



Published 18 May 2015

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.



The Council meets in the Court Room of the Town Hall which is located on the ground floor. Entrance is via the main door or access ramp at the front of the Town Hall. Parking bays for blue badge holders are available in front of the Town Hall and in the car park at the rear of the Town Hall.



An induction loop operates to enhance sound for deaf people who use a hearing aid or loop listener.

If you require further information or assistance please contact the Local Democracy team – contact details at end of this agenda.

This agenda and accompanying reports are published on the Council's website in PDF format which means you can use the "read out loud" facility of Adobe Acrobat Reader.

Please ask if you would like this agenda and/or any of the reports in an alternative format.

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, 27 May 2015** at **6.45pm*** to transact the following business.

(* Note: The annual meeting is due to start at 6.00pm. The ordinary meeting will therefore commence following the conclusion of that meeting and no earlier than 6.45pm.)

Agenda

1. Declarations of interests.

Declarations of disclosable pecuniary interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct (please see note at end of agenda).

2. Notification of apologies for absence.

3. 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.

4. 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.

5. East Sussex review of county division and district ward boundaries. (Pages 1 - 6)

Report of Senior Head of Corporate Development and Governance.

6. Amendment of Officer Procedure Rules (Pages 7 - 12)

Report of Senior Head of Corporate Development and Governance.

7. Pay policy statement update (Pages 13 - 26)

Report of Deputy Chief Executive.

8. Discussion on minutes of council bodies.

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

The following are appended to this agenda:-

- (a)** Minutes of meeting of Conservation Area Advisory Group held on 17 February 2015 (Pages 27 - 30)
- (b)** Minutes of meeting of Planning Committee held on 3 March 2015 (Pages 31 - 34)
- (c)** Minutes of meeting of Audit and Governance Committee held on 11 March 2015 (Pages 35 - 44)
- (d)** Minutes of meeting of Cabinet held on 18 March 2015 (Pages 45 - 48)
- (e)** Minutes of meeting of Planning Committee held on 24 March 2015 (Pages 49 - 52)
- (f)** Minutes of meeting of Conservation Area Advisory Group held on 31 March 2015 (Pages 53 - 56)
- (g)** Minutes of meeting of Planning Committee held on 21 April 2015 (Pages 57 - 60)



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, 25 May 2015. 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, 27 May 2015.

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

This page is intentionally left blank

Agenda Item 5

Body: Council
Date: 27 May 2015
Subject: Boundary Review
Report of: Senior Head of Corporate Development and Governance

Ward(s): All

Purpose: To put a process in place to enable the Council to submit proposals as part of the 2015 boundary review being conducted by the Local Government Boundary Commission for England and to determine the recommended size of the Council in the future.

Contact: Peter Finnis, Senior Head of Corporate Development and Governance, 1 Grove Road, Eastbourne, BN21 4TW Tel: 01323 415003
E-mail: Peter.Finnis@eastbourne.gov.uk

Recommendations:

- (1) To approve submission of the proposal for Council size to the Boundary Commission, as recommended in section 5.3 below.**
- (2) To note that Annual Council approved the creation of a working group comprising the Senior Head of Corporate Development and Governance and 3 Councillors (politically proportioned) to consider and produce the subsequent proposal for wards (names, number and boundaries).**
- (3) To receive a further report from the Senior Head of Corporate Development and Governance on behalf of the member working group on ward proposals at the next Council meeting.**

1.0 Introduction

1.1 The Local Government Boundary Commission for England is required to undertake an electoral boundary review of East Sussex County Council. In addition, reviews need to be conducted in Wealden District and Hastings Borough as part of the process as, in both authorities, electorate imbalance in wards/divisions has triggered the need for such a review.

2.0 County-Wide Proposal

2.1 Although there is no current requirement for such a review in Eastbourne, Lewes or Rother, the Commission has asked to review the whole County at

the same time. Initially, it was assumed that a lighter-touch review would be the approach taken in these additional cases. However, it is now clear that the Commission wishes to conduct equivalent full-scale reviews in all areas.

2.2 Due to the simultaneous reviews being conducted county-wide, consistency of approach is being overseen by a joint officer project team with representatives from all the authorities. However, within the bigger picture, each Borough/District will need to construct its own review proposal. This was last undertaken in Eastbourne in 2000.

2.3 Essentially, there are two parts to the review, firstly where we make proposals in respect of the size of the Council and, secondly, where we make proposals in respect of ward numbers, boundaries and names. In both cases, we will need to supply robust evidence in respect of electorate equality and forecasts and whether the wards reflect significant communities, themes and landmarks. **Thus, this report solely considers the issue of Council size.**

3.0 Eastbourne Borough Council – Current Position

3.1 As members will be aware, Eastbourne Borough Council currently has 9 borough wards and 27 councillors as a result of the last boundary review conducted in 2000. That review was able to achieve:

- (a) Electorate figure balance between wards which even now, 15 years later, only has an 11% variance from the average electorate per ward whereas all our neighbouring authorities have much higher variances at present (from 20% to 38%).
- (b) Fully coterminous boundaries with our 9 county electoral divisions.
- (c) All wards with strong identities and equally strong main arterial road boundaries.

3.2 Much of what was achieved in 2000 is still relevant today and, as a result, it is not my anticipation at this time that we should be seeking changes in either Council size or ward numbers/boundaries. However, we will need to prove this position.

4.0 The Review - Conduct, Criteria and Timeline

4.1 The Commission has made it clear that the review will only be considering council size and internal ward boundaries. The review specifically excludes all forms of outer (borough and parliamentary) boundaries as well as any unitary status issues.

4.2 It has also been made clear by the Commission that Council size changes would only be considered if they were within specific representational ranges appropriate to the size and demographic of the Borough/District. In the case of Eastbourne, the approved size range is a council membership of from 27 to 54, thus we are currently at the bottom of that recommended size range. Therefore, unless we can prove exceptional circumstances, the only valid arguments are likely to be in respect of retaining the same number or increasing Council size. All the other Boroughs/Districts in East Sussex are also currently within their respective ranges but have considerable scope for

size reduction.

4.3 The primary criteria for the overall review is in three key parts:

- (a) Electorate equality – Achieving a reasonably even spread of elector numbers across each ward. This will need to take into account current electorates and forecasts to 2021.
- (b) Community Identity – Do the ward boundaries fully encapsulate existing communities?
- (c) Effective and Convenient Government – Is the Council size appropriate to ensure the effective discharge of Council business and representation of the community?

4.4 The first critical deadline to hit is 10 July 2015. This is the deadline for us to submit draft proposals for Council size. We would then expect Commission feedback on draft proposals with finalised proposals for Council size needed to be in by 7 August 2015. Following on from that, as soon as possible post-22 September 2015, we will need to submit our proposals regarding ward names, numbers and boundaries.

5.0 Eastbourne Borough Council Proposal re Council Size

5.1 When the last boundary review was conducted, Eastbourne Borough Council had already been operating a pilot cabinet-style system for a year. This was well ahead of the subsequent legislation and it enabled us to take a strategic view from a position of experience on the appropriate council size working within this style of local government. It was on that basis that we reduced Council size from 30 to 27 members.

5.2 The other key factor in 2000 was that we wanted to move away from the combination of 10 borough wards and 8 county divisions all with different boundaries, and replace this with a coterminous set of 9 borough wards and county divisions. This approach was fully supported both by the Boundary Commission and East Sussex County Council.

5.3 Therefore, the test here is to determine whether there has been such significant change so as to justify a different proposal at this time. In terms of balancing borough wards and county divisions, the same reasoning applies as does the general number of members in respect of effectively discharging Council duties under the cabinet style system. The remaining question is whether elector numbers have increased to a degree to compromise effective representation. The table below sets out the relevant comparisons in respect of average representation.

Average number of Electors per Councillor (Based on a Council size of 27)			
Year 2000 (Actual)	Year 2005 (As predicted in 2000)	Current Year (Actual)	Forecast for 2021
2515	2713	2702	2846

It is interesting to note that the 5-year prediction given in 2000 for 2005 was optimistic and that this figure has yet to be reached 15 years on from the

time it was predicted. It's also worth noting that the increase from 2000 was heavily influenced by the residential growth in Sovereign Harbour. Even so, the above numbers show only a modest increase in elector numbers per councillor over the last 15 years. The forecast for 2021 takes into account known plans for residential developments that have a reasonably high level of surety. We have cross-referenced our forecasts with those held by the County Council in order to build as accurate a picture as possible in respect of electorate numbers over the next 5 years. EBC and ESCC forecast estimates correlate closely. All the Boroughs and Districts will be using the County figures so that forecasting is consistent across the County.

- 5.4 One significant change that has occurred since the last boundary review in 2000 is the use and availability of technology by members in discharging their representational activity. This has seen particularly accelerated in the last two years where, as part of the 'agile working' transformation programme, the supply and use of i-pads and the availability of 'report it' apps have provided members with tools to make their representative role potentially more efficient. The introduction of the neighbourhood management team has also given members an 'in the field' officer resource for them to work with in partnership and the introduction of the devolved budget scheme in 2008 provided members with funds to respond to local community needs and initiatives.
- 5.5 Thus, having regard to the modest forecast in electorate growth, the retention of the same statutory democratic structure as those that existed in 2000, and the advancements in technological tools and the organisational improvements in addressing issues in the community, **it is recommended that we submit a response to the Commission indicating that our current Council size should remain unchanged and that we would strongly wish to retain the current coterminous membership on East Sussex County Council.**

6.0 Consultation

- 6.1 The Commission has emphasised the point that their role is to be the owner of the review and the Council's role is as a consultee who is invited and expected to submit proposals. However, any other group or individual can also submit proposals as part of the process. Public consultation on all proposals received, including the Council's, will be subsequently conducted by the Commission. Of course, we will assist this process by providing the Commission with contact information for local community and stakeholder groups. Clearly, a well-constructed and evidenced proposal from the Council will be strongly considered and, subject to consultation feedback, is likely to be accepted.
- 6.2 All members of the Council and Corporate Management Team have been consulted in respect of proposed future Council size. Fifteen responses have been received all confirming that the future size of the Council should not be increased from the present number. The only specific variances were
- One response indicated that it would be valuable to have a greater representation on East Sussex County Council
 - One response indicated that we could cope with fewer members on

East Sussex County Council

- Two responses indicated that we could further reduce the size of the Borough Council felt that this number could be reduced

County Council size and representation will, of course, be considered by the County Council as part of their proposals for proportionate representation across the whole County. Also, as stated earlier, it is unlikely that a further reduction in Borough Council size will be sanctioned by the Boundary Commission and, indeed, it would be difficult to ensure appropriate memberships of our statutorily required committees with fewer members.

