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To the Members of the Borough Council

You are summoned to attend an **ordinary meeting** of the **Eastbourne Borough Council to be held at the Town Hall, Eastbourne**, on **Wednesday, 17 February 2016** at **6.00 pm** to transact the following business.

Agenda

1. Minutes of the extraordinary meeting held on 13 January 2016 (previously circulated).

2. Declarations of interests by members.

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

3. Mayor's announcements.

4. Notification of apologies for absence.

5. Public right of address.

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

6. Order of business.

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

7. Council budget and setting of the council tax for 2016/17.

(Pages 1 - 16)

Report of Councillor Mattock on behalf of the Cabinet.

Please note that the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 require named votes to be taken and recorded when setting the annual budget and council tax, this to include substantive motions and any amendments.

8. Matters referred from Cabinet or other council bodies.

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

(a) Contract procedure rules and procurements. (Pages 17 - 52)

Report of Councillor Tester on behalf of the Cabinet.

(b) Statement of gambling principles 2016-2019 (Pages 53 - 54)

Report of Councillor Wallis on behalf of the Cabinet.

(c) Treasury management and prudential indicators 2016/17
(Pages 55 - 56)

Report of Councillor Mattock on behalf of the Cabinet.

(d) Changes to housing strategy and housing revenue account (HRA) asset management strategy - amendment to officer delegation scheme. (Pages 57 - 60)

Report of Councillor Alan Shuttleworth on behalf of the Cabinet.

9. Calendar of meeting 2016/17. (Pages 61 - 62)

Council is asked to approve the calendar of meetings for 2016/17 (subject to final ratification at the Council's next annual meeting).

10. Polling place review - Devonshire ward polling district DVB.

(Pages 63 - 68)

11. Motions.

The following motions have been submitted by members under council procedure rule 13:-

(a) Sovereign Harbour sea defences.

Motion submitted by Councillor Ray Blakebrough:-

Eastbourne Borough Council calls for an investigation into a sustainable solution of sea defences in Sovereign Harbour.

12. 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 Senior Head of Corporate Development and Governance no later than 10.00 am on Wednesday 17 February 2016. 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 November 2015. (Pages 69 - 72)
- (b)** Minutes of meeting of Planning Committee held on 24 November 2015. (Pages 73 - 82)
- (c)** Minutes of meeting of Audit and Governance Committee held on 2 December 2015. (Pages 83 - 88)
- (d)** Minutes of meeting of Scrutiny Committee held on 7 December 2015. (Pages 89 - 94)
- (e)** Minutes of meeting of Cabinet held on 9 December 2015. (Pages 95 - 116)
- (f)** Minutes of meeting of Conservation Area Advisory Group held on 5 January 2016. (Pages 117 - 120)
- (g)** Minutes of meeting of Planning Committee held on 5 January 2016. (Pages 121 - 130)
- (h)** Minutes of meeting of Scrutiny Committee held on 1 February 2016. (Pages 131 - 136)
- (i)** Minutes of meeting of Planning Committee held on 2 February 2016. (Pages 137 - 146)

13. Minutes of meeting of Cabinet held on 3 February 2016. (Pages 147 - 164)

14. Exclusion of the public - motion that:-

The remainder of the business of the council concerns the consideration of the confidential proceedings of council bodies. As such, discussion is likely to disclose exempt information within the categories specified either beneath the item or within the open summary of the relevant minutes. Furthermore, in relation to paragraph 10 of schedule 12A, it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. The public, therefore, should be excluded from the remainder of the meeting.

15. Discussion of confidential minutes of council bodies.

(See note at item 12 above). A list of items raised by members (if any) will be circulated prior to the start of the meeting.

The following are appended to this agenda:-

- (a)** Confidential minutes of meeting of Cabinet held on 29 December 2015. (Pages 165 - 166)
- (b)** Confidential minutes of meeting of Cabinet held on 3 February 2016. (Pages 167 - 168)



Robert Cottrill
Chief Executive

Guidance notes:

Public right of address - A request by a member of the public to speak on a matter which is listed on the agenda must be **received** by no later than 12 noon on Monday, 15 February 2016. The request should be made to Local Democracy at the address listed below. The request may be made by phone, fax, letter or electronic mail. For further details on the rules about speaking at meetings please contact Local Democracy.

Items for discussion - Members of the Council who wish to raise items for discussion on any of the minutes of council bodies attached to the meeting agenda, are required to notify the Head of Corporate Development by 10am on Wednesday, 17 February 2016.

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

Members must declare the existence and nature of any interest.

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

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

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

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

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Agenda Item 7

Meeting:	COUNCIL
Date:	Wednesday 17 February 2016
Subject:	COUNCIL BUDGET AND SETTING OF THE COUNCIL TAX FOR 2016/2017
Report of:	Councillor Gill Mattock, lead Cabinet Member for Finance

The Council is asked to consider the reports to Cabinet, as included in the draft budget book (please see note* below) and also the Cabinet minutes and resolutions from the meeting held on 3 February 2016 (Appendix 1).

* Note: The draft budget book 2016/17 has been circulated to all Members of the Council. A copy has also been deposited at the Town Hall Reception for public inspection purposes and on the Council's website.

The reports may also be viewed on the Council's website at:

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

(Go to the listing for the Cabinet meeting held on 3 February 2016)

Please contact Local Democracy (see below for contact details) in the first instance if you require a printed copy of any of the reports.

The resolutions in this report, which must include the requirements of all precepting authorities, are based on the recommendations made to those Authorities and the budget approved by the Police and Crime Commissioner for Sussex. As the meetings of the East Sussex County Council and the East Sussex Fire Authority will not be held until 9th and 11th February 2016 respectively and the Police and Crime Commissioner for Sussex has not yet issued her precept, **these figures are currently left blank and it will be necessary to issue replacement resolutions once this information has been received.**

A summary of the demand on the Collection Fund is as follows:

Authority	Precept/Demand		2016/17 Band D Council Tax	Change over 2015/16	
	£	%		£	%
Eastbourne Borough Council	7,679,330		228.51	4.32	1.93%
East Sussex County Council					
Sussex Police Authority					
East Sussex Fire Authority					
Total					

After consideration of the foregoing, the Council is asked to approve the following:

1. The recommendations as detailed in the reports from the Chief Finance Officer and the Senior Head of Community to Cabinet on 3 February 2016:
 - (i) The General Fund net expenditure for 2016/17 of £15,165,850 and the growth and savings proposals.
 - (ii) The charge for council tax for Eastbourne Borough Council Band D change to £228.51; an increase of 1.93%.
 - (iii) Housing Revenue Account (HRA) income and expenditure proposals, including revised HRA budget for 2015/16 and the budget for 2016/17, rents and service charges, arrangements for finalising Eastbourne Homes' management fee and annual plan.
 - (iv) General Fund capital programme as set out in the report of the Chief Finance Officer.
 - (v) The Treasury Management Strategy and Prudential Indicators.
2. That consequent upon a General Fund budget of £15,165,850 and other matters, the basic amount (Band D) of Council Tax for the Borough Council's functions will be £228.51 calculated as follows:

	£'000	£'000
Gross Expenditure:		
General Fund		83,784
HRA		15,696
Business Rates payable to Government		10,120
		<u>109,600</u>
Less Income:		
Service Income	(83,630)	
Government Formula Grant	(1,752)	
Other Government Grants	(2,164)	
Business Rates income	(14,191)	
Collection Fund Surplus (Council Tax)	(184)	
		<u>(101,921)</u>
COUNCIL TAX REQUIREMENT		<u><u>7,679</u></u>
Band 'D' Council Tax		£228.51

The statutory resolutions relating to this matter are given at paragraphs 3 and 4 below.

3. That it be noted that at its meeting on 9 December 2015 the Cabinet (in exercise of powers delegated to them by the Council) delegated the final determination of the Council Tax Base to the Chief Finance Officer. This has been set at an amount of 33,606.1 Band 'D' equivalent properties for the year 2016/17 (Item T in the formula in section 31B of the Local Government Finance Act 1992, as amended).

- 4 Calculate that the Council Tax requirement for the Council's own purposes for 2016/17 as £7,679,330.
5. That the following amounts be now calculated by the Council for the year 2016/17 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992, as amended:

(a)	£109,600,170	being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act.
(b)	£101,920,846	being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
(c)	£7,679,330	being the amount by which the aggregate at 5(a) above exceeds the aggregate at 5(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act).
(d)	£228.51	being the amount at 5(c) above (Item R), all divided by Item T (4 above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year.

6. To note that East Sussex County Council, East Sussex Fire and Rescue Authority and Police and Crime Commissioner for Sussex have issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992, as amended, for each category of dwellings in the Council's area as indicated in the table below.
7. That the Council, in accordance with Sections 30 to 36 of the Local Government Finance Act 1992, as amended, hereby sets the aggregate amounts shown in the tables below as the amounts of Council Tax for 2016/17 for each of the categories of dwellings. :

Valuation Bands							
EASTBOURNE BOROUGH COUNCIL							
A	£152.34	B	£177.73	C	£203.12	D	£228.51
E	£279.29	F	£330.07	G	£380.85	H	£457.02
EAST SUSSEX COUNTY COUNCIL							
A		B		C		D	
E		F		G		H	

POLICE AND CRIME COMMISSIONER FOR SUSSEX							
A		B		C		D	
E		F		G		H	

EAST SUSSEX FIRE AND RESCUE AUTHORITY							
A		B		C		D	
E		F		G		H	

AGGREGATE OF COUNCIL TAX REQUIREMENTS							
A		B		C		D	
E		F		G		H	

7. Determine that the Council's basic amount of Council Tax for 2016/17 is not excessive in accordance with the principles approved under Section 52ZB of the Local Government Finance Act 1992, as amended.

As the billing authority, the Council has **not** been notified by a major precepting authority that its relevant basic amount of Council Tax for 2016/17 is excessive and that the billing authority is not required to hold a referendum in accordance with Section 52ZK Local Government Finance Act 1992, as amended.

For a copy of the report please contact Local Democracy at 1 Grove Road, Eastbourne, BN21 4TW. Tel. (01323) 415021.

E-mail: localdemocracy@eastbourne.gov.uk

For further information please contact Alan Osborne, Deputy Chief Executive Tel. (01323) 415149

Minute extracts

Meeting: **Cabinet**
Date: **3 February 2016**

***61 General fund revenue budget 2016/17 and capital programme 2014/17**

61.1 Councillors Ungar and Di Cara addressed the cabinet. Councillor Ungar said he was pleased to see the inclusion in the proposed 2016/17 capital programme of 2 schemes in Old Town; £25,000 for Old Town recreation ground to achieve 'Green Flag Award' status and £50,000 for the Green Street public conveniences. Councillor Di Cara queried the figure given in the report for reserves. The chief finance officer said that the £4m figure included other reserves such as that for the Devonshire Park project.

61.2 Cabinet considered the report of the deputy chief executive and chief finance officer setting out the general fund revenue budget proposals for 2016/17 and a 3-year capital programme 2015/19. The medium term financial strategy (MTFS) had been revised in July 2015 and the cabinet had agreed a draft 2016/17 budget proposal last December. The MTFS and resulting draft budget had been subject to extensive consultation and previously reported to cabinet and members of the scrutiny committee.

61.3 The budget was the product of various plans and strategies as part of an integrated and corporate planning process and was linked principally to:

- The medium term financial strategy
- Asset management plans
- The corporate plan
- Workforce strategy
- Treasury management strategy
- Service plans
- Housing revenue account business plan
- DRIVE corporate transformation programme
- Sustainable service delivery strategy

61.4 The chief finance officer had a legal responsibility to give positive assurances on the robustness of the estimates used in the budget and the level of reserves. He commented that if the recommendations in his report were agreed then these assurances would prevail.

61.5 The budget proposals included:

- An increase in the council tax in 2016/ 17 of 1.9%; the first increase for five years.
- Overall savings/new income totalling £0.6m (4% of the net budget).
- Efficiency savings of £0.5 (5% of the net budget).
- Inflation and unavoidable costs of £0.8m (5% of the net budget).
- Other recurring service growth of £0.1m.
- Non recurring service investments of £0.6m.
- General reserves averaging in excess of £4m (against a minimum recommended of £2m).
- Capital receipts of £0.4m invested in new capital schemes.

61.6 The budget represented management of financial risks by:

- Building on a favourable outturn position.
- Balancing the base budget requirement without needing to use reserves for recurring expenditure.
- Identifiable and deliverable savings with accountability and no general unidentified targets.
- Reserves well above the minimum level.
- Zero basing of minor reward grants.
- Providing the funding required for the DRIVE change programme to deliver the future savings required by the MTFS via the strategic change fund.

61.7 The underlying methods of local government financing had changed significantly in recent years including the wrapping up of grants in the base "Standard Funding Assessment" notably:

- The council tax freeze grants (2011-15)
- Some new burdens grants
- Homelessness grant

61.8 For Eastbourne the headline figures of the government settlement were:

- A further reduction in revenue support grant of £0.9m (30%) to £1.8m (reduced from £10.4m in 2010).
- Partially offset by new homes bonus and section 31 grants (additional £0.2m in 2016/17).
- Eastbourne would receive the second largest reduction in "spending power" of all local authorities in the 4 year period to 2020.
- The government headline figure was a reduction of 16.4% , however this took into account the ability to raise council tax, predicted growth in the tax base as well as increases in the new homes bonus.

61.9 The national non-domestic business rate (NNDR) base had remained static largely as a result of the continued provision for appeals and resulting collection fund deficit, despite an inflationary increase which was linked to the September 2015 RPI at 0.78%. In addition to the formula grant the government was currently proposing to add the council tax freeze grant for the current year 2015/16 (£85,400) by way of a section 31 grant.

61.10 The government had announced that the council would receive £1.2m in total of new homes bonus (NHB) due to the growth in housing in the area. The grant was paid in tranches for six years. The 2016/17 figure included all 6 tranches. The funding was not guaranteed beyond the 6 year horizon for each tranche. The government was financing the additional NHB from reductions in rate support grant (RSG), therefore, whilst volatile, it was currently the preferred method of distribution of resources. A further proposal to limit future awards to 4 years was currently under consideration. At the time of writing, retention of an element NHB/RSG had been made that could equate to £100,000 for the council.

61.11 The government had asked local authorities to say whether they wished to have a four year settlement from 2016/17. There was a requirement to publish a four year efficiency statement that could only be varied by the full council. Current advice was that the efficiency target element of the MTFS would suffice in this respect and cabinet was recommended to accept the proposal.

61.12 It was proposed that council tax increase by 1.9% for 2016/17; which would result in a band D rate of £228.51 (an increase of £4.32 over the whole year). This would be the first increase for 5 years. The council was required to give an indication of likely future council tax rises. It was still expected that council tax would rise by no more than 2% per annum for each of the next three years. This was the government's target for inflation and also the current ceiling on rises that would otherwise require a referendum in order to exceed. Within this context, for 2016/17, the council would raise £7.7m from its share of the council tax. This was determined by multiplying the council tax base of band D equivalent dwellings by the band D tax rate of £228.51. This was unchanged from the tax base setting report submitted to cabinet on 9 December last. In addition, there would be a distribution of £180,000 payable by the council to the collection fund due to a small collection fund surplus.

61.13 A summary of the resources available was given, as shown below:

	£'m
Government formula grant	(1.8)
Retained business rates (normal)	(3.9)
Retained business rates (East Sussex pool)	(0.2)
New homes bonus	(1.2)
Section 31 grants	(0.2)
Collection fund surplus	(0.2)
Council tax	(7.7)
Total resources available (rounded)	<u>(15.2)</u>

In order to achieve a balanced budget without using reserves, the council would need to set a net expenditure budget for 2016/17 of £15.2m.

61.14 In addition to the general grant distributed through the new formula grant system, which was given towards financing the council's net expenditure, the government also provided some specific grants. These specific grants would fund in part or in full, service costs.

Grant	2016/17 £'m
Housing benefit subsidy	(c.40.0)
Housing benefit administration	(0.6)

Housing benefit subsidy was intended to reimburse the council for the awards of benefit it made to eligible tenants in both the private and public rented sector. Not only was this by far the largest single specific grant that the council received, but it was performance related. It was noted that the council had improved its performance in recent years. A new system of universal credits was due to be completed by 2019 which would see the caseload moved to the Department for Work and Pensions. The administration grant had been reduced by 5% per annum for the last 5 years. It was noted that the former homelessness grant (to assist with prevention and to find alternative accommodation other than bed and breakfast) had now been subsumed into the main grant system.

61.15 The detailed budget proposals were set out in appendix 1 to the report. Movement from the 2015/16 budget to the 2016/17 proposed budget were summarised as follows:

Movement from 2015/16 base budget:	£m	£m total
Change in resources:		
Government grants	0.5	
Council tax surplus	(0.2)	
Council tax	<u>(0.4)</u>	
		(0.1)
Cost increases:		
Inflation and unavoidable costs	0.7	
Other growth and changes in income	<u>0.1</u>	
		0.8
Savings:		
Efficiency savings	(0.5)	
Increased income/other changes	<u>(0.2)</u>	
		<u>0</u>

61.16 Details of proposed growth and savings were given in full in appendix 2 to the report. The proposals set out in the report would allow full council on 17 February to approve a balanced budget in line with available resources and without the need to use reserves.

61.17 The council now followed a rolling 3-year financial planning cycle and the service and financial plans had been set out in detail for 2016/17. The next MTFS due in July would project forward a further 3 years and continue to provide the basis of service and financial planning for the medium term. It was noted that the significant level of the savings required for the next MTFS had already been identified. Further reports to cabinet would detail the business plans under the transformation programme (DRIVE) and sustainable service delivery strategy (SSDS). The government had set out a revised 4-year programme of reductions in funding and the council's current MTFS already took account of this overall however the MTFS would be refreshed in July following the year end closedown.

61.18 The report detailed the principal financial risks the council was likely to face, as follows:

- Housing benefit performance.
- Inflation on goods and services.
- Income from services linked to customer choice (theatres, tourism; sports centres, car parking).
- Legal challenges.
- Savings being delayed.
- Excessive demand for services.
- Failure to realise capital receipts to finance the capital programme.

61.19 On an exception basis, information on each of the risk areas identified above, together with any new and significant risks that might emerge over the course of the year, would be included in each financial performance report to cabinet and scrutiny during the 2016/17 financial year. A corporate contingency budget of £140,000 (1% of the overall net budget requirement) for unbudgeted expenditure or reductions in income had been allowed. This was in addition to the known inflation that had been built into service budgets.

61.20 The chief finance officer was obliged to report on the adequacy of the proposed financial reserves, and determine the minimum level required. There was no statutory minimum requirement, but reserves had to be set at a prudent level given the activities of individual councils and potential liabilities that they faced or might face in the future, i.e. a risk based approach. The council's earmarked reserves were reviewed at least annually for adequacy. If at any time the adequacy was in doubt the chief finance officer was required to report on the reasons, and the action, if any, that he considered appropriate. The council would always seek to contain any unforeseen additional costs within allocated annual budgets, including the contingency budget. However, it was proposed that, in addition, the minimum level of general reserves should be set at £2m. Should the budget recommendations be followed, the level of general fund reserves was projected at over £4m by March 2017. In addition to acting as a potential buffer against future risks, this should create further opportunities for one off investments in the future. The council had

followed a process of consolidating its reserves into the corporate reserves above. This better facilitated corporate priority planning. The only other reserves that the council held had specific obligations attached (e.g. Section 106/partnership contributions).

61.21 The principles for formulating the capital programme were set out in the budget report to cabinet last December and the updated programme was given in appendix 3 to the report (proposed new schemes were shown in bold text) and showed a projected outturn for 2015/16 of £21.915; a total budget for 2016/17 of £12.822m; £15.884m for 2017/18; £19.855m for 2018/19; £6.555m for 2019/20 and £1.355 for 2020/21. The council had a policy of only using borrowing for schemes that were 'invest to save' and could generate enough savings or additional income to service the financing costs. In addition to schemes that qualified for borrowing, the council had a further £400,000 of capital receipts to apply to the programme. No uncertain future capital receipts had been factored into the available resource so there would be opportunities to supplement the programme as the 3-year period progressed. Potential disposals would be identified through the asset management plans. The housing revenue account capital programme was set out in another report on the agenda (see minute 62 below) and was financed entirely from HRA resources. Once approved it would be amalgamated with the general fund programme.

*** 61.22 Resolved (budget and policy framework):** That full council, at their meeting on 17 February 2016, be recommended to approve the following:

(a) A general fund budget for 2015/16 (revised) and 2016/17 (original) as set out in appendix 1 to the report including growth and savings proposals for 2016/17 as set out in appendix 2 to the report.

(b) An increase in the council tax for Eastbourne Borough Council of 1.9% resulting in a 'Band D' charge of £228.51 for 2016/17.

(c) A general fund capital programme and financing 2015/19 as set out in appendix 3 to the report.

(d) That with regard to the government's offer of a 4-year settlement, as outlined in paragraph 61.11 above, the council be minded to accept the offer subject to the receipt of further detail and that the decision on whether or not to accept be delegated to the chief finance officer in consultation with the lead cabinet member for finance.

Meeting: **Scrutiny**
Date: **1 February 2016**

xx **General fund revenue budget 2016/17 and capital programme 2014/17**

Part extract only:

It was noted that the programme was dynamic and regularly reviewed with quarterly reports to Scrutiny in year; new items are added to the programme annually with any substantive schemes subject to specific reports to Cabinet. It was agreed to circulate the assumptions on available capital receipts to the Committee.

Members discussed the Homelessness Grant and the effect of recent Government cuts. The committee was advised that the process for reducing homelessness was robust and that were possible every effort was made to prevent homelessness. The committee also considered the Capital programme and the use of capital receipts, Future Model phase 2, and Eastbourne Homes Investment Company.

The Chairman queried the absence of a draft Housing Revenue Account (HRA) budget for presentation to the Scrutiny Committee. It was agreed that although it had not been presented in the past it would be appropriate to do so. The omission could not be corrected for this meeting but that the 2016/17 draft HRA budget would be circulated to members of the committee as it would be in future years. The Chairman also requested a further breakdown of the headings contained within the capital programme of projects to help better understand the detail and the Chief Finance Officer confirmed that this would be done.

NOTED.

Meeting: **Cabinet**
Date: **3 February 2016**

***63 Housing revenue account (HRA) revenue budget and rent setting 2016/17 and HRA capital programme 2015/19**

63.1 Cabinet considered the report of the senior head of community and chief finance officer in respect of the rents, service charges and heating costs to be set for all of the council's housing tenants. The report outlined the revenue account budget proposals for 2016/17 and housing capital programme 2015/19 and arrangements for agreeing Eastbourne

Homes Limited's (EHL) management fee and delivery plan.

63.2 From 1 April 2012 the way that council social housing was financed had been changed and the HRA had become self financing. This meant that expenditure had to be entirely supported from rental and other income. The main tool for the future financial management of the HRA was the 30-year business plan which had been approved by cabinet on 8 February 2012. A report had been submitted to the December cabinet meeting outlining the implications of the changes being introduced in the Housing and Planning and the Welfare Reform and Work Bills. Work is ongoing on updating the HRA 30-year business plan so that a long term sustainable plan could be set. The proposals included in this report were based on this ongoing work. The report reflected the recommendations made by EHL in relation to the increases in rent levels, service and other charges.

63.3 The HRA revenue budget (appendix 1 to the report) had been produced based on the policies set out in the HRA 30-year business plan and showed an overall surplus of £293,000 for 2016/17. The budget was performing better than expected due to various initiatives to control expenditure, including a reduction in the management fee payable to EHL, lower than anticipated interest rates, and efficiencies achieved through the council's restructuring programme: Future Model 2. The reduction on income earnings from rents and service charges were in line with the updated business plan. The plan provided for a contribution into the housing regeneration and investment reserve of £784,000 for 2015/16 and £924,200 for 2016/17 to meet future major works demands and other strategic housing related outcomes.

63.4 The HRA debt outstanding at 31 March 2015 was £40.3m, rising to £43.0m by 31 March 2018, the majority of which would be external debt and at fixed interest rates. The increase in borrowing was expected to be undertaken to support the housing and economic development programme (HEDP) programme. Under the self-financing settlement the government set a cap on total HRA borrowing of £42.96m, additional borrowing permission was given for £322,400 during 2014/15 and 2015/16 increasing the cap to £43.3m. The original 30-year business plan had assumed that from 2016/17 to 2028/29 an average debt repayment of £2.8m per annum would be funded from the HRA. This was no longer viable due the rent decrease and other government housing initiatives, however, if possible when opportunities arose consideration would be given to using any surplus funds for the repayment of debt or to be used to reinvest in housing properties in lieu of new borrowing.

