the consultation period.	
48.	To determine applications for consent pursuant to the conditions and limitations under the Planning Acts.			
49.	To determine the Council's stance in respect of and respond to consultation opinions concerning matters including ESCC, Wealden District Council and the South Downs National Park Authority planning applications unless they are for 'major' development within the meaning of the T&CP (General Development Procedure) Order.	Chairman of the Planning Committee		
50.	To determine applications for lawful development certificates (Town and Country Planning Acts Sections 191 and 192).	LC where necessary		
51.	To give, make and confirm any Order or Direction under the Planning Acts.			LC
52.	To issue, serve, modify and withdraw any Notice under the Planning Acts and to carry out works in default including ruinous and dilapidated buildings and neglected sites (Building Act 1984, Section 79.			LC
53.	To determine applications and to take any action under Anti-Social Behaviour Act (2003) Part 8 (High Hedges)			
54.	Subject to the limitations imposed above to determine the Council's stance in respect of and respond to consultations and opinions concerning matters where the officer is not to determine the application.			

Part 3 – D22

55.	All matters relating to the Planning (Hazardous Substances) Act, 1990.			
56.	To issue and serve notices in relation to breaches of conditions in relation to planning permissions.			
57.	To issue and serve notices and take any further action in relation thereto, including enforcement in consultation with the LC, under all Planning, Environmental and other relevant legislation that may or may not be referred to in this Scheme of Delegations.			
58.	To exercise the Council's powers in respect of water supply, sewerage and drainage.			
59.	All matters relating to the naming and numbering of streets.	Relevant Cabinet Member and Ward Councillors		
60.	To exercise the Council's powers in respect of land drainage.	Relevant Cabinet Member		
61.	To exercise the Council's powers affecting the design or maintenance of highways.			
62.	All matters relating to coastal and dredging licence applications.		Such development must be permitted in a General Permitted Development Order or have been granted planning permission	
63.	To maintain, in partnership with the Senior Head of Leisure and Tourism, the parks, pleasure grounds,			

	gardens, open spaces, commons, recreational facilities, museums, galleries, nature reserves and allotments within the Council's control.			
64.	All matters relating to on and off street parking.	Relevant Cabinet Member		
65.	To collect, remove, recycle and dispose of waste.			
66.	To collect, remove, recycle and dispose of litter.			
67.	To collect, remove, recycle and dispose of abandoned or unauthorised vehicles.			
68.	To authorise the waiving or reduction of charges for special refuse collections.			
	Senior Head of Development			
69.	To manage the improvement, refurbishment and maintenance of the Council's non-housing property portfolio where not specifically the responsibility of other officers, this to include all tasks related to new build provision.			
70.	To acquire land in connection with the Council's functions and to grant and/or modify leases, easements, licences and way-leaves of, in, or over buildings or land in connection with the Council's functions.			
71.	To dispose of land in connection with the Council's functions and to grant and/or modify leases, easements, licences and way-leaves of, in, or over buildings or land in connection with the Council's functions.			

Part 3 – D24

72.	To vary the terms and conditions of, or negotiate the surrender of, leases and licences			
73.	To determine as landowner or landlord applications for licences, consents and permissions in respect of the Council's buildings or land.			
Lawyer to the Council (Monitoring Officer)				
74.	Legal Proceedings			
	a. To determine what, if any legal action should be taken following any investigation into a criminal matter.		Except in relation to Health & Safety at Work	
	b. To institute, prosecute or terminate any proceedings which the Council is empowered to undertake in or before any Court, Tribunal, Inquiry or by way of Fixed Penalty Notice.		Except in relation to Health & Safety at Work	
	c. To defend or settle any proceedings brought against the Council.		Except in relation to Health & Safety at Work	
	d. To take any action incidental or inclusive to or which would facilitate any action under this paragraph.			
	e. To advise the relevant Chief Officer who is contemplating administering a formal caution to a person that has admitted an offence.			
	f. To determine whether or not any legal proceedings should be taken in any particular case or set of circumstances.			
75.	To appoint and instruct legal service providers.			
76.	To settle any claims where the Council's Insurers	CFO		

	may be involved.			
77.	To negotiate and enter into planning or other agreements regulating or controlling the use of development of land			
78.	To make minor amendments in planning or other agreements regulating or controlling the use or development of land.			
79.	To issue, serve, modify, or withdraw any enforcement action or notices under the Planning Acts, the Building Acts, the Environmental Protection Acts and any other such regulatory legislation enforced by the Council etc.			SHI.
80.	To carry out or authorise the carrying out of works in default under any statutory provisions (including but not limited to n Notices concerning ruinous and dilapidated buildings and neglected sites (Building Act 1984, Section 79).			
81.	To give, make and confirm any Order or Direction under the Planning Acts including Tree Preservation Orders (and associated applications for consent for works) and notification of works to trees in conservation areas.		Not to confirm if there are any objections	SHI
82.	To seal any document.	Relevant CO		
83.	To monitor the Council's use of the powers available to it under the Regulation of Investigatory Powers Act 2000.	DCE		

Part 3 – D26

85.	To negotiate and agree the terms of any contract.			
86.	To sign any contract on behalf of the Council.			
87.	To authorise the attendance of officers at Court under any statutory provision.			
88.	To authorise service of any statutory requisition for information as to interests in land.			
89.	To execute any legal document on behalf of the Council.			
90.	All matters relating to consultations with Sussex Police and other bodies in relation to Anti Social Behaviour.			
91.	All matters relating to the consecration of land.			
92.	To issue, serve, suspend or withdraw any notices in respect of any matter for which the Council has power to act.			
93.	To decide whether to investigate allegations of misconduct in accordance with section 28(6)(7) of the Localism Act 2011 and in accordance with agreed procedures.	Independent Persons appointed by the Council Standards Panel if appropriate.		
94.	Establish, maintain and publish the register of interests.			
95.	To grant dispensations for relief of interest restrictions	Independent Persons appointed by the Council Standards Panel		

		if appropriate.		
	Senior Head of Leisure and Tourism			
96.	To exercise the Council's functions relating to the provision and management of recreational facilities.			
97.	To manage, including the authority to agree usage (and, where appropriate, agree temporarily reduced charges for usage where such reduction is in the financial and/or overall interests of the Council) and, in partnership with the Senior Head of Development and Environment to maintain, all the parks, pleasure grounds, gardens, open spaces, commons, recreational facilities, museums, nature reserves and allotments within the Council's control.			
98.	To exercise the Council's functions relating to the provision and management of cultural facilities and activities.			
99.	All matters relating to pleasure boats, boatman's licences, fisherman's agreements and all such other matters related to the Council's powers and duties in relation to the coast, rivers and harbours.			
D	Proper and/or Authorised Officer Functions			
No	Act	Function	Officer	Deputy
1.	All legislation prior to 1 st April 1972	Proper Officer in relation to references to Treasurer or Borough Treasurer	CFO	
2.	All legislation prior to 1st April	Proper Officer in relation to declarations and	CFO	

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	<u>1972</u>	certificates with regard to securities		
	Local Government Act 1972			
3.	Section 83(3)	Declarations of acceptance of office of Councillors	CE	HCD
4.	Section 84(1)(a)	Receipt of resignations of Councillors	CE	LC
5.	Section 88(2)	Convene a meeting of the Council to fill a vacancy of Chair of the Council	CE	HCD
6.	Section 89(1)(b)	Receive from electors Notices of Casual Vacancies of Councillors	CE	HCD
7.	Section 96	Receiving details of and recording Members' interests	DCE	HCD
8.	Section 100B(2)	Excluding from the public reports which are not likely to be considered in open session	LC	HCD
9.	Section 100C(2)	Where part or the whole of the report has been exempt the Proper Officer shall make a written summary of the proceedings or a part to provide a record without disclosing the exempt information	HCD	
10.	Section 100D	Compilation of list of background documents	Senior Head or actual author of report for Senior Head	
11.	Section 100F(2)	Deciding whether documents for inspection contain exempt information under relevant paragraph of Schedule 12A which are not required to be open to inspection by Members of the Council	HCD	
12.	Section 115(2)	For receipt of monies due to the Council from Officers	CFO	

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13.	Section 146(1)(a)	Statutory Declaration regarding change of name of the Authority in connection with Companies	LC	
14.	Section 191(2)	Applications under the Ordnance Survey Act 1841	SHI	
15.	Section 210	In respect of powers with regard to Charities	HCD	
16.	Section 225	Deposit of documents in accordance with Standing Orders of either House of Parliament, Enactment or Statutory Instrument	LC	HCD
17.	Section 229	To certify photographic copies of documents to be a true copy	LC	HCD
18.	Section 234	To sign notices, orders or other documents authorised or required by or under any enactment	LC	HCD
19.	Section 236	To send copies of Byelaws to any parish and/or community councils to which it applies	LC	HCD
20.	Section 238	Certification of printed copies of Byelaws	LC	HCD
21.	Section 248	To keep roll of persons admitted to the Freedom of the Borough	CE	
22.	Parts IV and Schedule 12	Signing and serving of summonses to attend meetings of the Council	CE	
23.	Schedule 14 Paragraph 25(7)	To certify copies of resolutions applying or disapplying provisions of the Public Health Act 1875 to 1925	HCD	
	Local Government Miscellaneous Provisions Act 1976			
24.	Section 41	To certify copies of resolutions, orders, reports or minutes of the Council or any predecessor authority	DCE	
	Local Government &			

Part 3 – D30

	Housing Act 1989			
25.	Section 2	To receive a list of politically restricted posts	CE	DCE
26.	Section 4	Designation as Head of Paid Service	CE	DCE
27.	Section 5	Designation as Monitoring Officer	LC	
	Representation of the People Act 1983			
28.	Section 8	Appointed as Electoral Registration Officer	CE	
29.	Section 35	Returning Officer at Borough Elections	CE (appointed by the Council when post-holder changes)	
30.	Section 52	Appointed as Deputy Electoral Registration Officers	DCE and HCD	
31.	Section 82 & 89	To receive declaration of election expenses and holding of documents for public inspection	CE	DCE
	Local Government (Committees and Political Groups) Regulations 1990			
32.	Regulation 8	Receipt of Notice of Political Groups	CE	DCE
33.	Regulation 10	Receipt of Notice of cessation of membership of Political Group	CE	DCE
34.	Regulation 13	To accept wishes of Political Groups in respect of proportionality	CE	DCE
35.	Regulation 14	To notify Political Groups of allocations	CE	DCE
36.	Local Authority (Members Interest) Regulations 1992	To maintain a list of Members interests and keep it open to public for inspection	DCE	HCD