- 6.3 In respect of specific feedback commentary provided by members responding to the consultation, one member stated that the current numbers allows for all councillors to be involved in the running of the Council without having too much pressure. Another member stated that, as we strive for efficiency savings, and best practice working, it would go against the grain to increase the number of councillors.

7.0 Further Work and Implications

- 7.1 It is being recommended to Annual Council that a small working group be set up for the Senior Head of Corporate Development and Governance to work with on developing ward proposals ahead of a further report to Council in July. When conducting the last boundary review in 2000, considerable regard was taken in establishing strong identities for the current wards and using main arterial roads for boundaries wherever possible. Consequently, the presumption at this stage is that we would wish to retain existing ward names, numbers and boundaries and maintain coterminous arrangements with the county divisions. However, this will depend on the geographical balance of the current and forecast electorate number estimates.
- 7.2 As this report is recommending no change, there are no specific legal, financial, environmental or equality implications arising from the proposals. The primary implications relate to time and capacity. It will be especially important for members to share any specific thoughts on any ward change proposals, via the working group members, as early as possible in order that the necessary analysis of current and future electorate balance can be undertaken. This is critical as, should there be any proposals to change ward boundaries, it will almost certainly have a knock-on effect to other ward boundaries in order to maintain electorate equality.

8.0 Summary

- 8.1 There would appear to be a clear consensus that the current number of councillors is appropriate to ensure effective representation and efficient management of the Council. Having regard to the track record of the Council of this size over the last 15 years, the streamlined and modern decision making structure that we employ, and the modest elector forecasts for the next 5 years, maintaining existing Council size would be the appropriate proposal to make to the Boundary Commission.

Peter Finnis

Senior Head of Corporate Development and Governance

Background Papers:

- Electorate Data – Current electoral register
- Development Data – Planning and housing future forecasts from EBC and ESCC
- Boundary Commission Guidance on Council Size
- Eastbourne Boundary Review 2000 – content and justifications

(pf\P:council\15.05.27\boundary review)

Body:	Council
Date:	27 May 2015
Subject:	Amendment to Officer Employment Procedure Rules
Report Of:	Senior Head of Corporate Development and Governance
Ward(s)	All
Purpose	To seek approval to update the Council's Officer Employment Procedure Rules.
Recommendation:	That Council approve the amended Officer Employment Procedure Rules as attached and authorise the Senior Head of Corporate Development and Governance to publish them in the Council's Constitution.
Contact:	Oliver Dixon, Legal Services. Tel. (01273) 471600. Email: oliver.dixon@lewes.gov.uk

1.0 Introduction

- 1.1 The Council's Officer Employment Procedure Rules form part of Eastbourne Borough Council's Constitution. The Rules include arrangements for the appointment and dismissal of specified senior officers, in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001.
- 1.2 The 2001 Regulations have recently been updated, requiring the Council to make the amendments detailed in paragraph 2.1 below no later than the first ordinary meeting of the Council falling after 11th May 2015.

2.0 Amendments to Officer Employment Procedure Rules

- 2.1 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 require the following changes to the Council's Officer Employment Procedure Rules:
- (i) Dismissals of the monitoring officer or chief finance officer must be approved by the authority before the notice of dismissal is given. (Previously, this requirement applied only to the proposed dismissal of the head of paid service).
 - (ii) There is no longer a requirement for a report from a designated independent person recommending disciplinary action against the head of the paid service, the monitoring officer or the chief finance officer before such action is taken. Instead, there is a new procedure for conducting dismissal hearings for such officers, which requires the Council to appoint at least two relevant independent persons to an advisory panel. Before voting on the dismissal, the

authority must take account of the panel's views, the conclusion of any investigation into the proposed dismissal and any representations from the relevant officer.

2.2 The relevant parts of the Officer Employment Procedure Rules incorporating the above changes are set out in Appendix 1, marked up to show all amendments. Following Council approval, the Monitoring Officer will arrange to publish the amended Procedure Rules in the Council's Constitution.

3.0 Consultation

3.1 No consultation has taken place, since the amendments to the Procedure Rules are a statutory requirement.

4.0 Resource Implications

4.1 None

5.0 Other Implications

5.1 None

6.0 Summary of Options

6.1 Council is invited to approve the recommendation.

7.0 Conclusion

7.1 Council is recommended to approve the amended Officer Employment Procedure Rules and to authorise the Senior Head of Corporate Development and Governance to publish the updated version as soon as possible.

Peter Finnis
Senior Head of Corporate Development and Governance

Appendices:

Appendix 1 – the relevant parts (paragraphs 7 and 8) of the Officer Employment Procedure Rules, incorporating the statutory amendments.

Background Papers:

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

The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015

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

**Appendix 1 – Officer Employment Procedure Rules – Extract from Part 4,
Section I of the Constitution**

**7. Appointment and dismissal of head of paid service, chief officers,
deputy chief officers and political assistants**

7.1 Paragraph 6.1 shall not apply to the appointment or dismissal of, or disciplinary action against:

- (a) the head of paid service;
- (b) a statutory chief officer of the Council;
- (c) a non-statutory chief officer of the Council, including, if not so designated, the monitoring officer;
- (d) a deputy chief officer of the Council; or
- (e) a political assistant

7.2 Where a committee, sub-committee or officer is discharging, on behalf of the Council, the function of the appointment ~~or dismissal~~ of an officer designated as the Council's head of paid service, the Council must approve that appointment before an offer of appointment is made to that person~~him.~~
~~or, as the case may be, must approve that dismissal before notice of dismissal he is given to him.~~

7.2A Where a committee, sub-committee or officer is discharging, on behalf of the Council the function of the dismissal of an officer designated as the Council's head of paid service, as the Council's chief finance officer, or as the Council's monitoring officer, the Council must approve that dismissal before notice is given to that person.

7.3 Where a committee or a sub-committee of the Council is discharging, on behalf of the Council, the function of the appointment or dismissal of any officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 7.1, at least one member of the Cabinet must be a member of that committee or sub-committee.

7.4 An offer of an appointment as an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 7.1 must not be made by the appointor until:

- (a) the appointor has notified the proper officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;
- (b) the proper officer has notified every member of the Cabinet of the authority of:
 - (i) the name of the person to whom the appointor wishes to make the offer;
 - (ii) any other particulars relevant to the appointment which has notified to the proper officer; and

- (iii) the period within which any objection to the making of the offer is to be made by the Leader of the Council on behalf of the Cabinet to the proper officer; and

(c) either:

- (i) the Leader of the Council has, within the period specified in the notice under subparagraph (b) (iii), notified the appointor that neither he nor any other member of the Cabinet has any objection to the making of the offer;
- (ii) the proper officer has notified the appointor that no objection was received by him within that period from the leader of the Council; or
- (iii) the appointor is satisfied that any objection received from the Leader of the Council within that period is not material or is not well-founded.

7.5 Notice of the dismissal of an officer referred to in subparagraph (a), (b), (c) or (d) of paragraph 7.1 must not be given by the dismissor until:

- a) the dismissor has notified the proper officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;

b) the proper officer has notified every member of the Cabinet of:

- (i) the name of the person who the dismissor wishes to dismiss;
- (ii) any other particulars relevant to the dismissal which the dismissor has notified to the proper officer; and
- (iii) the period within which any objection to the dismissal is to be made by the Leader of the Council on behalf of the Cabinet to the proper officer; and

c) either:

- (i) the Leader of the Council has, within the period specified in the notice under subparagraph (b) (iii), notified the dismissor that neither he nor any other member of the Cabinet has any objection to the dismissal;
- (ii) the proper officer has notified the dismissor that no objection was received by him within that period from the Leader of the Council; or
- (iii) the dismissor is satisfied that any objection received from the Leader of the Council within that period is not

material or is not well-founded.

7.6 Nothing in paragraph 6.1 shall prevent a person from serving as a member of any committee or sub-committee established by the Council to consider an appeal by:

- (a) another person against any decision relating to the appointment of that other person as a member of staff of the Council; or
- (b) a member of staff of the Council against any decision relating to the dismissal of, or taking a disciplinary action against, that member of staff.

8. Disciplinary action in respect of head of paid service, monitoring officer and chief finance officer

~~8.1 No disciplinary action in respect of the head of paid service, the monitoring officer or the chief finance officer, except in action described in paragraph 8.2, may be taken by the Council, or by a committee, an Officer Employment sub-committee, a joint committee on which the Council is represented or any other person acting on behalf of the Council, other than in accordance with a recommendation in a report made by a designated independent person under Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001 (investigation of alleged misconduct).~~

~~8.2 The action mentioned in paragraph 8.1 is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension must be on full pay and terminate no later than the expiry of two months beginning with the day on which suspension takes effect.~~

~~8.1 The Council's head of paid service, chief finance officer or monitoring officer may be suspended for the purpose of investigating the alleged misconduct occasioning the suspension; and any such suspension must be on full pay and terminate no later than the expiry of two months beginning with the day on which the suspension takes effect.~~

~~8.2 The Council's head of paid service, chief finance officer or monitoring officer may not be dismissed unless the procedure in the paragraphs 8.2.1 to 8.2.9 is complied with.~~

~~8.2.1 The Council must appoint a committee ('the Panel') under section 102(4) of the Local Government Act 1972 for the purposes of advising the Council on matters relating to the dismissal of officers referred to in paragraph 8.1 above.~~

~~8.2.2 The Council must invite relevant independent persons (as defined in paragraph 8.2.3) to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.~~

~~8.2.3 For the purposes of paragraphs 8.2.2 to 8.2.5 "relevant independent person" means any independent person appointed by the Council under section 28(7) of the~~

Localism Act 2011 or, where there are fewer than two such persons, such independent persons as have been appointed by another local authority or authorities (under that same provision) as the Council considers appropriate.

8.2.4 Subject to paragraph 8.2.5, the Council must appoint to the Panel such relevant independent persons who have accepted an invitation pursuant to paragraph 8.2.2 in accordance with the following priority order:

- (a) a relevant independent person who has been appointed by the Council and who is a local government elector in the Council's register of electors;
- (b) any other relevant independent person who has been appointed by the Council;
- (c) a relevant independent person who has been appointed by another authority or authorities.

8.2.5 The Council is not required to appoint more than two relevant independent persons in accordance with paragraph 8.2.4 but may do so.

8.2.6 The Council must appoint any Panel at least 20 working days before the relevant meeting (as defined in paragraph 8.2.7).