63.5 The HRA outturn for 2015/16 was expected to deliver a £399,000 surplus, a positive variance of £104,000 over the original budget. This was mainly as a result of the decrease in the take up of the under occupation scheme and a reduction in the provision required for bad

debts.

63.6 The government's summer budget review had announced that rents on social housing properties would be reduced by 1% a year for each of the four years from 2016/17.

63.7 For properties in shared blocks these charges covered common services such as communal heating, lighting, equipment maintenance contracts, cleaning and grounds maintenance. In older persons sheltered accommodation the charges additionally included on-site co-ordinators, lift maintenance contracts, communal furniture and carpets maintenance and internal redecorations. These costs were charged separately from the rent. For general needs properties in blocks the proposed average service charge increase was 1.06% to ensure that costs relating to communal areas are fully recovered.

63.8 Service charges for older persons sheltered accommodation would be subject to a further review dependent on the outcome of the East Sussex County Council decision in February regarding a proposal to withdraw Supporting People funding from sheltered housing in East Sussex. If funding was withdrawn, this was likely to come into effect from May 2016. EHL was consulting with residents on the impact of withdrawal of funding and meetings would be held at all schemes during February 2016. Any recommendations for any further change to the service charge as a result of the consultation would come to Cabinet in March 2016 for consideration. Until further recommendations were made, the average decrease would be 7.14% to ensure that charges reflected expenditure. Heating costs for older persons sheltered accommodation were set in line with known price decreases predicted by the Department of Energy and Climate Control. An average decrease of 0.85% (equivalent to 6p per week) was recommended. Water charges were also set in this way and the average charge decrease would be 0.81% (or 37p per week).

63.9 Following the previous year's rent increases, garage void debt was slowly increasing and the number of garage voids had started to increase. In order to ensure that garage rents were fully self-sufficient, an increase by CPI plus 1% would result in covering the costs of day to day repairs but the major works would still not be covered. It was therefore recommended that garage rents be increased in line with RPI (as at September 2015) plus 1% at an average increase of 1.8% and a scheme to move new garage tenancies to market rent values for the 2017/18 financial year be examined.

63.10 Total budgeted expenditure on the HRA capital programme was planned at £7,712,285 for 2016/17. The major works element of the programme was in line with the asset management plan and the self financing business plan model with funding from the major repairs reserve. Cabinet had previously agreed a total budget of £14.4m for the

housing and economic development programme (HEDP) out of the total allowance of £20m; this had now been profiled to reflect the expected spending timetable and will be funded from borrowing and Housing and Communities Agency (HCA) grant.

63.11 The EHL management fee covered both operational and administration costs as well as cyclical maintenance. The fee for 2015/16 had been set at £7,375,000. EHL had proposed a reduction of £55,500 to reflect the efficiency savings achieved following the implementation of the Future Model structure and processes less an allowance for the changes expected from the supporting people funding. The proposed fee for 2016/17 was therefore £7,319,500.

63.12 The council was obliged to ensure that all tenants were given 28 days notice of any changes to their tenancy including changes to the rent they pay. In addition the information in the report would be sent to the tenant area panels following this meeting.

***63.13 Resolved (budget and policy framework):** That full council, at their meeting on 17 February 2016, be recommended to approve the following:

(a) The HRA budget 2016/17 and revised 2015/16, as set out in appendix 1 to the report;

(b) that social and affordable rents be decreased by 1% in line with the change in government policy;

(d) that service charges for general needs properties are increased by 1.06%;

(e) that service charges for older persons' sheltered accommodation are decreased by 7.14% to reflect a reduction in actual costs as well as notification of a reduction in heating and water costs;

(f) that heating costs are set at a level designed to recover the estimated actual cost;

(g) that water charges are set at a level designed to recover the estimated cost of metered consumption;

(e) that garage rents are increased in line with RPI (as at September 2015) plus 1% at an average increase of 1.8%;

(f) a scheme to move new garage tenancies to market rent values for the 2017/18 financial year is examined;

(g) that delegated authority be granted to the senior head of community, in consultation with the lead cabinet members for

community services and finance and the chief finance officer to finalise Eastbourne Homes' management fee and delivery plan; and

(i) the HRA capital programme as set out in appendix 2 to the report.

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Meeting: Council

Date: Wednesday 17 February 2016

Subject: Contract rules and procurement

Report of: Councillor Troy Tester on behalf of the Cabinet

The Council is asked to consider the minute and resolution of the Cabinet meeting held on 9 December 2015 as set out below.

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

<http://democracy.eastbourne.gov.uk/ieDocHome.aspx?bcr=1>

The new contract procedure rules were originally circulated as an appendix to the Cabinet report. Since publication, a few typographical and drafting errors have been identified and an update to the EU thresholds announced as from 1 January. These changes will be incorporated into the rules when re-published within the Council's Constitution along with notes to identify particular rules that apply only to either Eastbourne Borough Council (EBC) or Lewes District Council (LDC).

Contract procedure rules – key changes

At paragraph nos:-

- 2.3.1 (f) (*contracts made to engage artists, orchestras, shows or similar events or attractions*) - Relates to EBC only.
- 14.3 (*contracts under seal*) - Threshold amended to £100,000 in line with threshold at paragraph 16.1 – corrects drafting error. It would not make sense to require a seal on an agreement at a lower level than the rules require an agreement to be in a form or writing approved by legal services.
- 18.1A (*sale or lease of land*) - Applies to LDC only.
- 22 (*definitions*) and final paragraph (*lots and small lots*) of annex 2 (*guidance*) - EU thresholds – these show a reduction in value to reflect change in exchange rate between sterling and euro currencies. These are reviewed every 2 years to convert the euro figures into sterling. Next review due on 1 January 2018.
- Annex 2 (*guidance*) – Term 'organisation' substituted for 'council' to reflect application to Eastbourne Homes as well as EBC and LDC.

A copy of the updated rules is appended.

The Council is recommended to:-

Approve the new contract procedure rules, incorporating the corrections and updates as mentioned above.

Minute Extract
CABINET 9 December 2015

***48 Contract rules and procurement**

48.1 Cabinet considered the report of the senior head of projects, performance and technology seeking approval of revised contract procedure rules and to agree approaches to two key procurements. Local authority procurement was an evolving area which was subject to scrutiny and challenge. The current rules were approved in 2009 and now needed to be fully revised to ensure they reflected current law, best practice and the environment in which the council was now operating.

48.2 The 3 key reasons for revising the rules were:

- To reflect the Public Contract Regulations 2015, in force earlier this year.
- To achieve a standard set of rules for Eastbourne Borough Council, Lewes District Council and Eastbourne Homes Ltd.
- To enable a modern and responsive approach to procuring works, supplies and services.

48.3 The full revised rules were appended to the report. Key changes included:

- Simplification and standardisation of the contract value thresholds that determined the approach taken to procurement; with a higher threshold for low value procurements for which no specified number of quotes was required and provisions to ensure accountability for any direct awards of lower value contracts.
- Updating the rules around advertising contracts to reflect the requirements of PCR 2015. These were outlined in section 7 of the rules.
- A 'digital by default' approach to tendering, meaning that tenders would be advertised online and responses would be submitted via an electronic tendering system, thus removing the outdated need for hard copies to be submitted and recorded in a tender opening book.
- Clear rules stating that disposal of land via sale or lease must only happen after auction, invitation of tenders or expressions of interest following public advertisement, in at least one newspaper circulating in the district, unless specifically authorised by cabinet.

The council's monitoring officer and the audit and governance committee (at their meeting on 2 December 2015) had both considered the revised rules and had recommended approval.

48.4 The report then considered the approach to two particular procurements. First, energy procurement, as existing gas and electricity contracts were due to end in 2016. A review had been undertaken which had recommended choosing East Sussex County Council (ESCC) for reasons of cost and the provision of additional useful services. The estimated total cost of the contract was £65,000, so it was comfortably

under the OJEU thresholds and therefore within cabinet's authority to authorise a direct appointment. Second, in respect of software to operate the community infrastructure levy (CIL) (which was a planning charge, introduced by the Planning Act 2008 as a tool for local authorities to help deliver infrastructure to support the development of their area). It was important that CIL funds were properly administered to ensure they were used for the agreed purpose and were clearly auditable. It was also proposed that this facility be shared with Lewes District Council who had already agreed to purchase CIL software linked to their existing planning case management system. Given the intention to enter into a shared service, and the lack of a product from the council's supplier, an exception to contract rules was recommended in order to appoint Exacom Systems to provide the council with CIL/s.106 software. The estimated contract value was £45,000 so it was comfortably under the OJEU thresholds and therefore within cabinet's authority to authorise a direct appointment.

48.5 * Resolved (budget and policy framework): (1) That full council be recommended to approve the new contract procedure rules.

48.6 Resolved (key decision): (2) That an exception to the existing contract procedure rules be authorised in order to appoint East Sussex County Council directly to procure the council's energy supply and manage the council's energy services.

(3) That an exception to the existing contract procedure rules be authorised to procure the same software solution as Lewes District Council to manage community infrastructure levy payments as part of a shared service.

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

For further information please contact:
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Part 4
CONTRACT PROCEDURE RULES

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1. INTRODUCTION

1.1. BASIC PRINCIPLES

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

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

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

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

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

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

1.2. OFFICER RESPONSIBILITIES

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

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

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

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

1.3. MEMBERS RESPONSIBILITIES

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

1.4. WHERE TO GET ADVICE

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

2. COMPLIANCE AND EXCEPTIONS

2.1. COMPLIANCE

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

2.2. NON-COMPLIANCE

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

2.3. EXCEPTIONS

2.3.1. These Rules do not apply to:

- a. Public services contracts which are excluded from the application of the PCR 2015 under Regulation 10 (Specific exclusions for services contracts) and Regulation 12 (Public Contracts between entities within the public sector).
- b. Public contracts excluded from the application of the UCR 2006 under Regulation 6 (General exclusion).
- c. Contracts of employment making an individual a direct employee of the *Organisation*.
- d. Contracts for the acquisition or rental, by whatever financial means, of land, existing buildings or other immoveable property, or which concerns interests

in or rights over any of them (other than those situations covered by Section 2 of these Rules).

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

2.4. **WAIVERS**

2.4.1. Subject to paragraph 2.4.2:

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

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

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

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

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

3. AUTHORITY FOR THE CONTRACT

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

SECTION 1 PURCHASING

4. PRE-PROCUREMENT CONSIDERATIONS

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

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

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

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

4.1. TYPES OF CONTRACT

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

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

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

4.2. WHAT IS BEING PROCURED?

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

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

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

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

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

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

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

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

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

6. SUMMARY OF THRESHOLDS AND PROCEDURES REQUIRED

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

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

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

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

7. SUMMARY OF ADVERTISEMENT RULES AND REQUIREMENTS

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

8. CONTRACTS BELOW £25,000

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

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

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

- b. The reasons why those particular contractors were selected to provide a quotation.

9.6. Where practicable, quotations shall be returned through the electronic tendering system of the *Organisation*. Where this is not possible contractors should be asked to provide quotations by a specified date in plain envelopes/packages which have been securely sealed and marked with the word "Quotation" followed by the contract or subject to which it relates. Telephone quotes are not to be considered. Email quotes may only be accepted if a separate email account is set up for the purpose of the quotation which cannot be accessed until after the deadline for return has passed.

9.7. Quotations should not be accessed or opened until after the deadline for return has passed. They should be opened in the presence of the *Designated Officer* plus one other *Officer*. The *Designated Officer* must record the following details on the Quotation Control Form or within the electronic tendering system:

- a. The name of the company.
- b. The value of the quote.
- c. The date the quote was received.
- d. The form in which it was received from the company.
- e. The recommendation as to which quote if any to accept.

9.8. The *Designated Officer* shall seek the written authority of the *Accountable Officer* to authorise the recommendation by the *Designated Officer*. All documents relating to the quotation exercise shall be provided to the *Accountable Officer* by the *Designated Officer*. The *Accountable Officer* shall certify the acceptance of the quote on the Quotation Control Form or within the electronic tendering system. The Quotation Control Form can be found in the Contract Manual.

9.9. A quotation may be accepted on the basis on which it was indicated in the invitation to quote that the winning quotation would be identified i.e. either:

- a. The lowest price quotation; or
- b. The highest scoring quotation where evaluated against acceptance criteria previously disclosed to those participating in the competition.

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

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

10.1. All tendering procedures from planning to contract award and signature must be undertaken in a manner so as to ensure:

- a. Sufficient time is given to plan and run the process;
- b. Equal opportunity and equal treatment;
- c. Openness and transparency;

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

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

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

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

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

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

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

11. ABOVE APPLICABLE THRESHOLD VALUE (EU) CONTRACTS

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

12. EXTENSIONS AND CHANGES TO EXISTING CONTRACTS

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

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

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

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

13. RECEIPT AND OPENING OF TENDERS

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

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

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

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

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

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

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

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

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

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

14. CONTRACT AWARD

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

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

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

15. FINANCIAL CHECKS

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

16. CONTRACT TERMS

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

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

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

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

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

17. RECORDS

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

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

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

SECTION 2 SELLING

18. DISPOSAL OF INTERESTS IN LAND

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

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

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

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

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

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

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

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

19. DISPOSAL OF ASSETS

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

20. INCOME GENERATING CONTRACTS

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

20.2. Matters to consider will include:

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

21. PURCHASE OF INTERESTS IN LAND

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

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

DEFINITIONS

22. DEFINITIONS

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

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

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

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

1. ANNEXURE ONE: COUNCILLOR PROTOCOL FOR PROCUREMENT

COUNCILLOR PROTOCOL FOR PROCUREMENT

Introduction

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

Best Practice Guidance

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

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

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

2. ANNEXURE TWO: GUIDANCE ON CALCULATING ESTIMATED CONTRACT VALUE

The Calculation

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

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

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

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

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

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

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

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

Specific Rules for Supply Contracts

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

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

Specific Rules for Services Contracts

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

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

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

Aggregation Rules for Supplies and Services

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

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

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

Lots and Small Lots

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

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

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

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

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Meeting: Council

Date: Wednesday 17 February 2016

Subject: Gambling policy (statement of principles) 2016-2019

Report of: Councillor Steve Wallis on behalf of the Cabinet

The Council is asked to consider the minute and resolution of the Cabinet meeting held on 9 December 2015 as set out below.

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

<http://democracy.eastbourne.gov.uk/ieDocHome.aspx?bcr=1>

The Council is recommended to:-

Approve the Council's Gambling Policy (Statement of Principles) 2016 – 2019 which will form the council's approach to gambling matters under the Gambling Act 2005 for the next three years, unless reviewed in the interim.

**Minute extract
CABINET 9 December 2015**

***51 Gambling policy (statement of principles) 2016-2019.**

51.1 Cabinet considered the report of the senior specialist adviser. The Gambling Act 2005 required the council's policy to be reviewed at least every 3 years. As the licensing authority, the council was responsible for issuing premises licences for casinos, bingo premises, adult gaming centres, family entertainment centres and betting premises as well as licensing all types of gaming machines and certain types of lottery. The required objectives for the council's policy were:

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

51.2 Details of consultations undertaken and responses received were given in the report. A small number of changes were made to the existing policy. In summary the amendments changed grammatical errors required to provide greater clarification and included an allowance in several

paragraphs, for future legislative amendments or guidance from the Gambling Commission. The council's licensing act committee had been consulted upon and had agreed the revised policy at their meeting on 5 October 2015.

51.3 * Resolved (budget and policy framework): That full council be recommended to approve the Council's Gambling Policy (Statement of Principles) 2016 – 2019 which will form the council's approach to gambling matters under the Gambling Act 2005 for the next three years, unless reviewed in the interim.

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

For further information please contact:
Claire Groves, Senior Specialist Advisor, 1 Grove Road, Eastbourne, BN21 4TW
Tel: (01323) 415757 or internally on extension 5757
E.mail: claire.groves@eastbourne.gov.uk

(der\P:\council\16.02.17\gambling)

Meeting: Council

Date: Wednesday 17 February 2016

Subject: Treasury management and prudential indicators 2016/17

Report of: Councillor Gill Mattock on behalf of the Cabinet

The Council is asked to consider the minute and resolution of the Cabinet meeting held on 3 February 2016 as set out below.

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

<http://democracy.eastbourne.gov.uk/ieDocHome.aspx?bcr=1>

The Council is recommended to:-

Approve the treasury management strategy and annual investment strategy ; the methodology for calculating the minimum revenue provision; the prudential and treasury indicators; and the specified and non-specified investment categories as set out in the report to cabinet.

**Minute extract
CABINET 3 February 2016**

***62 Treasury management and prudential indicators 2016/17.**

62.1 Cabinet considered the report of the chief finance officer seeking approval to the council’s borrowing and investment strategies in line with legislative and other regulatory requirements as described in the report. The council was required to receive and approve, the prudential and treasury indicators and treasury strategy as part of the budget setting process each year. This covered:

- The capital plans (including prudential indicators).
- A minimum revenue provision policy (how residual capital expenditure was charged to revenue over time).
- The treasury management strategy (how the investments and borrowings were to be organised) including treasury indicators.
- An investment strategy (the parameters on how investments were to be managed).

*** 62.2 Resolved (budget and policy framework):** That full council, at their meeting on 17 February 2016, be recommended to approve the following:

- (a) The treasury management strategy and annual investment strategy as set out in the report;
 - (b) the methodology for calculating the minimum revenue provision set out at paragraph 2.3 of the report;
 - (c) the prudential and treasury indicators as set out in the report; and
 - (d) the specified and non-specified investment categories listed in appendix 2 to the report.
-

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

For further information please contact:
Alan Osborne, Chief Finance Officer, 1 Grove Road, Eastbourne, BN21 4TW
Tel: (01323) 415149 or internally on extension 5149
E.mail: alan.osborne@eastbourne.gov.uk

(der\P:\council\16.02.17\treasury management)

Meeting: Council

Date: Wednesday 17 February 2016

Subject: Changes to housing strategy and housing revenue account (HRA) asset management strategy – amendment to officer delegation scheme

Report of: Councillor Alan Shuttleworth on behalf of the Cabinet

The Council is asked to consider the minute and resolution of the Cabinet meeting held on 3 February 2016 as set out below.

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

<http://democracy.eastbourne.gov.uk/ieDocHome.aspx?bcr=1>

The Council is recommended to:-

Approve the amendment to the councils scheme of delegation to officers as set out at paragraphs 64.8 and 64.9 of the cabinet minute.

**Minute extract
CABINET 3 February 2016**

***64 Changes to housing strategy and housing revenue account (HRA) asset management strategy**

64.1 Cabinet considered the report of the senior head of community providing an update on national policy changes for council housing arising from the Welfare Reform and Work Bill and the Housing and Planning Bill currently before Parliament. Proposals were made for the sale of a number of housing properties; and in advance of the bills becoming law, approve changes to the delegation for disposal of assets to enable Eastbourne's housing stock to be managed sustainably and in line with national best practice. The report also sought authority to obtain external specialist advice to assist the review of homelessness decisions when considering applications for accommodation under Part 7 of the Housing Act 1996.

64.2 A separate addendum to the report comprising exempt information was circulated in the confidential part of the agenda (Schedule 12A to the Local Government Act 1972, reason 3 – information relating to the financial or business affairs of any particular person (including the authority holding that information).)

64.3 The Welfare Reform and Work Bill would introduce of a 1% reduction in social housing rents for 4 years from 2016/17. This was detailed in the rent setting report at minute 63 above.

64.4 The Housing and Planning Bill proposed the sale of council housing high value assets and the mandatory introduction of higher rents for residents earning higher incomes ('pay to stay'). The intention was that monies raised from high value voids would be used to fund the 'right to buy' discounts given to housing association tenants, provide replacement affordable housing on a one for one basis, and establish a brownfield regeneration fund. The council's housing revenue account (HRA) business plan had now been remodelled to reflect the impact of 80 properties being sold over each year over the next 4 years. High income was defined in the bill as household income of more than £30,000 outside of London. The bill did not define what the rent levels would be; these were to be set out in future rent regulations. The extra rent would be taken by the government less an element to cover the council's administration costs. Pay to stay was expected to be introduced in 2017/18 and an increase in right to buy sales was anticipated as a consequence.

64.5 The council would need to make a payment to the government based on assumptions on the value of high value void properties arising from April 2017. The payment was not likely to be dependent on actual vacancies and to give flexibility to retain properties within the stock in the future, it would be prudent to review the current vacant stock and how receipts from disposals now could be used to meet future demands. On this basis, a number of current properties had been assessed for disposal. Details relating to each disposal were listed in the exempt addendum. Where properties had tenants the council would work closely with the occupants to make sure that they were offered appropriate alternative accommodation.

64.6 It was now considered best housing management practice for the council to dispose of the freehold interest in a block of flats when all the flats were held on leases. Eastbourne Homes (EHL) currently managed 12 such blocks. Details of the blocks and market valuations of the freeholds were given in the exempt addendum. It was recommended that the senior head of community be granted delegated authority to dispose of the freehold of such blocks. Should existing leaseholders not wish to take up the offer the council would retain the freehold. A consultation plan would be developed involving the affected leaseholders.

64.7 Eastbourne Housing Investment Co. Ltd. (EHIC) acted as the council's asset holding vehicle. Cabinet approved the purchase of the company's first property (137-139 Seaside Road) in July 2015 and agreed the principles under which future acquisitions would be made using loans provided by the council. EHIC had expressed an interest in acquiring council housing assets. The details of the assets concerned were listed in the exempt addendum. An options appraisal and project viability would be developed by EHIC prior to a formal application to the council for lending. The report also included an outline of the council's legal powers for the disposals and provision of loan to EHIC.

64.8 Under the council's current scheme of delegations to officers, the senior head of community did not have delegated authority to dispose of HRA or general fund housing properties of any value. This could lead to delays in disposal while reports were prepared that seek the approval of cabinet as the executive decision-making body. It was recommended that the senior head should have the following powers in relation to all and any council owned housing properties:

(a) To acquire or dispose of land, and to grant and/or modify leases, easements, licences and way-leaves of, in, or over such properties, in accordance with the following limits, subject to sub-paragraph (i):

- *Where the payment from the other party does not exceed £50,000 (£25,000 for amenity land); or*
- *where the payment to the other party does not exceed £50,000; or*
- *where the annual rent does not exceed £25,000 (except for a rent review); or*
- *where the lease term of the property does not exceed 10 years; or*
- *if an easement or way-leave, the annual fee does not exceed £1,000.*

(i) Where any value exceeds the limits stated above, the senior head of community may exercise the powers referred to in paragraph (a) but only after consulting with the relevant cabinet portfolio holder.

(b) To vary the terms and conditions of, or negotiate the surrender of, leases and licences.

(c) To determine as landowner or landlord, applications for licences, consents and permissions in respect of properties.

64.9 In addition, it was recommended that the senior head be given authority to make the necessary application for permission to dispose of 5 or more HRA assets direct to the secretary of state without prior cabinet approval and that this be incorporated within the scheme of delegations.

64.10 When the council made a decision under homelessness legislation an applicant had a right to seek a review of that decision if he/she did not agree with the finding. For complex cases or to ensure decisions could be made in a timely manner some authorities obtained specialist external support to carry out reviews and/or use the services of other councils that had the required experience and capacity. Under normal circumstances the council would anticipate internal review of cases, however, to give flexibility, it was recommended that the senior head be authorised to obtain specialist advice when necessary.

64.11 The senior head corrected the report in three respects, clarifying (a) that the delegation sought in respect of the disposal of freeholds (resolution (1) (ii) below) applied to the 12 current blocks and to future freeholds where all had been sold as leasehold; (b) in respect of the

delegation in paragraph 64.9 above (resolution (3) below) that this applied to both HRA and general fund properties; and (c) advising that full council approval would be required to amend the scheme of delegation as part of the council's constitution.

64.12 Resolved (key decision): (1) That the senior head of community be given delegated authority to:-

- (i) To dispose of the 7 properties identified in appendix 1 of the exempt addendum, subject to consultation with the chief finance officer and portfolio holders for community and finance;
- (ii) to dispose of the freehold of the properties to existing occupiers as identified in appendix 2 of the exempt addendum and future freeholds where all have been sold as leasehold; and
- (iii) to approve the use of external specialist advice, where necessary, to conduct homelessness reviews under Part 7 of the Housing Act 1996.