	Local Government Act 1974			
37.	Part 3	(Local Government Ombudsman)	DCE	HCD
	Local Government Act, 2000			
38.	Section 34	Proper Officer function	DCE	DCE
	Local Authorities (Referendum) (Petitions and Directions) Regulations 2000			
39.	Whole	Proper Officer function	DCE	HCD
40.	Local Authorities (Conduct of Referendums) (England) Regulations 2007	Proper Officer function	DCE	HCD
	Public Health Act 1936			
41.	Section 79	Removal of noxious matter	SHI	
42.	Section 84	Verminous Articles	SHI	
43.	Section 85	Verminous People	SHI	
	National Assistance Act 1948			
44.	Section 47	Removal of people in need	SHI	Officers of Health Authority etc authorised under S 113 (1A) of the Local Gov Act 1972
	Public Health Act 1961			
45.	Section 37	Verminous Articles	SHI	
	Public Health (Control of Disease) Act 1984			

Part 3 – D32

46.	Whole Act	Infectious Diseases and Dead Bodies	SHI		
	Public Health (Infectious Diseases) Regulations 1988				
47.	All	Infectious Diseases	SHI		
	Food Safety Act 1990				
48.	All	Food Safety	SHI		
	Any other legislative provisions for which arrangements are not specifically made under this Scheme of Delegations				
49.	All	Proper/Authorised etc. Officer functions or similar	CE	DCE	
No	Act		Function	Officer	Deputy
E	Specific authorisations for Court:				
1.	Officers authorised to represent the Council in Court etc				
A	Every Solicitor, Barrister or Legal Executive employed or engaged by the Council shall be authorised to appear on its behalf before any Court, Tribunal or other Hearing before which they have a Right of Audience and to exercise the powers given by the relevant professional body.				
B	The following Post Holders are authorised to appear on behalf of the Council and to conduct proceedings in Court and these are additional to the powers delegated by the Scheme of Delegation to Officers and the rights to appear in Court given to Solicitors, Barristers and Legal Executives:				
a.	pursuant to the Local Government Act 1972 Section 223 and the County Courts Act 1984 Section 60 (in respect of possession matters) and for any purpose for which the Council is empowered to authorise Officers to appear on its behalf:				
1.	Legal Assistants				
2.	Trainee Solicitors				
3.	Other suitably experienced and/or qualified Officers specifically authorised in				

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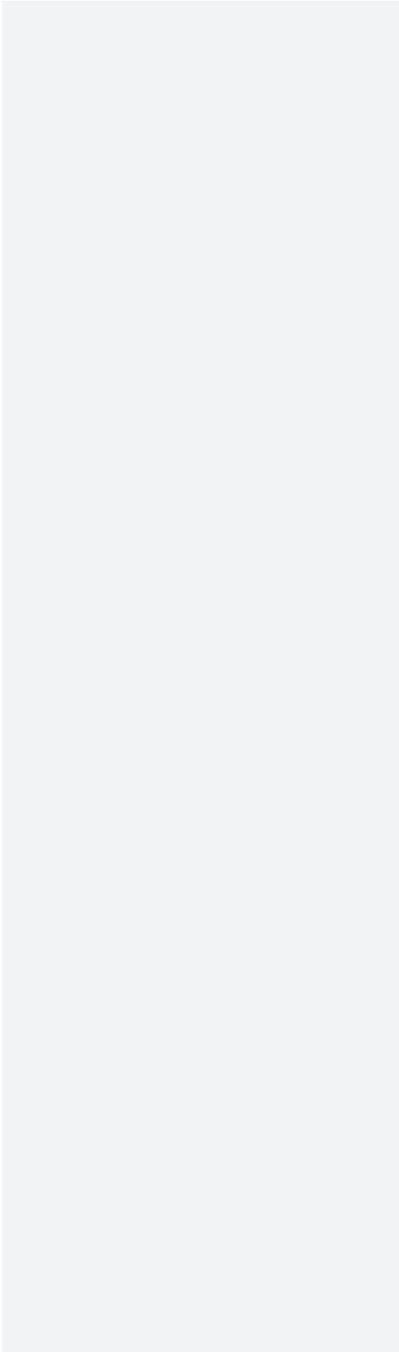
		writing so to appear by the Lawyer to the Council.			
	b.	pursuant to the Local Government Act 1972 Section 223 in respect of Rating or Council Tax matters: 1. The Senior Head of Community 2. Officers of Eastbourne Borough Council authorised in writing so to appear by the Senior Head of Community			
	c.	pursuant to Part I of the Health and Safety at Work etc Act 1974 1. Senior Head of Infrastructure 2. Officers of Eastbourne Borough Council so authorised in writing to appear by the Senior Head of Infrastructure and/or in accordance with the legislation			
	d.	pursuant to the Insolvency Rules 1986 Part 9 (examination of persons concerning company and individual insolvency) 1. The Senior Head of Community 2. Officers of Eastbourne Borough Council so authorised in writing to appear by the Senior Head of Community			
F	Authorisation to enter land or premises				
1.	General:				
	a.	This authorisation authorises those Officers named in paragraphs 2-7 to enter land or premises for or in connection with their duties and pursuant to the functions mentioned.			
	b.	The authority to enter land or premises shall be exercisable subject to any statutory constraints.			
	c.	A reference to any Act shall include reference to any amendment or re-enactment and any subordinate legislation.			

	d.	In the event that a post ceases to exist or the name of the post is changed or the responsibilities of that post are transferred to another post temporarily or permanently then the authority given by this authorisation shall be exercisable by the officer in whose area of responsibility the previous responsibilities now reside.			
	e.	The right to enter given by paragraphs 2-7 below shall extend to the exercise of the power to make inspections, to provide samples and to examine and seize goods as and if appropriate			
	f.	A person authorised to enter land may take with him or her or such other persons and equipment as may be necessary			
	g.	This authorisation entitles the person authorised to enter land to seek a warrant to enter			
	h.	The authorisation of an Officer to enter land shall be taken as this appointment of that Officer among other things for that purpose			
2.	All purposes				
	a.	Chief Executive			
	b.	Deputy Chief Executive			
	c.	Senior Heads			
	d.	Chief Finance Officer			
	e.	Emergency Planning Officer			
3.	Environmental Health, Housing etc				
	The following are authorised to enter land or premises for the following function:				
		Function	Officer		
	a.	Animal Welfare and Control	Senior Head of Community Senior Head of Infrastructure and Senior Head of Development and such other Officers as shall be delegated to in writing by them from time to time		
	b.	Caravan Sites			
	c.	Environmental Protection			
	d.	Food Safety and Hygiene			
	e.	Health and Safety at Work			
	f.	Housing			

	g.	Licensing Act 2003				
	h.	Pest Control				
	i.	Public Health				
	j.	Public Safety				
	k.	Scrap Metal Dealers				
	l.	Shop Acts				
	m.	Street Trading				
	n.	Sunday Trading				
	o.	Public Health				
	p.	Environmental Protection				
	q.	Gambling Act 2005				
	r.	Street Closures				
	s.	Cremations and Burials				
4.		Planning				
		The following are authorised to enter land or premises for the following function:				
		Function	Officer			
	a.	The Town and Country Planning Act 1990, Sections 178, 196A, 196B, <u>214B, 214C</u> , 324 and 325	Senior Head of Development, Senior Head of Infrastructure and such other Officers as shall be delegated to in writing by him/her from time to time			
	<u>aa</u>	<u>Order made under the Plant Health Act 1967, including but not limited to those relating to Dutch Elm Disease</u>	<u>Senior Head of Development, Senior Head of Infrastructure and such other Officers as shall be delegated to in writing by him/her from time to time</u>			
	b.	Planning (Listed Buildings and Conservation Areas) Act 1990, Section 88	Senior Head of Development, Senior Head of Infrastructure and such Officers as may be delegated to in writing by him/her from			

			time to time			
	c.	Planning (Hazardous Substances) Act 1990, Section 36	Senior Head of Development, Senior Head of Infrastructure and such Officers as may be delegated to in writing by him/her from time to time			
	d.	Anti-Social Behaviour Act 2003, Part 8	Senior Head of Development, Senior Head of Infrastructure and such Officers as may be delegated to in writing by him/her from time to time			
5.	Building Control					
	The following are authorised to enter land or premises pursuant to the following power					
		Function	Officer			
	a.	Building Act 1984, Section 95	The Senior Head of Development, Senior Head of Infrastructure and such Officers as may be delegated to in writing by him/her from time to time			
6.	Local Taxation					
	The following are authorised to enter land or premises for the following function					
		Function	Officer			
	a.	Collection of Local Taxes	The Senior Head of Community and such Officers as may be delegated to in writing by him/her from time to time			
7.	Land Drainage and Sewerage Undertaking					
	The following are authorised to enter land or premises for the following function					
		Function	Officer			
	a.	Water Industry Act 1991	Senior Head of Community and Senior Head of Infrastructure and such Officers as may be delegated to in writing by them from time to time			
	b.	Land Drainage Act 1991	Senior Head of Community and Senior			

			Head Infrastructure and Environment and such Officers as may be delegated to in writing by them from time to time			
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ANNEX A**Chief Officers and Senior managers' areas of responsibility**

Chief Executive (and Head of Paid Service)	<i>Strategic leadership and the delivery of quality services.</i>
Deputy Chief Executive	<i>Corporate and core support services including ICT and Asset management: Financial services; Human resources; Strategy and democracy; Legal and monitoring services; Customer services.</i>
Senior Head of Community	<i>Partnership activities promoting and safeguarding community health and safety; Strategic housing, needs and homelessness; Housing benefits and benefit fraud; Council tax collection and management; Private sector housing and related grants; Community development and related grants; Bereavement services; Voluntary sector liaison and youth development.</i>
Senior Head of Development	<i>Corporate activities for strategic, developmental and policy; Corporate property management of the Asset portfolio; Facilities; Economic development and regeneration.</i>
Senior Head of Tourism & Leisure	<i>Strategic tourism; Partnership activities including management of leisure and catering services contract; Marketing strategy and operational work, including TIC; Towner Cultural Centre and museums; Events design, planning, delivery and evaluation; Eastbourne Theatres; Devonshire Park facilities management and maintenance; Sports centres and associated leisure provision.</i>
Senior Head of Infrastructure	<i>Corporate enforcement activities for community health and safety; Planning services; Building control; cleansing; refuse and recycling, downland trees, parks and gardens, general maintenance; Engineering functions and any liaison or consultation with the highway authority on highways management issues; car parks; customer services; information and communications technology (ICT).</i>
Chief Finance Officer (Section 151 officer)	<i>Accountancy, internal audit, purchasing and payments, general income & system support.</i>
Lawyer to the Council (and Monitoring Officer)	<i>The Assurance that all actions and decisions taken by the Officers and Members of the Council are lawful and that the interests of the Council are legally protected and enhanced.</i>

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Meeting: Council
Date: Wednesday 17 September 2014
Subject: Treasury management annual report 2013/14
Report of: Councillor Gill Mattock on behalf of the Cabinet

The Council is asked to consider the minute and resolution of the Cabinet meeting held on 3 September 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/ieListDocuments.aspx?CIId=125&MIId=1267&Ver=4>

The Council is recommended to:-

Approve the annual treasury management report for 2013/14 and that specific approval be given to the 2013/14 prudential and treasury indicators included within the report.