8.2.7 For the purposes of paragraphs 8.2.6 to 8.2.8, "relevant meeting" means a meeting of the Council to consider whether or not to approve a proposal to dismiss its head of paid service, its chief finance officer, or its monitoring officer, as the case may be.

8.2.8 Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the Council must take into account, in particular—

- (i) any advice, views or recommendations of the Panel;
- (ii) the conclusions of any investigation into the proposed dismissal; and
- (iii) any representations from the officer who is the subject of the proposed dismissal.

8.2.9 Any remuneration, allowances, or fees paid by the Council to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of his/her role as an independent person under the Localism Act 2011.

Although not part of the procedure rules, this note in respect of the employment of serving or former councillors is included for information. The Local Government Act 1972 at Section 116 says:

"A local authority cannot appoint as an employee in any capacity, any councillor who is currently a member of that authority or who had been a member in the previous 12 months."

Body: Council
Date: 27 May 2015
Subject: Pay Policy Statement Update
Report of: Deputy Chief Executive

Ward(s): All

Purpose: To ask Members to approve updates to the Pay Policy Statement produced in accordance with the requirement in the Localism Act 2011

Contact: Becky Cooke, Head of Organisational Development – 01323 415106

Recommendations: **That Council**
(1) Notes and recommends the updated Pay Policy Statement for publication on the Council's website

1.0 Introduction

The Localism Act 2011 places an obligation on local authorities to be more accountable to the communities they serve.

- 1.1 Chapter 8 of the Act requires the Council to adopt and publish a Pay Policy Statement. The statement drafted for Eastbourne Borough Council is appended to this report (Appendix one). We are required to keep the Statement up to date and it has now been reviewed to take account of the latest statistical data.

The revised version is presented to Council for consideration and recommendation for its approval. It will then replace the current version on the Council's website to meet the requirements of the Localism Act.

2.0 Changes to the Pay Policy Statement

- 2.1 There have been some minor changes to reflect the current statistical position in relation to pay relationships at point 4 of the Pay Policy Statement.

One further change is:

At 2.4 of the Pay Policy Statement it should be noted that at Chief Executive/Chief Officer/Deputy Chief Officer and Monitoring Officer level officers are now paid on a spot salary, as agreed at a Council Panel in November 2014. Consideration of future progression for the Chief Officer roles will focus on:-

- The robust performance appraisal of the deliverables of the Strategy and Commissioning team
- Regard to the JNC annual pay offer
- And twice yearly scrutiny of relevant market data

3.0 Financial and other implications

None

4.0 Consultation

UNISON has been consulted on the revised Pay Policy Statement

5.0 Conclusion

Council is asked to approve the revised Pay Policy Statement and recommend for it to be published on the Council's website.

Alan Osborne
Deputy Chief Executive

PAY POLICY STATEMENT FOR THE FINANCIAL YEAR 2015/2016

Version Control

Version number	Date	Review date	Owner	Reason for new version
01	May 2015	March 2016	Becky Cooke Head of Organisational Development	Statement required by the Localism Act 2011

	Contents	Page
1	Opening Statement	2
2	Remuneration of statutory and non-statutory Chief Officer posts, deputy chief officers and Monitoring Officer	3
3	Remuneration of lowest paid and other employees	8
4	Pay Relationships	10
5	Decision making on pay	11
6	Amendments to this pay policy statement	12
7	Publication of and access to information	12

1 OPENING STATEMENT

1.1 Transparency and autonomy

The Council recognises and welcomes the aim behind this pay policy statement to ensure that its approach to pay is open and accessible for residents and to enable local taxpayers to take an informed view of whether local decisions on all aspects of remuneration are fair and make the best use of public funds.

It also welcomes the government's recognition that each local authority remains an individual employer in its own right, and, as such, has the autonomy to make decisions on pay that are appropriate to local circumstances and which deliver value for money for local taxpayers.

This policy statement has been produced in accordance with Sections 38 to 43 of the Localism Act 2011 (the Act).

The Secretary of State has produced guidance on the Act's provisions relating to openness and accountability in local pay, which local authorities must have regard to in preparing and approving their annual pay policy statements, and the Council's statement takes account of this guidance as well as the provisions of the Act.

1.2 Status of policy statement

The pay policy statement will be reviewed on an annual basis and revisions adopted for implementation by the Council at the start of each subsequent financial year.

The pay policy statement can also be amended during the course of any financial year by a resolution of the full Council. If it is amended during the year to which it relates, the revised version of the statement will be published as soon as reasonably possible after the amendment is approved by the Council.

2. REMUNERATION OF STATUTORY AND NON-STATUTORY CHIEF OFFICERS, MONITORING OFFICER AND DEPUTY CHIEF OFFICERS

2.1 Remuneration of Chief Officers (Statutory and Non Statutory) and Deputy Chief Officers

This section covers the Council's policies in relation to the remuneration of its senior employees, including:

- Its Chief Executive and Head of Paid Service;
- Its first tier managers (i.e. the Chief Officers who report to and are directly accountable to the Chief Executive) – this includes both statutory Chief Officers and non-statutory Chief Officers;
- Its Monitoring Officer (i.e. the officer responsible for ensuring the Council's compliance with the law in all its activities);
- Its second tier managers (i.e. the Deputy Chief Officers and senior staff who report to a first tier manager).

2.2 Overall Policy on Remuneration for Senior Roles

The Council's overall approach to remuneration for its senior employees is based on:

- a) Compliance with equal pay, discrimination and other relevant employment legislation and
- b) ensuring that its overall remuneration packages align broadly with market norms for relevant local government and public sectors, taking account of:
 - pay levels in the local area, including neighbouring public sector employers;
 - the relative cost of living in the local area, including housing costs;
 - the responsibilities and accountabilities of specific posts which may be very demanding

The Council seeks to maintain this overall approach by monitoring pay data provided by the Joint National Councils (JNCs) for Chief Officers and Chief Executives, the Local Government Association/Employers, Local Economy database resources and other pay surveys.

In terms of pay differentials, the Council recognises that:

- the role of Chief Executive/Head of Paid Service (HoPS) leads the organisation's workforce and has the greatest level of accountability, and so warrants the highest pay level in the organisation;
- the Deputy Chief Executive, furnished with a level of accountability and leadership obligation second only to the Chief Executive/HoPS, warrants the second highest pay level in the organisation.

- At Chief Officer level the Council recognises that all its Chief Officers have a collective and corporate responsibility for contributing to and delivering the overall strategy of the organisation. Therefore, it offers the third highest level of remuneration to Chief Officers.

At deputy chief officer level, the Council recognises that the demands on and accountabilities of different management roles vary considerably, and seeks to align pay levels with the relative importance and responsibilities of roles using a process of job evaluation. Remuneration package details are published on the Council's website at: <http://www.eastbourne.gov.uk/about-the-council/information-requests/open-data/>

2.3 The Remuneration Offered to Senior Employees

At Chief Executive/Chief Officer/ Deputy Chief Officer level, the Council offers an annual salary and access to the Local Government Pension Scheme (LGPS). Any other benefits are set out below.

The Council does not offer performance related payments or bonuses to its Chief Officers. Remuneration package details are published on the Council's website at: <http://www.eastbourne.gov.uk/about-the-council/information-requests/open-data/>

2.4 Annual salaries

Annual salary levels for senior employees are set in accordance with the overall principles set out in section 2.2 above. At Chief Executive/Chief Officer/Deputy Chief Officer/Monitoring Officer level Officers are paid on a spot salary.

Consideration of future progression for the Chief Officer roles will focus on:-

- The robust performance appraisal of the deliverables of the strategy and commissioning team
- Regard to the JNC annual pay offer
- And twice yearly scrutiny of relevant market data

Other senior managers are paid on a grade, the spot salary and the grade is determined locally by the Council. The grade range consists of a number of incremental salary points, through which employees may progress until the top of the grade is reached.

2.5 Remuneration upon appointment

The Council's policy is to appoint new employees at the lowest point on the scale for the post unless, exceptionally, a higher pay point is needed to secure the recruitment. In the case of Chief Officers, a decision to pay in excess of the previous spot salary point will be subject to the endorsement of a panel/ committee nominated by the Council to act on its behalf.

2.6 Pay progression

Pay progression for senior officers paid on a grade is normally by annual increment, payable from 1 April annually.

Pay progression is based on the period of time the employee has served in that grade, subject to satisfactory performance as evidenced through the Council's performance appraisal scheme.

The Council's performance appraisal scheme sets out the standards/criteria which must be met in order for an employee to receive any pay progression, the roles and responsibilities of managers and employees in this process and the monitoring and review arrangements to ensure this is applied fairly and equitably across the Council.

2.7 Pay awards

The level of any increase will be determined by the Council, and will take into account a number of factors including that agreed by Joint National Councils (JNCs) for Chief Executives/Chief Officers or National Joint Council (NJC) for Local Government Services (as appropriate for the category of senior manager), the prevailing economic conditions, Government public sector pay policy and the Council's financial position and consultation with the Trade Union.

2.8 Market Supplements

The Council recognises that pressures in the national or regional labour market can mean that pay levels for a particular category of manager in a particular function (e.g. Chief Finance Officer) can be such that the Council's normal pay level would not be sufficiently competitive to enable it to recruit or retain a manager in that function. In that case, the Council is prepared to review the remuneration package and to pay salary points at a level commensurate with the market in order to secure the skills' set required to meet the Council's needs.

2.9 Local Government Pension Scheme (LGPS)

The Council offers its most senior employee's access to the Local Government Pension Scheme, in accordance with the statutory provisions of the scheme, on the same basis as all of its employees. Any pension payments made to its senior employees on termination of employment either on grounds of redundancy, in the interests of the efficiency of the service or on grounds of ill health will be made within the statutory terms of the LGPS.

The employer's contribution rate for senior employees who join the scheme is the same as for all other employees.

The discretions which the Council is able to apply under the scheme upon termination of employment are the same for senior employees as for all other employees who are LGPS members.

2.10 Payments on Termination of Employment

The Council's payments to managers whose employment is terminated on grounds of redundancy or in the interests of the efficiency of the service will be in accordance with the policy the Council has adopted for all its employees in relation to the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006.

Other than payments pursuant to the LGPS (including the exercise of the Council's discretions) or payments in accordance with the Council's policies under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006, the Council's policy is not to make any other termination payments to its senior employees, other than where it has received specific legal advice to the effect that a payment may be necessary to eliminate risk of claims against the Council.