(2) That the council provide a loan on market terms to Eastbourne Housing Investment Company Ltd. (EHICL) to enable the company to purchase the properties listed in appendix 3 of the exempt addendum.

(3) That representations be made to the local member of parliament seeking her support in challenging the government's intention to reduce the stock of social housing through the forced sale of 'high value' council stock to fund housing association 'right to buy' sales.

*** 64.13 Resolved** (4) That full council be asked to approve the amendment to the councils scheme of delegation to officers as set out at paragraphs 64.8 and 64.9 above.

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

For further information please contact:
Jess Haines, Senior Specialist Advisor - Housing, 1 Grove Road, Eastbourne, BN21 4TW
Tel: (01323) 416441 or internally on extension 6441.
E-mail address jessica.haines@eastbourne.gov.uk

(der\P:\council\16.02.17\housing assets delegation scheme)

Calendar of Meetings May 2016 - June 2017

MEETING:-	Time	2016								2017					
		May	Jun	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Annual Council	6pm	11													
Council (*motions deadline 11am)	6pm	11 (*29 Apr)		20 (*11)				16 (*7)			22 (*13)		(*28)	10	
Cabinet	6pm	25		13		14	19		7		8	22		24	
Scrutiny Committee	6pm		6			5	+10		5	30					5
Planning Committee	6pm	17	21	5/26	30	27	25	22		3/31	28	21	18	16	20
Conservation Area Advisory Group	6pm	24		12	23		4	15		10	21		4	23	
Licensing Committees	6pm			11			3			9		13			
Audit and Governance Committee	6pm		22			21		30				8			
Joint Staff Committee	2.30pm			13		14		16			15				
Joint Waste Committee	2pm		10 Hastings					11 Bexhill							
Other		5 Police & Crime Comm Election		5-7 LGA Ann Conf										4 County Election	

Notes:

Council in May - Ordinary Council will follow-on from Annual Council (with a short interval in-between).

Scrutiny Committee - +10 October 2016 is the Annual Finance seminar.

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Body: Full Council

Date: 17 February 2016

Subject: Polling places review (part review of Devonshire ward – polling district DVB)

Wards: Devonshire

Report of: Senior Local Democracy Officer

Purpose: To agree arrangements in respect of the polling places in polling district DVB of Devonshire ward.

Contact: David Robinson, Senior Local Democracy Officer
Tel: (01323) 415022 or internally on ext. 5022
Email: david.robinson@eastbourne.gov.uk

Tracey Pannett, Senior Electoral Services Officer
Tel. (01323) 415074 or internally on ext. 5074.
Email: tracey.pannett@eastbourne.gov.uk

Summary:

This report deals with a review of one of the polling places provided for elections that take place within the Borough of Eastbourne. The Council has a duty to undertake a full review at intervals of not less than 4 years and at all other occasions when a change is proposed.

The Council is expected to ensure that all electors in the constituency have reasonable facilities for voting as are practicable in the circumstances and that so far as is reasonable and practicable the polling places are accessible to those who are disabled.

A 7 week consultation was held ending on 29 January 2016.

Following this review, the revised polling arrangements will be implemented in time for the forthcoming Police and Crime Commissioner elections on 5 May 2016.

Recommendations:

(1) That the Acting Returning Officer's proposal in respect of polling district DVB (Devonshire ward) be approved.

(2) That the Senior Electoral Services Officer, on behalf of the Acting Returning Officer and Electoral Registration Officer, be authorised to implement the Council's decisions in respect of the review.

1.0 Introduction

- 1.1 The Council must regularly review the division of its area into polling districts and the places where electors are asked to vote. A full review of the whole borough must be undertaken at intervals of not less than 4 years and at all other occasions when a change is proposed.
- 1.2 The relevant legislation can be found in section 16 of the Electoral Administration Act 2006, the Representation of the People Act 1983 and the Review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006. Guidance is also published by the Electoral Commission.
- 1.3 This matter is brought before full Council as decisions on matters in respect of polling district boundaries and polling places cannot be dealt with by a council's executive (i.e. the Cabinet) by virtue of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000.
- 1.4 The Council's last full review was carried out in 2014 and approved by the Council in November of that year.

2.0 Review process

- 2.1 As part of the review process the Council must:
- Seek to ensure that all electors in the constituency have such reasonable facilities for voting as are practicable in the circumstances;
 - Seek to ensure that so far as is reasonable and practicable the polling places are accessible to those who are disabled, and
 - When considering or reviewing the designation of a polling place, have regard to the accessibility needs of disabled persons.
- 2.2 The consultation period for this full review ran for 7 weeks between 11 December 2015 and 29 January 2016. Public notice of the review was published and information about the review made available on the Council's website. Any elector in the whole of the Eastbourne constituency (whether they live in the borough or not) was entitled to make representations. A press release was issued drawing attention to the proposal and an article was published in the Eastbourne Herald soon after the start of the consultation.
- 2.3 The consultation document, together with map showing the polling district boundary, is available as a background document.
- 2.4 As well as being supplied on request, the consultation document was sent to the local Member of Parliament, borough and county councillors in the relevant wards and local political parties. It was also sent to the Eastbourne Disability Group (DIG) as required under the regulations as persons having particular expertise in relation to access to premises or facilities for persons who have different forms of disability. The DIG is an umbrella group of local organisations that represents many of the disabled people living in Eastbourne.

3.0 The proposal and comments received

- 3.1 A proposal is made concerning a change from the existing polling place for the polling district DVB in the Devonshire ward. Currently this is the EODS (Eastbourne Operatic and Dramatic Society) Centre at 96 Seaside. While this venue is adequate, it does have certain shortcomings and the possibility of a change in venue is recommended. In the past there had been suggestions that EODS were considering the future of their centre with possibilities of both renovation and redevelopment being mooted. The likelihood that the premises would not be available for hire as a polling station in the future, either temporarily or permanently, encouraged us to look for a suitable alternative venue. The use of the Eastbourne Blind Society premises at 124 Longstone Road is now proposed as the alternative.
- 3.2 Members will recall that this change was suggested when the last polling place review was undertaken. Although generally favourably received there was concern from some members that any change should wait until after the 2015 general election and the matter reviewed after the election.
- 3.3 Our concerns about the shortcomings of the current premises at the EODS Centre remain. The premises are in need of refurbishment, access is via a narrow alleyway and facilities for polling staff within building are poor and party tellers are required to sit outside the entrance in the open. Although use as a polling station is long standing, new or infrequent voters do have difficulty locating the venue and in the past numerous phone calls are made to the elections office on polling day seeking directions.
- 3.4 The Eastbourne Blind Society centre at 124/142 Longstone Road is reasonably centrally located within the polling district. The building has excellent access of good width (level throughout, including the main entrance) with a large well lit hall. There are kitchen and toilet facilities for staff. On-street parking is free but limited being close to the town centre. The road frontage to the centre is protected with a 'keep clear' zone. There is space for party tellers to be accommodated in the main entrance hall.
- 3.5 A response was received from Pat Newton (voluntary worker - supporting disabled people) indicating acceptance of the proposed change.
- 3.6 Wendy Dovey, EODS chairman, responded to the newspaper article. She said that they hoped to undertake comprehensive refurbish the EODS Centre and were hoping to receive funding to restore the building.
- 3.7 Whilst the aspiration of EODS to renovate their premises is welcomed, we remain of the view that a move to the Blind Society is still essential. With an election coming up this May, followed by the EU referendum (possibly this summer) and county council elections in May 2017 we believe a move to fully equipped and accessible premises is necessary.

5.0 Council consideration

- 5.1 Council is asked to consider the proposal and representations received and make a final decision. Reasons must be given. In the event that the Acting Returning Officers recommendation is supported these are as set out above.

6.0 Implementation

- 6.1 The chosen venue will be used at future elections. No re-drawing of polling district boundaries will be required.
- 6.2 Following the decision formal notice will be given and correspondence and representations made, minutes and other details must be published.
- 6.3 The grounds under which the review outcome can be challenged are that the Council has failed to:
- meet the reasonable requirements of the electors in the constituency, or a body of them (i.e. the reasonable requirements of a particular area of the authority have not been satisfactorily met); or
 - take sufficient account of the accessibility to disabled persons of polling stations within a designated polling place.
- 6.4 The following may make representations to the Electoral Commission namely;
- not less than 30 registered electors in the constituency
 - any person who made representations to the council when the review was being undertaken (except the Returning Officer)
 - any person who is not an elector within the constituency who the Electoral Commission feel has sufficient interest in the accessibility of disabled persons;

Also the Acting Returning Officer may make observations on any representations made to the Commission.

7.0 Legal implications/risk assessment

- 7.1 The Council is under a legal duty keep their polling place arrangements under review at not less than 4-yearly intervals and to follow prescribed procedures when carrying out such reviews.

8.0 Policy and performance implications

- 8.1 This review helps meet the Council's corporate plan objectives under the heading "thriving communities" for encouraging peoples' involvement in their neighbourhoods and the heading "sustainable performance" in ensuring a customer focus in the delivery of its services.
- 8.2 The Electoral Commission is empowered under section 9A of the Political Parties, Elections and Referendums Act 2000 to set out for local Returning Officers and Electoral Registration Officers the performance standards to be achieved in the conduct of their duties. This review and the associated documentation will help demonstrate that Eastbourne Borough Council is meeting the required standard.

9.0 Financial and resourcing implications

- 9.1 Election costs are borne by the body holding the election. For parliamentary elections and referendums the government pays and East Sussex County Council pays for county elections. The foregoing proposals will not increase the number of venues or polling stations overall and there should therefore be no impact on staffing costs.

David Robinson
Senior Local Democracy Officer

Background papers:

- Consultation document.

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

(dr/P:polling place review/council/16.02.17)

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Tuesday, 17 November 2015
at 6.00 pm



Conservation Area Advisory Group

PRESENT:-

Councillor Rodohan (Chairman) and Councillors Belsey, Smart and Swansborough

OFFICERS:

Mrs S Leete-Groves, Specialist Advisor (Conservation)

ADVISORS:

Mr Crook, Royal Institute of British Architects

26 Minutes of the meeting held on 6 October 2015.

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

27 Apologies for absence.

An apology for absence was reported from Mr Howell.

28 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.

29 Planning Applications - Decisions of the Borough Council

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

NOTED.

30 Planning Applications for Consideration.

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

1) 151068, 17 CARLISLE ROAD, MEADS, EASTBOURNE

Heritage Value: Conservation Area

Proposal: Conversion of the existing residential accommodation on the first and second floors to form two self-contained flats and one maisonette, including the extension of the roof to the rear.

CAAG Comments: The Group acknowledged that in isolation and due to its location, the proposal would not result in adverse harm to the surrounding conservation area. Concerns were however raised that the proposal may set a precedent for the remaining terrace, which currently had an unaltered historic roofscape that contributed positively to the immediate and wider conservation area. The Group also expressed concerns with the lack of information submitted by the applicant.

2) 151183 (PP) & 151184 (LB), 37 MARINE PARADE, EASTBOURNE, EAST SUSSEX, BN22 7AY

Heritage Value: Listed Building & Town Centre and Seafront Conservation Area

Proposal: Installation of railings to front boundary.

CAAG Comments: The Group were fully supportive of the proposal, however requested that the railing heads and finials be presented in a simplistic way, reflective of those in Cavendish Place. It was suggested that SG grade cast iron be used.

3) 151175, MEADS CLUB, MEADS ROAD, MEADS

Heritage Value: Meads Conservation Area

Proposal: Conversion to three dwellings including provision of a gable at rear.

CAAG Comments: No objections raised.

NOTED.

31 Traditional Lighting Scheme.

The Specialist Advisor (Conservation) presented a verbal report to the Group on the removal of historic iron lamp posts in Conservation Areas or Areas of High Townscape Value.

Mr Crook, representing Eastbourne Society and the Royal Institute of British Architects gave an overview to the Group on the issue that had been discussed at a previous meeting of the Group under different membership. A number of historic lamp posts had been removed in the Granville Road and St John's Road area to improve lighting. Eastbourne Society had raised concerns that the removal of the lamp posts had damaged the character of the Conservation Areas, designated as such with the intention to preserve these features. An assurance from East Sussex County Council (ESCC) had been given that a consultation process would take place for any future removals.

The scheme, promoted by the Eastbourne Society, encouraged the relocation of cast iron lamp posts to streets of high value within identified areas, where the traditional form of lighting had overtime been lost to modern replacements. The lamp posts were especially important in the area consisting of Carlisle Road, Blackwater Road and St John's Road where it

formed a vista with the regularly spaced trees, adding greatly to the character of the area.

Although there was a general agreement between Eastbourne Society, East Sussex County Council and Eastbourne Borough Council that it would be desirable wherever possible to replace any modern lamp posts installed between road junctions with round-based lamp posts, the source of funding remained unclear. 11 replacement columns, priced at £1,000 each had been identified with three in St. John's Road and eight in Carlisle Road.

There was also an assurance that any modern lamp posts installed in Conservation Areas be painted black, in keeping with the historic lamp posts and that any cast iron lamp posts removed because of structural damage should be replaced with matching posts from the East Sussex County Council's store, if available.

The Group discussed the scheme and were fully supportive of retaining the historic iron lamp posts and preserving the character of the Conservation Areas or Areas of High Townscape Value. They recommended that a joint bid be submitted from East Sussex County Council and Eastbourne Borough Council.

RESOLVED (Unanimous): The Group recommended that the £11,000 required to replace the modern lamp posts with the traditional cast iron posts should be contributed equally from the Eastbourne Borough Council and East Sussex County Council budgets. The Specialist Advisor (Conservation) would report back to the Group at a future meeting.

32 Seafront Window Survey.

The Group discussed the window survey of properties on the seafront that was raised at the last meeting.

The Group was given clarification over the required planning permission when installing replacement windows, following some preliminary work undertaken by officers.

It was requested that at the next meeting of the Group, officers provide information around timescale for completion of the survey.

NOTED.

33 New Listings

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

NOTED.

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

The date of the next meeting was confirmed as the 5 January 2015.

The meeting closed at 6.56 pm

Councillor Rodohan (Chairman)

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Tuesday, 24 November 2015
at 6.00 pm



Planning Committee

Present:-

Members: Councillor Murray (Chairman) Councillor Sabri (Deputy-Chairman)
Councillors Miah, Murdoch, Salisbury, Taylor, Ungar and Di Cara (as
substitute for Jenkins)

100 Minutes of the meeting held on 27 October 2015.

The minutes of the meeting held on 27 October 2015 were submitted and approved and the Chairman was authorised to sign them as an accurate record.

101 Apologies for absence.

Councillor Jenkins.

102 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.

103 6 Holywell Close. Application ID: 150951.

First floor addition over garage and single storey side extension – **MEADS**.
Five objections had been received.

An additional objection had been received, the main points made were consistent with the other objections in that the objector was particularly concerned about the perceived detrimental effect the development would have on the unique character and appearance of the Close.

The applicant had confirmed that they would be happy to accept a condition requiring further details of the flank elevation to show a parapet wall along the flank of the proposed single storey side extension.

The relevant planning history for the site was detailed within the report. The observations of the Specialist Advisor for Conservation were also summarised.

NB: Councillor Ungar was no longer present for this item.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Time 2) Approved Drawings 3) Matching Materials 4) Parapet wall details

104 42-44 Meads Street. Application ID: 150975.

Replacement of pitched roof to the rear of no.42 with a raised flat roof to provide route for ductwork for new ventilation system to restaurant – **MEADS**. Five objections had been received.

The relevant planning history for the site was detailed within the report. The observations of the Specialist Advisors for Environmental Health and Conservation were also summarised.

NB: Councillor Ungar was no longer present for this item.

RESOLVED: (Unanimous) That permission be refused on the grounds that the application by reason of lack of specific detailing fails to satisfy concerns over the noise and smells emanating from the proposed plant and machinery; in the absence of this information it is considered that the proposal would result in a severe loss of residential amenity.

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.

105 Devonshire Park. Application ID: 150903 (PP) and 150904 (LBC).

Demolition of Congress Suite, Devonshire Park Halls, first floor offices at front, catering lift, bistro and kitchen, and north east portico at rear of Winter Garden. Construct 3 storey conference (Welcome) building linked to Congress and Winter Garden with a service ramp to rear. Internal refurbishment repairs to the Congress and Devonshire Park Theatres. Internal refurbishment repairs to Winter Garden and remodelling of its front entrance to include reintroduction of a double pitched roof. Redecoration of tennis pavilion and creation of new show court. Provision of new public realm to south to include access to the Welcome Building with landscaping – **MEADS**.

The buildings/plots within the Campus had an extensive planning history however it was considered that the recent applications promoting the refurbishment of the Congress Theatre were considered to be most relevant to the determination of this application.

The observations of the County Archaeologist, the Specialist Advisors for Arboriculture, Regeneration, Planning Policy and Conservation, East Sussex County Council Highways department, South East Regional Design Panel, Eastbourne Access Group, Historic England, 20th Century Society, Theatres Trust, Victorian Society, Eastbourne Society, County Ecologist, the ESCC SUDS and Eastbourne Hospitality Association were also summarised. Sussex Police, Eastbourne and District Chambers of Commerce and Environment Agency made no comment.

At its meeting on 6 October 2015 the Conservation Area Advisory Group expressed its full support for the scheme, however it acknowledged concerns raised by one of the external advisors regarding the Welcome Building's canopy, in that its siting, scale and design would compete with and potentially diminish the integrity of the Grade II* Congress Theatre.

(Members noted that this minute was based on the scheme as originally submitted and not the recently received amended proposal).

The committee was advised of comments received from the Eastbourne Inclusion Group as follows:

The Group was pleased that the architects/planners had come back to them because it was important that any disability access, wherever it was, was right the first time round. The effective dialogue with the group was very much appreciated.

- Drop Off Zone Proposals: greater area for drop off adjacent to the Towner Gallery should meet the needs and demands of all users. The issue that the lifts serving all levels of the Congress were situated in the Welcome Building, and therefore there would still be a distance to travel once inside the Congress to get to the stalls. DIG did not consider this a problem as long as they did not need to travel out doors to the Welcome Building to gain access to the Congress.
- Accessible toilets: Greater number of accessible toilets and some with 'Radar Keys' should assist.
- Parking bays: Larger more accessible bays in the right locations would benefit the scheme. DIG acknowledged that spaces behind the Towner and to the front of the Devonshire Park theatre were being remodelled. Disabled parking bays were well used and should be retained in future development options.

Mr Howell, Eastbourne Society, addressed the committee stating that he had concerns regarding the canopy in that in its current position it may diminish the importance of the Congress Theatre. Mr Howell also raised concerns regarding the siting of the plant housing on the Compton Street side of the Winter Garden and requested that consideration be given to re-siting the housing.

Mr Godfrey, Chamber of Commerce, addressed the committee in support stating that Tourism and Conferencing was essential to the economy of Eastbourne as were the International Tennis events. The Chamber of Commerce fully support the development of the site.

Mr Tidemarsch, Levitt Bernstein, addressed the committee in response stating that the canopy was integral to the design, and consultation with Historic England was ongoing regarding the siting of the columns. The Welcome Building canopy identified the main entrance to the complex.

Mr Crook, Consultant Architect for Levitt Bernstein, addressed the committee stating that the side lift; staircase and plant room would be re-sited to the rear of the building away from the public realm.

RESOLVED (150903): (By 5 votes to 3) 1) That in the event that the Legal Agreement requires changes/alterations from that which currently accompanies the application then delegated authority be given to the Senior Specialist Advisor (Planning) in consultation with the Chair of Planning Committee to agree these variations

2) Subject to there being a satisfactory legal agreement in place covering:

- Travel Plan Monitoring Fee
- Commitment to enter a S278 Agreement
- Engage with East Sussex County Council in relation to a Parking Strategy (including real time bus information)
- Engage in the delivery of initiatives to create and foster local job opportunities

Then Planning and Listed Building Consent be issued with the following conditions:

1) Commencement within 3 years 2) Development in accordance with approved plans 3) Submission and approval of a Written Scheme of Investigation 4) Tree protection during works 5) Tree protection (excavation/foundations/drains) 6) Tree planting scheme 7) Auditable arboricultural site monitoring system 8) Surface water drainage scheme & maintenance management plan 9) Biodiversity works in accordance with submitted survey 10) Details of hard and soft landscaping including street furniture, railings etc 11) Submission of a Traffic Management Scheme (size & route of works vehicles) 12) Provision of wheel washing facilities 13) Submission of construction details of the plaza and surrounding highway, surface water drainage, outfall disposal and street lighting 14) Provision of approved parking areas prior to occupation 15) Submission of details of cycle parking and provision prior to occupation 16) Hours of operation (building works) 17) Notwithstanding the details hereby approved further details shall be submitted for approval in consultation with the national amenity societies showing the roof of the Racquet Building the front to The Winter Gardens and the catering core to the Winter Gardens 18) Details & samples of external materials 19) Details & samples of mesh filled glass 20) Details & samples of internal fittings and finishes within the Congress 21) Details & samples of internal fittings and finishes within the Winter Gardens 22) Details & samples of elevational treatment and facing materials to the additions to the Winter Gardens 23) Details including large scale sections of decorative metalwork to the Winter Gardens 24) Details of the junctions between the Congress and Winter Garden links 25) Details of repairs/paint finish of the listed telephone box outside the Devonshire Park Theatre 26) Phasing of works & repairs 27) Methodology of repairs to all heritage assets 28) Methodology of making good 28) Details of new and repositioned signage on the buildings and within the plaza.

RESOLVED (150904): (Unanimous) That Listed Building consent be granted subject the conditions outlined above.

106 East Beach Hotel. Application ID: 150965.

Retention of existing UPVC windows to front (south east) and side (south west) elevations (retrospective) – **DEVONSHIRE**. One objection had been received.

The relevant planning history for the site was detailed within the report. The observations of the Specialist Advisor for Conservation and Eastbourne Hospitality Association were also summarised.

At its meeting on 6th October 2015 the Conservation Area Advisory Group expressed a concern that the replacement UPVC windows installed are out of keeping with the surrounding area.

The committee was advised that 28 letters of support had been received from residents and businesses in the surrounding area. The letters raised the following points as reasons to support the application:

- It was submitted that the UPVC windows that had been installed improved the appearance of the building and protect the rhythm and fenestration of the building.
- The previous timber windows were beyond economic repair, and the cost of painted timber replacement windows would be prohibitively expensive.
- There were environmental benefits to UPVC replacement windows through reduced heat loss, helping achieve environmental objectives.
- The windows that had been installed provided an improved quality of accommodation, improved ventilation and a reduction in noise (from the weather and from traffic).
- UPVC had been allowed elsewhere in Eastbourne and there was an inconsistency of approach on the part of the Council.

Page 70 of the officers report incorrectly stated that the Langham Hotel (43-49 Royal Parade) had installed double glazed UPVC windows on the front elevation without planning permission. It had subsequently been confirmed by the owner of the building that the replacement double glazed windows on the front elevation of this building had been constructed using painted timber.

The Chairman stated that this case raised important issues, not only for the hotel stock within Eastbourne but also every property that was seeking replacement windows. The decision made on this case might have significant implications going forward; and therefore recommended that the item was deferred pending a site visit. The site visit would enable Members to fully assess the merits and issues in relation to this case.

NB: Councillor Ungar was no longer present for this item.

RESOLVED: (Unanimous) That the application be deferred pending a site visit.

107 Langney Shopping Centre. Application ID: 150882 (PPP).

To erect mesh fencing 1.8m high, to create an outdoor play area 38.3m by 18m on the grassed area adjacent to Sandpiper Walk for children attending the nursery at Unit 50 Langney Shopping Centre – **LANGNEY**. Six letters of objection had been received.

The relevant planning history for the site was detailed within the report. The observations of the Specialist Advisors for Arboriculture and Planning Policy were also summarised.

NB: Councillor Ungar was no longer present for this item.

RESOLVED: (By 6 votes with 1 abstention) That permission be refused on the grounds that the formation of an outdoor play space for use in

conjunction with the existing nursery would be detrimental to the amenities of the nearby residential occupiers by way of noise generated from the children using the facility. Additionally, the introduction of a 1.8 metre high mesh fence would be visually intrusive and alien in its appearance, out of character with the open plan nature of the area and for these reasons would not accord with policies HO20, UHT1 and UHT4 of the Eastbourne Borough Plan 2007 Saved Policies and policy D10a of the Eastbourne Core Local Strategy.

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.

108 Shinewater Playing Field. Application ID: 150660 (PPP).

Erection of 80 seat stand to football ground – **LANGNEY**. A petition of 32 signatures of objection had been received.