28 * Treasury management annual report 2013-14

28.1 Cabinet considered the report of the chief finance officer. This report covered the treasury management activity and performance for the financial year 2013/14. The council’s treasury management activities were regulated by a variety of professional codes, statutes and guidance.

28.2 Past changes in the regulatory environment had placed a much greater onus on members for the review and scrutiny of treasury management policy and activities. This report was important in that respect, as it provided details of the outturn position for treasury activities and highlighted compliance with the council’s policies previously approved by members. It was also confirmed that the council had complied with the requirement under the code to give prior scrutiny to all of the above treasury management reports by the audit committee before they were reported to full council. Member training on treasury management issues had last been undertaken in 2010 in order to support members’ scrutiny role.

28.3 The report summarised:

- Capital activity during the year.

- Impact of this activity on the council's underlying indebtedness (the capital financing requirement).
- Reporting of the required prudential and treasury indicators.
- Overall treasury position identifying how the council had borrowed in relation to this indebtedness, and the impact on investment balances.
- Summary of interest rate movements in the year.
- Debt and investment activity.

28.4 The chief finance officer also confirmed that borrowing was only undertaken for a capital purpose and the statutory borrowing limit (the authorised limit), had not been not breached. He commented that the financial year 2013/14 continued the challenging environment of previous years; low investment returns and continued counterparty risk.

28.5 ***Resolved (budget and policy framework):** That full council be recommended to approve the annual treasury management report for 2013/14 and that specific approval be given to the 2013/14 prudential and treasury indicators included within the report.

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: Alan Osborne, chief finance officer. Tel: (01323) 415149.
E-mail: alan.osborne@eastbourne.gov.uk

(der\P:\council\14.09.17\treasury management)

Tuesday, 5 August 2014
at 6.00 pm



Planning Committee

Present:-

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

36 Minutes of the meeting held on 8 July 2014.

The minutes of the meeting held on the 8 July were approved and the Chairman was authorised to sign the as them as a correct record.

37 Apologies for absence.

There were none.

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

Councillor Taylor declared a prejudicial interest in minute 47, St Thomas A Becket School, Kings Drive as a Member of East Sussex County Council Planning committee and did not take part in the discussion or vote thereon.

Councillor Ungar declared that with regard to minute 39, 2 Upwick Road, he had previously reached a view in relation this application and considered himself as being pre-determined with regard to it. He therefore withdrew from the room whilst the application was considered.

39 2 Upwick Road. Application ID: 140868.

Application for approval of details reserved by condition No.10 (details of steps) of permission - **OLD TOWN.**

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

This application is reported to Planning Committee at the request of the Chair so that the decision can be made in the public forum of Planning Committee.

The application relates to the issues controlled via planning condition attached to scheme granted planning permission on appeal.

Members may recall that a suite of information relating to matters controlled via planning condition was reported to Planning Committee in May 2014, this application sits alongside the information already agreed

and outlines the alterations to the access to the property No 2 Upwick Road.

The details as submitted were considered sufficient to meet access and safety issues for all users of this development site. Following discussions with the occupier of 2 Upwick Road, revised drawings had been received. The revised drawings indicated that the access stairs will rise/fall facing Upwick Road rather than the application site.

Mr Cline addressed the committee in objection stating that he was concerned regarding the accuracy of the drawings, the size of the stairs and protection from vehicle strike.

The Senior Specialist Advisor (Planning) advised that the drawings were scaled and measurable and that with regards to Building Control safety issues had been met.

The committee requested that the Senior Specialist Advisor (Planning) discuss the possibility of delineation markings for pedestrians on the site with the developer.

NB: Councillor Ungar withdrew from the room whilst this item was considered.

RESOLVED: (By 6 votes with 1 abstention) That permission be granted.

40 12 Manvers Road. Application ID: 140857 (LDP).

Proposed loft conversion including hip to gable enlargement together with rear dormer - **OLD TOWN.**

The applicant sought a Certificate of Lawfulness for the alteration of the roof space through the creation of a Hip to Gable extension to the Southern roof slope (closest to the shared boundary with 10 Manvers Road) and in addition the creation of a rear dormer in the rear roof slope elevation running almost the entire width of the property. No neighbour consultations were undertaken as the application had to be determined on points of law.

RESOLVED: (By 7 votes with 1 abstention) That a Lawful Development Certificate be issued for this proposal.

Informative:

For the avoidance of doubt the certificate has been issued in accordance with the details shown on the following plans received on 24 June 2014:

Drawing No.: 227000.05 – Rev A

41 14 Manvers Road. Application ID: 140858 (LDP).

Proposed loft conversion including hip to gable enlargement together with rear dormer - **OLD TOWN.**

The applicant sought a Certificate of Lawfulness for the alteration of the roof space through the creation of a Hip to Gable extension to the Southern roof slope (closest to the shared boundary with 10 Manvers Road) and in addition the creation of a rear dormer in the rear roof slope elevation running almost the entire width of the property. No neighbour consultations were undertaken as the application had to be determined on points of law.

RESOLVED: (By 7 votes with 1 abstention) That a Lawful Development Certificate be issued for this proposal.

Informative:

For the avoidance of doubt the certificate has been issued in accordance with the details shown on the following plans received on 24 June 2014:

Drawing No.: 227000.05 – Rev A

42 16 Lushington Lane. Application ID: 140801 (PPP).

Demolition of garages and erection of a pair of semi-detached dwellings – **MEADS**. Seven letters of objection had been received.

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

The Specialist Advisor (Planning Policy) raised no objections.

At their meeting on 15 July 2014 the Conservation Area Advisory Group raised no objection in principle but requested alterations to the fenestration of the front elevation to be more in keeping the adjacent properties.

Highways ESCC made no response to the consultation.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Time for commencement 2) Approved drawings 3) Notwithstanding approved drawings revised window design to front elevation to be submitted 4) Notwithstanding approved drawings the windows to the rear elevation at first floor level shall be a minimum of 1.8m from internal floor level 5) Prior to commencement of development, including demolition the submission of a construction method statement 6) Removal of permitted development rights, no new windows or doors to be inserted to rear or side elevations, no roof extensions or rooflights 7) Bin enclosure to remain for storage of bins at all times 8) Standard hours of construction 9) Prior to commencement of development completion of Unilateral Undertaking to secure payment of commuted sum. 10) prior to commencement submission of materials, proposed roof material shall be real slate tiles.

Informative:

Completion of Unilateral Undertaking standard informative.

43 25 St Annes Road. Application ID: 140833.

The conversion of the existing building with rear extension to provide 11 no. residential flats together with landscaping waste and cycle storage. The proposals include the removal of existing rear external escape gantry and a single storey ground floor side addition – **UPPERTON**. Two letters of objection had been received.

The committee were advised that the application was a re-submission of a previous scheme which was refused at planning committee on 7th January 2014 as it was considered the proposed extension would have an intrusive and overbearing impact on the adjacent property. The decision was appealed by the Applicant and subsequently dismissed solely on the grounds that there was no provision to secure the affordable housing contribution required. The Applicant had since entered into a unilateral undertaking with the Council to secure the payment of the commuted sum towards off site affordable housing (£18, 482.28) to come into operation should consent be granted.

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

The observations of the Specialist Advisor (Conservation) and the Specialist Advisor (Arboriculture) were summarised within the report.

Stephen Lloyd, MP, addressed the committee in support of the application stating that Twin was a leading language school in Eastbourne, looking to expand their school and accommodation offer.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Time limit 2) In accordance with approved plans 3) The materials used in the construction of the rear extension shall match the host building 4) Submission of materials used in construction of bike and bin store 5) Implementation of a programme of archaeological work 6) Archaeological site investigation and post investigation assessment 7) Submission of a method statement outlining the protection of the mature Lime (Identified as T5 in the Arboricultural Impact Assessment dated 15 October 2012) during the construction process 8) Protection of existing trees – provision of fencing 9) no flues, pipes etc. shall be installed on the front elevation 10) Hours of building operations.

Informative:

Pre-commencement conditions.

44 Congress Theatre, Carlisle Road. Application ID: 140821 and 140822.

140821 - Restoration of glazed front façade and short side returns (not including ground floor other than cathodic protection of pilotis) with additional repairs to east elevation and projecting roof canopy (south facing) – **MEADS**.

140822 - Restoration of glazed front façade and short side returns (not including ground floor other than cathodic protection of pilotis) with additional repairs to east elevation and projecting roof canopy (south facing) – **MEADS**.

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

At their meeting on 15 July 2014 the Conservation Advisory Group raised no objections. The Group welcomed the scheme and the opportunity to improve the building as well as repair it, and agreed that the quality of materials and workmanship would be critical to its restoration.

The observations of the Theatres Trust, the Specialist Advisor (Planning Policy), the Conservation Consultant and East Sussex County Highways were summarised within the report.

English Heritage had worked closely with the applicant in the preparation of these applications, and responded that the application was supported by a robust suite of documents outlining the heritage significance of the development. Notwithstanding this and in consultation with the applicant they had requested additional work was undertaken to illustrate the significance of the building in the wider Devonshire Park Complex.