2.11 "Earn back" pay

The Council has considered the suggestions in the Hutton Review of Fair Pay in the Public Sector, published in March 2011, about the introduction of "earn back" pay. The introduction of "earn back" pay within the Council's current systems as a way of relating pay levels to performance and contribution will not be progressed at the present time but may be given further consideration in the future.

2.12 Re-engagement of Chief Officers

Re-engagement of Chief Officers who have left Eastbourne Borough Council with a severance or termination payment:

2.12.1 Re-engagement as employees

- (1) Subject to any relevant provisions in employment and equalities legislation, the Council's policy is not to re-employ [as a Chief Executive or Chief Officer/ in any capacity] any former Chief Executive or Chief Officer who left the Council for any reason other than compulsory redundancy, and was in receipt of a severance or termination payment, for a period of three years from the date of termination of employment. This policy may be varied in exceptional circumstances which are approved by a delegated panel/committee of Council Members acting on behalf of Full Council and advised by appropriate persons including the Monitoring Officer, except where the Council's Monitoring Officer is a Chief Officer.
- (2) Where a Chief Executive/ Chief Officer's employment has been terminated compulsorily on grounds of redundancy, they will not be re-employed in the same or a similar post for a period of one year following the date of termination of employment. If they are re-employed in another post within four weeks after the effective date of redundancy, they will lose their right to a redundancy payment, including any enhancements under the provisions of the LGPS or the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006. Any

re-employment will be subject to the Council following the strict application of the normal process of competitive selection for employment.

- (3) Any former Chief Executive or Chief Officer who is employed by Eastbourne Borough Council and who has previously received a severance, termination or redundancy payment from this or any other Council or related body will not have previous service counted when determining any further entitlements to notice periods, sickness payments, annual leave or other benefits/entitlements based on continuous service.

2.12.2 Re-engagement under a contract for services

The Council's policy is not to re-engage under a contract for services any former Chief Executive or Chief Officer who left the Council for any reason and was in receipt of a redundancy, severance or termination payment, for a period of three years from the cessation of employment. This policy may be varied in exceptional circumstances which are approved by a panel/committee convened by the Council to act in this matter and advised by persons including the Council's Monitoring Officer, except where the Monitoring Officer is a Chief Officer.

2.12.3 Employment of those in receipt of an LGPS pension

General:

In the unlikely event that the Council employs as a Chief Executive or Chief Officer a person who is in receipt of a pension under the LGPS, the rules on abatement of pensions adopted by the Council's Administering Authority for the LGPS, pursuant to Regulations 70 and 71 of the the Local Government Pension Scheme (Administration) Regulations 2008 must be applied. Such persons would only be employed following strict application of the normal process of competitive selection for employment.

Flexible retirement:

The LGPS regulations permit the Council to offer flexible retirement to employees (including Chief Officers) aged 55 or over, so that they can reduce their hours of work, and receive a pension in respect of accrued years in the scheme.

2.13 Publication of Details of Employee Remuneration

In accordance with 39 (5) of the Localism Act, this policy will be published on the Council's website. It will also be published on the Council's intranet, known as InSite. The Council is also required to publish information about the remuneration of senior officers under The Accounts and Audit (Amendment No. 2) (England) Regulations 2009 and the Code of Recommended Practice for Local Authorities on Data Transparency, issued under Section 2 of the Local Government Planning and Land Act 1980. This information can be obtained from the Council's Statement of Accounts.

3. REMUNERATION OF LOWEST PAID AND OTHER EMPLOYEES

This section sets out the Council's policies in relation to:

- The remuneration of its lowest-paid employees, as defined in this pay policy statement;

3.1 Definition of Lowest Paid Employees

The definition of the "lowest-paid employees" adopted by the Council for the purposes of this statement is as follows:

The lowest paid employees within the Council are those permanent workers who are paid on the Council's lowest hourly pay rate.

The Council considers this to be the most appropriate definition as this is the lowest pay point/pay level on its substantive pay structure and which normally applies to new entrants to the lowest graded jobs within the organisation.

The current annual full-time equivalent value of this pay level, based on a 37 hours' standard working week as at 31 March 2015, is £13,774.00

The Council has had regard to guidance issued by the Local Government Association and JNC for Local Authority Chief Executives in agreeing this definition.

The Council has consulted with the recognised trade unions on this definition and has had regard to any comments made by them.

3.2 Remuneration of Lowest Paid Employees

For the purposes of this policy statement, remuneration includes the employee's basic annual salary and any allowances or other similar payments, benefits in kind, any increases or enhancements to any pension entitlement and any termination or other severance payments.

3.2.1 Pay structure

The basic pay of the Council's lowest paid employees comprises a core grade extrapolated from the national pay spine as set out in the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service. This grade range consists of a number of salary points through which employees may progress until the top of the grade is reached.

3.2.2 Pay Progression

Pay progression is normally by annual increment, payable from 1 April annually.

Pay progression is based on the period of time the employee has served in that grade, subject to satisfactory performance and as evidenced through the Council's performance appraisal scheme

The Council's performance appraisal scheme sets out the standards/criteria which must be met in order for an employee to receive any pay progression, the

roles and responsibilities of managers and employees in this process and the monitoring and review arrangements to ensure this is applied fairly and equitably across the Council.

3.2.3 Annual Pay Review

The basic pay of the Council's lowest paid employees is reviewed annually, with any adjustment, cost-of-living, or other, increase normally applied on 1 April in each year. The level of any increase will be determined by the Council, and will take into account a number of factors including that agreed by the National Joint Council for Local Government Services, the prevailing economic conditions, Government public sector pay policy and the Council's financial position and consultation with the Trade Union.

3.2.4 Market Supplements

Where the Council considers that pay rates for specific posts are insufficient to enable it to recruit and/or retain staff with the required knowledge, skills and expertise, it may authorise the use of market supplements (Recruitment and Retention uplifts to pay within the extended grade band for the relevant post), in accordance with the terms of the relevant Council policy

3.2.5 Pension provision

In common with all other employees, the Council's lowest paid employees may participate in the Local Government Pension Scheme in accordance with the statutory terms of that scheme.

Any increases in or enhancements to the pension entitlement of the Council's lowest paid employees will be made in accordance with the discretions available to it under the statutory provisions of the Local Government Pension Scheme, as exercised by the Council and set out in the relevant policy statement

3.2.6 Termination or Severance Payments

Any termination or severance payments made by the Council to its lowest paid employees, either on grounds of redundancy, in the interests of the efficiency of the service or on grounds of permanent ill-health, will be made in accordance with the statutory terms of the Local Government Pension Scheme, as applicable, and/or in accordance with the discretions available to it under that Scheme or under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006, as set out in the relevant policy statement.

Other than payments pursuant to the LGPS (including the exercise of the Council's discretions) or payments in accordance with the Council's policies under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006, the Council's policy is not to make any other termination or severance payments to its lowest paid employees, other than where it has received specific legal advice to the effect that a payment may be necessary to eliminate risk of claims against the Council.

Any proposal to offer a severance payment of £100,000 or more to a member of staff leaving the organisation will be referred to full Council for approval. The

information presented to full Council will clearly set out the components of the particular severance package. This may include salary paid in lieu of notice, statutory redundancy compensation, enhanced compensation paid in accordance with the Council's policies under Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006, pension entitlements (including those resulting from the exercise of the Council's policies on Local Government Pension Scheme discretions), payments in lieu of untaken holiday and any bonuses, fees or allowances paid.

4 PAY RELATIONSHIPS

This section sets out the Council's overall approach to ensuring pay levels are fairly and appropriately dispersed across the organisation, including the current pay multiple which applies within the Authority, and its policy toward maintaining or reaching a specific pay multiple in the future.

Under the provisions of the Code of Recommended Practice for Local Authorities on Data Transparency, issued by the Department for Communities and Local Government under Section 2 of the Local Government Planning and Land Act 1980, the Council is required to publish its "pay multiple", i.e. the ratio between the highest paid salary and median average salary of the whole of the local authority's workforce. The pay multiple, based on base salary for the financial year ending 31 March 2015, using the median is: **4.95**.

The median salary is defined in the following paragraph:

The median average salary is the salary value at which 50% of the salaries which apply to the whole of the local authority's workforce are below that salary value and 50% of the salaries are above it. The lowest pay point in the overall salary range which has been used by the Council in calculating the median average salary is that which applies to its lowest paid employees, as defined in section 2 of this pay policy statement.

The Council also calculates a pay multiple using a mean salary. For the financial year ending 31 March 15, this is **4.38**.

The Council considers that the pay multiples, as identified above, represent an appropriate, fair and equitable internal pay relationship between the highest salary and that which applies to the rest of the workforce and will monitor and have regard to these multiples in future reviews of salary, both post specific and corporate, to ensure these are maintained.

The reasons for this are:

- It reflects the aspirations of Eastbourne Borough Council to promote and maintain a more egalitarian organisational structure than that of many public and private sector peer organisations
- It continues to enable this Council to recruit and retain high calibre employees to meet the changing needs of the local community.

5 DECISION MAKING ON PAY

The provisions of this pay policy statement will apply to any determination made by the Council in the relevant financial year in relation to the remuneration, or other terms and conditions, of a chief officer of the Authority and of its lowest paid employees, as defined in this statement, and other employees who are paid more than the lowest paid employees but who are not chief officers.

The Council will ensure that the provisions of this pay policy statement are properly applied and fully complied with in making any such determination.

This pay policy statement has been approved by the full Council of the Authority.

Any proposal to offer a new chief officer appointment on terms and conditions which include a total remuneration package of £100,000 or more, including salary, bonuses, fees or allowances which would routinely be payable to the appointee and any benefits in kind to which the officer would be entitled as a result of their employment (but excluding employer's pension contributions), will be referred to the full Council for approval before any such appointment is advertised or before any such offer is made to a particular candidate.

6 AMENDMENTS TO THIS PAY POLICY STATEMENT

This pay policy statement relates to the financial year 2015 – 2016.

The Council may agree any amendments to this policy statement during the financial year to which it relates in accordance with the decision-making arrangements set out within Section 7 of this policy statement.

7 PUBLICATION OF AND ACCESS TO PAY POLICY INFORMATION

The Council will publish this pay policy statement on its website at www.eastbourne.gov.uk and on its intranet, known as InSite, as soon as is reasonably practicable after it has been approved by the Council. Any subsequent amendments to this pay policy statement made during the financial year to which it relates will be similarly published.