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 for commencement 2) Approved drawings 3) The stand shall be properly secured/enclosed when not in use to minimise anti-social behaviour.

Informative

The applicant is reminded that the display of any advertisements at the site would require express advertisement consent from the Local Authority. Class A, schedule 1 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 allows for the display of advertisements on enclosed land on the condition that the advertisement is not readily visible from outside the enclosed land or from any place to which the public have a right of access.

109 Upperton United Reform Church. Application ID: 150824 (PPP).

This application was withdrawn.

110 Summary of Planning Performance of the Planning Service for 3rd Quarter (July - September) 2015 and Planning Customer Satisfaction Survey (June - October).

The committee considered the report of the Senior Specialist Advisor (Planning) which provided a summary of performance in relation to key areas of the Development Management Services for the third quarter (July – September) 2015 and the Customer Satisfaction Survey (June - October) 2015.

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

In analysing the performance for the processing of these differing types of application the Government allow 13 weeks for the processing Major applications and 8 weeks for processing the Minor and Other categories.

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

As members were aware the majority of the applications received were granted planning permission, however for those that were refused and challenged through to an appeal it was considered important to analyse the appeal decisions in order to determine and evaluate whether lessons needed to be learned, or interpretations needed to be given different weight at the decision making stage. In addition the evaluation of the appeal decisions would also go some way to indicate the robustness and the correct application of the current and emerging policy context at both a local and national level. In the current survey period a claim for costs of £15,000 from the Courtlands Hotel had been received.

Officers considered that in granting planning permission for 91% of all application received, planning services of Eastbourne Borough Council had supported and stimulated the local economy and had also helped to meet the aspirations of the applicants. Only where there were substantive material planning considerations was an application refused.

The assessment of the performance of planning services showed that the team were performing at or over the National PI threshold and that there were at this time no special measure issues.

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

It had been a significant period since the previous report on the planning enforcement function, table 11 of the report provided a position statement of the performance for the entire year to date.

Members noted some of the data placed high volumes of enforcement action in the Devonshire ward, which reflected the focus given by the Difficult Property Group through S215 (Untidy Sites) legislation and also emphasised the support for the 'Driving Devonshire Forward' policy document.

Members requested that a list of long outstanding enforcement cases be included into this report in future.

Members were apprised of the results of the Customer Satisfaction Survey which had been sent to all applicants and agents, seeking their views on how the Council had dealt with applications.

There were a number of potential improvements listed within the report largely around improving accessibility and level of information available on the Council's website. Overall the majority of customers surveyed were happy with the service provided.

The committee thanked the Senior Specialist Advisor (Planning) for providing the detailed enforcement case information and expressed their thanks to the officers for their continued efforts in improving the Planning function and related activities.

NOTED.

111 South Downs National Park Authority Planning Applications.

There were none.

112 Employment Land Local Plan

The committee considered the report of the Senior Head of Regeneration, Planning and Assets seeking Members' views on the Employment Land Local Plan prior to its consideration by Cabinet on 9 December 2015.

In May 2012, the Eastbourne Core Strategy Local Plan was subject to Public Examination by a Planning Inspector. The Inspector expressed concerns over the evidence that supported Core Strategy Policy D2: Economy, particularly relating to the employment land supply. In order to address this issue without delaying the adoption of the Core Strategy, the Inspector recommended that Core Strategy Policy D2: Economy be the subject of an early review, leading to its replacement with an additional Local Plan to deal specifically with the employment land supply.

In order to meet this requirement, an Employment Land Local Plan (ELLP) was being produced. The ELLP would guide job growth and economic development in Eastbourne up to 2027 by identifying an appropriate supply of land for future employment development, in order to achieve a sustainable economy and make Eastbourne a town where people want to live and work. It related to land and buildings within the B1 (Offices and Light Industry), B2 (General Industry) and B8 (Storage and Distribution) Use Classes.

A Proposed Submission ELLP was presented to Cabinet on 10 December 2014 for approval and authority to publish to receive representations on issues of soundness. It was subsequently published for an 8 week period between 12 December 2014 and 6 February 2015. The representations received during the consultation had been taken into account in revising the ELLP.

Representations received on the Proposed Submission ELLP resulted in some changes being made on the ELLP and the supporting documents, and as a result a Revised Proposed Submission ELLP now needed to be published to allow for representations to be made on issues of soundness before it could be submitted for examination.

Planning Committee Members were asked to consider the attached report and any comments would be considered and reported verbally to Cabinet at its meeting on 9 December 2015.

Members noted that in order to progress the ELLP towards adoption, Cabinet would be requested to approve the Revised Proposed Submission

ELLP for publication to receive representations on issues of soundness between 11 December 2015 and 22 January 2016.

Following the representation period, the Employment Land Local Plan would be submitted to the Secretary of State for public examination, following which the Council would be able to formally adopt the Employment Land Local Plan.

RESOLVED: (Unanimous) That Cabinet be advised that the Planning Committee support the revised proposed submission Employment Local Land Plan for consultation.

The meeting closed at 8.20 pm

Councillor Murray (Chairman)

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Wednesday, 2 December
2015
at 6.00 pm



Audit and Governance Committee

Present:-

Members: Councillor Swansborough (Chairman) and Councillors Sabri, di Cara, Dow, Holt, Smart and Taylor

14 Minutes of the meeting held on 23 September 2015.

The minutes of the meeting held on 23 September 2015 were submitted and approved and the Chairman was authorised to sign them as a correct record.

15 Apologies for absence.

None were received.

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

None were declared.

17 Urgent Items of Business.

A request to add an urgent item of business to the agenda was proposed by Councillor Smart and seconded by Councillor Taylor. The proposal was lost by 4 votes to 3, on the Chairman's casting vote, on the grounds that the item did not meet the criteria of requiring an urgent decision.

18 Contract Procedure Rules.

The Committee considered the report of the Senior Head of Projects, Performance and Technology regarding the Council's revised contract procedure rules (CPRs).

The CPRs formed part of the council's constitution and determined how officers contracted with external bodies and ensured lawfulness and best practice in terms of the procurement of services, supplies or works.

Changes of substance to the constitution could only be approved by the full Council, following consideration by the Monitoring Officer and, where appropriate, the Audit and Governance Committee.

The council's CPRs had been revised to reflect the Public Contract Regulations 2015, which came into force this year, to achieve a standard set of CPRs between Eastbourne Borough Council, Lewes District Council

and Eastbourne Homes Ltd and enable a modern and responsive approach to procuring works, supplies and services.

The full revised CPRs were appended to the report and key changes were outlined in the report. The Committee was notified that amendments had been made since the printed copy of the CPRs had been circulated. At paragraph 15.1 and 16.1, the value of contracts "in excess of" had been changed to £100,000 and paragraph 17.2 had been deleted as this was no longer required.

The Committee discussed the involvement of Councillors during the tender opening procedure. The revised CPRs changed the way tenders were submitted, now using an e-tendering system to store them electronically. It proposed to remove the requirement for Councillors to attend the tender opening process. It was clarified that currently a Councillors' presence at tender openings was to witness and confirm that a set number of tenders had been opened and recorded. As such, this was a purely administrative process with no analysis of the actual tender bids. Following subsequent analysis of the tenders, undertaken separately, the appropriate decision making process of awarding the contract could be made. This could be done through delegated functions by the relevant officer, or in some cases there may be a requirement for there to be a report to Cabinet outlining the analysis of the tenders.

In response to a question from the Committee on internal audit and its involvement with auditing the whole tender process, the Internal Audit Manager confirmed that major contracts were audited as part of the audit plan and this included looking at the whole process.

The Committee queried the reasoning behind the threshold differential between services and supplies contracts and works contracts. The revised CPRs proposed a requirement that any services and supplies contracts over £100,000 be advertised, compared to over £1 million for works contracts. It was clarified that the threshold value for European procurement for services and supplies was around £173,000 compared to £4 million for works. The fees in the revised CPRs reflected this difference. They were also set to reflect the fact that works contracts generally involve much higher sums, and were designed to be mutually acceptable across the partner organisations that were all being asked to adopt a common set of rules going forward.

In a response to a question from the Committee on the disposal of land, the Lawyer to the Council clarified that currently the Council's financial procedure roles contained a section on disposal of assets and this had been incorporated into the revised CPRs. The CPRs were split into two sections, with section one focused on the Council as a purchaser and section two focused on the Council as a seller. The public procurement rules set out by EU law for awarding contracts does not, however, usually apply when buying or selling land. For best value and compliance, a section had been added to the CPRs, setting out the main regulatory obligations when disposing of land and other assets and for the Council to demonstrate best value for money in respect of land disposals.

A motion was proposed by Councillor Taylor and seconded by Councillor di Cara to retain Councillors involvement in tender openings and grant them access to the fees of each contract. This was lost by 3 votes to 2, with one abstention.

(NB: Councillor Holt joined the meeting following the vote on this motion.)

A motion was proposed by Councillor Smart and seconded by Councillor Taylor to reconsider the figure that would require a works contracts to be advertised, which was currently proposed at over £1 million. This was lost by 4 votes to 2, with one abstention.

RESOLVED: (By 4 votes to 3) That the Committee approve the draft new contract procedure rules in principle and make a recommendation to Full Council for formal adoption into the Council's Constitution.

19 Annual Audit Letter 2014/15.

The Committee considered the report of BDO regarding the Annual Audit Letter, which set out the key findings of audit work for 2014/15. The report summarised the results of the audit work in respect of the Council's financial statements, use of resources, grant claims and returns certification and any other matters.

Ms Ballard representing BDO was in attendance to present the report and respond to Members' questions.

With reference to the Statement of Accounts, a number of presentational corrections and amendments had been identified and corrected during the audit, however these did not have an impact on the surplus on provision of services or the general fund balance. An unqualified audit opinion on the Council's financial statements had been issued on 23 September 2015.

The Council had maintained a healthy level of reserves and balances. As a result an unqualified value for money conclusion had been issued on 23 September 2015.

The audit had concluded that the Annual Governance Statement which set out the key elements of the systems and processes of the Council's governance arrangements was not inconsistent or misleading with other information and was compliant with the required Chartered Institute of Public Finance and Accountancy (CIPFA) code of Delivering Good Governance.

BDO had not exercised its statutory powers and had no other matters to report. The review of grant claims and returns was currently in progress and the results would be reported upon completion of the work.

There was no change to the audit fees from those proposed in BDO's Audit Plan that was submitted to the Audit and Governance Committee on 11 March 2015.

The Committee referenced the summary statement of accounts 2014/15, contained in the Eastbourne Review that was recently distributed to households. Members were advised that any comments and questions

about the summary could be emailed to the finance team following the meeting.

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

20 Treasury Management Mid-year Review.

The Committee considered the report of the Chief Finance Officer regarding a mid-year review of the Council's treasury management activity for 2015/16.

The report had been prepared in compliance with CIPFA's code of practice on treasury management and provided an economic update for the first six months of the year. The report reviewed the council's treasury management strategy statement and annual investment strategy, its capital expenditure, investment portfolio, borrowing strategy, debt rescheduling and compliance with treasury and prudential limits. Further details were contained in the report.

The Treasury Management Strategy Statement for 2015/16 had been approved by Cabinet on 4 February 2015. In the context of the considerable uncertainty and volatility in the financial and banking market the strategy was still considered fit for purpose in the current economic climate.

The Committee queried when Councillors set and revised the Authorised Limit, which represented the limit beyond which borrowing is prohibited. It was clarified that this formed part of the overall budget setting that would go firstly to Cabinet and then be signed off by Full Council in February 2016, where input by Councillors would form part of the Full Council deliberations.

In response to a comment on the increase in capital expenditure, as detailed in the report, the Senior Accountant advised that the original figures were set in the capital programme in February 2015. At that stage it was not known how much work was going to be completed in 2014-15. This related to certain large projects around housing where the planned spend was not fully completed and the budget was re-profiled into the new financial year. Certain projects such as the Devonshire Park project had been approved specifically at Cabinet and then brought into the capital programme at a later stage.

(NB: Councillor Taylor left the meeting during this item and gave his apologies for the rest of the meeting)

RESOLVED: That the report be noted.

21 Internal Audit Report to 30th September 2015.

The Committee considered the report of the Internal Audit Manager regarding a summary of the activities of Internal Audit for the second quarter of the financial year 2015/16.

A list of all final audit reports issued from 1 April to 30 September 2015 and the level of assurance attained were detailed in the report. The Committee was advised that during this quarter one report had been issued with an assurance level of inadequate which was Licenses for Entertainment and Taxis.

Audit work carried out to date against the audit plan was set out in appendix A. The Internal Audit Manager advised that staffing issues had led to delays to the scheduled plan and some reviews taking longer than the time allocated. The team were working to ensure the completion of as much of the plan as possible was completed before work begun on the annual reviews in the new calendar year. Requests had also been made to postpone the reviews on performance management and engineering to 2016/17 and asset management to 2017/18. Further details were contained in the report.

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 was 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.

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 a follow up on Events had been carried out and work was ongoing on addressing the recommendations outlined in Appendix D.

Work undertaken by the Corporate Fraud team was detailed in the report. 10 reports had been produced from the first exchange of data for matching. Of the 5,918 matches, 216 were highlighted as issues that needed to be reviewed and 19 of these had been issued for investigation. Appendix E to the report detailed the number of cases worked on and the resulting savings and income made, along with the cost of the team by the quarter, as requested at the last meeting of the Committee. The cost of the team equated to 16% of the savings that were made.

Performance figures for the first two quarters of 2015/16 of the East Sussex Counter Fraud Hub were detailed in the report. The savings in relation to Blue Badge fraud now correctly calculated £500 per badge, as opposed to £5,000 in the last quarter.

Appendix F to the report projected the savings for the Hub in 2015/16 and actual savings for the first half of the year, which were below the forecasted performance. Possible reasons for this were detailed in the report.

An update on the Single Fraud Investigation Service (SFIS) was also detailed in the report.

Councillor Dow, speaking as Chair of the Licensing Committee addressed the performing inadequate rating of Licences (Entertainment and Taxi), detailed in the report. He advised the Committee that he was meeting monthly with the Senior Specialist Advisor for licensing to ensure the licensing team worked effectively and efficiently. He reassured the Committee that all the issues noted in the report were being addressed. It was also agreed that managers of specific areas would consult with the relevant committee chair and Cabinet portfolio holder about whether they would like to receive audit reports when they are undertaken.

The Committee addressed the IT inadequacies detailed in appendix B. The Internal Audit Manager clarified that work was currently being undertaken on creating a joint Disaster Recovery Plan and Business Continuity Plan with Lewes District Council. The Committee was advised that the plans were currently in place but had not been recently updated or tested.

In response to a question from the Committee on Internet Controls, the Internal Audit Manager clarified that the 984 recorded entries of unknown names into Council buildings noted in the report were not all people as the system picked up other technology and entities. A follow up was due in January 2016.

(NB: Councillor Smart left the meeting during this item and gave his apologies for the rest of the meeting).

RESOLVED: That the report be noted.

The meeting closed at 7.29 pm

Councillor Swansborough
(Chairman)

Monday, 7 December 2015
at 6.00 pm



Scrutiny Committee

Present:-

Members: Councillor Smart (Chairman) Councillor Ungar (Deputy-Chairman)
Councillors Blakebrough, Murray, Miah, Rodohan and Smethers

11 Minutes of the meeting held on 7 September 2015.

The minutes of the meeting held on 7 September 2015 were submitted and approved, subject to a proposed amendment by Councillor Ungar, seconded by Councillor Murray, that the words 'in response to a view that this appeared to be a very disappointing return on a £42m capital expenditure even if an estimated £10m expenditure is necessary repairs and refurbishment' be removed from minute 7 Devonshire Park – Review of Findings under the first bullet point of Key points relating to the economic rationale of the project. This amendment was approved (**by 4 votes to 3**) and the Chairman was then authorised to sign them as an accurate record.

12 Matters Arising.

The Chairman requested that the Local Democracy Officer update the committee on the Annual Scrutiny programme actions from the 7 September committee.

Safe Walking and Safe Cycling Strategies - The Local Democracy Officer had written to East Sussex County Council informing of the request to be involved as an active stakeholder in the upcoming consultation on the future 'Safe Walking Strategy'. A response had been received agreeing to the inclusion of the four nominated Councillors.

Sussex Police District Commander for Eastbourne – the committee was receiving the requested presentation at this evening's meeting. Katy Bourne, Sussex Police Crime Commissioner was unable to attend due to a prior engagement.

The Towner Review – The Local Democracy Officer advised that due to the lack of information regarding this review it was proposed that a meeting be held with the Chairman (the originator of the request to review the Towner) and the Liberal Democrat nominee, to consider the scope and details of the review further.

A27 – The committee was advised that the Local Democracy Officer had been in contact with Rupert Clubb, East Sussex County Council regarding the request for a presentation on the proposed improvements to the A27 east of Lewes. Mr Clubb had advised that the County Council did not own or operate the trunk road network which the A27 forms part of and

therefore had no responsibility for the A27. As a result it was not East Sussex County Council who would be developing proposals for improvement or consultation thereon. Highways England had responsibility for the A27 and as such had responsibility for developing proposals, plans and consultation. The Local Democracy Officer agreed to contact Highways England directly to extend the invitation for a presentation to a special meeting of the Scrutiny committee on 15 February 2016, which had been tentatively agreed by the committee and would be subject to agreement and availability of all relevant parties.

Members were advised that a formal report from Capita was not yet available as their input was in various forms and was ongoing. This had been communicated to the Chairman following the meeting in September 2015 and reflected in the Cabinet report on 9 December 2015 under financial implications section within the report.

Capita had been requested to summarise their work to date in an interim report as at 31 December 2015. This will be supplied to the Chair and Deputy Chairman of Scrutiny by 31 January 2016.

13 Apologies for absence.

Councillor Sabri.

14 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.

15 Eastbourne Community Safety Plan.

The committee considered the report of the Senior Head of Community which detailed the current performance of the Eastbourne Community Safety Partnership (ECSP) under the updated Eastbourne community safety plan and outlined issues that may potentially impact future crime and antisocial behaviour (ASB) performance.

The Eastbourne Crime Reduction Partnership Co-ordinator highlighted a 'smoothing-off' of the recent increase in reported crime and advised that Home Office statistics showed that Eastbourne when compared with similar towns fared particularly favourably. He also highlighted that budget reductions facing Sussex Police would have significant implications for the local partnership.

In 2000/06 Eastbourne was subject to around 11,000 crimes. For the performance year 2010/11 this had dropped to approximately 7,500 crimes and to the end of June 2014, this had reduced to around 5,700 crimes, a further reduction of 5% compared with the same period last year. Police recorded crime had, however, seen a considerable increase since the last report. Up to the end of June 2015 overall crime had gone up from 5,753 crimes to over 6,800, an increase of 18.5% compared with the same period last year. This increase was due to 2 factors; (i) Sussex Police strict

adherence to Home Office crime recording procedures and (ii) the PCC led initiative to increase crime reporting in a number of categories including, domestic abuse, hate crime and sexual offences.

The current plan (2014/17) had been developed in consultation with key partners including the police and other members of the ECSP. A copy of the action plan was appended to the report as appendix A. Priorities for 2015/16 and measurement criteria were attached as appendix B. Plan targets were reviewed at the end of each performance year and key performance targets had been incorporated into the relevant sections of the Council's corporate plan.

NOTED.

16 Presentation by the District Commander, Sussex Police.

Members received a presentation on the Sussex Police Local Policing Plan as requested at their meeting on 7 September 2015. The presentation was provided by Emma Brice, District Commander, Sussex Police, and was followed by a question and answer session.

The committee noted that the financial challenge for Sussex was considerable with 70% of the total budget for local policing coming from the government grant. Whilst significant savings had already been achieved, a further £57m within the next four years. 80% of the force budget related to pay and people so the workforce and roles would change. The Local Policing Programme was expected to save £29m annually by 2019 the structure of local policing was still being designed and no model was available as yet.

The Budget announcement on 14 December 2015 was unlikely to affect current identified savings as it was anticipated that part of the police budget would be allocated to increased firearms capability, cyber-crime, terrorism and communications systems. Sussex was the 4th lowest precept in the country and therefore more vulnerable to changes in the government grant. 2020 would see a very different organisation.

With regard to the Local Policing Programme key headlines were as follows:

Prevention:

- A focus on vulnerable locations and hotspots
- A named person for each ward
- Omni-competent officers reducing the need for specialisms and additional skills for PCSOs
- Partnership working and meeting attendance where mutual benefit

Members were advised that the number of PCSO's was likely to reduce, consultation would commence on 14 December 2015, and exact numbers could not be stated until the consultation was complete.

Response:

- Prioritising emergency calls, working across organisational boundaries
- Creation of a 'Resolution Centre'
- Introduction of mobile technology
- Improving service by reducing handovers between teams

It was anticipated that the Resolution Centres would be able to assist with incidents such as harassment on social media, shoplifting and parking disputes, freeing up officer time through the use of better technology and allowing a better response to 'absolute' emergencies. It was estimated that the Resolution Centre would be able to deal with approximately 61% of incidents did not require immediate response.

Investigation:

- Investigations based on threat, risk and harm
- Introduction of Investigation Framework
- One investigation team in each Local Policing Area
- Improving online self service, for example Face Watch

Members were advised that Eastbourne, Wealden and Lewes would merge with five districts across East Sussex reducing to two. A number of workshops were being held to allow consultees to put their views forward. There would also be wider consultation with the community.

Members discussed the following:

Reduction of Crime – To date 4300 crimes had been recorded, including burglaries, vehicle crime and criminal damage. Sussex Police had a team working with repeat offenders - 20% of offenders committed 80% of crimes – offender management was a key part of the team's work. When compared with the Force, Sussex detection rates were considered good.

Joint working and the potential reduction of PCSO's – It was hoped that demand would be reduced with the introduction of the Resolution Centres, and better technology, allowing Police more time to be visible. PCSO's would still be required; however they may cover a bigger area. There were currently five PCSO vacancies, which may mean there would not be an overall reduction in the numbers in Eastbourne, this was dependant on the consultation previously referenced.

Terrorism – It was recognised that PCSO's played a key role in getting to know their communities and gathering intelligence, however many other organisations had a duty of care to their community. The Community Safety Co-ordinator advised that a Prevent Plan had been written to help reduce / prevent radicalisation and included input from Eastbourne Borough Council, Sussex Police, local Schools and Community organisations, and training had been provided for Neighbourhood and Customer First Teams at Eastbourne Borough Council on the key issues to consider.

Roles of PCSO's – PCSO's would be upskilled to allow a better level of investigation without warranted powers. Changes would be implemented mid 2016.

PCC (Police Crime Commissioner) – Members queried the level of influence of the Police and Crime Commissioner on policing priorities. Priorities of the PCC cascade through from the Police and Crime Plan through to the Sussex Police Operational Delivery Plan. There were certain national aims set by the Home Secretary within the Strategic Policing Requirement such as maintaining capacity to deal with Civil Contingency plans. The PCC was briefed by the Chief Constable on the change programme.

Night time Economy Police presence – Police resources were allocated according to threat, harm and risk however, Eastbourne would have the ability to request resources from across Sussex if an incident required this.

Collection of data – Members were advised that individual agencies were responsible for the collection of data.

CCTV – The committee was advised that there were a number of mobile CCTV units within Eastbourne that had proved very effective. Members noted that the Community Safety Partnership had approved the purchase of two body cameras to be used in licenced premises.

The committee noted the excellent working relationship between Eastbourne Borough Council's Neighbourhood First Team and the Policing Unit at 1 Grove Road – a relationship which had been acknowledged by the Police Crime Commissioner.

Members agreed to conduct a review into the financial impact and impact on joint working following the introduction of the emerging Local Policing Programme. The timescale would be agreed in consultation with the District Commander and Local Democracy Officer.

The committee thanked the District Commander for the presentation and her attendance at the committee meeting.

RESOLVED: That the Scrutiny committee conduct a review of the financial impact and implications joint working following the introduction of the emerging Local Policing Programme.

17 Corporate Performance - Quarter 2 2015/16.

Members considered the report of the Deputy Chief Executive and Senior Head of Corporate Development and Governance updating Members on the Council's performance against Corporate Plan Priority actions, indicators and milestones for Quarter 2 2015/16.

The committee was advised that Appendix 1 to the report provided a detailed report on the 2015/16 activities and outturns of the performance indicators listed within the Corporate Plan.