RESOLVED A (140821): That subject to referral to the Government Office (English Heritage representatives) and that no objections are received from this referral process then Planning Committee authorises the Senior Specialist Advisor (Planning) to **Grant Planning Permission** subject to conditions (along with additional conditions that may be recommended by English Heritage): 1) Time Limit 2) Approved Drawings Prior to any approved development commencing details of the external materials supplied covering:-

- Method of cleaning and repair of split concrete panels
- Samples of replacement split concrete panels in the event of irreparable damage on breaking out transoms and mullions
- Samples of pre-cast concrete panels (above pilotis and at second floor level) to match as closely as possible a (cleaned) sample of the original panel in colour, texture, aggregate type and profile
- Method of fixing of all replacement concrete and slate panels
- Sample of slate cladding to match as closely as possible existing in colour and appearance
- Samples of sealants
- Samples of agreed finish to secondary mullions and transoms (subject to justification for the change as set out above)
- Pigment analysis of existing glazing and samples of replacement glazing to match
- The anodised aluminium
- The colour of the window frames
- The appearance and materials of the parapet wall capping

The details as approved shall be implemented at the site and be retained as such thereafter.

4) Prior to any work commencing on the works hereby approved a detailed mock-up showing the way the aluminium transoms and columns connect

together with the window frame and glazing shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented at the site and retained as such thereafter 5) Prior to its installation at the site the location of the control and monitoring cabinet of the cathodic system shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented at the site and be retained as such thereafter 6) Prior to their installation at the site/building all cable runs for the cathodic protection system (whether in concealed or exposed locations) shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented in accordance with the approved details and be retained as such thereafter 7) Prior to their installation the location and details of the cover sealant to the cathodic protection on the ground floor decorative columns to be submitted to and agreed in writing by the Local Planning Authority. The details as approved shall be implemented in accordance with the approved details and be retained as such thereafter 8) Notwithstanding the Advertisement Regulations (which allows for certain types of advertisement to be erected without the need for a formal approval regime) any new advertisement located on the external fabric of the building shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the method of fixing to the building and the method of illumination 9) That no demolition, site clearance or building operations shall take place except between the hours of 8.00 a.m. and 6.00 p.m. on Mondays to Fridays and 8.00 a.m. and 1.00 p.m. on Saturdays and that no works in connection with the development shall take place unless previously been agreed in writing by the Local Planning Authority.

RESOLVED B (140822): That subject to referral to the Government Office (English Heritage representatives) and no objections are received from this referral process then Planning Committee authorises the Senior Specialist Advisor (planning) to issue **Listed Building Consent** subject to conditions listed below (along with additional conditions that may be recommended by English Heritage): 1) Time Limit 2) Approved Drawings 3) Prior to any approved development commencing details of the external materials supplied covering:-

- Method of cleaning and repair of split concrete panels
- Samples of replacement split concrete panels in the event of irreparable damage on breaking out transoms and mullions
- Samples of pre-cast concrete panels (above pilotis and at second floor level) to match as closely as possible a (cleaned) sample of the original panel in colour, texture, aggregate type and profile
- Method of fixing of all replacement concrete and slate panels
- Sample of slate cladding to match as closely as possible existing in colour and appearance
- Samples of sealants
- Samples of agreed finish to secondary mullions and transoms (subject to justification for the change as set out above)
- Pigment analysis of existing glazing and samples of replacement glazing to match
- The anodised aluminium
- The colour of the window frames
- The appearance and materials of the parapet wall capping

The details as approved shall be implemented at the site and be retained as such thereafter 4) Prior to any work commencing on the works hereby approved a detailed mock-up showing the way the aluminium transoms and columns connect together with the window frame and glazing shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented at the site and retained as such thereafter 5) Prior to its installation at the site the location of the control and monitoring cabinet of the cathodic system shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented at the site and be retained as such thereafter 6) Prior to their installation at the site/building all cable runs for the cathodic protection system (whether in concealed or exposed locations) shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented in accordance with the approved details and be retained as such thereafter 7) Prior to their installation the location and details of the cover sealant to the cathodic protection on the ground floor decorative columns to be submitted to and agreed in writing by the Local Planning Authority. The details as approved shall be implemented in accordance with the approved details and be retained as such thereafter 8) Notwithstanding the Advertisement Regulations (which allows for certain types of advertisement to be erected without the need for a formal approval regime) any new advertisement located on the external fabric of the building shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the method of fixing to the building and the method of illumination 9) That no demolition, site clearance or building operations shall take place except between the hours of 8.00 a.m. and 6.00 p.m. on Mondays to Fridays and 8.00 a.m. and 1.00 p.m. on Saturdays and that no works in connection with the development shall take place unless previously been agreed in writing by the Local Planning Authority.

45 Land adjacent to 29 Filder Close. Application ID: 140559 (PPP).

Proposed new end of terrace two storey dwelling to extend the existing terrace, situated in the existing garden adjoining 29 Filder Close and with associated parking – **ST ANTHONYS**. 17 letters of objection had been received.

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

The observations of the Housing Services Manager, the Specialist Advisor (Planning Policy), the Specialist Advisor (Arboriculture) and East Sussex County Highways division were summarised within the report.

Councillor Tutt, Leader of the Council and Ward Councillor, addressed the committee in objection stating that the houses had originally been built with an open plan feel and that this scheme would adversely affect that design, the proposal would be an overdevelopment of the site and remove the open amenity of the land. In addition the area was prone to surface level flooding, which would be exacerbated by further development. Councillor Tutt also stated that parking was an issue in the vicinity and that as a blind corner access and egress to Filder Close would become dangerous.

Councillor Mattock, Ward Councillor, addressed the committee in objection stating that this was a tiny triangular site which if developed would be detrimental to the open plan estate, Councillor Mattock reiterated Councillor Tutt's concerns regarding increased surface level flooding should the site be developed.

RESOLVED: (Unanimous) That permission be refused on the grounds that 1) the siting and layout of the development, the proposal fails to respect the character and appearance of the surrounding residential area, and conflicts with the pattern and building line of existing development within Filder Close, affecting the open plan character of the existing neighbourhood 2) the design and position of the dwelling would result in an inappropriate and unneighbourly form of development that would be likely to have a negative impact upon the amenities enjoyed by the occupiers of No29 Filder Close by reason of loss of light and overbearing relationship 3) the proposed private amenity space proposed is considered not to be in a usable configuration and as such is likely to result in a poor living environment for the likely occupiers of this new dwelling.

Informative:

As outlined within the National Planning Policy Framework (2012), in order for development to be supported it must first comply with local plans. The proposal does not accord with policy UHT1, UHT4, HO2, HO20 of the Eastbourne Borough Plan (Saved policies, 2007), B1, B2, D5 & C6 D10A of the Eastbourne Core Strategy Local Plan and on this basis has been refused.

Appeal:

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.

46 Gildredge Free School, Compton Place Road. Application ID: 140798.

Erection of three-court sports hall – **UPPERTON.**

Members were reminded that this application was reported to Planning Committee in July 2014, and that at this committee revised drawings were tabled and Committee authorised a further round of consultation to seek the views/comments from interested third parties.

This consultation had concluded as save for one representation requesting to address committee no further representations had been received.

Members also informally requested through officers that samples including colour staining of the timber and or a sample panel be submitted so that its true impacts can/could be assessed. Sample materials in both aluminium and timber had been provided and were available for examination by the committee.

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

The cladding was to be formed by Western Red Cedar which was to be treated to maintain its deep orange colour as previously requested by the committee. Following some discussion about the materials and treatment the contractor was asked to clarify the longevity of each of the materials. Mr Keefe, contractor, advised that the aluminium would have a 25yr guarantee whilst the timber would have a 15yr guarantee and would require additional maintenance during the 15yr period. The committee discussed the merits of both materials and decided that the untreated Western Red Cedar would be the most appropriate material, given that it would require less maintenance and was the most sustainable material. The committee also agreed that once the Cedar had weathered it would appear softer 'to the eye' and blend well with its surroundings.

Planning conditions had been recommended requiring the colour details of the exterior cladding and that this cladding should be fully installed prior to the sports hall being first occupied.

RESOLVED: (By 7 votes with 1 abstention) 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 permission 2) The proposed development shall be carried out in strict accordance with drawings

Proposed Brise Soleil details

EX18074 SKETCH 3B received 11/07/2014

EX18074 SKETCH 5B received 11/07/2014

EX18074 SKETCH 4 received 11/07/2014

EX18074 SKETCH 2B received 11/07/2014

EX18074 SKETCH 1A received 11/07/2014

EX18074 SKETCH 5B received 11/07/2014

07859-A-L-(00)-X-0273-Rev C Received 10/06/2014

07859-A-L-(00)-X-0285-Rev D Received 10/06/2014

07859-A-L-(00)-X-0251-Rev E Received 10/06/2014

07859-A-L-(00)-X-0284-Rev C Received 10/06/2014

3) The exterior finishes of the timber cladding system hereby approved shall be formed in/by unstained/untreated Red Cedar. The details hereby approved shall be implemented at the site and retained as such thereafter
4) The sports hall shall not be brought into beneficial use until such time as the cladding system has been erected/completed in full in accordance with the approved details.

**47 St Thomas A Beckett RC Infant School, 3 Tutts Barn Lane.
Application ID: 140737 (PPP).**

Provision of a double mobile classroom unit to the south-west of the main building for a temporary period until August 2020 – **UPPERTON.**

Members were reminded that the application was reported to Planning Committee meeting on 8 July 2014 and Members were 'minded' to refuse planning permission due to a number of issues relating to the siting, scale and form of the development and the number of pupils.

This application fell to Eastbourne Borough Council to determine and officers had tried to secure amendments to the scheme to mitigate the concerns raised by members. The applicants had not been able to accede to any changes to the scheme and state that this was the one and only location within the site where the mobile classroom could be accommodated.

The applicant had confirmed that the additional school roll would be increased by 30 pupils and the second classroom space would be utilised by existing classes from within the school.

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

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

Members were advised that Mr S Hambrook from East Sussex County Council Children's Services was in attendance to answer member's questions. The committee discussed various aspects of the application including the sound-proofing of the proposed classroom, ventilation, class size, traffic pollution, parking and highway access; given the busy main road, disruption during 'dropping off' and 'picking up' times, and two new proposed large developments near the school, the development of a Traffic Plan, and monitoring of the air quality in and around the application site. The committee asked that Environmental Health be consulted regarding methods of monitoring particulates at the application site.