The information required to be published by the Council in accordance with the requirements of the Code of Recommended Practice for Local Authorities on Data Transparency, issued under Section 2 of the Local Government Planning and Land Act 1980, and in accordance with the requirements of the Accounts and Audit (Amendment No. 2) (England) Regulations 2009, is available on its website at www.eastbourne.gov.uk and via InSite.

The Council's policies in relation to the exercise of discretions under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 and under the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007, as referred to in this policy statement, are available on request from the Strategic Organisational Development Manager.

For further information about this pay policy statement, please contact the Council as follows:

Head of Organisational Development
Eastbourne Borough Council
1 Grove Road
Eastbourne
BN21 4TW

01323 410000.

Tuesday, 17 February 2015
at 6.00 pm



Conservation Area Advisory Group

PRESENT:-

Councillor Shuttleworth (Chairman) and Councillor Thompson

Officers:

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

ADVISORS:

Mr Howell, Eastbourne Society

41 Minutes of the meeting held on 6 January 2015.

The minutes of the meeting held on 6 January 2015 were submitted and approved and the Chairman was authorised to sign them as a correct record.

42 Apologies for absence.

Apologies for absence were reported from Councillors Belsey, Cooke and Mr Crook.

43 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.

44 Planning Applications for Consideration

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

1) 141506, PRE-APPLICATION ADVICE (REVISED PROPOSAL), WISH TOWER SLOPE, ADJACENT TO THE LIFEBOAT MUSEUM, KING EDWARD'S PARADE

Heritage Status: Town Centre & Seafront Conservation Area, adjacent to a Building of Local Interest and setting of a Grade II heritage asset.

Proposal: Provision of a vintage AA box and two parking spaces.

CAAG Comments: The Group reiterated their view made at the previous meeting that there should be no intrusion on the grassed slope itself. They

supported Option A, which would place the AA box at the bottom of the footpath up to the café and locate the two parking spaces on the slip road.

2) 150009, PRE-APPLICATION ADVICE (REVISED PROPOSAL), THE MEADS CLUB, 75 MEADS ROAD

Heritage Status: Meads Conservation Area

Proposal: Extension and alterations to provide four maisonettes.

CAAG Comments: The Group raised no objections to the proposal and supported further improvement to the front elevation.

3) 150047, THE PILOT, 89 MEADS STREET, EASTBOURNE, EAST SUSSEX, BN20 7RW

Heritage Status: Meads Conservation Area

Proposal: Demolition of existing single storey toilet accommodation and external store enclosure, and erection of a single storey extension at the side to provide an enlarged restaurant area and toilet facilities, involving the rearrangement of the existing fire escape staircase to first floor.

CAAG Comments: The Group raised no objections to the proposal in principle but suggested that the applicant improve the proportions of the three windows on the front elevation and relocate the roof lights to the rear roof slope.

4) 150073, 37 GRANGE ROAD, EASTBOURNE, EAST SUSSEX, BN21 4HG

Heritage Status: Area of High Townscape Value

Proposal: Single storey extension to south elevation (facing Silverdale Road), new wall to form a yard and provision of vehicle hard-standing for two cars.

CAAG Comments: The Group raised no objections to the addition of an extension in principle however concerns were raised with the proposed depth which they felt should be reduced to be more in keeping with the surrounding area. The Group added that the style of the entrance door and its surround should be retained in order to match the remainder of the dwellings in the development. The Group added that the lantern light should be removed and improvements could be made to the proportions of the ground floor windows.

5) 141595, ARNDALE CENTRE, TERMINUS ROAD, EASTBOURNE, BN21 3NW

Heritage Status: Adjacent to Town Centre & Seafront Conservation Area

Proposal: Creation of new shopfronts, partial remodelling of front facade and new east and west entrance features facing Terminus Road creating an additional 51 square metres internal floorspace within the Arndale Shopping Centre.

CAAG Comments: The Group were given an outline of the proposed new shopfront. This item was noted for information.

6) 141605, HARFORD BATTERSBY HOUSE, 10 TRINITY TREES

Heritage Status: Town Centre & Seafront Conservation Area

Proposal: Change of use of car park at the rear of Harford Battersby House to a public pay and display car park, involving the demolition of the existing garages.

CAAG Comments: The Group had reservations over the proposal, particularly the commercial aspect of the development at the rear of a residential property. Given that a public pay and display car park would intensify the use of the existing car park, the Group believed this could have a detrimental impact on the character of the conservation area.

7) 150096, BIRLEY HOUSE, 13 COLLEGE ROAD

Heritage Status: Area of High Townscape Value

Proposal: Two storey extension at side to provide three self-contained flats and demolition of part of boundary wall to provide three off-street parking spaces.

CAAG Comments: The Group raised no objections to an extension in principle however had strong concerns with the proposal, especially the potential impact and loss of the preserved tree in addition to the other trees on the front boundary. Concerns were also raised with the proposed loss of a large section of the boundary wall, the siting design and scale of the extension that would all have a negative impact on the character and appearance of the Area of High Townscape Value.

NOTED.

45 New Listings

The Specialist Advisor (Conservation) advised the Group that Tregenna Mead, 20 Fairfield Road had gone through the process and already been identified as a Building of Special Interest.

NOTED.

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

The date of the next meeting was confirmed as the 31 March 2015.

The meeting closed at 7.00 pm

**Councillor Shuttleworth
(Chairman)**

This page is intentionally left blank

Tuesday, 3 March 2015
at 6.00 pm



Planning Committee

Present:-

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

139 Minutes of the meeting held on 3 February 2015.

The minutes of the meeting held on 3 February 2015 were submitted and approved and the Chairman was authorised to sign them as an accurate record.

140 Apologies for absence.

There were none.

141 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.

142 1 Vincent Close. Application ID: 141604.

Proposed demolition of existing garage and conservatory and erection of side and rear single storey extension, and over-cladding to existing dwelling – **SOVEREIGN**. Six letters of objection had been received.

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

Mrs Attwood addressed the committee in objection stating that the cladding altered the nature and character of the close and was detrimental to the surrounding area.

Mr Roberts addressed the committee in objection stating that the cladding would be out of keeping with the remaining houses in the close. Mr Roberts felt that there were alternative materials available to thermally upgrade the building that would be more in keeping with the neighbouring properties.

Mrs Gander addressed the committee in objection stating that the proposed cladded exterior would not be in keeping with neighbouring properties.

Mr Andrews, agent, addressed the committee in response stating that the applicant had responded to the objectors comments. The suggested brick alternative to the cladding was not considered suitable for the design of the property and the scheme had been designed in accordance with local and national planning policies.

The committee had no objection to the extension of the property; however they felt concerned by the proposed cladding and its effect on the neighbouring properties and visual amenity of the surrounding area.

RESOLVED: (By 5 votes to 3) The scheme by virtue of the proposed exterior cladding would result in a form of development that would be incongruous and out of character with the predominant character of the area and would be contrary to Policies UHT1, UHT4 and HO20 of the Saved Policies of the Eastbourne Borough Plan and Policies B1, B2, D10a and C13 of the Eastbourne Core Strategy Local Plan.

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.

143 13 Sturdee Close. Application ID: 141535.

Two storey side extension and fence to side – **SOVEREIGN**. Objections had been received and were summarised within the report.

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

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Time Limit 2) Approved drawings 3) Matching Materials 4) Development shall be in accordance with the Flood Risk Assessment attached to this application.

Informative

The owners of the property should note that the maintenance of land within the curtilage of the property but beyond the proposed fence remains their responsibility.

144 South Downs National Park Authority Planning Applications.

Telecommunications Mast - 3 and EE, adjacent to the escape lane East Dean Road Eastbourne East Sussex - Replace 12m high monopole with Dorset cabinet.

The committee was advised that the South Downs National Park Authority had advised that they did not wish to formally determine the details of the proposal, and therefore agreed that the removal of a 12 metre monopole and its replacement with a cabinet, in addition to the installation of a top hat extension to an existing cabinet was considered likely to have a very similar visual impact to the existing.

NOTED.

The meeting closed at 7.00 pm

Councillor Ungar (Chairman)

This page is intentionally left blank

Wednesday, 11 March 2015
at 6.30 pm



Audit and Governance Committee

Present:-

Members: Councillor Ungar (Chairman) Councillors Mattock, Cooke, Hearn (as substitute for Heaps), Taylor and Tester

29 Minutes of the meeting held on 3 December 2014.

The minutes of the meeting held on 3 December 2014 were submitted and approved and the Chairman was authorised to sign them as a correct record.

30 Apologies for absence.

Apologies for absence were reported from Councillors Ede, Harris and Heaps.

31 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.

32 Update: Members and Standards.

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

The Committee also noted that no dispensations had been applied or issued since the last quarterly report.

The Committee was advised that induction sessions for members who were elected in May 2015 was currently being formulated, in addition to a new programme of member training for the next financial year.

The Committee commented on the last induction session held in 2011 where it was felt that there was an overwhelming amount of information relayed to newly elected members in one evening. They suggested that the induction be split into multiple sessions. The Committee also requested that there should be an analysis undertaken of the exact training needs required before a programme was formulated. The Monitoring Officer responded that their comments would be forwarded onto Human Resources.

The Committee enquired about access to information provided by The Chartered Institute of Public Finance and Accountancy (CIPFA) on various

bodies and the Standards Exchange training module. The Monitoring Officer advised that training resources would continue to be reviewed in relation to their benefit for members.

A further update on Standards related matters, particularly in relation to other authorities was contained in the report.

The Monitoring Officer reported that one of the Council's appointed independent persons, Mr Tony Meier had indicated that they would be resigning from his post. The Committee was informed that the remaining two independent persons intended to submit their names to annual Council in May 2015 for re-appointment.

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

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

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

The Committee was advised that for the period from December 2014 to March 2015 no applications were made under the Act.

RESOLVED: The Committee noted that no application had been made by officers of this authority to engage in activity regulated by the Regulation of Investigatory Powers Act (RIPA) during the quarter leading up to 1 March 2015.

34 The Composition of Audit and Governance Committee.

The Committee considered the report of the Monitoring Officer regarding the composition of the Audit and Governance Committee, in light of the revised best practice guidance.

The Committee was invited to consider its current composition including whether to co-opt an independent member to assist in delivering an independent assurance on risk management, internal controls, the financial reporting and annual governance processes.

The Chartered Institute of Public Finance and Accounting (CIPFA) updated its practical guidance on audit committees in December 2013. The guidance detailed best practice suggestions regarding how to ensure that audit committees were balanced, objective and independent of mind, in addition to being well equipped to discharge its role. Currently there were no statutory requirements in place to dictate the composition of audit committees in England, therefore the recommendations in the guidance were a matter of best practice only.