Of the 27 Key Performance Indicators reported in the Corporate Plan this quarter, 5 were currently showing as Red, 9 were showing as Green, 3 were

showing as Amber and 10 were data only or contextual PIs. The off target PIs were detailed as follows:

DE_011 – Number of reported fly-tipping incidents reported
CD_008 – Decent Homes Programme
CD_051 – Difficult properties remedied/brought back into use
TL_026 – Total number of theatre users
CS_003 – Sickness absence

Members discussed:

Business Rate Appeals – Members noted the Business Rate deficit of £1,712,000 was as a result of a bigger than anticipated provision made in 14/15 for outstanding appeals. The total number of appeals outstanding as at 30 September 2015 was 248 with a total rateable value of £21.5m. The deficit represented 5% of the total debit for the year. The committee was assured that this was a national issue, with companies wishing to backdate their claims having to submit appeals by 31 March 2015, resulting in a huge backlog for the Valuation Office. Appeals would remain outstanding until the Valuation Office was able to consider each appeal.

The report provided members with the provisional outturn results for the general fund, the housing revenue account (HRA) and capital programme for the year 2015/16.

RESOLVED: That the following be noted: 1) The performance against national and local Performance Indicators and Actions from the 2010/15 Corporate Plan (2014 refresh) 2) The General Fund, HRA and Collection Fund financial performance for the quarter ended September 2015, as set out in sections 3,4 and 6. 3) The amended capital programme as set out in Appendix 3. 4) The transfer from reserves as set out in paragraph 3.5 of the report 5) The Treasury Management performance as set out in section 7 of the report.

The meeting closed at 7.40 pm

Councillor Smart (Chairman)

Cabinet



Minutes of meeting held on Wednesday, 9 December 2015 at 6.00 pm

Present:-

Councillors **Gill Mattock** (deputy chairman and deputy leader of the council – in the chair), **Margaret Bannister**, **Alan Shuttleworth**, **Troy Tester** and **Steve Wallis**.

(An apology for absence was reported from Councillor David Tutt (chairman and leader of the council),

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40 Minutes of the meeting held on 21 October 2015.

The minutes of the meeting held on 21 October 2015 were submitted and approved and the deputy chairman was authorised to sign them as a correct record.

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41 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.

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42 Corporate performance - quarter 2 2015/16 [KD].

42.1 Councillors Penny Di Cara and Tony Freebody addressed the cabinet. Councillor Di Cara queried the household waste recycling performance figures, noting that quarter 2 performance showed a drop as compared with quarter 1, even though still ahead of the 35% target, and asked for a breakdown of the figures and, in particular, the composting percentages. The senior head of community undertook to provide the information. Councillor Freebody highlighted the increase in the number of households in temporary accommodation, the rise in sickness absence, numbers of telephone calls and the number of calls answered at first point of contact. The senior head of community advised that increased homelessness was a feature shared with other councils in the south-east due to welfare and benefit changes, rising rents and other related factors. Regarding telephone call performance, the senior head referred to the on-going work implementing Future Model aimed at increasing the number of calls answered at first point and noted that revenues and benefits had now been brought back in-house with a consequent increase in the number of calls handled and also a

reduction in call abandonment rate for this service from 10% to 1%. The senior head of corporate development and governance advised that the poor sickness rate performance was primarily due to a number of cases of long term illness, all of which were unconnected, and that investigations had indicated there was no cause for concern.

42.2 Cabinet considered the report of the chief finance officer and senior head of corporate development and governance reviewing the council's performance against corporate plan priority indicators and action targets; financial performance of general fund revenue expenditure, housing revenue account and capital programme and treasury management activities for the second quarter of 2015/16.

42.3 Appendix 1 gave detailed information on non-financial performance indicators and highlighted those giving cause for concern as well as the best performing indicators at paragraphs 2.9 and 2.10. In particular, the chairman highlighted a 20% increase in Bandstand patronage, completion of the new housing development at Coventry Court, and occupation of the first units at Pacific House at the Sovereign Harbour Innovation Park and the grant of planning permission for the Harbour's new community centre.

42.4 Councillor Bannister drew the cabinet's attention to the Tourism South East 'Beautiful South Awards'; with Airbourne winning gold in the 'Tourism Event of the Year' category and Eastbourne's tourist information centre winning silver as 'Visitor Information Provider of the Year'. Cabinet congratulated members of the teams responsible.

42.5 It was reported that the work on realigning the budgets for Future Model phase 2 was now complete and the department split was based on the current operating structure. The general fund performance at the end of September showed a small variance of £183,000 on net expenditure (a movement of £187,000 compared to the position reported at the end of the first quarter in June). Service expenditure (shown in appendix 2) had a favourable variance of £116,000 mainly as a result of salary savings pending recruitment to new FM structure (£69,000) and additional crematorium abatement income (£45,000). The contingency fund currently stood at £134,000 which was available to fund inflationary increases and any future unforeseen one off areas of expenditure during the year. The projected outturn showed a favourable variance of £165,000. This was within 1.1% of the net budget and was within an acceptable tolerance level, however continued management of the position would be maintained to ensure that this final outturn position was achieved. A transfer from the strategic change reserve of £75,000 was sought to meet the payment to iESE Limited for 2015/16.

42.6 Housing revenue account performance was currently above target by £107,000; mainly due to increase in rents from the number of void properties being at a lower level than budgeted for plus a quicker turnaround (£41,000), a reduction required for the provision for bad debts (£31,000) and the slow take up of the under occupation scheme (£36,000). Other small variances were carefully being monitored. The

favourable variances above were reflected in a forecasted outturn of £98,000.

42.7 The detailed capital programme was shown in appendix 3. Actual expenditure was low compared to the budget, due to delays in the start dates of various major projects. Expenditure was expected to increase as schemes progressed however spending patterns would be reviewed at quarter 3 and re-profiled into the 2016/17 year where appropriate. The capital programme had been amended from that approved by cabinet in September to reflect new approved schemes.

42.8 Council tax collection was currently showing a £662,000 surplus; a variance of 1.21% of the total debit due for the year. This was due to a combination of factors including better performance against the collection allowance within the council tax base and a reduction in the council tax reduction scheme caseload.

42.9 The business rates deficit of £1,712,000 was as a result of a bigger than anticipated provision made in 2014/15 for outstanding appeals, giving rise to a higher than budgeted for balance carried forward as at 1 April 2015, together with the extra number of appeals received by the valuation office which had not been included in the 2014/15 figures. The total number of appeals outstanding as at 30 September 2015 was 248 with a total rateable value of £21.5m. The deficit represented 5% of the total debit for the year.

42.10 The detailed mid-year review report on treasury management had been submitted to the council's audit and governance committee on 2 December 2015 in compliance with CIPFA's Code of Practice for Treasury Management. A summary of the main points from the current economic background, interest rate forecasts, investment and borrowing performance was given in the report. Treasury management performance was on target and all activities were within the approved treasury and prudential limits.

42.11 Resolved (key decision): (1) That performance against national and local performance indicators and actions from the 2010/15 corporate plan (2014 refresh) be agreed.

(2) That the general fund, housing revenue account and collection fund financial performance for the quarter ended September 2015, as set out in sections 3, 4 and 6 of the report, be agreed.

(3) That the transfer from the strategic change reserve, as set out in paragraph 3.5 of the report, be agreed.

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

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

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43 Corporate Plan 2016/20 (KD).

43.1 Cabinet considered the report of the senior head of corporate development and governance and senior corporate development officer. The corporate plan was a key strategic document that set out the council's ambitions for Eastbourne over a five year period. The plan was refreshed on an annual basis to update actions and targets and ensure that activities continued to reflect local priorities.

43.2 The council remained committed to supporting the delivery of its' 2026 partnership Vision for the town:

"By 2026, Eastbourne will be a premier seaside destination within an enhanced green setting. To meet everyone's needs, Eastbourne will be a safe, thriving, healthy and vibrant community with excellent housing, education and employment choices, actively responding to the effects of climate change."

43.3 It was recommended that the new 2016/20 corporate plan continue with the same 4 priority themes as the current version – prosperous economy, quality environment, thriving communities and sustainable performance. These continued to be important areas of focus both locally and nationally and this approach would also add a degree of continuity to the projects and targets set within the plan.

43.4 The final draft of the new corporate plan was due to go to the council's scrutiny committee and cabinet early in the New Year before being submitted for final approval by council on 17 February 2016. The plan would be considered in parallel with the draft budget proposals. Ongoing financial and performance reporting had also been aligned to improve the quality of management information that regularly went to members. Delivery and monitoring of the plan would begin from 1 April.

43.5 A residents' survey had been commissioned earlier in the year and posted out to 4,000 households. The survey was designed to measure residents' satisfaction with Eastbourne, the council and specific services, as well as assess perception regarding how well previous priority areas had been addressed and what should be the focus for future improvement. Almost 1,000 residents had responded and a full report of the findings was available on the council's website. Overall satisfaction with the council's performance had increased from 45% in 2008 to 58% this year and dissatisfaction had dropped from 25% to 13% over the same period. Of the list of potential priority areas listed in the survey, all were strongly supported by respondents with no theme receiving less than 75% percent of respondents saying it was "important" or "top priority". Summary details were given of the themes that received the highest proportion of 'top priority' votes; top 5 areas of improvement; areas judged to have worsened; areas considered most important in making somewhere a good place to live; and areas most needing improving in their local area. A second survey had been conducted online at the same time as the residents' survey. This used shorter questionnaire and was made available to anyone who lived, worked or

visited Eastbourne to feedback their opinions. The link was also circulated to a wide array of stakeholders groups and publicised over social media. Over 500 responses were received and these were broadly in line with the residents' survey responses. Details were again summarised in the report.

43.6 Resolved (key decision): (1) That the approach and timeline to the development of the new corporate plan, as set out in section 3 of the report, be agreed.

(2) That suggestions for revisions and updates to the aims within the corporate plan themes and projects be brought forward.

(3) That the headline consultation outcomes set out in section 4 of the report be noted and the use of this information as a key guide in determining future priority projects be endorsed.

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44 Council budget 2016/17 - draft budget proposals (KD).

44.1 Cabinet considered the report of the chief finance officer summarising the main elements of the emerging 2016/17 revenue budget and capital programme that had arisen from the corporate and service financial planning process to date. Each year the council consulted a range of stakeholders on its detailed draft budget proposals for the following financial year. This followed consultation on the corporate plan and medium term financial strategy (MTFS), which had been carried out over the summer and autumn. Cabinet was asked to give initial responses to the consultations at this meeting and finally on 3 February 2016 in order to recommend a final budget and additions to the existing capital programme for 2016/17 to the council on 17 February 2016.

44.2 The council's medium term financial strategy (MTFS), agreed in July 2015, modelled the overall reduction in government support by 30 to 40% over the life of the current parliament (2015/20). The incoming government's 'stability budget' in July appeared to confirm this subject to the comprehensive spending review taking place this autumn covering the period to 2020. At the time of writing the report neither the chancellors autumn statement nor the resulting local government settlement was available, however there had been a ministerial announcement that an overall 30% reduction in government funding for the Department of Communities and Local Government (DCLG) had been agreed. DCLG would have to convert its overall spending control total into a settlement for local government to cover:

- Revenue support grant (general grant).
- Business rates retention (general reward based retention).
- New homes bonus (general reward allocation based on new homes).
- Specific grants (e.g. housing benefit administration grant).

44.3 The council was, with other East Sussex authorities, part of a single business rates "pool" which allowed the council to increase its business rates retention over and above the national scheme (worth approximately £100,000 in 2015/16 and projected at £200,000 per annum thereafter). The additional retention supported growth initiatives in the council's capital programme.

44.4 The MTFS strategy set out a further 4 year rolling programme with savings targets of £2.7m recurring by 2019/20 (in addition to over £5m of recurring savings achieved in setting the 2011-2016 budgets). The overarching 'DRIVE' programme formed the basis of councils efficiency agenda and the sustainable service delivery strategy (SSDS) was a major component of the programme, which would deliver savings over the life of the current MTFS. The council's move towards shared services and integration with Lewes District Council was set to contribute a further £1m of savings over the next four years. These savings, together with savings from procurement and 'channel shift', provided the main emphasis of the current SSDS. The service and financial planning process was a rolling 3-year period to reflect the MTFS, which as well as providing £500,000 per annum to reflect growth in the capital programme was well developed to meet the overall target of £2.7m over the current cycle.

44.5 Consultation on the financial plans was underway and included the council's scrutiny committee, unions and staff as well as partner organisations and the public. A separate report was included on the agenda for this meeting on the corporate plan consultation and place survey (minute 43). Once the budget proposals had been adopted in February, service plans would be updated and resource allocations reviewed in the light of any changes required by corporate plan priorities or the budget. The council's performance management systems would be used to monitor progress with quarterly reports to cabinet.

44.6 The current strategy set out a rolling 3-year plan to:

- Deal with the anticipated reduction in the government support of a further 30% from the 2015/16 level.
- Integrate fully the service and financial planning process with the main change programmes under DRIVE.
- Work with clearly defined medium term efficiency targets to the corporate transformation programmes via the SSDS and allow services to put forward savings proposals in addition.
- Deal with unavoidable growth in service demands.
- Maintain front line services to the public.
- Make further recurring savings of £2.7m per annum by 2019/20.
- Maintain at least a minimum level of reserves of £2m.
- Use surplus reserves in the medium term for:
 - Invest to save projects.
 - Smooth the requirement for savings over the cycle of the MTFS.
 - Invest in one off service developments in line with the corporate plan.

- Benchmark fees and charges against the service standard where possible.
- Reinvest in value adding priority services when headroom is created.
- Set council tax rises at the level of target inflation (CPI target 2%).
- Maintain a strategic change fund to finance the DRIVE programme in order to increase efficiency.
- Maintain an economic regeneration reserve to finance external interventions that promote economic activity.
- Use borrowing to support the capital programme only on a business case basis.
- Continue the process of priority based budgeting to target investment and differential levels of savings targets at services according to priority.
- Identify new income streams to supplement diminishing resources.

44.7 The final settlement in respect of revenue support grant (RSG) and retained business rates for 2016/17 were not yet known, together with numerous other grant announcements not yet made. The following assumptions were made in the draft budget:-

Year	2015/16	2016/17
	£m	£m
RSG	(2.8)	(2.4)
Retained business rates/section 31 grants	(4.0)	(4.0)
Council tax freeze grant	(0.1)	0
New homes bonus	(1.1)	(1.3)
Council tax	(7.3)	(7.6)
Total	(15.3)	(15.3)

44.8 The service and financial planning had culminated in the four service areas presenting their plans to the cabinet and shadow cabinet in November. In response the challenge set out in the MTFs, the service and financial planning process had identified proposed savings of £0.553m (4% of net spend)) shown in appendix 1 to the report. These were categorised as:

	<u>£m</u>
Efficiency savings	(0.485)
Increases in income	(0.068)
Total	<u>(0.553)</u>

A total of £0.653 of service growth was proposed categorised as follows (appendix 2):

	<u>£m</u>
Corporate inflation	0.440
Reduced income targets	0.072

Other growth	<u>0.141</u>
Total	<u>0.653</u>

The draft budget assumed a rise in council tax for 2016/17 of 1.9% consistent with the MTFS. The proposals also included £546,000 of non-recurring service investment to be financed directly from reserves (shown in appendix 2 to the report).

44.9 The following summarised the effect of the proposed changes:-

	<u>Proposal</u> <u>£m</u>
Base budget 2015/16	15.2
Growth (outlined in para. 4.3 of report)	0.7
Savings (outlined in para. 4.2 of report)	(0.6)
Net budget requirement:	<u>15.3</u>
Funded By:	
Government grants/retained rates	(7.7)
Council tax (band D £224.19)	<u>(7.6)</u>
Total resources:	<u>(15.3)</u>
Forecast general reserve as at 31 March 2016:	£4m

It was recommended that should the resources allocated by way of retained business rates and RSG differ from the assumptions, the suggested strategy would be to make the additional resources available to the capital programme. Should the resources be less than the assumptions then they should first reduce the addition to the capital programme resources, then reduce the contingency by up to £100,000 and beyond that, a further review of the service and financial plans would be required to identify additional savings/reduced growth.

44.10 The council currently financed its capital programme from capital receipts and grants and contributions. There was currently £0.5m of internal identifiable capital resources available for the next 4 years. It was intended that any headroom created by the 2016/17 revenue budget would be reinvested in the capital programme. In addition to these resources, borrowing was permitted on a business case basis where savings or new income generated from a scheme could repay the capital costs. Additional individual schemes to be added to the capital programme linked to priorities would be developed as part of the development of the corporate plan in December/January and contained in the final budget and capital programme proposals to be agreed by the full council in February. It was also noted that unlike the council tax, the capital programme could be varied at any time and that there were duties under certain schemes to consult with those affected before schemes were commenced. As well as schemes financed from internal resources, the corporate plan would include schemes financed from external resources.

44.11 Councillor Mattock, on behalf of the cabinet, expressed her appreciation for the work undertaken by the chief finance officer, his team and other council staff in the preparation of the draft budget.

44.12 Resolved (key decision): (1) That the draft budget proposals be agreed for the purposes of for consultation.

(2) That the approach to dealing with changes in the expected resources available for the 2016/17 budget, as detailed in para. 5.3 of the report, be agreed.

(3) That, subject to there being no material change in the government settlement, cabinet is minded to propose a council tax rise of 1.9% for 2016/17 to make a band D charge £228.45 for council services.

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45 Council tax base and business rate income 2016/17 (KD).

45.1 Cabinet considered the report of the chief finance officer. The council was required to set its council tax base and the expected business rate income for the forthcoming year. These calculations were used as the basis for the amount of income the council will precept from the collection fund.

45.2 The council tax base for Eastbourne was calculated by multiplying the 'relevant amount' by the 'collection rate'. The relevant amount was the estimated full year equivalent number of chargeable dwellings within the borough. This was expressed as the equivalent number of 'band D' dwellings with 2 or more liable adults. The relevant amount had increased by 1,248 (3.75%) band D equivalent dwellings from 2015/16. This reflected expected growth in the number of taxable properties of 102 plus the effect of the changes to the council's local council tax reduction scheme (LCTRS). The effect of these changes had resulted in an increase to the total number of chargeable dwellings of 1,615.

45.3 The collection rate was the council's estimate of the proportion of the overall council tax collectable for 2016/17 that would ultimately be collected. This was expressed as a percentage. The current level of council tax collection and the forecast of a surplus balance on the collection fund indicated that the current collection rate of 97.75% would be adequate, however, after taking into account the impact of the LCTRS and other factors it was considered that the collection rate should be decreased to 97.25% for 2016/17. Taking the relevant amount of 34,556.4 and applying a collection rate of 97.25% produced a council tax base for 2016/17 of 33,606.1.

45.4 The Local Government Finance Act 2012 had introduced a new system for the local retention of business rates. This meant that the council was required to formally approve the expected business rate income for the forthcoming year. The estimate for the 2016/17 financial year must be approved by 31 January 2015. The report described how

the net rate income for 2015/16 would be calculated. The actual 'NNDR1' form for 2016/17 had not yet been received but the provisional figures based on the 2015/16 form plus known changes had been calculated and indicated a net yield of £34,690,000. The allocation would be in the proportion of:

- 50% to central government.
- 40% to the local billing authority (this council).
- 10% to the other precepting authorities (9% to the county and 1% to the fire authority).

45.5 As some local authorities collected more business rates than they currently received in formula grant (which was based on relative need and resources), whilst others were lower, the government would rebalance to ensure that no local authority was worse off as a result of its' business rates at the outset of the scheme though a system of tariffs and top ups. Tariff and top ups would be self funding and fixed in real terms (i.e. only up rated by RPI in future years) ensuring that changes in retained income were driven by business rate growth. This authority had a business rate baseline higher than its baseline funding level and thus was due to make a tariff payment.

44.6 The final amount of retained business rates to be credited to the general fund is calculated as follows:

2016/17 estimate	£'000
EBC share of business rate yield	14,457
Minus tariff	(10,119)
Minus levy	(499)
Minus estimated deficit on collection fund as at 31 March 2016	(685)
Add section 31 grants	792
Local retained business rate income 2015/16	3,947
2015/16 amount	4,024

These figures would be confirmed once the final NNDR1 has been completed in January and the government grant settlement figures received later this month.

45.7 The council worked within a business rate pool with the other East Sussex borough and district councils, East Sussex County Council and East Sussex Fire Authority. Under pooling, the levy as set out above would be payable to the pool rather than to the government, and redistributed to participating authorities in accordance with the agreed memorandum of understanding. This money would be used to fund economic development. The first half year monitoring of the pool showed that overall the forecast levy payments across all authorities was £1.321m (down £938,000 from the original NNDR1 figures supplied in

January). This reduction was due to all billing authorities except Wealden forecasting lower net rates payable than predicted, the significant impact on forecast appeals provisions arising from appeals by GP surgeries affected by a valuation tribunal decision and the large number of appeals lodged at the end of March 2015. Eastbourne's share of the pool was expected to be £49,000 (as against the £236,000 forecast in January).

45.8 As at 31 March 2015 the collection fund showed deficit of £1,342,171 (£447,357 council tax surplus and £1,789,529 business rates). £1,115,817 was being recovered across council tax and business rates preceptors during 2015/16, leaving a balance of £226,354 to be distributed in 2016/17. The council had to estimate the overall surplus/deficit at 31 March 2016 and inform the precepting authorities in January 2016 of this estimate in order that the amount was included in the 2016/17 precept figures. Current monitoring figures indicated a surplus by 31 March 2016 of £662,553 for council tax; this would be revised in January and the results reported to members as part of the budget report to the February cabinet.

45.9 The calculation on the business rate income element of the collection fund currently indicated a deficit balance of £1,711,700 as a result of a bigger than anticipated provision for outstanding appeals. The calculation would be revised for January and the results reported to members as part of the budget report to the February cabinet.

45.10 Resolved (key decision): (1) That a provisional council tax base of 33,606.10 be agreed for 2016/17.

(2) That a provisional retained business rates income amount of £3.947m for 2016/17 be agreed.

(3) That the chief finance officer, in consultation with the lead cabinet member for finance, be authorised to determine the final amounts for the council tax base and retained business rates income for 2016/17.

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<AI7>

46 Housing revenue account (HRA) 30 year business plan (KD).

46.1 Cabinet considered the report of the senior head of community informing them of the latest update of the housing revenue account (HRA) 30 year business plan and implications of recent government announcements relating to the operation of the HRA.

46.2 The 'self financing' regime for HRAs had been introduced in 2012, and since that time all local authorities had been expected to support all expenditure relating to its housing stock from its rental income. The council had received a one off £30m settlement payment to be used for debt repayment in order for the long term HRA business plan to be sustainable. The settlement was based on the HRA business plan being sustainable over 30 years.

46.3 There were a number of legislative changes proposed in the Housing and Planning Bill and the Welfare Reform and Work Bill that would have a financial impact for both the council and Eastbourne Homes Limited (EHL). The key points were:

- 1% reduction in social housing rents for four years.
- Sale of council housing high value assets.
- 'Pay to stay', where high earners would be expected to pay more rent.

The bill also proposed the extension of 'right to buy' to housing association tenants, which would be funded by the sale of council housing high value assets as noted above. All of these proposed changes would have an impact on the 30 year business plan, in particular the change to the rent policy. The business plan had therefore been re-modelled and a revised business plan produced. Early calculations indicated a reduction in rental income of £560,000 over the 4 years to 2020. Other factors impacting on the sustainability of the business plan included a reduction in EHL's management fee of £100,000; further potential efficiencies from collaborative working with neighbouring councils; the potential for an increase in right to buy sales as a consequence of pay to stay; changes in inflation and interest rates and impact on refinancing costs; and the cumulative impact of pressures upon public sector partners increasing demand for support to complex high need groups.

46.4 When making the self-financing settlement the government set a debt cap for each authority for the maximum amount of borrowing the HRA was allowed. The debt cap originally was set at £42.9m and since then an additional £0.3m borrowing approval had been received. The total HRA borrowing at 1 April 2012 was £36.7m giving head room of £6.5m for future borrowing. Once the current capital programme for the new build and empty homes programmes had been completed this head room would have been fully utilised and no further borrowing would be available to the HRA. The capital programme would therefore be limited to the major works programme of around £4.4m annually funded from the major repairs reserves for work on maintaining the existing stock, and a small sum for new stock funded from the element of the right to buy receipts set aside for replacement stock.

46.5 The council and EHL were working to fully understand the long term implications of the proposed changes and at this time there were still significant detail to be released on how the proposals would work in practice and be funded. The council and EHL would take the outcome of the financial impact and sustainability of the HRA business plan into account when setting the annual management fee for EHL, HRA budget and capital programme.