Mr Hambrook advised the committee that the classroom complied with Government guidelines and had additional facilities such as toilets and storage. The need for the temporary unit was based on the increase in numbers of children entering the education system. The temporary solution was part of a longer term assessment and forecasting of need throughout Eastbourne and it was essential that school places were in the most suitable location according to demographics. Traffic and parking would be a major consideration. The need for a double unit was to enable joint working for teachers and teaching assistants according to ability requirements and one-to-one teaching if necessary. The unit would be sound-proofed and air flow would be managed with windows on both sides of the building. There were no windows facing the main road. The Highways Division worked closely with schools across the County to develop suitable Traffic Plans which were the responsibility of the schools. Staff did try and encourage the use of other modes of transport.

48 East Sussex County Council Highways Minor Plan Application Guidance.

The committee considered the report of the Senior Specialist Advisor (Planning) informing members of the changes in the way East Sussex County Council Highways would be respond to planning application consultations.

In response to Section 16 1 (d) of the Town and Country Planning (Development Management Procedure) (England) Order 2010, East Sussex

County Council, as Local Highway Authority, had resolved that it did not intend to make representations to Local Planning Authorities on new or existing residential developments comprising 5 dwellings or less which were accessed off a C class road highway that was subject to a 30mph speed limit, or off an unclassified highway, as defined in the Standing Advice.

This approach had been rolled out across all East Sussex authorities.

The application of the threshold and terms in which East Sussex County Council (ESCC) Highways would be consulted were summarised within the report.

In the main the standing advice sought to clarify the main issues that arose in the evaluation/determination of this level of application. The topic areas covered in the standing advice were:-

- Visibility
- Turning
- Parking
- Pedestrian/cycle movements
- New or altered access arrangements

The Standing Advice document also included a suite of standard reasons for refusal and also recommended planning conditions.

Members were aware that the majority of the applications determined by Eastbourne Borough Council (approx. 90%) were of a minor/non-significant form and were determined using officer delegated powers in consultation with the Chair of Planning Committee.

Notwithstanding this standing advice, colleagues from ESCC had commented that they would continue to look at all applications where EBC were looking to recommend that the application should be refused on highways grounds to see if in their specialist opinion a refusal could be substantiated/supported.

NOTED.

49 Summary of Performance of Planning Services - Quarter 1 (April - June 2014).

The committee considered the report of the Senior Specialist Advisor (Planning) which provided a summary of performance in relation to key areas of the Development Management Services for the first quarter (April - June) 2014.

Given the many varied types of planning application received Central Government required that all Councils report the performance in a consistent and coherent manner. Therefore the many varied applications were grouped together into three broad categories Major, Minor and Others. Applications falling into each category were outlined within the report.

In analysing the performance for the processing of these differing types of application the Government allow 13 weeks for the processing Major

applications and 8 weeks for processing the Minor and Other categories. The figures detailed within the report highlighted the development control performance figures against these categories for the calendar year 2013 and the first quarter of 2014 (April – June).

In addition the report also included information about the recent appeal decisions. Members were requested to note that any decision made to refuse an application opened the potential for an appeal by the applicant to the Planning Inspectorate.

As members were aware 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 learnt, 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.

Members were reminded that along with all Councils performance had to be reported to Central Government and where authorities were deemed to be underperforming then they would be placed in 'special measures'. There were two criteria against which Councils would be assessed. It was therefore important to keep abreast of all decisions with regard to maintaining performance above the 'special measure' thresholds as detailed within the report.

Officers considered that in granting planning permission for 94% of all applications received, planning services of Eastbourne Borough Council had supported/stimulated the local economy and had also helped to meet the aspirations of the applicants. Only where there were substantive material planning considerations was an application refused.

The assessment of the performance of planning services showed that the team were performing at or over the National PI threshold and that there were at this time special measure issues. Eastbourne may not trigger the special measures threshold for Government intervention due to the number of major applications received. Notwithstanding this for the first six months of 2014 Eastbourne had one major application going through to an appeal decision and this was overturned resulting in 100% of cases being overturned.

With regards to appeals, all applications that were refused had the potential to be appealed by the applicant. The Council for the first 6 months of the calendar year (up until the end of June) had received 7 appeals; some of these appeals had not yet been decided, but all appeals that had been received were evaluated within the report.

Appendix 1 to the report included further application data by ward and also the number /type of pre application requests received.

Councillor Jenkins requested a further breakdown of the decisions with specific reference to the level of decision (Delegated/Planning Committee) and further analysis of refused applications at Planning Committee. It was confirmed this would be included in the next performance report.

NOTED.

50 Tree Preservation Order No. 166 (2014) - Land at 26 Saffrons Park, Eastbourne.

The Committee considered the report of the Senior Head of Development and Lawyer to the Council which sought confirmation of a tree preservation order. On 9th April, 2014, the Senior Specialist Adviser (Arboriculture) exercised his delegated powers by authorising the making of a provisional tree preservation order on one Sycamore, one Yew and one Scots Pine on the above land.

Objections have been received from the owners and residents of five properties in Saffrons Park. The objections were detailed within the report. The Council's response to the issues raised were summarised within the report and it was recommended that the Order be confirmed, without modification, on the grounds that the trees made a significant contribution to the visual amenity of the area

RESOLVED: That the Eastbourne Borough Council Tree Preservation Order (Land at 26 Saffrons Park, Eastbourne, East Sussex) No. 166 (2014) be confirmed without modification.

51 South Downs National Park Authority Planning Applications.

There were none.

The meeting closed at 8.40 pm

Councillor Ungar (Chairman)

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Tuesday, 26 August 2014
at 6.00 pm



Conservation Area Advisory Group

PRESENT:-

Councillor Shuttleworth (Chairman) and Councillors Thompson, Belsey and Cooke

Officers:

Mrs S Leete-Groves, Specialist Advisor (Conservation)
Ms J Sabin, Specialist Advisor (Planning)

ADVISORS:

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

15 Minutes of the meeting held on 15 July 2014.

The minutes of the meeting held on 15 July 2014 were submitted and approved and the Chairman was authorised to sign them as a correct record.

16 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.

17 Planning Applications - Decisions of the Borough Council

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

NOTED.

18 Planning Applications for Consideration

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

1)140910 (Full Plans) AMBASSADOR HOTEL, 1-3 HOWARD SQUARE

Cons Area: Town Centre & Seafront

Proposal: Internal and external alterations to hotel (minor amendments to permissions EB/2012/0442(FP) and EB/2012/0445(LB)).

CAAG Comments: No objections raised.

2) 140911 (Listed Building Consent) **AMBASSADOR HOTEL, 1-3 HOWARD SQUARE**

Cons Area: Town Centre & Seafront

Proposal: Internal and external alterations to hotel (minor amendments to permissions EB/2012/0442(FP) and EB/2012/0445(LB)).

CAAG Comments: No objections raised.

3) 140913 (Listed Building Consent) **44 ALL SAINTS, 40 KING EDWARDS PARADE**

Cons Area: Meads

Proposal: Installation of secondary glazing/windows behind five existing windows.

CAAG Comments: The Group raised no objections to the proposal. It was suggested that the freeholder/resident association be contacted to advise them that any future applications should follow a similar approach regarding the slim components and concealed frames.

4) 140940 (Full plans) **UNIVERSITY OF BRIGHTON, HILLBROW, 1 DENTON ROAD**

Cons Area: Meads

Proposal: To increase the height of the existing fencing at the south west end of the synthetic training pitch behind the goalmouth to a height of 10 metres to prevent balls landing in the adjoining property.

CAAG Comments: No objections raised.

5) 141008 (Householder) **14 LUSHINGTON ROAD**

Cons area: Town Centre & Seafront

Proposal: Removal of existing ground floor low pitch roof at rear. Alterations and extension to reconfigure living space, and include garage with a parking bay to side, and a secure entrance.

CAAG Comments: The Group raised no objections to the proposal, subject to the condition that a suitable dark colour be used on the garage door.

6) 141025 (Full Plans) **4 ENYS ROAD**

Cons area: Upperton

Proposal: Single storey extension at side and change of use from garage to single private dwelling.

CAAG Comments: The Group raised no objections to the proposal in principle. The Group however did strongly suggest that the front elevation should be stone to match the Upperton Lane elevation with brick quoins and soldier courses above the doors and windows to maintain visual consistency.

7) 141029 (Full Plans) **10A HYDE GARDENS**

Cons area: Town Centre & Seafront

Proposal: Alterations to front to provide new access to lower ground floor flat together with provision of parking to rear and replacement of lower

ground floor windows and doors to front and rear.

CAAG Comments: The Group raised strong objections to the proposal, particularly the relocation of the steps, installation of a door to the front elevation and the loss of the original historic fabric of the building such as the railings to the side. The Group felt that the alternative layout required could be achieved without disrupting the front elevation and having a detrimental impact on the building.

8) 141031 (Full Plans) 56 UPPERTON GARDENS

Cons area: Upperton

Proposal: Proposed alterations to form 2no new flats in the east wing and a single storey extension to form a winter garden on the south west elevation, with a new window on the rear elevation, a dormer on the South East elevation and 2 roof lights.

CAAG Comments: The Group raised objections to the "winter garden" in terms of its location and protrusion which would adversely affect the character and appearance of the building and be out of keeping with the surrounding conservation area.

9) 141033 (Full Plans) 122 PEVENSEY ROAD

Cons area: Town Centre & Seafront

Proposal: Removal of existing rear first floor slate roof and the raising of the rear section to provide training area with natural daylight. New roof section to line through with the main roofline fronting 142 Langney Road.

CAAG Comments: The Group raised no objections in principle although it was suggested that the proportions and number of windows should be altered to reflect those on the adjacent buildings.

NOTED.

19 New Listings

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

NOTED.

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

The date of the next meeting was confirmed as the 7 October 2014 (at 6:00pm at the Town Hall).

The meeting closed at 7.06 pm

**Councillor Shuttleworth
(Chairman)**

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Monday, 1 September 2014
at 6.00 pm



Scrutiny Committee

Present:-

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

5 Minutes of the meeting held on 2 June 2014.

The minutes of the meeting held on 2 June 2014 were submitted and approved and the Chairman was authorised to sign them as an accurate record.

6 Apologies for absence.

Councillor Belsey and Thompson. Councillor Taylor attended as substitute for Councillor Belsey.

7 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.

There were none.