The guidance also provided best practice guidelines in relation to members of the executive sitting on audit committee. It noted that this practice created a potential risk of the committee being deterred from challenging or holding to account the executive. It recommended that this practice should be avoided unless other compensating arrangements were put in place to ensure independence. It was clear that where an executive member did sit on the audit committee, they should not act as its Chair.

Given the size of the authority and the limited number of elected members available to serve on committees, members of the executive sat on, but did not chair the Audit and Governance Committee.

The Committee's composition would be reviewed following the upcoming council elections, taking into account members' established interests and expertise and whether it fell within the committee's remit.

The guidance stated that the co-option of independent members to audit committees may be beneficial. It noted that "the injection of an external view can often bring a new approach to committee discussions". The guidance also stated that a co-opted member could bring additional knowledge and expertise and reinforce the committee's independent and political neutrality. It did however warn about an over reliance on independents by other committee members and noted that should they not possess organisational knowledge or context this could impact adversely on the usefulness of their contribution.

In terms of the chair of the committee, the guidance stated that the committee should be led by a strong, independently minded Chair but stated that it was not a requirement for this Chair to be co-opted, as opposed to an elected member.

Details of the Audit and Governance Committee's terms of reference were contained in the report. Currently within its existing rules the authority could co-opt an independent member should they determine that doing so would enhance its delivery of a function.

The Monitoring Officer advised the Committee that should they consider co-opting an independent person, regard would need to be given to Section 13 of the Local Government Housing Act 1989 which related to the voting rights of non-elected members. Where decisions were being made by the committee in any capacity other than purely 'advisory' any co-opted member would not be able to vote.

Under the Local Government Act 1972 and in accordance with the constitution of the authority, any member who chaired the committee would have a casting vote in their capacity of chair. Therefore if a co-opted member were appointed Chair they would be able to exercise a casting vote when the Committee was tied. The Monitoring Officer advised that it would be possible to set up a structure where a co-opted Chair would not be permitted to vote, unless the vote was tied and considered to introduce a level of complexity to proceedings that did not necessarily meet the requirement for a Chair to be independently minded.

Should the Committee decide to introduce a co-opted member, the recruitment of such a person would be subject to a dedicated, publicly advertised recruitment process.

All co-optees appointed to a Council committee are members of the authority and would therefore be bound by the same Code of Conduct as elected members.

In response to a question from the Committee, the Monitoring Officer clarified that an existing Council appointed independent person who assisted the Committee in its discharge of its Standards-related matters would be unable to fulfil the post of co-opted member without resigning from their post of independent person.

The Committee discussed the current composition of the Committee, the numerical difficulty of appointing members to the Committee and ensuring that none were executive members. This would potentially become increasingly difficult following the Borough Elections in May 2015. The Committee debated the issue exploring options including moving the Committee's audit functions to the Scrutiny Committee or reverting back to separate committees for audit and standards.

The Committee agreed that co-opting an independent member to the Committee was a measure that it felt would assist them in discharging its responsibilities and noted moreover that this could be done within the existing rules.

As this was the last meeting before the Monitoring Officer left the authority, the Committee unanimously expressed its thanks to her for all her hard work and support to the Committee and wished her the best of luck for the future.

RESOLVED (Unanimous) The Committee gave delegated authority to the Senior Head of Corporate Development and Governance, acting in consultation with the Chair of Audit and Governance Committee, to take all steps necessary to recruit and co-opt an independent member to the Committee for a fixed term, in accordance with the guidance.

35 Grants Report 2013/14.

The Committee considered the report of the Council's external auditors, BDO regarding the key findings in respect of the certification of grant claims and returns for the financial year 2013/14.

Ms Janine Combrinck representing BDO was in attendance to present the report and respond to members questions.

BDO had certified two returns on behalf of the Council which included housing benefit subsidy and pooled housing capital receipts. The National non domestic rates did not require certification in 2013/14 following changes to the arrangements for retaining local shares of non-domestic rates income.

BDO had also been asked to certify the Decent Homes Backlog Funding return on behalf of the authority for submission to the Homes and Community Agency (HCA) however this did not form part of the certification regime with the Audit Commission.

The fee for certification work on the housing benefit subsidy in 2013/14 was reduced compared to the previous year, as the claim no longer included the amount for council tax benefits and BDO were able to coordinate the work undertaken by internal audit better.

The key findings were outlined in the report.

Appendix 1 of the report showed the action plan in place to improve the arrangements for preparing grants and other returns as a result of the 2013/14 findings.

RESOLVED: That the Grants report for 2013/14 be noted.

36 Audit Plan 2014/15.

The Committee considered the report of BDO regarding the Audit Plan 2014/15 which set out the audit work proposed in respect of the accounts and review of the Council's arrangements for securing value for money for 2014/15.

Ms Janine Combrinck representing BDO was in attendance and presented the key findings.

BDO had identified areas of significant risk that impact on the audit. Under financial statements, the risks identified included the management override of controls, fraud in revenue recognition, benefit claimant data not being accurately transferred due to the Council replacing its housing benefit system and the consolidation suite of accounting standards, which introduced new definitions of control that should be used. For use of resources, the Medium Term Financial Strategy had identified further savings requirement of £0.5 million in each of the three years from 2016/17, which would be met from efficiencies and procurement savings. It was acknowledged that this would be a challenge and require difficult decisions around service provision and alternative delivery models. Further details were contained in the report.

BDO would provide a value of money conclusion by 30 September 2015.

The report detailed that the proposed core audit fee for the year would be £90,374 plus VAT.

RESOLVED: That the Annual Audit Plan for 2014/15 be noted.

37 Planning Letter 2015/16.

The Committee considered the report of BDO which detailed the proposed fees and programme of work for the 2015/16 financial year. The fee was based on the work required under the Audit Commission's Code of Audit Practice and an assessment of audit resource required to complete the work.

Ms Janine Combrinck representing BDO was in attendance and presented the report.

The Committee was advised that the proposed fee for 2015/16 totalled £76,078 which was significantly lower than last year's fee. The fee proposed consisted of the code audit fee and certification fee. The code audit fee was set at £67,781 and this covered the audit of the financial statements, value for money conclusion and the whole of government accounts return. The proposed certification fee was proposed at £8,297.

The programme of work undertaken by BDO, including the issuing of reports and opinions over the course of the audit was detailed in the report.

The Committee expressed its satisfaction on the continued decrease in fees which represented the good working partnership between the authority and BDO.

RESOLVED: That the report be noted.

38 Protecting the Public Purse Fraud Briefing 2014.

The Committee noted the contents of a presentation from the Council's external auditors BDO on the "Protecting the Public Purse Fraud Briefing 2014" prior to the meeting.

The statistics in the presentation demonstrated the excellent work undertaken by the Council's award winning fraud team in terms of fraud detection.

NOTED.

39 Internal Audit Report to 31st December 2014.

The Committee considered the report of the Internal Audit Manager regarding a summary of the activities of Internal Audit for the third quarter of the financial year 2014/15.

A list of all final audit reports issued from 1st April to 31 December 2014 and the level of assurance attained were detailed in the report. The Committee was advised that during this quarter, no reports had been issued with an assurance level of inadequate.

Audit work carried out to date against the audit plan to the end of December 2014 was set out in appendix A. The Internal Audit Manager made reference to the main points from the appendix which was the annual audits for BDO and the review of Government Connect, which was originally carried out as four separate reviews but was later collated into one and took longer than anticipated. Further details were contained in the report.

From the second half of December 2014, work in internal audit focused on the annual audits. The Committee were advised that any time left at the end of the financial year would be spent completing as many reviews from the plan as possible. Any reviews not completed would be automatically moved to the annual plan for the next financial year.

Further information on reports issued in final during the year with an assurance level below excellent was set out in Appendix B, with any issues highlighted in the reviews which informed the assurance level given. The Committee were reassured that these were the assurance level given at the time the final report was issued and did not reflect recommendations that had been addressed.

A brief explanation for a number of outstanding high and medium priority recommendations from audits, reasons why they had not been implemented along with the month when the next follow up date was due was set out in appendix C. Key items from the appendix was set out in the report.

The comments made by the Corporate Management Team and officers following consideration of outstanding high risks was set out in appendix D. Appendix D was designated as confidential to reduce the risk of opportunities to commit fraud.

The Committee was advised that no frauds over £10k were recorded in the third quarter of 2014/15 and only one fraud over £10k had been identified for this year.

The Corporate Fraud Investigations Manager addressed the Committee detailing the Corporate Fraud section of the report. The Committee was advised that all relevant Housing Benefit investigations had been migrated over to the Single Fraud Investigation Service (SFIS) at the Department for Work and Pensions (DWP) before 1 November 2014. 64 allegations of fraud had been reported to DWP since that date. The Council's Single Point of Contact Officer recorded that around 1½ hours were being spent per case.

The Council had been successful in securing three bids for Counter Fraud Funding from the Department for Communities and Local Government, including an East Sussex Fraud Hub which would be project led by Eastbourne, High Risk Intervention work to be undertaken for Council Tax Reduction cases and a country wide Fraud APP project which would allow members of the public to report fraud and learn about fraud trends in their area. Further details were contained in the report.

The Corporate Fraud team had commenced Single Person Discount review checks for the Revenues Department, in addition to other reviews around class L exemptions (mortgage provider in possession) and student discounts.

The Committee was also advised that time had been spent researching the Housing Department's systems and processes, assisting to identify where frauds were most likely to occur, through the processes from homeless application to allocation. As a result four applications for homelessness had been disallowed and withdrawn. A fraud review of the Housing Waiting list had been undertaken and led to two cases of keys being obtained from a tenant, allowing properties to be reallocated.

A brief investigation had been undertaken when a member of the public had used the Town Hall as their correspondence address whilst purchasing a property in France. The conclusion of this investigation resulted in a Single Person Discount being disallowed for 6 months.

The Committee enquired about the new member of staff that had been appointed after the IT Auditor left the authority. The Internal Audit Manager responded that they had recently completed their first audit and three annual reviews to a high standard. The Committee were further advised that another member of the audit team would be retiring and this was equivalent to a full time post.

The Committee recognised with thanks the audit outturns, which demonstrated that despite all the changes occurring through the authority, officers had been diligent in ensuring work had been completed in the correct way.

RESOLVED: That the report be noted.

40 Risk Management.

The Committee considered the report of the Internal Audit Manager regarding an update on progress in respect of the Strategic Risk Register.

The Strategic Risk Register had been taken to Corporate Management Team on 17 February 2015 for the regular quarterly review and the updated register was appended to the report.