46.6 Resolved (key decision): (1) That the content of the report and work being undertaken to set a sustainable housing revenue account business plan be noted.

(2) That the senior head of community, in consultation with the lead cabinet member for community, respond to the government by outlining the long term implications of the proposed changes.

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<AI8>

47 Devonshire Park project (KD).

47.1 Councillors Jenkins and Freebody addressed the cabinet. Councillor Jenkins praised the project but asked about the impact on the council's total debt if all costs were funded by the council. Councillor Freebody indicated his group's support, acknowledged that the project was likely to benefit the town and endorsed the desire for external funding sources.

47.2 Cabinet considered the report of the senior head of regeneration, planning and assets seeking further decisions to advance this project. Cabinet on 18 March 2015, after consideration of the business case, had given approval to the scheme and agreed the necessary funding to proceed with RIBA stage 3 design and submission of the planning application. This was followed on 21 October when approval was given for funds to undertake RIBA stage 4 design works in advance of final scheme and funding authorisation.

47.3 The report detailed the council's vision and objectives underpinning the scheme and outlined the financial and economic benefits of investment. In developing and costing the scheme a process of prioritisation had been undertaken to achieve an affordable scheme and at the same time meet the council's objectives. The current estimate of cost for the scheme was c.£50m (against the forecast estimate of £40 - £42m at RIBA stage 2) as a result of additions and variations to the scheme design. A subsequent 'value engineering' exercise had reduced the scheme cost total to c.£44m. through a mixture of re-design, omission of non essential elements and use of alternative funding sources for certain items. The £44m budget now required to deliver the scheme was in addition to funding previously approved to achieve RIBA stage 2 (£950,000) and stages 3 and 4 (£1,925,000).

47.4 The report noted that there were 3 listed buildings on the site (Congress Theatre, Winter Gardens and Devonshire Park Theatre). These buildings had long term defects which would require sympathetic restoration intervention requiring Historic England approval and listed building consent. Following a period of negotiation and amendments to the scheme, Historic England had indicated support for the scheme subject to conditions regarding design details and materials. These were included in the planning and listed building consent granted by the council's planning committee on 24 November.

47.5 A key stakeholder in the in the project was the Lawn Tennis Association (LTA). The project would deliver significant improvements to the tennis court layout to accommodate increased court sizes and a new show court. The LTA was also keen to see significant improvements to the player facilities which they would contribute to.

47.6 The buildings, in particular the theatres, as currently arranged, presented significant challenges for disabled access. The approved design had successfully addressed these challenges and included a controlled access drop of point within the plaza.

47.7 The first construction phase of the project was scheduled to begin in summer 2016 and the overall project was programmed to complete in early 2020. During this period it would be necessary to close the Congress Theatre for 14 months, of which the last 6 months would overlap with the closure of the Winter Gardens. The construction procurement process would explore how the Winter Gardens could operate with a series of partial closures. A temporary modular kitchen would be located at the rear of the Winter Gardens as the current kitchen would be demolished at an early stage of the project. The works would have an impact on both the conference and show programmes and plans were being developed to address this and notify hirers. The Devonshire Park Theatre programme should not be affected and the Aegon Tennis tournament would continue throughout the construction phase and no other significant business interruptions were foreseen.

47.8 Details of scheme phasing, procurement, risk management, legal implications (including consideration of 'state aid' legislation and equalities were given in the report. Existing governance arrangements would remain in place. A summary of consultations undertaken to date was given in the report. In addition the council's scrutiny committee had reviewed the economic case for the investment at their meeting on 7 September 2015.

47.9 Capita Asset Services Ltd. Had been appointed to provide advice on the robustness of the business case, potential funding options and affordability. A final report was expected in the new year. Overall the scheme would cost the council in the order of £44m if all allowances for inflation and contingency were exhausted. In summary the implications for the councils finances were:

1. £1m of revenue to fund business interruption (set aside in March 2015).
2. Use of £12m - £20m of future capital receipts.
3. Use of the ongoing surplus created by the improved business following scheme completion to part finance the capital investment.
4. That the council plan recurring growth of £500,000 per annum in its capital financing (revenue) budget in the period 2016-2020 depending on 2 and 3 above and its overall capital programme.

The report also noted efforts made to secure outside funding focussing on the Heritage Lottery Fund, Arts Council England and the Local Economic Partnership. To date no funding commitments had been made, however discussions would continue.

47.10 Resolved (key decision): (1) That full council, at their meeting on 17 February 2016 and as part of their consideration of the 2016/17

budget, be recommended to approve the addition of £44m to the capital programme to complete the scheme, subject to final due diligence.

(2) That support for the Devonshire Park redevelopment scheme as presented in the report be confirmed.

(3) That officers be instructed to continue to seek external funding sources.

(4) That the appointment of the existing multi-disciplinary design team to complete the scheme be confirmed.

(5) That approval is given to the commencement of the public procurement processes referred to in this report to deliver the project and delegate the detailed development, management and approval of the public procurement processes to be followed and of all the procurement documentation required to deliver the project to the senior head of regeneration, planning and assets in consultation with the chief finance officer, the lawyer to the council, lead cabinet member and opposition spokesperson; such delegation to include approval to allowing exceptions to the council's contract procedure rules should that become necessary.

(6) That delegated authority to appoint all the contractors necessary to deliver the project be given to the senior head of regeneration, planning and assets in consultation with the chief finance officer, the lawyer to the council, lead cabinet member and opposition spokesperson.

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<AI9>

48 * Contract rules and procurements (BPF).

48.1 Cabinet considered the report of the senior head of projects, performance and technology seeking approval of revised contract procedure rules and to agree approaches to two key procurements. Local authority procurement was an evolving area which was subject to scrutiny and challenge. The current rules were approved in 2009 and now needed to be fully revised to ensure they reflected current law, best practice and the environment in which the council was now operating.

48.2 The 3 key reasons for revising the rules were:

- To reflect the Public Contract Regulations 2015, in force earlier this year.
- To achieve a standard set of rules for Eastbourne Borough Council, Lewes District Council and Eastbourne Homes Ltd.
- To enable a modern and responsive approach to procuring works, supplies and services.

48.3 The full revised rules were appended to the report. Key changes included:

- Simplification and standardisation of the contract value thresholds that determined the approach taken to procurement; with a higher threshold for low value procurements for which no specified number of quotes was required and provisions to ensure accountability for any direct awards of lower value contracts.
- Updating the rules around advertising contracts to reflect the requirements of PCR 2015. These were outlined in section 7 of the rules.
- A 'digital by default' approach to tendering, meaning that tenders would be advertised online and responses would be submitted via an electronic tendering system, thus removing the outdated need for hard copies to be submitted and recorded in a tender opening book.
- Clear rules stating that disposal of land via sale or lease must only happen after auction, invitation of tenders or expressions of interest following public advertisement, in at least one newspaper circulating in the district, unless specifically authorised by cabinet.

The council's monitoring officer and the audit and governance committee (at their meeting on 2 December 2015) had both considered the revised rules and had recommended approval.

48.4 The report then considered the approach to two particular procurements. First, energy procurement, as existing gas and electricity contracts were due to end in 2016. A review had been undertaken which had recommended choosing East Sussex County Council (ESCC) for reasons of cost and the provision of additional useful services. The estimated total cost of the contract was £65,000, so it was comfortably under the OJEU thresholds and therefore within cabinet's authority to authorise a direct appointment. Second, in respect of software to operate the community infrastructure levy (CIL) (which was a planning charge, introduced by the Planning Act 2008 as a tool for local authorities to help deliver infrastructure to support the development of their area). It was important that CIL funds were properly administered to ensure they were used for the agreed purpose and were clearly auditable. It was also proposed that this facility be shared with Lewes District Council who had already agreed to purchase CIL software linked to their existing planning case management system. Given the intention to enter into a shared service, and the lack of a product from the council's supplier, an exception to contract rules was recommended in order to appoint Exacom Systems to provide the council with CIL/s.106 software. The estimated contract value was £45,000 so it was comfortably under the OJEU thresholds and therefore within cabinet's authority to authorise a direct appointment.

48.5 * Resolved (budget and policy framework): (1) That full council be recommended to approve the new contract procedure rules.

48.6 Resolved (key decision): (2) That an exception to the existing contract procedure rules be authorised in order to appoint East Sussex County Council directly to procure the council's energy supply and manage the council's energy services.

(3) That an exception to the existing contract procedure rules be authorised to procure the same software solution as Lewes District Council to manage community infrastructure levy payments as part of a shared service.

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<AI10>

49 Employment land local plan (KD).

49.1 Cabinet considered the report of the senior head of regeneration, planning and assets. The requirement for an employment land local plan (ELLP) arose from an inspector's ruling in relation to the council's core strategy local plan which had been considered at a public inquiry in 2012. The plan would guide job growth and economic development in Eastbourne up to 2027 by identifying an appropriate supply of land for future employment development.

49.2 A proposed submission ELLP had been approved by cabinet on 10 December 2014 for the purposes of an 8-week consultation on issues of soundness. Nineteen representations, including significant representations from Sovereign Harbour Limited (SHL), had been received and had resulted in some changes being made to the plan and supporting documents. A schedule of changes made to the plan was provided in an appendix to the report. As a result a revised proposed submission ELLP now needed to be published to allow for representations to be made on issues of soundness before it could be submitted for examination.

49.3 The strategy contained within the plan to deliver the employment floor-space required proposed:

- 20,000 sq.m. of industrial and warehouse floor-space through the intensification of the existing industrial estate.
- 3,000 sq.m. of office floor-space in the town centre.
- 20,000 sq.m. of office and light industry floor-space at Sovereign Harbour.

49.4 Resolved (key decision): (1) That the revised proposed submission employment land local plan be approved for publication for a 6-week period to receive representations on issues of soundness.

(2) That the senior head of regeneration, planning and assets be given delegated authority, in consultation with the lead cabinet member, to make minor amendments before the commencement of the representation period.

(3) That following the end of the representation period, the senior head of regeneration, planning and assets be given delegated authority, in consultation with the council's local plan steering group, to submit the employment land local plan to the secretary of state for public examination.

(4) That the senior head of regeneration, planning and assets be given delegated authority, in consultation with the lead cabinet member to authorise public consultation on proposed modifications as a result of the examination, if necessary.

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<AI11>

50 Review of safeguarding children and vulnerable adult policy (KDGE).

50.1 Councillor Freebody addressed the cabinet commenting on the need to amend appendix E to the proposed policy (allegations against staff and councillors) so as to clarify the arrangements to be adopted in the case of allegations against a councillor.

50.2 Cabinet considered the report of the senior head of community seeking agreement to proposed revisions to the council's safeguarding children and vulnerable adult policy. A review of the council's policy and procedures had been carried out to ensure that these complied fully with the latest legislation and guidance. Reference had also been made to the current Lewes District Council safeguarding policy to ensure this aligned as closely as possible. A revised policy was appended to the report.

50.3 A key amendment to the policy was the introduction of the role of safeguarding contacts. It is proposed that a minimum of five team leaders, service managers or specialist advisors were nominated to play a lead and supportive role in the identification, recording and reporting of safeguarding concerns. Details of other amendments were summarised in the report. The East Sussex Local Safeguarding and Children's Board and the East Sussex Safeguarding Adults Board would be consulted. Lewes District Council and Eastbourne Homes Ltd. would also be asked for their views.

50.4 Resolved (key decision): (1) That the recently undertaken review of the council's safeguarding children and vulnerable adult policy be noted.

(2) That the senior head of community be given delegated authority, in consultation with the lead cabinet member, to approve amendments to the policy (including amendments to appendix E as noted above), subject to consultation with the local safeguarding and children's board and the safeguarding adults board.

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<AI12>

51 * Gambling policy (statement of principles) 2016-2019 (BPF).

51.1 Cabinet considered the report of the senior specialist adviser. The Gambling Act 2005 required the council's policy to be reviewed at least every 3 years. As the licensing authority, the council was responsible for issuing premises licences for casinos, bingo premises, adult gaming centres, family entertainment centres and betting premises as well as

licensing all types of gaming machines and certain types of lottery. The required objectives for the council's policy were:

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

51.2 Details of consultations undertaken and responses received were given in the report. A small number of changes were made to the existing policy. In summary the amendments changed grammatical errors required to provide greater clarification and included an allowance in several paragraphs, for future legislative amendments or guidance from the Gambling Commission. The council's licensing act committee had been consulted upon and had agreed the revised policy at their meeting on 5 October 2015.

51.3 * Resolved (budget and policy framework): That full council be recommended to approve the Council's Gambling Policy (Statement of Principles) 2016 – 2019 which will form the council's approach to gambling matters under the Gambling Act 2005 for the next three years, unless reviewed in the interim.

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<AI13>

52 Review of policies: (1) Street trading; (2) Sex establishments. (KD).

52.1 Cabinet considered the report of the senior specialist adviser seeking approval to updated policies in respect of street trading and the control of sex establishments in Eastbourne.

52.2 The council currently regulated street trading under the provisions of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. This permitted the council, among other things, to designate streets as "consent streets" or "prohibited streets" for trading purposes. A key objective was to increase the vibrancy and vitality of the town, in particular the town centre. (The policy did not cover pedlars certificates, which were issued by Sussex Police to individuals to sell their goods from a mobile unit, moving from location to location.).

52.3 The council regulated sex establishments such as lap dancing clubs and other places of sexual entertainment under the provisions of the Policing and Crime Act 2009, and schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

52.4 Consultation took place between 1 July and 24 September 2015. No feedback was received to either consultation. The council's general licensing committee agreed the policies at their meeting on 5 October 2015.

52.5 Resolved (key decision): (1) That the street trading policy be approved.

(2) That the sex establishment and encounter policy be approved.

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<AI14>

53 Exclusion of the public.

Resolved: That the public be excluded from the remainder of the meeting as otherwise there was a likelihood of disclosure to them of exempt information as defined in schedule 12A of the Local Government Act 1972. The relevant paragraphs of schedule 12A and descriptions of the exempt information are shown beneath the items below. (*The requisite notice having been given under regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.*)

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<AI15>

54 Community grants - Major and housing grants 2016/17 to 2018/19 (KD).

54.1 Cabinet considered the report of the senior head of community seeking approval to the allocation of major and housing grants for the 3-years 2016/17 to 2018/19. The community grants programme was split between major grants and housing grants which were awarded for a three year period and small grants of up to a maximum of £10,000 which were awarded for one year only. These grants were awarded in line with the council's community grants policy which was last reviewed and updated by cabinet on 8 July 2015.

54.2 The cabinet agreed that major grants of £203,000 be awarded to address the following priorities:

- Advice and financial inclusion services.
- Youth engagement and activities.
- Services to homeless people.
- Support for voluntary and community organisations.

In addition, housing grants of £56,500 would be allocated to services aimed at preventing homelessness.

54.3 Ten eligible expressions of interest were received from voluntary and community organisations. Applications totalling £376,879 were subsequently received and assessed by the council's grants task group who recommend that grants be awarded as follows:

Advice and financial inclusion services

- Eastbourne CAB - £115,000
- Shinewater Shaftesbury Centre - £4,000

Youth engagement and activities

- Eastbourne and Wealden YMCA - £40,000

Services to homeless people

- Salvation Army - £30,000

Support for Voluntary and Community Organisations

- 3VA - £14,000
- Housing advice/homelessness prevention
- BHT Eastbourne Advice - £56,500

54.4 It was not possible to fund all of those applying or to offer the full amount requested. A number of the organisations currently receiving major grants had applied for an increase in funding. However, this could not be offered within the £259,500 budget available. The recommendations set out above maintained the current level of funding for those organisations which applied which were currently in receipt of major grants in recognition of their valuable services. The recommended increase to the Salvation Army reflected their financial need to be able to continue delivering their service, the high quality of service provided and impact on the wider community and the increasing need for this service. The award of £4,000 recommended for Shinewater Shaftesbury Centre was to help maintain this service and provide match funding to help the organisation lever in grants from other sources.

54.5 Resolved (key decision): That major and housing grants be awarded in accordance with the recommendations of the grants task group as listed above.

(Note: This minute was made public following notification to the grant recipients.)

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<AI16>

55 Summary of confidential proceedings.

(Note: The full minutes of the under-mentioned items are set out in the confidential section of these minutes. The reports remain confidential.)

</AI16>

<AI17>

(a) Redundancy and redeployment policy - activity update.

Cabinet noted that 2 employees were currently subject to the procedure at present. They noted the actions taken to manage implications of change for displaced individuals through support, redeployment and assistance with self marketing under the redundancy and redeployment procedure and the use of the procedure in managing the change resulting from implementation of phase 2 of Future Model.

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

</AI17>

<AI18>

(b) Corporate assets - investment (KD).

Cabinet agreed the acquisition of the property based on terms set out in the report subject to agreement of terms and all due diligence. The senior head of regeneration, planning and assets was given delegated authority, in consultation with the lead cabinet member, to acquire the property either as a pure asset or as part of an asset holding vehicle. The decision was in line with the council's corporate plan and medium term financial strategy (MTFS). The acquisition would enable the council to ensure the long term future of an important asset and further investment and development of the site would deliver regeneration and community benefits and potentially homes. Confidentiality was required at this early stage to protect the Council's interests in future negotiations and allow for the formulation of a communications strategy to engage with relevant stakeholders.

Exempt information reasons: 3 - information relating to the financial or business affairs of any particular person (including the authority holding that information) and 5 (information in respect of which a claim to legal professional privilege could be maintained in legal proceedings).

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<AI19>

The meeting closed at 7.56 pm

Councillor Gill Mattock
Deputy chairman

Tuesday, 5 January 2016
at 6.00 pm



Conservation Area Advisory Group

PRESENT:-

Councillor Rodohan (Chairman) and Councillors Belsey, Smart and Swansborough

OFFICERS:

Mrs S Leete-Groves, Specialist Advisor (Conservation)

ADVISORS:

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

35 Minutes of the meeting held on 17 November 2015.

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

36 Apologies for absence.

None were reported.

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

Councillor Belsey and Mr Crook declared a personal interest in application 151289, Royal Hippodrome Theatre and remained in the room but did not take part in the discussion.

38 Planning Applications - Decisions of the Borough Council.

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

NOTED.

39 Planning Applications for Consideration.

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

1) 151050, THE CONGRESS HOTEL 31-41 CARLISLE ROAD

Heritage Value: College Conservation Area

Proposal: Reconstruction of the roof of this hotel to provide additional residential accommodation.

CAAG Comments: The Group raised objections to the proposal and considered that it would not enhance or preserve the historical and architectural character and appearance of the surrounding conservation area. The Group added that the Congress Hotel made a positive contribution to the area and was a fine example of Victorian architecture. It was recommended that the applicant explore an alternate location within the current built form for the additional space required that would not result in adverse harm to the character or appearance of the surrounding area. The Group suggested that the applicant explore the possibility of using the roof space at the rear of the building.

2) 151289, ROYAL HIPPODROME THEATRE, 106-112 SEASIDE ROAD, BN21 3PF

Heritage Value: Listed Building & Town Centre and Seafront Conservation Area

Proposal: Internal alterations at ground floor level.

CAAG Comments: The Group raised no objections and welcomed the scheme, which would be an improvement to the entrance foyer of the theatre.

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

3) 151370, 10 PARK CLOSE, EASTBOURNE

Heritage Value: The Park Close Conservation Area

Proposal: Single and two storey side and rear extensions.

CAAG Comments: The Group felt that the proposal would result in little or no harm to the existing character and appearance of the immediate or wider area, subject to the proposed materials matching what currently existed.

4) 151355, FAIRMEAD, KING EDWARDS PARADE, EASTBOURNE, BN20 7XB

Heritage Value: Meads Conservation Area

Proposal: Erect balcony at front.

CAAG Comments: No objections raised.

NOTED.

40 Seafront Window Survey.

The Specialist Advisor (Conservation) gave an update to the Group on the window survey of properties on the seafront. They were advised that the Specialist Advisor (Planning) had prepared a draft survey and this would be circulated to the Group following the meeting.

The Group discussed the issue and agreed that the aim of the survey would be to provide a clear indication about what windows currently existed on the properties on the seafront and provide a reference when considering future applications.

It was agreed to defer this item to the next meeting of the Group, to allow the Specialist Advisor (Planning) to present the work that had been undertaken so far and discuss options going forward.

NOTED.

41 New Listings

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

NOTED.

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

The date of the next meeting was confirmed as the 16 February 2015.

The meeting closed at 7.01 pm

Councillor Rodohan (Chairman)

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Tuesday, 5 January 2016
at 6.00 pm



Planning Committee

Present:-

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

113 Minutes of the meeting held on 24 November 2015.

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

114 Apologies for absence.

There were none.

115 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.

116 2a St Marys Road. Application ID:151011 (PPP).

Redevelopment of site to provide 3no. self-contained flats with three undercroft parking spaces – **OLD TOWN**. Four objections had been received.

The observations of the East Sussex County Council Highways Department were summarised within the report. The Specialist Advisor for Planning Policy made no response.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Commencement of development within three years 2) Development in accordance with the approved plans 3) Submission of samples of materials 4) Details of entrance gates, and permanent set back of 5.5m from highway 5) Provision of parking spaces before occupation and permanent retention 6) No guttering to be fixed onto or on top of the wall adjoining Gore Park Avenue 7) Restriction on building work hours.

117 6 Wedderburn Road. Application ID: 151149 (HHH).

Two storey extension at side, and single storey extension at rear – **RATTON**. Six letters of objection and one of support had been received. The relevant planning history for the site was detailed within the report.

The applicant had submitted revised drawings which were in direct response to questions raised by interested third parties and related to drainage and parking issues. Some residents had raised issues over the late posting of amended drawing on the Council's website.

Members noted that the applicant had supplied an additional supporting statement outlining that the accommodation was needed to meet the requirements of a growing family.

The applicants had supplied a structural report outlining how the extension could be built without compromising the integrity of the boundary fence/wall. The applicants acknowledged that, given the proximity to the existing boundary, a party wall agreement would be required and were happy to accept a condition with regard to the obscure glazing to the flank window.

Members noted some factual inaccuracies in the report at page 18, site description which stated that 'the plot rose left to right (viewed from the front)'; this should have read 'rising from right to left when viewed from the front'.

At page 21, at the top of the page, the report stated 'a refusal based on lack of off-street parking or the displacement of parking on to the local highway network could be justified.' It should read could NOT be justified.

Mrs Dinc addressed the committee in objection stating that other extensions in the area had been rejected, the bulk and height of the proposal was out of keeping with the surrounding area and would infringe on space and privacy.

Mr Brabner addressed the committee in objection stating that he was concerned that excavation on the site would damage the footings to his property and the extension would overshadow his kitchen and garden.

Mr Coffey, agent for the applicant, addressed the committee in response stating that the neighbours' amenity would be safeguarded, with no significant overlooking or overshadowing.

RESOLVED: (By 5 votes to 4 on the Chairman's casting vote) That permission be granted subject to the following conditions: 1) Time Limit 2) matching materials 3) No PD windows 4) Construction times 8:00 a.m. and 6:00 p.m. on Mondays to Fridays and 8:00 a.m. and 1:00 p.m. on Saturdays and that no works in connection with the development shall take place on Sundays or Bank/Public Highways 5) High level window to ground floor extension fitted with obscure glazing and fixed shut 6) The use of the extension hereby approved shall only be used for purposes incidental/ancillary to the main property at No 6 Wedderburn Road and shall not at any time become a primary or independent unit of residential accommodation.

118 12 Carew Road. Application ID: 151200 (HHH).

Erection of an upper ground floor extension above existing lower ground floor extension – **UPPERTON**. One letter of support had been received. The committee was advised that a further letter supporting the application had been received. The relevant planning history for the site was detailed within the report.

Councillor Rodohan, Ward Councillor, addressed the committee stating that the proposal had limited views from the public highway and that neighbours had not objected.

RESOLVED: (By 5 votes to 1 with 2 abstentions) That permission be granted subject to the following conditions: 1) Time 2) Materials 3) No windows in flank walls.

119 14 Maple Road. Application ID: 151006.

Application seeking retrospective planning permission for the retention of a biomass boiler, flue, and associated housing within the car park together with a 2.1 metre high boundary fence and lowering of the associated boiler pipework below and behind the top of the fence. (Amended description) – **ST ANTHONYS**. Three objections had been received.