8 Eastbourne Community Safety Plan.

The committee considered the report of the Senior Head of Community, detailing the current performance of the Eastbourne Community Partnership (ECSP) under the updated Eastbourne Community Safety Plan. The report outlined issues that could potentially impact future crime and anti-social behaviour (ASB) performance.

Cabinet had previously endorsed the successful Crime Reduction performance of the Partnership. In 2005/2006 Eastbourne was subject to around 11,000 crimes. For the performance year 2010/2011 this had dropped to approximately 7,500 crimes and to the end of June 2014, this had reduced to around 5,700 crimes, a further reduction of 5% compared with the same period last year.

Members were advised that the current Plan had been developed in consultation with key partners including the Police and other members of the ECSP. Version 1.2 was available as Appendix A to the report.

It was now established that the Sussex Police and Crime Commissioner (PCC) had direct control in determining budget allocation to local ECSPs commencing in the 2014/2015 financial year. Eastbourne CSP was working with the East Sussex Community Safety Partnership to highlight the positive benefits for the PCC to retain and increase investment in ECSP activity. Without additional funding next year from the PCC the ECSP's

ability to fund worthwhile local community safety projects may be compromised. The PCC's allocation this financial year was increased by £10k to £26.5k.

Overall crime had substantially reduced since 2005/2006 performance year. Notable crime reductions had again been achieved in the performance year 2013/2014 and crime performance was again positive within measured criteria of the updated plan in the current performance year to date. Central Government cut-backs coupled with the introduction of Police and Crime Commissioners may have an adverse impact on local ECSP funding in financial year 2015/2016. Further potential countywide changes as a result of a newly 'elected PCC' had been mitigated by a continued local focus in addition to adding value in developing initiatives, including Neighbourhood Management. ECSP was working closely with the office of the PCC to implement the new ASB legislation. Members were advised that the ASB Crime and Policing Act 2014 would come into operation in October 2014. The Act was designed to simplify ASB powers and tools to make implementation of the tactics more timely and effective. Partners re working together to share best practice and consistency of use and the ECSP was working closely with the office of the PCC to ensure best use of Community Trigger and Community Remedy. A briefing paper on the subject as Appendix B to the report. A Member Seminar on the subject had been scheduled for 22 September 2014.

The Committee discussed the figures for Road Accidents, Safeguarding Children with particular reference to child exploitation, and funding for the Women's Refuges across the County. In addition the committee discussed the work of the ECSP in relation to diversionary activities for the younger generation in Eastbourne. The Chairman requested that the Safeguarding training provide for Council staff be extended to Members.

Scrutiny committee was requested to note the continued Crime Reduction performance, endorse the updated 2014/2017 Community Safety Plan and continue the delegated authority to the Senior Head of Community to implement actions set out.

NOTED.

9 Corporate Performance - Quarter 1 2014/15.

Members considered the report of the Chief Finance Officer and Head of Corporate Development updating Members on the Council's performance against Corporate Plan Priority actions, indicators and milestones for Quarter 1 2014/15.

As part of the 2014 refresh the Council had removed a number of Performance indicators (PI) which were either not directly related to Eastbourne Borough Council activity, were no longer related to the Council's priority activities or were measured in a different way.

The removed PIs included:

- JSA Claimant Count

- Towner Visitors
- Online accommodation referrals made
- Number of incidents of homelessness prevented and relieved
- Number of homeless applications
- Number of homes where category 1 hazards have been remedied
- Number of young people engaged in positive activities
- Number of people engaged in the Youth Forum
- Number of buildings tackled with success

A new PI had been added to measure environmental crime:

- Reduction in the number of reported fly-tipping incidents

Appendix 1 to the report provided a detailed report on the 2014/15 activities and outturns of the performance indicators listed within the Corporate Plan. 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 within the first quarter of the 2014/5.

Of the 27 Key Performance Indicators reported in the Corporate Plan this quarter, 7 were currently showing as "Red," 13 were showing as "Green," 5 are showing as "Amber" and 2 were "data only" or contextual PIs. The off target PIs were:

- DE_011 - Reduction in the number of reported fly-tipping incidents
- CD_008 - Decent Homes programme
- CD_056 - Average number of days for assistance with adaptations
- CD_156- Number of households living in temporary accommodation
- ECSP_002 - Shoplifting rate compared to 2013/14
- ECSP_004 - Violent crime in a public place
- ECSP_016 - Serious Acquisitive Crime (robbery, car crime and burglary dwelling) rate compared to 2013/14.

Members queried the removal of PI's as reported, particularly the JSA Claimant Count, and Towner Visitors and were advised that there were either no priority projects relating to those PI's in the Council's emerging refreshed Corporate Plan, or that they could not be directly influenced by the Council. However, the removed PI's would still be monitored by the relevant Council departments.

The addition of the new PI relating to fly-tipping was intended to reduce duplication in reporting incidents and the actual number of incidents, with Neighbourhood Teams playing a more active role in re-educating the residents of Eastbourne as a preventative measure.

Members noted the position of the General Fund as of the end of the June showed a small variance of £17,000. This related to several areas of minor under and over spends which were being carefully monitored. These included:

- Additional grant income (£40k)
- Dotto Train income not met £65k

The committee were advised that there were a number of risks around the Revenues and Benefits area, which included staff resources, additional work with the implementation of the new Revenues and Benefits computer system and the introduction of universal credit. Recovery work had been put on hold over the last month whilst data was migrated to the new system, which may have implications for collection rates in the short term. This was being monitored and any variances would be reported in the Quarter two monitoring report.

The contingency fund currently stood at £170,000, of which £5,000 was currently committed, leaving a balance of £165,000, available to fund inflationary increases and any future unforeseen one off areas of expenditure during the year.

HRA performance was currently above target by £10k this was as a result of a number small variances which were carefully being monitored.

The detailed capital programme was shown at Appendix 3 to the report. Actual expenditure was low compared to the budget. There were no significant variances and expenditure was in line with traditions patterns of spend as at quarter one. Expenditure was expected to increase as schemes progress throughout the year.

The projected Collection fund for the year was highlighted within the report.

Council Tax was currently showing a £10,000 surplus a variance of 0.02% of the total debit due for the year. The Business Rates deficit of £534,000 was as a result of a bigger than anticipated provision made in 13/14 for outstanding appeals, giving rise to a higher than budgeted for balance carried forward as at 1 April 2014. There were 106 properties with appeals outstanding with a total rateable value £18m. The valuation office was expecting to settle all these claims within the next 12 months. The uncertainty of the potential value of successful appeals was a major risk to the Collection Fund at this time. The deficit represents 1.57% of the total debit for the year.

10 Annual Finance Seminar.

The Chairman reminded the Committee that the Annual Finance Seminar would be held on Tuesday 14 October 2014, 6.00pm, Court Room, Town Hall.

NOTED.

The meeting closed at 7.05 pm

Councillor Ansell (Chairman)

Tuesday, 2 September 2014
at 6.00 pm



Planning Committee

Present:-

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

(Apologies for absence were reported from Councillors Harris and Taylor)

52 Minutes of the meeting held on 5 August 2014.

The minutes of the meeting held on 5 August 2014 were submitted and approved and the Chairman was authorised to sign them as an accurate record.

53 Apologies for absence.

Councillors Harris, Jenkins and Councillor Taylor. Councillor Howlett attended as substitute for Councillor Jenkins.

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

Councillor Hearn declared a prejudicial interest in minutes 56 and 57, 1 Glynde Avenue as a Director of Eastbourne Homes and withdrew from the room whilst those items were considered.

Councillor Ungar declared that with regard to minute 66, 32 Baldwin Avenue, he had previously reached a view in relation this application and considered himself as being pre-determined with regard to it. He therefore withdrew from the room whilst the application was considered.

55 Nomination of Chairman.

Due to considering himself predetermined, Councillor Ungar withdrew from the room whilst this application was considered. In the absence of the Deputy Chair, Councillor Hearn proposed that Councillor Murray chair the meeting for this item. The motion was seconded by Councillor Miah.

RESOLVED: (Unanimous) That Councillor Murray chair the committee for item 16, 32 Baldwin Avenue (minute 66).

56 1 Glynde Avenue. Application ID: 140755.

Reconsultation amendments to rear extension and site layout: Erection of 2no. two storey rear extensions and refurbishment works to existing building to create 10 one bedroom flats – **HAMPDEN PARK**. Six letters of

objection had been received. Two further letters of concern were reported at the meeting raising similar concerns to those included within the officer's report, with one letter referring to an overdevelopment of the site.

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

The observations of the Environment Agency and Highways East Sussex County Council were summarised within the report.

NB: Councillor Hearn withdrew from the room whilst this item was considered.

RESOLVED: (By 3 votes to 1 with 1 abstention) That permission be granted subject to the following conditions: 1) Time Limit 2) Approved Plans 3) No additional windows 4) External Materials 5) Boundary treatments (around the entire plot boundary) 6) Front garden landscaping layout 7) surface details for access-way, passing bay and rear parking court 8) parking spaces shall be surfaced and marked out in accordance with the drawings prior to the first occupation of the dwellings hereby approved 9) the bin store shall be provided in accordance with the drawings hereby approved and retained as such thereafter 10) Hours of construction 11) The development hereby approved shall not be implemented if the bungalow approved under application reference 140756 has first been implemented 12) Notwithstanding the details shown on the plans hereby approved there shall be no first floor flank (kitchen) window to flat No 9 facing properties in Brassey Avenue. This room shall be illuminated via sky/rooflights the details of which shall be submitted to and approved in writing by the local planning authority.

57 1 Glynde Avenue. Application ID: 140756.

The erection of a detached, self-contained two bedroom bungalow with wheelchair access to the rear of No.1 Glynde Road – **HAMPDEN PARK**. Six letters of objection had been received.

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

The Environment Agency made no comment as the site was outside of the flood zone.

NB: Councillor Hearn withdrew from the room whilst this item was considered.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Time Limit 2) Approved Plans 3) No additional windows 4) External Materials 5) Boundary treatments (around the entire plot boundary) 6) Front garden landscaping layout 7) surface details for access-way, passing bay and rear parking court 8) parking spaces shall be surfaced and marked out in accordance with the drawings prior to the first occupation of the dwellings hereby approved 9) the bin store shall be provided in accordance with the drawings hereby approved and retained as such thereafter 10) Hours of construction 11) The development hereby

approved shall not be implemented if the scheme approved under application reference 140755 has first been implemented.