It was agreed that with the local and general elections being held in May 2015, the risk level of risk SR_001 should be raised back to its original score of amber. The risk would be assessed following the elections.

RESOLVED: (Unanimous) That the amended Strategic Risk Register as appended to the report be approved.

41 Draft Internal Audit Plan for 2015/16.

The Committee considered the report of the Internal Audit Manager regarding the draft internal audit plan for 2015/2016.

The internal audit plan for each year began with a calculation of the number of audit days available. Twelve "managed" audits were required to be undertaken this year to satisfy the external auditors and these were detailed in the report.

In addition to the core audits, work was carried out on verifying the National Non-Domestic Rates and Benefits Subsidy Claim. Days were also set aside for unplanned work, special investigations, follow ups, advice and National Fraud Initiative activity.

A risk assessment was carried out on all areas listed in the "Audit Universe", in order for the annual internal audit plan to be produced. The "Audit Universe" was a list of all the areas and systems across the Council which could be audited. The completed risk assessment, included at appendix B to the report had been arranged by the level of risk and by the date the last audit review was undertaken.

The draft plan had been submitted to Corporate Management Team meeting on the 17 February 2014 and no further changes were proposed. The plan was included at appendix C to the report.

Of the three high risk areas identified in the risk assessment, two were subject to follow up reviews after an earlier audit and were therefore not included in the draft plan.

The Committee were informed that two reviews were due to be carried out in Planning, one for the computer system, proposed to be carried out this year and the other for the actual process, which was proposed to be carried out in the next financial year.

All reviews that had not been started during the current financial year would be transferred into the plan for the next financial year. Time would be allocated within contingency for reviews that had been started this year but would be completed next year.

More time had been granted to the review of Procurement with further details contained in the report.

The Committee was advised that the internal audit team had been asked to take on internal audit work for Eastbourne Homes Ltd (EHL) from 1 April 2015. A part time auditor, funded by EHL had been asked to take on extra hours in order to cover the extra work required.

The Committee enquired about the audit of community grants. The Internal Audit Manager responded that the Community Services Manager had produced a questionnaire that was used when an audit of an external organisation took place to ensure they were correctly spending the grant. The Internal Audit Manager added that they were happy with the process in place. It was requested that a follow up review be included in next year's plan.

In response to a question from the Committee on the proposed audit on the robustness and resilience of the Council's IT system and whether this included back-ups etc, the Internal Audit Manager responded that an annual review was undertaken separately of IT and this included testing back-ups.

RESOLVED: (Unanimous) That the proposed internal audit plan for 2015/16 be adopted.

42 Vote of Thanks.

As this was the last meeting of the Audit and Governance Committee before the Borough Council Elections in May 2015, Councillor Ungar expressed his thanks to all officers who had attended, presented reports and given support to the Committee during the last four years, the committee clerk and fellow committee members. Thanks were also expressed to the external auditors BDO for their work in partnership with the authority and the positive reports presented. The vote of thanks was unanimously supported by the Committee.

NOTED.

The meeting closed at 8.21 pm

Councillor Ungar (Chairman)

Cabinet



Minutes of meeting held on Wednesday, 18 March 2015 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**.

60 Minutes of the meeting held on 4 February 2015.

The minutes of the meeting held on 4 February 2015 were submitted and approved and the chairman was authorised to sign them as a correct record.

61 Declarations of interests by members.

Declarations of disclosable pecuniary interests (DPIs) by members as required under section 31 of the Localism Act and other interests as required by the 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.

62 Devonshire Park project (KD).

62.1 Cabinet considered the report of the Senior Head of Regeneration, Planning and Assets and Senior Head of Tourism and Enterprise on proposals for the future development of Devonshire Park to create a cultural destination.

62.2 Councillors Elkin and Ede addressed the Cabinet. Councillor Elkin indicated his support for the proposals and thanked the officers for their work in developing this project. Councillor Ede said this was a vital investment central to the town's tourism economy and congratulated all involved.

62.3 In July 2014 Cabinet gave authority for officers to engage a multi-disciplinary design team to take the Marks Barfield master-plan to the next level of detail, known as RIBA Stage 2. That work had now been completed and the conclusion was that the vision the Council had for the Devonshire Park site could be achieved within a cost envelope of approximately £40-£42million.

62.4 Significant analysis had been undertaken of how the site could be developed and meet the objectives the Council had set for its future. This had included a forensic analysis of the business case to validate the savings to be achieved through efficiencies and the generation of new and increased income streams.

62.5 An analysis of funding sources had shown that grants were available which might potentially assist with the funding of the scheme. Together with the Council's ability to borrow using its savings from the medium term financial strategy, the conclusion was that the scheme was fundable. The report sought authority to take the scheme to the next stage of achieving planning permission only (RIBA Stage 3) by which time the financial position would be more certain. The Council would receive a further report after Stage 3 at which time it would be in a position to decide, on the balance of risks, whether to go forward and commission the development and commit to a significant bulk of the expenditure. It was anticipated that this would be in late autumn 2015.

62.6 Accompanying the report were appendices (1) summarising the business case for investment; (2) giving details of the multi-disciplinary design team; (3) describing the remit and membership of the project board and partnership group charged with monitoring and overseeing the strategic direction of the project; (4) concept plans showing proposed layouts and illustrative designs; and (5) the future governance structure for the project.

62.7 All members of the Council had been invited to attend a separate presentation and a further 'summary' presentation of the project was given at the meeting.

62.8 Councillor Tutt welcomed the support given by members from across the whole Council and together with his Cabinet colleagues expressed thanks to Marks Barfield and everyone else involved in this project. Councillor Wallis, in particular, paid tribute to Jeff Collard, Senior Head of Regeneration, Planning and Assets, who was attending his last meeting prior to retirement from the Council's service, and praised his professionalism and the expertise he brought to bear on projects large and small.

Resolved (key decision): (1) That support for the emerging Devonshire Park scheme as presented in the report be confirmed.

(2) That the Senior Head of Regeneration, Planning and Assets, in consultation with the Devonshire Park Project Board, be given delegated authority to, to progress the project to obtain planning permission (RIBA Stage 3) and make submissions to funding bodies to attract financial support for the scheme.

(3) That the appointment of the existing multi-disciplinary design team to carry out the necessary work to obtain planning permission for the project be confirmed.

(4) That £1.425m be allocated in the capital programme in order to carry out all the necessary work to stage 3 and the preliminary elements of stage 4 necessary to maintain momentum.

(5) That £1m of the Council's revenue reserves be earmarked in order to support the scheme beyond Stage 3.

63 Write-off of irrecoverable debts.

63.1 Cabinet considered the report of the Deputy Chief Executive seeking approval to the write-off of debts in excess of £5,000 as required by financial procedure rule 4.26. Full details were given in a separately circulated appendix covered under exempt information reason 3 of Schedule 12A to the Local Government Act 1972 (information relating to the financial or business affairs of any particular person, including the authority holding that information).

63.2 Resolved: That the write off of irrecoverable debts detailed in the exempt appendix, totalling £17,321.79 be approved.

64 Jeff Collard, Senior Head of Regeneration, Planning and Assets and Victoria Simpson, Lawyer to the Council

The Chairman reported that this would be the last Cabinet meeting that Jeff Collard and Victoria Simpson would attend and took the opportunity on behalf of the Council to thank them for their dedication and hard work for the Council and wished them well for the future.

65 Councillor Carolyn Heaps

Councillor Tutt reported that Carolyn Heaps was not seeking re-election at the forthcoming elections and took this opportunity to thank her for contribution to the work of the Cabinet since her appointment in October 2013 as lead member for tourism and leisure.

66 Exclusion of the public.

Resolved: That the public be excluded from the remainder of the meeting as otherwise there was a likelihood of disclosure to them of exempt information as defined in schedule 12A of the Local Government Act 1972. The relevant paragraph of schedule 12A and description of the exempt information is shown in minute 63 above along with a public summary of the matter and decision. *(The requisite notices having been given under regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.)*

The meeting closed at 7.03 pm

**Councillor David Tutt
Chairman**

This page is intentionally left blank

Tuesday, 24 March 2015
at 6.00 pm



Planning Committee

Present:-

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

145 Minutes of the meeting held on 3 March 2015.

The minutes of the meeting held on 3 March 2015 were submitted and approved and the Chairman was authorised to sign them as an accurate record.

146 Apologies for absence.

An apology for absence was reported from Councillor Harris.

147 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 Jenkins declared a personal interest in minute 150 Harford Battersby House as members of his family lived in the premises directly related to the application site and withdrew from the room whilst this application was considered.

148 10 Saffrons Park. Application ID: 150076.

Demolish part of existing conservatory to side and rear. Replace with single storey extension to side and rear on the same footprint as existing conservatory – **MEADS**. One letter of objection had been received.

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

The committee was advised that Core Strategy Policy D10 Design was considered relevant to the determination of this application.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Time Limit 2) Approved 3) Matching Materials.

149 72 Sancroft Road. Application ID: 141520.

This item was withdrawn.

150 Harford Battersby House. Application ID: 141605.

Change of use of car park at the rear of Harford Battersby House to a public pay and display car park, involving the demolition of the existing garages – **MEADS**. Six objections had been received.

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

The observations of the East Sussex County Highways Authority and the Specialist Advisor (Conservation) were summarised within the report.

At its meeting on 17 February 2015, the Conservation Area Advisory Group expressed some reservations regarding the commercial nature of the development at the rear of this residential property and the intensification of the use which could have an impact on the character of the conservation area.

NB: Councillor Jenkins withdrew from the room whilst this application was considered.

RESOLVED: (Unanimous) That permission be refused on the grounds that the proposed development would have an adverse impact on residential amenity and the character and appearance of the conservation area as a result of noise, disturbance, intensity of use and the paraphernalia associated with the operation of a pay and display car park. It would therefore conflict with policies B2, C1, D1, D8 and D10 of the Eastbourne Core Strategy Local Plan 2013, policy TC15 of the Town Centre Local Plan 2013 and policies UHT1, UHT4, UHT15, HO20, TR2, TR6 and TR11 of the Eastbourne Borough Plan Saved Policies 2007, and the provisions 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.

151 16 Beach Road. Application ID: 141613.

Change of use from Class D2 to Class D1 (non-residential institution). No external changes proposed – **DEVONSHIRE**. Three objections had been received.

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

The Specialist Advisor (Planning Policy) raised no objection.