Members were advised that a previous application had been submitted to retain the biomass boiler. This application was withdrawn following a committee resolution to refuse planning permission as insufficient information had been submitted to show that the biomass boiler was not having a detrimental impact on surrounding residential properties.

This application was the result of an enforcement investigation into the siting of the structure containing the biomass boiler. The investigation commenced following a complaint from a member of the public that the structure had been erected at the end of September 2014. In accordance with the Council's Enforcement Policy, Brewers were advised to submit a planning application to retain the works.

The observations of the Specialist Advisor for Pollution and Licensing were summarised within the report.

RESOLVED: (Unanimous) That this application be deferred pending the receipt of further information on the pollution issues at the site and that a further round of consultation be undertaken.

120 41 Pevensey Road. Application ID: 151227.

Proposed conversion of a previously approved 2-bedroom ground floor flat into 2no. 1-bedroom self-contained flats for single occupancy including a new single storey rear extension – **DEVONSHIRE**. The relevant planning history for the site was detailed within the report.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Permission must be implemented in accordance with the following approved plans:

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At no time shall there be any changes to the internal layout of the flats hereby approved unless previously agreed in writing by the Local Planning Authority 2) The development must be completed by undertaking works to remove the internal partition wall that presently exists within unit 2 and is not shown on the approved plans. This work must be undertaken within a period of six months of the date of this decision. No part of the unit shall be occupied until these works had been completed.

Informative:

Condition 1 of this permission has been added to prevent the re-erection of the wall that must be removed under condition 2 of this permission. It does not prevent future building works to the unit in question as long as the general layout hereby approved by this permission is retained.

121 Unit 1, Hawthorn Road - Birchwood Skoda. Application ID: 151206 (PPP).

Conversion and change of use of part of existing service retail/car showroom (Sui Generis) to Class A1 retail unit; Incorporating new fire exit and external air conditioning units – **ST ANTHONYS**.

The relevant planning history for the site was detailed within the report. The observations of the Specialist Advisor for Planning Policy were also summarised.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Time Limit 2) Approved Drawings 3) Notwithstanding the provisions of the Town and Country Planning Use Classes Order the retail store hereby approved shall only trade furniture and not be permitted to retail to any extent (other than ancillary) any items from the following list unless the end user has been named and agreed in writing by the Local Planning Authority:

- Fashion; Footwear; Sportswear & Sports Equipment; Children's Clothing and Toys

122 3-5 Wilmington Gardens, Courtlands Hotel. Application ID: 151134.

Change of use to convert a 45 bedroom hotel to a 14 bedroom guest house hotel with owner's accommodation and 15 residential apartments – **MEADS**.

Planning committee had previously considered this proposal on 6 January 2015 for the change of use of the existing hotel at 14 Wilmington Gardens to 1 x 14 bedroom hotel with ancillary owners accommodation and 15 residential units. At this time the committee agreed that the application should be returned to members for consideration following the receipt of viability evidence from the district valuer.

Following the January 2015 committee meeting the applicant subsequently appealed against non-determination under Section 78 of the Town and Country Planning Act. This appeal was considered and decided in the course

of 2015. In the absence of a response from the district valuer, the Council took advice from BPS Chartered Surveyors, which generally supported the applicants' position that the hotel accommodation was not viable in its existing form.

In considering the non-determination appeal the Inspector found that the applicant had successfully demonstrated in its own evidence that in light of site specific issues the existing hotel accommodation was not viable as a going concern, and as such a conversion of the premises to a partial hotel use and partial residential use fulfilled the requirements of Policy TO1 and TO2 of the Eastbourne Borough Local Plan. The Inspector also made an award of costs against the Council, finding that it had acted unreasonably in defending the appeal in light of the viability evidence put before the Inspector.

The policy context and planning history were assessed in the previous committee report, attached as annex 1 of the report.

The committee was advised that a statement from the Eastbourne Hospitality Association (EHA) had been received and was summarised as follows:

As with the first application EHA fully supported this proposal. Since the first application all of the substantive issues had been assessed by the appeal inspector and had been ratified by the Council's hotel survey and seafront strategy. The scheme would have a beneficial impact upon the conservation area and also provided the type of accommodation needed by delegates visiting the proposed new conference facilities at Devonshire Park.

Mr Weir, Chairman of the Eastbourne Hotel Association addressed the committee stating that there was a need for this type of accommodation in Eastbourne, as there were currently too many bed spaces resulting in low room rates, which did not support the tourism economy in Eastbourne.

RESOLVED: (By 1 vote with 7 abstentions) That permission be granted subject to the completion of a section 106 agreement securing the following measures:

- An affordable housing contribution of £35,656
- A household waste and recycling facilities contribution of £345
- Agreement that the half of the residential units will not be occupied until completion of the hotel element of the scheme.

And conditions as follows: 1) You must apply to us for approval of how waste and recycling is to be stored on site in the final development. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the proposed development 2) You must provide the parking spaces shown in accordance with the layout shown on plan number 795201/15/07 rev A B. The parking spaces shown may only be used by residents and visitors to the approved accommodation and may not be used for any other purpose 3) You must provide the car parking spaces shown on drawing number 795201/15/07 rev A B prior to the first occupation of the hotel and tourist

accommodation use hereby approved by this permission 4) You must provide details of refurbishment measures to the hotel/guesthouse element of the scheme submitted to the local planning authority for the approval of the local planning authority. These details should include:

- details of redecorations and internal fixtures and fittings (to include including bathing and sanitary ware)
- details of the new stair access

5) You must not start work on any part of the refurbished hotel/guest-house until we have approved what you have submitted, and you must implement this permission in accordance with details approved under the terms of this condition No 4 6) You must provide details of secure cycle parking to be approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times. You must not start work on the relevant part of this development until we have approved what you have sent us 7) The lower ground floor flat of the guesthouse accommodation shown as residential accommodation on the approved plans must only be used by staff of the guesthouse hereby approved and must not be used as a self-contained residential unit in its own right 8) You must implement this planning permission in accordance with the following drawings approved as part of this application:

795201/14/07 amendment A B (site location plan)		
795201/EXG01	795291/EXG02	795201/EXG03
795201/EXG04	795201/EXG05	795201/EXG06
795201/EXG07	795201/EXG09	795201/EZG10
795201/C/01 rev B	795201/C/02 rev B	
795201/C/03	795201/C/04	795201/C/05
795201/C/06	795201/C/07	795201/C/08

123 23-25 Royal Parade, East Beach Hotel. Application ID: 150965.

Retention of existing UPVC windows to front (south east) and side (south west) elevations (retrospective) – **DEVONSHIRE**. One letter of objection and 28 letters of support had been received.

The relevant planning history for the site was detailed within the report. The observations of the Specialist Advisor for Conservation and the Eastbourne Hospitality Association were also summarised.

At its meeting on 6 October 2015 the Conservation Area Advisory Group expressed a concern that the replacement UPVC windows installed were out of keeping with the surrounding area.

Two petitions, one of 36 signatures and one of 101 signatures had been received from Inspirations group, customers of the East Beach Hotel and the Eastbourne Hospitality Association respectively, in support of the application. Three further letters of support were also reported, including one from Councillor Holt.

Mr Weir, Chairman of the Eastbourne Hotels Association, addressed the committee in support stating that the policy on UPVC windows was merely guidance for the committee and that a number of other hotels west of the pier had replacement UPVC windows. Mr Weir also stated that the East Beach hotel was not a listed building.

Mrs Cowderoy, owner of the East Beach Hotel, addressed the committee stating that the 'tilt and turn' windows had been added to improve safety and security for guests.

Members discussed the application and agreed that the replacement windows were unsuitable and not appropriate in the building as the appearance of the hotel had been changed substantially.

The committee agreed that the reinstatement of the windows could be phased to floor by floor during the winter months.

RESOLVED: (By 7 votes with 1 abstention) That permission be refused and enforcement action authorised on the grounds that: Because of its bulk, materials, method of opening and detailed design the replacement UPVC windows would detract from the setting and appearance of the building of local interest and the Town Centre and Seafront Conservation Area. This is contrary to Section 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework 2012; Policies B2 (Creating Sustainable Neighbourhoods) D10 (Historic Environment) and D10A (Design) of the Core Strategy 2013; and Saved Policies UHT1 (Design of New Development) UHT4 (Visual Amenity) UHT15 (Protection of Conservation Areas) and UHT18 (Buildings of Local Interest) of the Eastbourne Borough Plan 2001-2011.

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.

124 Land at Sumach Close. Application ID: 151170.

Erection of a three storey building consisting of 13 flats (8 x 2 bed and 5 x 1 bed). Amended Description – **HAMPDEN PARK**. Three letters of support and seven letters of objection had been received. One further letter of objection was reported at the meeting.

The committee was advised that Southern Water had requested that a foul and surface water condition be imposed on any approval.

The observations of the East Sussex County Council Highways department, Specialist Advisor for Planning Policy and the Strategy and Commissioning Officer for Regeneration were summarised within the report.

RESOLVED: (Unanimous) That permission be granted subject to a satisfactory legal agreement to cover local employment initiatives and the following conditions: 1) Time for commencement 2) Approved drawings 3) Samples of proposed materials 4) Refuse/recycling storage (details submitted and to be provided prior to occupation) 5) Landscaping/planting

6) Wheel Washing 7) Surface Water drainage (Highways) 8) Parking provision (laid and provided before occupation) 9) Cycle Parking (details submitted and to be provided prior to occupation) 10) SUDS 11) The residential units hereby approved shall be retained in perpetuity as affordable rented accommodation unless previously agreed in writing by the Local Planning Authority 12) Position of services 13) Re-planting of trees have been requested by the Specialist Advisor for Arboriculture.

125 Upwick Road Drainage. Application ID: 151192 (VCO).

Variation of condition 11 of permission EB/2011/0193(FP) for the demolition of the garages to the rear of 2-8 Upwick Road and the erection of 6 houses and garages, parking spaces, landscaping and amendments to vehicular access from Upwick Road, and external alterations to 2/ 4 Upwick Road to remove the entrance door at the side and form a new entrance door at the front. Variation sought: the disposal of foul water from the site into the existing drain at the rear of 7 Dillingburgh Road – **OLD TOWN**. Two letters of objection had been received. Three further letters of objection were reported at the meeting.

The relevant planning history for the site was detailed within the report. The observations of Southern Water Services Ltd were also summarised.

The committee was advised that the applicant's legal advisors had outlined that Southern Water had confirmed that the sewers could be considered for adoption by them but that the applicant would need to apply for formal adoption. In addition they confirmed that an easement had been agreed with the occupiers of 7 Dillingburgh Road in order to allow continued access.

Members were reminded that the applicants had discharged the details in relation to foul and surface water disposal under application 140155 This approval had the site being drained via a soakaway for the surface water and the foul water being discharged via a pumped system into Upwick Road. The pump chamber had been installed 3.5m closer to Upwick Road. The applicants acknowledged that the new location had not been agreed by the Council but has been installed in the location on site as the most practical way of installation given the proximity of the agreed location to the existing new dwelling house.

The applicants acknowledged that to install ground works at this stage of the development was not ideal but contended that the location of the pump chamber was as close as was practicable to the approved location and would, if supported, enable the site to be drained to Upwick Road in the manner to which it was originally sought.

Councillor Coles, Ward Councillor, addressed the committee in objection stating that the adoption of the sewer had not yet been confirmed.

Mr Johnson, agent for the applicant, addressed that committee in response stating that an access agreement had been made with 7 Dillingburgh Road and Southern Water had confirmed they would adopt the sewer.

RESOLVED: (Unanimous) That permission be refused on the grounds that the application has not been accompanied with details to demonstrate the suitability and capacity of the existing drainage run to absorb additional connections. In addition the application has also failed to supply/demonstrate details to control/mitigate the potential risk of localised flooding and blockages within the immediate area, nor provide details that the sewers will be adopted as 'public sewer' by the appropriate statutory undertaker. In the absence of this information it is likely that the proposal may have an adverse impact upon the amenities currently enjoyed by the occupiers of nearby residential properties and also by the future occupiers of these new properties by reason of localised flooding and blockages of the local sewer network 2) The gravity system as proposed by this application remains unacceptable and should be refused for the reasons as highlighted 3) That Members defer Enforcement Action in relation to the siting pump chamber and give the applicant the opportunity to rectify the breach of planning control (pump chamber and vents not in accordance with the approved details) 4) Failure to remedy the breach of planning control either by way of re-siting or revised application would result in a sustained breach of planning control and in these circumstances then Enforcement Action be authorised to secure compliance.

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.

126 Land within the curtilage of 4 Walnut Tree Walk. Application ID: 151007 (PPP).

Erection of a detached dwelling with integral garage – **RATTON**. 24 letters of objection and one of support had been received. One further letter of objection was reported at the meeting.

The relevant planning history for the site was detailed within the report. The observations of the Estate Manager, Specialist Advisors for Arboriculture and Conservation and East Sussex County Council Highways department were also summarised.

Members were advised of a letter from the agent addressing concerns / objections raised, summarised as follows:

- The Council's Arboriculturist did not make any actual objection to the development, having raised concerns which were now addressed by the clients Arboriculturist.
- The applicant did not understand the involvement of the Conservation Officer, as it was not a conservation area and there were no listed buildings nearby; it was a nice street but not in a conscious plan of Arts and Crafts design.
- The site was not designated open space; historically, the land was clearly a plot which was meant to be developed (as was no.4)

A response to the agent's letter from the Council's Arboriculturist had been received confirming that his recommendation was that the application be

refused on the grounds of the effect on preserved trees and that there was no space to reposition other trees because they could not reach maturity.

Mrs Clancy addressed the committee in objection stating that she had concerns about road safety on and near the application site and the capacity of the soakaway for the area.

Mr Barnhoorn addressed the committee in objection stating that he was concerned about potential damage during the development, and that the proposal was an overdevelopment of the site.

Councillor Belsey, Ward Councillor, addressed the committee in objection stating the proposal was an overdevelopment and would detract from the attractive entrance to the estate.

RESOLVED: (Unanimous) That permission be refused on the grounds that the proposed development would have an adverse impact on the character and appearance of the Area of High Townscape Value by reason of the loss of an open amenity area, the loss of trees and adverse impact on preserved trees, in addition to its inappropriate siting and design. It therefore conflicts with policies B2, C12, D10 and D10a of the Eastbourne Core Strategy Local Plan 2013, policies UHT1, UHT4, UHT16, HO6 and NE28 of the Eastbourne Borough Plan Saved Policies 2007, and paragraphs 56 and 60 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.

127 Appeal Decision - 153 Victoria Drive.

The committee noted the outcome of the appeal relating to 153 Victoria Drive and the award of costs against the Council by the Planning Inspector.

NOTED.

128 South Downs National Park Authority Planning Applications.

There were none.

The meeting closed at 9.28 pm

Councillor Murray (Chairman)

Monday, 1 February 2016
at 6.00 pm



Scrutiny Committee

Present:-

Members: Councillor Smart (Chairman) Councillor Ungar (Deputy-Chairman)
Councillors Blakebrough, Miah, Rodohan, Sabri and Smethers

18 Minutes of the meeting held on 7 December 2015.

The minutes of the meeting held on 7 December 2015 were submitted and approved, and the Chairman was then authorised to sign them as an accurate record.

19 Apologies for absence.

Councillor Murray.

20 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.

21 Matters Arising.

The Chairman requested that the Local Democracy Officer update the committee on the Annual Scrutiny programme actions from the 7 December 2015 committee.

A27 - The committee was advised that as yet no response had been received from Highways England regarding the proposed special meeting to discuss the improvements to the A27. That Chairman confirmed that he would contact Caroline Ansell, MP to request her assistance in encouraging a response from Highways England.

Towner – The Local Democracy Officer proposed a more detailed discussion regarding the Towner review at the next Scrutiny Monthly meeting on Wednesday 3 February 2016.

The Deputy Chief Executive confirmed the current Capita report had been distributed to Members prior to the meeting.

Following the presentation at the last Scrutiny committee members had agreed to conduct a review into the financial impact and impact on joint working following the introduction of the emerging Local Policing Programme. As yet the timescale had not been agreed and the Local

Democracy Officer agreed to contact the District Commander to discuss this further.

NOTED.

22 Corporate Performance Quarter 3 2015 - 2016.

Members considered the report of the Deputy Chief Executive and Senior Head of Corporate Development and Governance updating Members on the Council's performance against Corporate Plan Priority actions, indicators and milestones for Quarter 2 2015/16.

The committee was advised that Appendix 1 to the report provided a detailed report on the 2015/16 activities and outturns of the performance indicators listed within the Corporate Plan.

Of the 23 key Performance Indicators reported this quarter, 3 were currently showing as red, 10 were showing as green, 4 were showing as amber and 6 were data only or contextual PIs. The off target PIs were:

- CD_008 – Decent Homes Programme
- CD_051 – Difficult properties remedied/brought back into use
- CD_056 - Number of days for assistance with adaptations (Disabled Facilities Grants)

Members requested further information regarding the LTA deferred decision on player facilities until February 2016, and an update around the outstanding milestones on the feasibility work for the new flood mitigation measures. Officers agreed to discuss with the relevant responsible Officers and respond to Members following the meeting.

NOTED.

23 General Fund Revenue Budget 2016/17 and Capital Programme 2015/19.

The committee considered the report of the Deputy Chief Executive and Chief Finance officer setting out the general fund revenue budget proposals for 2016/17 and a 3-year capital programme 2015/19. The medium term financial strategy (MTFS) had been revised in July 2015 and the cabinet had agreed a draft 2016/17 budget proposal last December. The MTFS and resulting draft budget had been subject to extensive consultation and previously reported to cabinet and members of the scrutiny committee.

The budget proposals included:

- An increase in the council tax in 2016/ 17 of 1.9%; the first increase for five years.
- Overall savings/new income totalling £0.6m (4% of the net budget).
- Efficiency savings of £0.5m (3% of the net budget)
- Inflation and unavoidable costs of £0.8m (5% of the net budget)
- Other recurring service growth of £0.1m.
- Non recurring service investments of £0.6m.

- General reserves averaging in excess of £4m (against a minimum recommended of £2m).
- Capital receipts of £0.4m invested in new capital schemes.

The budget represented management of financial risks by:

- Building on a favourable outturn position.
- Balancing the base budget requirement without needing to use reserves for recurring expenditure.
- Identifiable and deliverable savings with accountability and no general unidentified targets.
- Reserves well above the minimum level.
- Zero basing of minor reward grants.
- Providing the funding required for the DRIVE change programme to deliver the future savings required by the MTFS via the strategic change fund.

The underlying methods of local government financing had changed significantly in recent years including the wrapping up of grants in the base "Standard Funding Assessment" notably:

- The council tax freeze grants (2011-15)
- Some new burdens grants
- Homelessness grant

For Eastbourne the headline figures of the government settlement were:

- A further reduction in revenue support grant of £0.9m (30%) to £1.8m (reduced from £10.4m in 2010).
- Partially offset by new homes bonus and section 31 grants (additional £0.2m in 2016/17).
- Eastbourne would receive the second largest reduction in "spending power" of all local authorities in the 4 year period to 2020.
- The government headline figure was a reduction of 16.4%; however this took into account the ability to raise council tax, predicted growth in the tax base as well as increases in the new homes bonus.

The government had announced that the council would receive £1.2m in total of new homes bonus (NHB) due to the growth in housing in the area. The grant was paid in tranches for six years. The 2016/17 figure included all 6 tranches. The funding was not guaranteed beyond the 6 year horizon for each tranche. The government was financing the additional NHB from reductions in rate support grant (RSG), therefore, whilst volatile, it was currently the preferred method of distribution of resources. A further proposal to limit future awards to 4 years was currently under consideration. At the time of writing, retention of an element NHB/RSG had been made that could equate to £100,000 for the council.

The government had asked local authorities to say whether they wished to have a four year settlement from 2016/17. There was a requirement to publish a four year efficiency statement that could only be varied by the full council. Current advice was that the efficiency target element of the MTFS would suffice in this respect and cabinet was recommended to accept the proposal.

It was proposed that council tax increase by 1.9% for 2016/17; which would result in a band D rate of £228.51. This would be the first increase for 5 years. The council was required to give an indication of likely future council tax rises. Within this context, for 2016/17, the council would raise £7.7m from its share of the council tax. In addition, there would be a distribution of £180,000 payable by the council to the collection fund due to a small collection fund surplus.

In order to achieve a balanced budget without using reserves, the council would need to set a net expenditure budget for 2016/17 of £15.2m.

The detailed budget proposals were set out in appendix 1 to the report. Details of proposed growth and savings were given in full in appendix 2 to the report. The proposals set out in the report would allow full council on 17 February to approve a balanced budget in line with available resources and without the need to use reserves.

The report detailed the principal financial risks the council was likely to face, as follows:

- Housing benefit performance.
- Inflation on goods and services.
- Income from services linked to customer choice (theatres, tourism; sports centres, car parking).
- Legal challenges.
- Savings being delayed.
- Excessive demand for services.
- Failure to realise capital receipts to finance the capital programme.

Comment was made on the scale of the £74 million capital programme and its proposed funding, including £29 million of capital receipts, £19 million of grants and contributions and £27 million of additional borrowing. The appropriate forum for a line by line review of this programme and the low levels of non- Devonshire Park capital expenditure after next year was also queried. The Chief Finance Officer responded that the programme was dynamic and regularly reviewed with quarterly reports to Scrutiny in year new items are added to the programme annually with any substantive schemes subject to specific reports to Cabinet. It was agreed to circulate the assumptions on available capital receipts to the Committee.

Members discussed the Homelessness Grant and the effect of recent Government cuts. The committee was advised that the process for reducing homelessness was robust and that where possible every effort was made to prevent homelessness. The committee also considered the use of capital receipts, Future Model phase 2, and Eastbourne Homes Investment Company.

The Chairman queried the absence of a draft Housing Revenue Account (HRA) budget for presentation to the Scrutiny Committee. It was agreed that although it had not been presented in the past it would be appropriate to do so. The omission could not be corrected for this meeting but that the

2016/17 draft HRA budget would be circulated to members of the committee as it would be in future years. The Chairman also requested a further breakdown of the headings contained within the capital programme of projects to help better understand the detail and the Chief Finance Officer confirmed that this would be done.

NOTED.

24 Corporate Plan 2016 - 2020.

The committee considered the report of the Senior Head of Corporate Development and Governance and Senior Corporate Development Officer updating Members on the development of the Council's new Corporate Plan 2016-2020. Members noted that the Council remained committed to supporting the delivery of our 2026 Partnership Vision for the town:

"By 2026, Eastbourne will be a premier seaside destination within an enhanced green setting. To meet everyone's needs, Eastbourne will be a safe, thriving, healthy and vibrant community with excellent housing, education and employment choices, actively responding to the effects of climate change."

A copy of the current working draft of the 2016-20 Corporate Plan was attached at Appendix 1 of the report. The content and layout aligns with the previous version for continuity but was still subject to updating and editing as information became available. Once the final version was completed and approved, work would start on developing ways of communicating the key messages to stakeholders and the public in accessible ways.

The new Corporate Plan continued with the same 4 priority themes as the previous version – Prosperous Economy, Quality Environment, Thriving Communities and Sustainable Performance which were summarised within the report. They continued to be important areas of focus both locally and nationally and this approach would also add a degree of continuity to the projects and targets set within the plan. In order to streamline the performance reporting and focus on the chosen priority outcomes of the Corporate Plan, it was proposed that a number of changes were made to the Key Performance Indicators used; the changes were detailed within the report.

The Corporate Plan was a key document which set out the Council's medium-term objectives and priorities that were important for the town as a whole. It was important that these were chosen and developed using the consultation and statistical evidence available in order to ensure resources were allocated appropriately. Ongoing financial and performance reporting had been aligned to improve the quality of management information that was regularly reported to committees.

The committee was advised that the Corporate Management and the Leadership Team would be holding sessions dedicated to developing the updated vision statements and priority projects on 16 February and 1 March respectively. Scrutiny members were invited to submit any suggestions for consideration via the Senior Corporate Development Officer ahead of those meetings.

The Chairman requested that a priority reference to Conferencing in Eastbourne be included given the development of Devonshire Park, which should link to indicators relating to economic prosperity and the capital programme.

NOTED.

The meeting closed at 7.10 pm

Councillor Smart (Chairman)

Tuesday, 2 February 2016
at 6.00 pm



Planning Committee

Present:-

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

129 Minutes of the meeting held on 5 January 2016.

The minutes of the meeting held on 5 January 2016 were submitted and approved and the Chairman was authorised to sign them as an accurate record.