58 3 Churchdale Place. Application ID: 140740. (PPP).

Erection of a two storey, two bedroom attached dwelling – **ST ANTHONYS**. Three objections were received, with one signed by 13 residents.

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

The observations of the Council's Estate Manager, Specialist Advisor (Planning Policy) and East Sussex County Council Highways department were summarised within the report.

RESOLVED: (Unanimous) That permission be refused on the grounds that 1) the proposed development would be an overdevelopment of a restricted site, by reason of its scale and siting, and would be out of character with, and detrimental to the regular and symmetrical layout of the surrounding properties, and the outlook from the adjacent dwelling. The proposal therefore conflicts with policies UHT1, UHT4, HO6, and HO20 of the Eastbourne Borough Plan (Saved Policies) 2007, policies B2, C6 and D10A of the Eastbourne Core Strategy Local Plan 2013 and paragraph 56 of the National Planning Policy Framework 2) The application makes no provision for affordable housing or compensatory flood storage and therefore conflicts with policy D5 of the Eastbourne Core Strategy Local Plan 2013 and policy US4 of the Eastbourne Borough Plan (Saved Policies) 2007.

Appeal:

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.

59 4 Susans Road. Application ID: 140841. (PPP).

Retrospective application for canopy / smoking shelter over yard area to the rear. Canopy roof constructed of clear polycarbonate sheeting – **DEVONSHIRE**. One letter of objection had been received.

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

The Council's Licensing Team raised no objections to the current proposal.

The committee were advised that the Specialist Advisor (Environmental Health) had not received any complaints relating to the site.

The East Sussex Fire and Rescue Service had responded stating that after visiting the site, subject to minor issues relating to visibility of fire escapes and appropriate locks to the gate, there were no operational fire safety issues.

RESOLVED: (By 4 votes to 2) That permission be granted subject to the following conditions: 1) Approved drawings 2) Within 14 days from the date of this decision details of means of escape to rear alleyway shall be submitted to and approved in writing by the Local Planning Authority. The

details as approved shall include method of opening and method of securing the gate to/from alleyway. The details as approved shall be implemented at the site within 1 month following their approval and be retained as such thereafter.

60 5 The Courtyard. Application ID: 140901. (HHH).

Conversion of part of garage to extend habitable living space – **UPPERTON**. One letter of objection had been received.

This application had been withdrawn prior to the meeting.

61 10 Rylestone Road. Application ID: 140682. (PPP).

Change of use from a bed & breakfast (Class C1) to a house in multiple occupation (sui generis) – **DEVONSHIRE**. Seven letters of objection had been received.

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

The observations of the Council's Specialist Advisor (Environmental Health) were summarised within the report.

Mrs Bamforth addressed the committee in objection stating concerns regarding increased parking issues with any increase in the number of residents, and potential noise and anti social behaviour related to Houses of Multiple Occupation.

Iona Cameron, agent for the applicant, submitted further points for the committee to consider, including a flood risk assessment, and in response to the objector stated that there was a chronic shortage of this type of accommodation in Eastbourne and that there would be no more than 14 persons residing at the property. The proposed rooms complied with current standards and there would only be an increase of one additional room.

The committee agreed that the proposed rooms were too small and inadequate for any potential resident, and as such was an overdevelopment.

RESOLVED: (Unanimous) That permission be refused on the grounds that 1) the proposals given the poor standard/quality of accommodation is likely to create an unacceptable living environment for the future tenants/occupiers of this building/use and would therefore conflict with policies B2 of the Eastbourne Core Strategy Local Plan 2013 and Policies HO9, HO14 and TO3 of the Eastbourne Plan (Saved Policies) 2007 and paragraph 17 of the National Planning Policy Framework 2) The proposal seeks to create sleeping accommodation for 18 residents and it is considered that the property is inappropriate for this intensity of conversion and as such would have an adverse effect on the amenity of the area generally, and the amenities enjoyed by the occupiers of the neighbouring properties in particular, by reason of increased in activity, noise and general disturbance and would conflict with policies B2 of the Eastbourne Core

Strategy Local Plan 2013 and Policies HO9, HO14 and TO3 of the Eastbourne Plan (Saved Policies) 2007 and paragraph 17 of the National Planning Policy Framework

Appeal:

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.

62 11 Roseberry Avenue. Application ID: 140902.

Proposed two storey extension to existing rear elevation together with proposed outbuilding for use as studio in rear garden. Demolition and re-building of the existing garage and side extension – **HAMPDEN PARK**. One letter of objection had been received. One further letter of objection was reported at the meeting relating to loss of light, overbearing relationship to the neighbouring property. The letter also stated that the objector would not have any objections to a single storey extension.

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

The Specialist Advisor (Planning Policy) advised that the proposal would result in an increase in impermeable area by a total of 20 m² attracting £61 flood storage compensation.

Mrs Parr addressed the committee in objection stating that the height of the garage should be reduced as its current proposed size would result in a loss of light.

Mr Irving, applicant, addressed the committee in response to the objector stating that the current garage required demolition and that he had discussed various options with neighbours with a view to resolving issues relating to size and loss of light.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Time limit 2) Approved drawings 3) Materials 4) Paint / render East flank garage elevation white (help reduce visual impact)

63 12 Netherfield Road. Application ID: 140370. (HHH).

Side, Rear Extension with associated internal alterations to provide enlarged accommodation – **ST ANTHONYS**.

Members were reminded that this application/site was reported to Planning Committee in June 2014 and at that Committee the scheme proposed a rear extension incorporating a basement extension. Members discussed the issues relating to the scheme and outlined severe concerns over the construction of a basement element of the scheme and the potential that this may have upon the structural integrity of the neighbouring property/plot. Revised drawings had been received deleting the basement element of the extension from the proposal, the scheme now proposed a single storey rear extension. The footprint of the single storey extension was identical to that as reported to Planning Committee in June 2014

As outlined with the report to Committee in June 2014 there were no substantive objections to the single storey element of the proposal and any impacts that there may be upon the occupiers of the adjacent properties/plots would not be sufficient to substantiate a refusal of planning permission.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Time Limit 2) Approved Drawings.

64 16 Harding Avenue. Application ID: 140802. (HHH).

Erection of two-storey side extension – **ST ANTHONYS**. A number of objections were summarised within the report.

The Council's Estate Manager made no comment and the Specialist Advisor (Policy) noted a compensatory flood storage contribution of £112. East Sussex County Council's County Archaeologist made no recommendations.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Commencement within three years 2) Development in accordance with amended plans 3) Submission of samples 4) Position of rear garden fence behind visibility splay 5) Hours of building operations

65 24 Longstone Road. Application ID: 140811.

Change of use of part existing B1 premises to use as a club for the instruction of martial arts to children and adults (D2) – **DEVONSHIRE**. Two letters of support were reported at the meeting, one from Stephen Lloyd, MP, stating that he fully supported the application as the applicant was a long standing business in the town and that the club would bring significant community benefit. Mr Lloyd, MP, did not anticipate and residential issues with the change of use of the site.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Time for commencement 2) Approval of drawings 3) Restriction on hours of operation until 2100 Monday to Friday, until 12pm Saturdays and no times on Sundays or bank holidays 4) No amplified music at any time 5) The first floor of the building shall be used as a Martial Arts Studio only and for no other purpose without planning permission from the local planning authority.

66 32 Baldwin Avenue. Application ID: 140648.

Revised scheme for: Proposed two storey extension at rear and first floor extension over porch – **OLD TOWN**. Three objections had been received.

The observations of the Council's Specialist Advisor (Arboriculture), the East Sussex County Council's Archaeologist and East Sussex County Highways department were summarised within the report.

Mr Nay addressed the committee in objection stating that the proposed development would be overbearing and intrusive and would result in a loss of light, and residential and visual amenity for neighbouring properties.

Mrs Shearer addressed the committee in objection reiterating the previous speaker's comments and that the proposal was too large and bulky for the site.

Members sought clarification on matters that could be considered as part of the decision making process, and were advised that any impact on the streetscene was not severe enough to warrant as a reason for refusal.

NB: Councillor Ungar withdrew from the room whilst this item was considered.

RESOLVED: (By 4 votes to 1) That permission be granted subject to the following conditions: 1) Time limit 2) Approved drawings 3) Materials 4) Restriction of PD rights, no additional windows in North Flank or Eastern Elevation.

67 Fitzmaurice Mews, Fitzmaurice Avenue. Application ID: 140814.

Proposed single story extension together with first floor extension to enlarge existing offices – **ST ANTHONYS**. Seven objections and one comment had been received.

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

RESOLVED: (By 5 votes to 1) That permission be granted subject to the following conditions: 1) Time for commencement 2) Approval of drawings 3) No additional windows in the rear south-eastern elevation 4) Materials to be as specified.

68 Land to the rear of 11-23 Eshton Road. Application ID: 140781. (PPP).

Construction of two one-bedroom single storey houses – **DEVONSHIRE**. 17 objections had been received.

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

The observations of the Council's Housing Manager, East Sussex County Council Archaeologist and East Sussex County Council Highways Manager were summarised within the report.

Members were advised that a revised response had been received from the East Sussex Highways Officer. In summary the revised response referred to a recommendation for refusal due to the lack of on site parking. National guidance stated that not all developments had to provide off street parking, where the additional demand could be catered for on street. The applicant had previously submitted information showing that there were adequate spaces available on street to cater for the extra demand, however this information was recorded last year (2013) and was not submitted as part of the application. The applicant had sent in further/more up to date information which again showed there were enough spaces on street close to the site at peak usage times, i.e. evenings. The Highways Officer requested that should the application be approved, an additional condition

relating to the closing of the existing driveway which would provide additional on street parking, be added.

The Senior Specialist Advisor (Planning) advised the committee that in light of the revised response from County Highways it was recommended that the second reason for refusal (stated in the report) could therefore not now be substantiated and should be withdrawn.

Mrs Wilkinson, addressed the committee in objection stating that the on street parking was limited throughout the daytime and any development would exacerbate this. The proposed bungalows would be out of keeping with the surrounding properties. Mrs Wilkinson also expressed concern about access for emergency services.

Mr Wilson, applicant, addressed the committee in response to the objector, highlighting the revised response of the East Sussex Highways Officer. Mr Wilson also referred to a covenant for the site restricting any buildings to one storey.

The committee agreed that the proposed development would be out of keeping and an overdevelopment of the site. Members agreed that the second reason for refusal (detailed in the report) should be removed in light of the East Sussex Highways Officer revised response.