The committee was advised that a response had been received from East Sussex County Highways Department stating that 'No objections to the proposal as the proposed use was likely to have less highways impacts than the lawful use. Taken from the TRICS highways database I can confirm the following:- The use as a church would result in a far lower number of trips throughout the day (55) when compared to a pub use (there isn't a direct comparison for the current use) which would create in the region of 140 trips. The parking demand is therefore likely to be similar or lower than currently'.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Time limit 2) Strict accordance with approved drawings 3) Hours of use (08.30 – 22.00 Monday to Sunday) 4) No noise audible outside of the building.

152 Land to the rear of 2-8 Queens Crescent. Application ID: 150070.

Demolition of 10 lock-up garages and erection of 6 x terraced 2bedroomed houses together with access drive and ancillary parking – **ST ANTHONYS**. Four objections had been received.

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

The Specialist Advisor (Planning Policy) and East Sussex County Highways department raised no objection to the proposals.

Mr Wooller addressed the committee in objection stating that he did not object to the development in principle, however the proposal for six dwellings represented an overdevelopment that would impinge on his privacy resulting in overlooking into his garden and that the scheme would create additional parking pressures in the surrounding area.

The committee agreed that the proposal was an overdevelopment. Members were concerned with the narrow access road and potential dangers to vehicles and pedestrians accessing the site.

RESOLVED: (Unanimous) That permission be refused on the grounds that 1) the proposal by reason of its design/location and appearance would result in an overdevelopment and unneighbourly form of development that would be out of character with the prevailing pattern of development in the area and also result in a material loss of amenity through direct overlooking 2) the use of the site for 6 dwelling houses would give rise to an increase in vehicle movements at and within the vicinity of the site and may lead to an increase in indiscriminate on street parking 3) there had been no commitment to secure/honour the development's Community Infrastructure Levy requirements and as such the proposal was considered to have an adverse impact upon the delivery of local/regional infrastructure.

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.

153 South Downs National Park Authority Planning Applications.

None reported.

The meeting closed at 7.00 pm

Councillor Ungar (Chairman)

This page is intentionally left blank

Tuesday, 31 March 2015
at 6.00 pm



Conservation Area Advisory Group

PRESENT:-

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

Officers:

Ms J Sabin, Specialist Advisor (Planning)

ADVISORS:

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

47 Minutes of the meeting held on 17 February 2015.

The minutes of the meeting held on 17 February 2015 were submitted and approved and the Chairman was authorised to sign them as a correct record.

48 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.

49 Planning Applications for Consideration

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

1) 150227, LISTED BUILDING CONSENT, 21 CAVENDISH PLACE, EASTBOURNE, BN21 3EJ

Heritage Status: Grade II Listed and Town Centre & Seafront Conservation Area

Proposal: Reinstatement of canopy to front elevation.

CAAG Comments: No objections raised.

2) 150233, PLANNING APPLICATION, 39 UPPERTON LANE, EASTBOURNE

Heritage Status: Town Centre & Seafront Conservation Area

Proposal: External alterations and change of use from vehicle repair workshop to a single dwelling house.

CAAG Comments: The Group raised objections to the proposal as they felt that the principle of siting a dwelling in this location would have a negative impact on the character of the surrounding conservation area and could set a precedent for similar applications in the future. The Group considered that the character of the lane was defined by small service buildings, subservient to the terraces of Upperton Gardens and any future development of the rear gardens would need to be well designed to be successful and should be considered in context of the whole lane.

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

3) 150276, PLANNING PERMISSION, LOWER PROMENADE, GRAND PARADE

Heritage Status: Town Centre & Seafront Conservation Area

Proposal: Proposed extension of timber decked area to beach to be used in conjunction with existing Cafe Express and Belissimo Express cafes.

CAAG Comments: The Group raised no objections to the proposal in principle however raised concerns in respect of the continuous nature of the decking and the impact it would have on the relationship between the beach and the promenade. The Group strongly believed that the extended deck should be separated into sections, with wide gaps between them so that the shingle would still be visible right up to the edge of the promenade. They also considered it essential that good quality materials be used, particularly for constructing the balustrading which should be carefully considered to reflect either the ornate traditional features found along the promenade, or a modern interpretation.

4) 150309, PLANNING PERMISSION, PART OF LOWER PROMENADE ADJACENT TO THE WISH TOWER SLOPE

Heritage Status: Town Centre & Seafront Conservation Area and adjacent to a Scheduled Monument

Proposal: Siting of a vintage AA box together with use of two adjacent parking spaces for the parking of vintage cars.

CAAG Comments: No objections raised.

NOTED.

50 New Listings

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

NOTED.

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

The date of the next meeting was confirmed as the 2 June 2015.

NOTED.

52 Vote of Thanks.

As this was the last meeting of the Group before the Borough Council Elections in May 2015, Councillor Shuttleworth expressed his thanks to all those involved with the Group during the last 4 years. Thanks were also expressed to Councillors Cooke and Thompson, who were not seeking re-election and therefore this would be their last Council meeting.

NOTED.

The meeting closed at 6.42 pm

**Councillor Shuttleworth
(Chairman)**

This page is intentionally left blank

Tuesday, 21 April 2015
at 6.00 pm



Planning Committee

Present:-

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

154 Minutes of the meeting held on 24 March 2015.

The minutes of the meeting held on 24 March 2015 were submitted and approved and the Chairman was authorised to sign them as an accurate record.

155 Apologies for absence.

None received.

156 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 received.

157 AA Box - Wish Tower Slope. Application ID: 150309.

Siting of a vintage AA box together with use of two adjacent parking spaces for the parking of vintage cars – **MEADS**.

The observations of the Estate Manager, Tourism Manager and the Specialist Advisors for Engineering and Conservation were summarised within the report.

At its meeting on 31 March 2015 the Conservation Area Advisory Group raised no objections.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Commencement within three years 2) Development in accordance with approved plan 3) Development to be an exact replica of a vintage AA box in terms of design, materials and colour.

158 Beach Deck adjacent to 3 and 4 - Lower Promenade, Grand Parade. Application ID: 150276 (PPP).

Extension of timber decked area on the beach to be used in conjunction with existing Cafe Express and Belissimo Express cafes – **DEVONSHIRE**.

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

The observations of the Specialist Advisors for Conservation and Engineering were summarised within the report.

At its meeting on 31 March 2015 the Conservation Area Advisory Group raised no objections in principle to the extension of the decked areas, however concerns were expressed in respect of the continuous nature of the decking and the impact it would have on the relationship between the beach and the promenade. The Group were firmly of the opinion that the deck should be separated into sections with wide gaps between them so that the shingle would still be visible right up to the edge of the promenade. It was also considered essential that good quality materials should be used, particularly for the balustrading; the design of the balustrading should be carefully considered to reflect either the ornate traditional features found along the promenade, or a very modern interpretation.

The committee was advised that the Eastbourne Hospitality Association 'fully supported the application as it would enhance the towns tourist economy. The scheme would offer an enhanced refreshment facilities along the seafront and promenade. Pleas access to the beach was maintained.'

Two further letters of concern were also reported commenting on the following issues:

- Would lead to the commercialisation of the seafront which would be damaging.
- Would cut off access to the beach for the length of the new decking.

The committee expressed concern that the public consultation for this application had not yet closed and agreed that this item should be deferred until after the closing date. The committee felt that the decking area should run down towards the sea rather than along the promenade and asked that whilst the officers were awaiting the closure of the consultation period, they discuss options for increasing the decked area.

RESOLVED: (Unanimous) That consideration of the application be deferred until after close of the consultation period and to allow officers time to seek amendments/revisions to the scheme (reduce the length along the promenade and extend further into/onto the beach).

159 Ilex End, 11 Upper Carlisle Road. Application ID: 150194 (HHH).

Extension of raised terrace to the rear together with the provision of a brise-soleil canopy over – **MEADS**. One letter of objection had been received.

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

The committee were advised that updated drawings had been received to accurately show the extension / patio as built.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) The development hereby permitted shall be carried out in accordance with the following drawings received on 19 February 2015:

DWG No. IE-TP01 – Proposed layout and rear elevation

DWG No. IE-TP02 – Proposed Side Elevations

Site Location & Block Plan.

2) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building as identified under section 11. Materials, of the submitted application form 3) The privacy screening (fencing) on the raised terrace, hereby approved shall remain as a permanent structure and retained as such thereafter

160 27 St Leonards Road. Application ID: 150172 (PPP).

Erection of mansard roof to provide for four self-contained flats and three storey front/side extension, and alterations to fenestration on building's façade – **UPPERTON**. Five objections had been received.

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

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

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Time – Commence within 3 years 2) Approved Drawings 3) Samples of Materials – Windows / Roof 4) Hours of Demolition / Construction 5) Tree protection 6) Provision of communal bin store (prior to occupation) 7) Provision of cycle storage (prior to occupation) 8) Retention of 16 parking spaces

161 Southdown House, 2 Silverdale Road. Application ID: 150046 (PPP).

Three storey extension to the east side to provide three two-bedroom flats – **MEADS**. Nine objections had been received.

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

The observations of the Specialist Advisor (Arboriculture) were reported at the meeting.

The observations of the East Sussex County Council Highways Department and Specialist Advisors for Planning Policy and Conservation were summarised within the report.

RESOLVED: (Unanimous) That permission be refused on the grounds that the proposal represents an overdevelopment of the site, resulting in an extension with a cramped and awkward relationship with the host building and the boundaries of the site, and a detrimental impact on the outlook of the occupiers of the existing block. The extension, by reason of its scale, siting and design, would result in an intrusive feature that would fail to preserve or enhance the character and appearance of the designated Area of High Townscape Value. The proposal would also adversely impact the preserved trees on the boundary with Silverdale Road, both through the loss of one tree, the construction process, and future/ongoing pressure for severe pruning. As such the proposal conflicts with policies B2 and D10A of

the Eastbourne Core Strategy Local Plan 2013 and policies HO20, UHT1, UHT4 and UHT16 of the Eastbourne Borough Plan 2003 (Saved Policies) and the paragraphs 56, 60, 131 and 135 of the National Planning Policy Framework. The proposal would also adversely impact the preserved trees on the boundaries with Silverdale Road and 30 Compton Street, through the immediate loss of one tree, the potential loss of a further two trees, the construction process, and future/ongoing pressure for severe pruning of remaining trees

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.

162 South Downs National Park Authority Planning Applications.

The committee were advised that an application for an extension to and additional elevated tee at the second hole at the Royal Golf Club, Paradise Drive had been received.

NOTED.

The meeting closed at 6.59 pm

Councillor Ungar (Chairman)