RESOLVED: (Unanimous) That permission be refused on the grounds that 1) the proposals, by reason of their position, size, design and external appearance, limited external amenity area would be an intrusive development, out of scale and character with the prevailing pattern of development in the locality, as well as having a serious and adverse effect on the amenities enjoyed by occupants of neighbouring property and would be contrary to Policies UHT1, HO1, H06 of the saved Policies in the Local Plan and Policy D10a of the Eastbourne Core Strategy Local Plan 2) the application fails to deliver (mechanism for delivery) the affordable housing contribution required by this development and as such development would have an adverse impact local infrastructure provision.

Appeal:

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.

69 South Downs National Park Authority Planning Applications.

There were none.

The meeting closed at 9.05 pm

Councillor Ungar (Chairman)

Cabinet



Minutes of meeting held on Wednesday, 3 September 2014 at 6.00 pm

Present:-

Councillors **David Tutt** (chairman and leader of the council), **Gill Mattock** (deputy chairman and deputy leader of the council), **Margaret Bannister**, **Carolyn Heaps**, **Troy Tester** and **Steve Wallis**.

24 Minutes of meeting held on 16 July 2014

The minutes of the meeting held on 16 July 2014 were submitted and approved and the chairman was authorised to sign them as a correct record.

25 Declarations of interest 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 council's code of conduct and regulation 12(2)(d) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

No declarations were made.

26 Eastbourne Pier

26.1 Cabinet considered the report of the senior head of development proposing governance arrangements to ensure the fair, transparent and effective distribution of anticipated £2million central government funding, to deal with the aftermath of the Eastbourne Pier fire.

26.2 On the afternoon of 30 July 2014, the former music room on Eastbourne Pier caught fire. The fire quickly spread throughout the building. The Pier was evacuated with no loss of life. The former music room, now used as an amusement arcade, was destroyed in the fire, but there was surprisingly little damage to the buildings and structure adjacent to the arcade thanks to the skill of the emergency services.

26.3 As a result of the fire there had been tremendous support and offers of help for the town. Various websites had been set up and people far and wide were making donations to help with the aftermath of the fire, which was being administered by the local chamber of commerce. The prime minister and the chancellor had visited the town and pledged government support in the form of a £2million grant to support the local tourism economy and keep Eastbourne 'open for business'.

26.4 The pier was privately owned by Cuerden Leisure and it was understood to be insured against fire. Reconstruction costs were expected to be met by the insurance. There was no plan for the council

to contribute to the costs of rebuilding and it was likely to be prohibited from doing so by 'state aid' concerns. Moreover there was no expectation that the grant provided by the government would be spent on actual reconstruction costs.

26.5 In light of the need for urgent intervention, the council had already made an immediate contribution of £50,000 from reserves to the benevolent fund set up and operated by the chamber of commerce with support from 3VA. It was necessary to make this award urgently to start assisting those in financial hardship as a result of the fire. The chief executive had used his delegated authority to act, in consultation with the leader of the council, using the general power of competence conferred on the authority by the Localism Act 2011. It was envisaged that once the government grant was received this money would be returned to the council's reserves.

26.6 The Department for Communities and Local Government (DCLG), had stated its intention to award a £2 million grant to the town to assist with its recovery following the fire. The grant award would be subject to a satisfactory business case being submitted by the council.

26.7 An advisory panel whose express remit was to assist the council in ensuring the effective and strategic distribution of funds granted by central government was proposed. The panel will not make decisions as to the distribution of funds but would act as consultee to the officer with delegated authority for decision-making. It should be cross party, include representatives from external stakeholders, including local business and community groups nominated and supported and advised by key officers including the chief executive, chief finance officer, monitoring officer and senior head of development.

26.8 The council would not be in a position to draft detailed criteria for distribution of the collected funds until it received the government grant and was notified of any conditions and requirements. However the indications from central government were that the funds were to be dedicated to two primary purposes:-

- Mitigating the immediate impact on the employees and commercial units while the pier was closed and eventually rebuilt.
- Reducing the potentially wider impact on the town of the temporary closure of one of the town's key tourist attractions in the height of the summer season.

26.9 Resolved (key decision): (1) To delegate authority to the senior head of development to prepare and submit a detailed business case to the Department of Communities and Local Government to secure £2 million funding to assist with the aftermath of the Eastbourne Pier fire.

(2) That an advisory panel be established for the express purpose of acting as consultee to the officer responsible for deciding how to distribute the monies collected as a result of the Eastbourne Pier fire.

(3) That the above mentioned advisory panel comprise the leader and deputy leader of the council, the leader of the opposition and the lead cabinet and lead opposition members for tourism (currently councillors Tutt, Mattock, Elkin, Heaps and Ede respectively), together with a representative from each of the Eastbourne and District Chamber of Commerce, the Eastbourne Hospitality Association, the pier management, the Town Team and 3VA and that the chief executive, in consultation with the leader of the council and leader of the opposition, be given delegated authority to vary or add to the membership of the panel should this be desired for any reason in the future.

(4) To delegate authority to the Senior Head of Development to distribute the afore-mentioned central government funding in line with requirements laid down by DCLG, as required by criteria which will be formulated to ensure a fair and transparent approach to the determining of applications.

(5) To delegate to the chief executive in consultation with the leader and the opposition leader to increase the contribution to the benevolent fund as necessary.

(6) That cabinet formally records their grateful thanks to the emergency services for their prompt action and bravery in fighting the fire and saving so much of the one of the town's most loved buildings.

(7) To note that the chief executive has used his delegated powers to take urgent action in consultation with the Leader by approving a £50,000 contribution to the benevolent fund which has been set up and operated by the chamber of commerce, in anticipation that this sum will be repaid to the borough council from the central government grant, assuming that it meets central government criteria.

27 Corporate performance - Quarter 1 2014/15

27.1 Cabinet considered the report of the chief finance officer and head of corporate development 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 first quarter of 2014/15.

27.2 Appendix 1 gave detailed information on non-financial performance. An addendum sheet was circulated at the meeting giving updated information on a number of performance indicators.

27.3 The position of general fund expenditure at the end of June showed a small variance of £17,000 (appendix 2). There were a number of risks around the revenues and benefits area, which included staff resources, additional work with the implementation of the new revenues and benefits computer system and the introduction of universal credit. Recovery work had been put on hold over the last month whilst data was migrated to the new system, which might have implications for collection

rates in the short term. This was being monitored and any variances would be reported in the next monitoring report.

27.4 The contingency fund currently stood at £170,000, of which £5,000 was currently committed, leaving a balance of £165,000, available to fund inflationary increases and any future unforeseen one off areas of expenditure during the year. Housing revenue account performance was currently above target by £10,000. The detailed capital programme was shown in appendix 3. Although actual expenditure was low compared to the budget it was in line with the traditional pattern of spend and was expected to increase as the year progressed.

27.5 The collection fund performance (recording all the income from council tax and national non-domestic rates and its distribution to the major precepting authorities) was reported. A business rates deficit of £534,000 was as a result of a bigger than anticipated provision made in 2013/14 for outstanding appeals, giving rise to a higher than budgeted for balance carried forward as at 1 April 2014. There were 106 properties with appeals outstanding with a total rateable value £18m. The valuation office was expecting to settle all these claims within the next 12 months. The uncertainty of the potential value of successful appeals was a major risk to the fund at this time. The deficit represented 1.57% of the total debit for the year.

27.6 A detailed report on treasury management activities for 2013/14 was included as a separate item on the agenda. This report included the current economic background and interest rate forecasts. It was noted that interest rates were expected to remain low for the remainder of 2014/15 and only start to increase after the first quarter of 2015/16. Treasury management performance was on target and no approved limits within the investment strategy had been breached. During the quarter to 30 June 2014 the council had operated within all the other treasury limits and prudential indicators set out in the council's treasury management strategy statement and in compliance with the council's treasury management practices.

27.7 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 general fund, housing revenue account and collection fund financial performance for the quarter ended June 2014, as set out in sections 3 and 4 of the report be agreed.

(3) That the amended capital programme as set out in appendix 3 to the report be agreed.

(4) That the treasury management performance as set out in section 7 of the report be agreed.

28.1 Cabinet considered the report of the chief finance officer. This report covered the treasury management activity and performance for the financial year 2013/14. The council's treasury management activities were regulated by a variety of professional codes, statutes and guidance.

28.2 Past changes in the regulatory environment had placed a much greater onus on members for the review and scrutiny of treasury management policy and activities. This report was important in that respect, as it provided details of the outturn position for treasury activities and highlighted compliance with the council's policies previously approved by members. It was also confirmed that the council had complied with the requirement under the code to give prior scrutiny to all of the above treasury management reports by the audit committee before they were reported to full council. Member training on treasury management issues had last been undertaken in 2010 in order to support members' scrutiny role.

28.3 The report summarised:

- Capital activity during the year.
- Impact of this activity on the council's underlying indebtedness (the capital financing requirement).
- Reporting of the required prudential and treasury indicators.
- Overall treasury position identifying how the council had borrowed in relation to this indebtedness, and the impact on investment balances.
- Summary of interest rate movements in the year.
- Debt and investment activity.

28.4 The chief finance officer also confirmed that borrowing was only undertaken for a capital purpose and the statutory borrowing limit (the authorised limit), had not been not breached. He commented that the financial year 2013/14 continued the challenging environment of previous years; low investment returns and continued counterparty risk.

28.5 ***Resolved (budget and policy framework):** That full council be recommended to approve the annual treasury management report for 2013/14 and that specific approval be given to the 2013/14 prudential and treasury indicators included within the report.

29 Urgent item of business - iESE Transformation Limited annual general meeting.

29.1 The chairman was of the opinion that this item of business should be added to the agenda by reason of urgency under the provisions of section 100 B (4) of the Local Government Act 1972. He explained that it was necessary on grounds that notification had been received after the despatch of the agenda for the meeting of the iESE Transformation Limited annual general meeting to be held on 24 September 2014 and that it was necessary to appoint a member to attend as a general meeting representative.

29.2 It was explained that as councillor Tutt was an existing board director of the company it was not possible for him to attend as a general meeting representative.

29.3 Resolved: That councillor Mattock be appointed as the council's general meeting representative for iESE Transformation Limited.

The meeting closed at 6.23 pm

Councillor David Tutt
Chairman