130 Apologies for absence.

Councillor Murray.

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

Councillor Hearn declared a personal interest in minute 137, 21 Glynde Avenue, stating that she knew one of the parties involved with this application. Councillor Hearn considered there was a risk of there being an appearance of bias if she took part. Councillor Hearn withdrew from the room following the public speaking on this item although before the item was debated by the committee.

132 14 Maple Road. Application ID: 151006.

Application seeking retrospective planning permission for the retention of a biomass boiler, flue, and associated housing within the car park together with a 2.1 metre high boundary fence and lowering of the associated boiler pipework below and behind the top of the fence – **ST ANTHONYS**.

Members noted that in relation to the first (withdrawn) application (ref: 141434) a petition of 14 signatures and a further 3 letters of objection had been received. In relation to the current application three letters of objection had been received.

The relevant planning history for the site was detailed within the report. The observations of the Specialist Advisor for Pollution and Licensing were also summarised.

The committee was reminded that there had been two Planning Committee site visits to the application site to assess the impact of the proposals. This application related to the retention of a biomass boiler, flue and associated

housing being used to provide heating to an existing business on a long standing industrial estate. The Council instructed a consultant AECOM to confirm the findings of the Air Quality Assessment submitted with the application. AECOM had concluded that the modelling demonstrated that even if the boiler ran at full load throughout the year with background concentrations based on the kerbside monitor, the effect of the boiler emissions would still be negligible. Members were advised that to refuse the application on matters relating to pollution given the Council's consultant response would create a scenario that exposed the Council to a costs claim if challenged at appeal.

The committee was advised that page 16 of the report, paragraphs 2 and 3 from the top should be deleted as they had been inserted in error.

An additional objection from Mrs Geering had been received following the consultants response to the Air Quality Assessment and was summarised as follows:

'The documents were estimated based on assessments of the potential air quality impact. The smell and dust had not been addressed. The document did not give an accurate indication of the impact of the boiler on the lives of residents. This large industrial unit should not be placed alongside residential housing and finally how would the site be monitored if planning permission was approved'.

Mrs Geering addressed the committee in objection stating that the structure was unsightly and its position was detrimental to the surrounding properties. The air quality had been impacted.

Councillor Mattock, Ward Councillor, addressed the committee in objection stating that whilst she was not against biomass boilers, their placement should be given consideration. The boiler could be re-sited in a more suitable location so as to avoid any detrimental impact on neighbouring properties.

Councillor Tutt, Ward Councillor, addressed the committee in objection stating that he endorsed the comments made by the previous speakers, particularly with regard to the location and proximity to neighbouring residential properties.

Mr Brewer, applicant, addressed the committee in response stating that the boiler was an effective and environmentally friendly method of heating his premises. He also stated that the impact of 15k to 30k daily vehicle trips around the site should be taken into account when considering pollutants and dust particles in and around the site. There had been an estimated 2g of fly ash produced in an 18 month period. The boiler had been positioned to aid parking and operational requirements at the site.

The committee expressed concern regarding the location and proximity to neighbouring residential properties.

Councillor Jenkins advised the committee that he had attended a site visit at the request of a resident opposed to the scheme. He stated that he did not discuss the application and was only in attendance to observe and better understand the objectors concerns. He was accompanied by Councillor di Cara.

RESOLVED: (Unanimous) That permission be refused on the grounds that the proposal by reason of its height/mass/bulk and siting close to the boundaries of the site would result in an unneighbourly and overly dominant structure that would materially affect the amenities and enjoyment of the adjacent residential dwellings/plots.

133 20-23 Albert Parade. Application ID: 151262.

Installation of new shopfront incorporating an ATM to no.20, and alterations to the ground floor windows on the south east and south west elevations of the restaurant – **OLD TOWN**.

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 2) Approved Drawings:

- Site Location & Block Plan received 25 November 2015
- Drawing number 223000-16 Revision b received 26 November 2015

3) Materials as per email dated 13/01/2016

134 23 Walnut Tree Walk. Application ID: 151140.

Two storey extension at rear to provide open kitchen/living area and two additional bedrooms – **RATTON**. One objection had been received.

The observations of the County Archaeologist and Specialist Advisor for Conservation were summarised within the report.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) commencement within three years from the date of permission 2) Development to be carried out in accordance with approved plans 3) Samples of bricks, roof tiles and hanging tiles 4) Details of the roof windows, doors and windows 5) Restriction of permitted development rights (windows in flank elevations) 6) Hours of building operations.

135 35 Compton Drive. Application ID: 151315.

Loft conversion with dormer and three roof lights to front elevation, and dormer to rear elevation – **OLD TOWN**. Three objections had been received.

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

The committee was advised that photographs of the relationship between the neighbouring properties had been supplied by the neighbours outlining the relative impact of the development and had been included within the presentation; in addition the neighbour had commissioned a light impact

assessment and requested that the Council should undertake the same given the proposals proximity to their property.

Officer's comments in response were summarised as follows:

In assessing all 'householder' applications officers had to assess the fall-back position - what could be built as or under permitted development - in this regard the element of the roof extension causing the greatest impact upon the neighbour could be erected without the need for formal planning permission.

Councillor Coles, Ward Councillor, addressed the committee in objection stating that there would be a loss of daylight to a room which was used a considerable amount of the day.

Mr Solomons addressed the committee in objection stating that there would be a loss of light. He stated that he would prefer if the size of the proposed dormer were reduced in size.

Mr Alford addressed the committee in objection stating that there would be a loss of light and suggested that a reduction in size could mitigate some of the issues.

Members agreed that the application should be deferred for a site visit to allow for a view from the rear of the property – the view which would potentially have the most impact on neighbouring properties.

RESOLVED: (By 7 votes to 1) That the application be deferred pending a site visit to assess the impact of the proposals.

136 Former Meads Club. Application ID: 151175.

Use of building as 3x residential units. External alterations comprising roof extension to create additional habitable living space and associated works – **MEADS**. Three letters of objection, one letter of support and one with neutral comments had been received.

At its meeting on 17 November 2015 the Conservation Area Advisory Group raised no objections.

The observations of the Specialist Advisors for Conservation and Arboriculture were summarised with the report. The Eastbourne Society and Meads Community Association made no response.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Development in accordance with approved plans as amended 2) Materials to match existing unless otherwise approved 3) Provide the waste storage shown on the plans 4) Front boundary wall: details of alteration and repair or reinstatement 5) Details of doors and windows 6) Remove PD rights for extensions and alterations to units created (design and impact on conservation area): Class A, Class B, Class C, Class E GPDO 7) The unit shall not be occupied until full details of soft landscape proposals have been submitted to and approved by the Local

Planning Authority. The details as approved shall be implemented at the site in accordance with the proposed timetable and be retained as such thereafter. These details shall include, as appropriate:

- (a) Planting plans;
- b) Written specifications (including cultivation and other operations associated with plant and grass establishment);
- (c) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;
- (d) Trees to be removed
- (e) Implementation timetables.

8) Stipulate clay tiles are to be used as the roof covering 9) That the existing commemorative plaque sited within the front wall of the building shall be retained in situ at all times 10) Boundary treatments separating the plots to be installed prior to occupation 11) Refuse and cycling stores to be provided prior to occupation.

137 21 Glynde Avenue. Application: 151115.

(Amendments to size and design) - Erection of two storey side extension to northern elevation, creation of hard standing and vehicular access to front garden area – **HAMPDEN PARK**. One letter of objection (for both the initial and revised submissions) had been received.

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

Miss Anderson addressed the committee in objection stating that there would be a loss of space between properties preventing access for maintenance. The proposal was an overdevelopment of the site resulting in noise and loss of privacy. The building would significantly damage the local street scene and would be harmful to the character of the area.

Mr Kent, agent, addressed the committee in response stating that the street had a mix of styles of property with varied spacing between houses. Access for maintenance would still be possible and building regulations would deal with any subsidence issues. He stated that privacy was not affected and the size of the development had been reduced as advised by the planning department.

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

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Time limit 2) Approved drawings (DWG. NO.: 1308.01 Rev: E) 3) Submission of details of vehicle hardstanding 4) Tree protection to British standards (street tree) 5) No permitted development (New openings, new dormer) 6) Obscure glazing to the side facing windows at 1st floor.

Informative:

The applicant is reminded that they would need to apply to East Sussex County Council Highways for a licence to undertake works in relation to forming a dropped kerb outside of the property.

138 Upwick Road Drainage. Application ID: 151192.

Variation of condition 11 of permission EB/2011/0193(FP) for the demolition of the garages to the rear of 2-8 Upwick Road and the erection of 6 houses and garages, parking spaces, landscaping and amendments to vehicular access from Upwick Road, and external alterations to 2/ 4 Upwick Road to remove the entrance door at the side and form a new entrance door at the front. Variation sought: the disposal of foul water from the site into the existing drain at the rear of 7 Dillingburgh Road – **OLD TOWN**.

The committee was reminded that this application was reported to Planning Committee in January 2016 and proposed a sewer connection from this development site into an existing sewer in Dillingburgh Road. Members had resolved to refuse this application.

The application had now been amended and now proposed the deletion of the connection to Dillingburgh Road and promoted the foul water disposal via a pumped system direct from the site into Upwick Road. The application also proposed a revised location for the pumping chamber (already in situ) than that previously agreed.

The committee was advised that the agent for the applicant had supplied additional information summarised as follows:

- The pumping chamber was located on the applicants land.
- The drawings submitted to accompany the application were accurate.
- Equipment within the venting / pumping control box would not be noisy as a fault alarm would be a flashing light on top of the control box.
- No noise from the operation of the pump within the chamber.
- All of the properties had SVP connected to their properties and as such all smells should be vented in the common approach and in accordance with Building Regulations.
- A twice year inspection and maintenance regime was to be adopted.
- The pumping chamber was connected to the existing drain serving 2 Upwick Road.
- The pumping chamber needed to have access to the air in order to assist in its operation.
- The brick wall to the rear of the pumping chamber matched those used in the main dwellings

A further representation had been received outlining that the developer had connected to the existing sewer that served 2 and 4 Upwick Road. In addition they recommended that the venting and switching box should be relocated further away from their gardens.

Councillor Coles, Ward Councillor, addressed the committee in objection stating that the control box had been positioned in close proximity to a neighbours property without permission, this was causing some concern particularly with regard to potential noise and smells.

Mr Cline addressed the committee in objection stating that the drain had been connected to the foul water pipe at 2 Upwick Road and not the main drain as suggested in the plans submitted.

Mr Goacher, applicant, addressed the committee in response stating that all planning concerns had been addressed, the pump installed was noise and odour free and would run for approximately 2mins per day. Shrubbery would be planted around the control box.

The committee agreed to defer the application and requested that officers explore with the developer an agreeable solution to all parties.

RESOLVED: (By 7 votes with 1 abstention) That the application be deferred pending officers exploring with the developer an agreeable solution to all parties.

139 Customer Satisfaction Survey Results (Oct 2015 - Jan 2016).

Members considered the report of the Specialist Advisor for Planning which provided a summary of responses to the Customer Satisfaction Survey for the period October to December 2015. The purpose of the report was to update the committee on the subsequent responses giving a calendar year-end position and improvements which had been implemented to the planning service following survey responses.

The improvements, recommendations and new comments from the last quarter that been raised in a previous update were summarised in the report.

NOTED.

140 Planning Performance - Quarter 4 (Oct 2015 - Dec 2015).

The committee considered the report of the Senior Specialist Advisor for Planning which provided a summary of performance in relation to key areas of the Development Management Services for the fourth quarter (October – December) 2015. The report included information regarding recent appeal decisions.

As members were aware the majority of the applications received were granted planning permission, however for those that were refused and challenged through to an appeal it was considered important to analyse the appeal decisions in order to determine and evaluate whether lessons needed to be learned, or interpretations needed to be given different weight at the decision making stage. 14 appeal decisions and the decision letters were appended to the report for information purposes. Officers considered that in granting planning permission for 90% of all application received, planning services of Eastbourne Borough Council had supported and stimulated the local economy and had also helped to meet the aspirations of the applicants. Only where there were substantive material planning considerations was an application refused.

The assessment of the performance of planning services showed that the team were performing at or over the National PI threshold and that there were at this time no special measure issues.

It had been a significant period since the previous report on the planning enforcement function and table 11 of the report provided a position statement of the performance for the entire year to date.

NOTED.

141 Planning Enforcement Policy Statement 2016.

The committee considered the report of the Specialist Advisor for Planning providing Members with an updated position with regard to the council's Enforcement Policy Documents.

The committee was advised that the National Planning Policy Framework identified that local planning authorities should consider publishing a Local Enforcement Plan to manage enforcement effectively and proactively and where one did not exist it should be produced as a matter of expediency. This was endorsed by the Royal Town Planning Institute and the Planning Advisory Service where the benefits of an Enforcement Plan were echoed. It was recognised that Enforcement Plans should be seen as the direct link to planning policy and as such carry the same weight as other policy documents. Therefore a more customer / user friendly document had also been produced (Planning Enforcement Policy Guidance Note 2016).

It was considered that this streamlined document would assist in the delivery of an 'enforcement process and function' that remained faithful to the delivery of the developments that had been permitted, and also assisted in engendering a culture of compliance helping to maintain the integrity of the planning system.

The proposed changes to the previously adopted enforcement policy were modest and related to updating legislative references and also sought to clarify the type and nature of the various types of enforcement action that could be pursued. The Planning Enforcement Guide had been developed to set out to complainants, or those involved in an investigation, the process of an investigation and its timeframes in a simpler manner than that of the full policy document. The guide would be sent out to anyone contacting the Council in relation to a breach of planning control and contained a pro-forma for a complaint.

RESOLVED: (1) That the revised and updated Enforcement Policy and content of the Planning Enforcement Guidance Note be endorsed (2) that the Enforcement Policy and Planning Enforcement Guidance Note be referred to Cabinet and recommended for adoption.

142 Update on Housing Delivery.

The committee considered the report of the Senior Head of Regeneration, Planning and Assets providing Members with an update on housing delivery and the current position in relation to the Five Year Housing Land Supply.

Members noted that national planning policy placed considerable weight on the delivery of new housing. Housing delivery rates in Eastbourne had been

falling over recent years, and the annual delivery targets were not being achieved. This trend was expected to continue. The Council was required to identify sufficient land to accommodate the next five years' worth of annual housing target. At present this would equate to land for 1,271 units. The status of the Five Year Housing Land Supply was a material consideration in the determination of planning applications. Currently the Council could only identify a 3.8 year supply of housing (equating to 916 units), and the lack of a five year supply meant that decisions to refuse applications for residential development had the potential to be overturned on appeal.

In order to address the issues arising out of the Five Year Housing Land Supply Assessment, the following next steps would be taken:

- Produce an up to date Strategic Housing Market Assessment (SHMA) to identify the objectively assessed housing need (February – July 2016)
- Produce an up to date Strategic Housing Land Availability Assessment (SHLAA) to identify land that was available, suitable, viable and had potential for residential development (March – October 2016)
- Produce a Housing Implementation Strategy to set out the approach for managing housing delivery and identify and mitigate associated risks (March – June 2016)
- Start discussions with developers on stalled sites to understand what the deliverability issues were and how these sites could be delivered sooner (February – April 2016)
- Commence a review and preparation of a new Local Plan to replace the Core Strategy (April 2016 – TBC)

Members would be provided with an update on the latest position in relation to housing delivery and the Five Year Housing Land Supply on a quarterly basis.

NOTED.

143 Appeal Decision - 4 Enys Road.

The committee noted the dismissal of the appeal relating to 4 Enys Road.

NOTED.

144 South Downs National Park Authority Planning Applications.

Members noted the amended proposals for the automatic number plate recognition camera adjacent to the Black Robin Farm signage at Beachy Head.

RESOLVED: That the South Downs National Park Authority be advised that Eastbourne Borough Council did not wish to raise any objection to the proposal.

The meeting closed at 8.55 pm

Councillor Sabri
(Deputy Chairman in the Chair)

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Cabinet



Minutes of meeting held on Wednesday, 3 February 2016 at 6.00 pm

Present:-

Councillors **Councillor David Tutt (chairman and leader of the council), Gill Mattock** (deputy chairman and deputy leader of the council), **Alan Shuttleworth and Steve Wallis.**

(Apologies for absence were reported from councillors Margaret Bannister and Troy Tester.)

58 Minutes of the meeting held on 9 December 2015.

The minutes of the meeting held on 9 December 2015 were submitted and approved and the chairman was authorised to sign them as a correct record subject to a correction to minute 47 (Devonshire Park project) in the respect of councillor Freebody's comment at paragraph 47.1 to read as follows:

Councillor Freebody indicated his group's support, acknowledged that the project was likely to benefit the town and endorsed the desire for external funding sources.

59 Declarations of interests.

No declarations were made by members. A declaration was made by the chief executive in respect of minute 67 (council investments) as he was a council appointed non-executive director of the subject company – he withdrew from the meeting for the item.

60 Coastal Communities Fund (CCF) (KD).

60.1 Councillor Freebody addressed the cabinet and welcomed the investment in the park.

60.2 Cabinet considered the report of the senior head of tourism and enterprise progress of CCF projects and a proposal for the café in Princes Park. The council had been awarded a grant of £1.83m from the government's Coastal Communities Fund in February 2015 following a successful bid. The key criteria for receipt of the funding was the creation of 118 jobs (direct and indirect), through a mixed portfolio of capital and revenue projects, and to spend all funds by December 2016.

60.3 Delivery of projects began in March 2015 and all projects were at various stages. The council's partners; Towner Gallery, TechResort and Building Partnerships each had clearly defined targets/outcomes for jobs created, cash flow, individual projects, training and skills.

60.4 The improvements to the upper facades in Seaside Road were the first capital project to be successfully completed in October 2015. Both

the two commercial units being re-furbished would be complete by this summer. Improvements to the plaza in Sea Houses Square, including new lighting, hard and soft landscaping and a community designed mosaic, would commence this month.

60.5 Over £900,000 of the CCF funds would be used to improve Princes Park in key areas; a new main entrance linked to the promenade by a new zebra crossing, a new central plaza would lead visitors from the new entrance to the café, which would be completely refurbished including new decking overlooking the lake. Refurbishment of the café was one of the main CCF funded projects and work on this £395,000 scheme was scheduled to start this month. The current operators of the café had agreed to surrender the lease in advance of the work commencing.

60.6 The University of Brighton had approached the council with a proposal to use the café as both an operating outlet and as a training venue for students and local people. Heads of terms for the university's lease had been agreed in principle; 10 years lease at a market valuation rent, 3 years rent free period, reflecting their capital investment of circa £280,000. The university's key requirements for the café could all be accommodated within the planned works with minimal contract variations to cover areas of overlap. The university would separately procure and contract manage the fit out works, e.g. new kitchen, seating etc.

60.7 The report set out detailed legal advice concerning the council's powers to enter into the proposed arrangements given that a competitive tendering process would not take place. The council's financial procedure rules gave cabinet the authority to waive its normal rules if there were good and objectively demonstrable grounds for doing so. In reaching its decision, cabinet should have regard to its general fiduciary duty to its wider taxpayers and the duty to achieve best value from its procurement arrangements. The senior head advised that the proposal offered some distinct advantages to the council and aligned with the overall regeneration ambitions being delivered through the 'Driving Devonshire Forward' (DDF) initiative and justified a waiver from the rules because it:

- Represented a commitment to a continued offer in the town by the university at a time of overall strategic review and potential change.
- Enhanced the opportunities and offer for students living in the town.
- Would create both an attractive café offer alongside training and job opportunities for students and local people.
- Secured significant additional capital investment into the café and would help make sure the council could deliver the highest possible quality new facility.
- Coupled with the long term commitment of the university, the council would secure best consideration via a commercial rent valuation.

60.8 Resolved (key decision): (1) That progress of Coastal Communities funded capital and revenue projects be noted.

(2) That a waiver of the financial procedure rules be approved, for the reasons outlined above and as detailed in the report, to allow the award of a 10-year lease to the University of Brighton for the café in Princes Park without a competitive process.

(3) That delegated authority be granted to the senior head of tourism and enterprise and in consultation with the lead cabinet member for tourism to take all necessary steps to complete the lease arrangements with the University of Brighton.

61 * General fund revenue budget 2016/17 and capital programme 2015/19 (BPF).

61.1 Councillors Ungar and Di Cara addressed the cabinet. Councillor Ungar said he was pleased to see the inclusion in the proposed 2016/17 capital programme of 2 schemes in Old Town; £25,000 for Old Town recreation ground to achieve 'Green Flag Award' status and £50,000 for the Green Street public conveniences. Councillor Di Cara queried the figure given in the report for reserves. The chief finance officer said that the £4m figure included other reserves such as that for the Devonshire Park project.

61.2 Cabinet considered the report of the deputy chief executive and chief finance officer setting out the general fund revenue budget proposals for 2016/17 and a 3-year capital programme 2015/19. The medium term financial strategy (MTFS) had been revised in July 2015 and the cabinet had agreed a draft 2016/17 budget proposal last December. The MTFS and resulting draft budget had been subject to extensive consultation and previously reported to cabinet and members of the scrutiny committee.

61.3 The budget was the product of various plans and strategies as part of an integrated and corporate planning process and was linked principally to:

- The medium term financial strategy
- Asset management plans
- The corporate plan
- Workforce strategy
- Treasury management strategy
- Service plans
- Housing revenue account business plan
- DRIVE corporate transformation programme
- Sustainable service delivery strategy

61.4 The chief finance officer had a legal responsibility to give positive assurances on the robustness of the estimates used in the budget and the level of reserves. He commented that if the recommendations in his report were agreed then these assurances would prevail.

61.5 The budget proposals included:

- An increase in the council tax in 2016/ 17 of 1.9%; the first increase for five years.
- Overall savings/new income totalling £0.6m (4% of the net budget).
- Efficiency savings of £0.5 (5% of the net budget).
- Inflation and unavoidable costs of £0.8m (5% of the net budget).
- Other recurring service growth of £0.1m.
- Non recurring service investments of £0.6m.
- General reserves averaging in excess of £4m (against a minimum recommended of £2m).
- Capital receipts of £0.4m invested in new capital schemes.

61.6 The budget represented management of financial risks by:

- Building on a favourable outturn position.
- Balancing the base budget requirement without needing to use reserves for recurring expenditure.
- Identifiable and deliverable savings with accountability and no general unidentified targets.
- Reserves well above the minimum level.
- Zero basing of minor reward grants.
- Providing the funding required for the DRIVE change programme to deliver the future savings required by the MTFS via the strategic change fund.

61.7 The underlying methods of local government financing had changed significantly in recent years including the wrapping up of grants in the base "Standard Funding Assessment" notably:

- The council tax freeze grants (2011-15)
- Some new burdens grants
- Homelessness grant

61.8 For Eastbourne the headline figures of the government settlement were:

- A further reduction in revenue support grant of £0.9m (30%) to £1.8m (reduced from £10.4m in 2010).
- Partially offset by new homes bonus and section 31 grants (additional £0.2m in 2016/17).
- Eastbourne would receive the second largest reduction in "spending power" of all local authorities in the 4 year period to 2020.
- The government headline figure was a reduction of 16.4% , however this took into account the ability to raise council tax, predicted growth in the tax base as well as increases in the new homes bonus.

61.9 The national non-domestic business rate (NNDR) base had remained static largely as a result of the continued provision for appeals and resulting collection fund deficit, despite an inflationary increase which was linked to the September 2015 RPI at 0.78%. In addition to the formula grant the government was currently proposing to add the

council tax freeze grant for the current year 2015/16 (£85,400) by way of a section 31 grant.

61.10 The government had announced that the council would receive £1.2m in total of new homes bonus (NHB) due to the growth in housing in the area. The grant was paid in tranches for six years. The 2016/17 figure included all 6 tranches. The funding was not guaranteed beyond the 6 year horizon for each tranche. The government was financing the additional NHB from reductions in rate support grant (RSG), therefore, whilst volatile, it was currently the preferred method of distribution of resources. A further proposal to limit future awards to 4 years was currently under consideration. At the time of writing, retention of an element NHB/RSG had been made that could equate to £100,000 for the council.

61.11 The government had asked local authorities to say whether they wished to have a four year settlement from 2016/17. There was a requirement to publish a four year efficiency statement that could only be varied by the full council. Current advice was that the efficiency target element of the MTFS would suffice in this respect and cabinet was recommended to accept the proposal.

61.12 It was proposed that council tax increase by 1.9% for 2016/17; which would result in a band D rate of £228.51 (an increase of £4.32 over the whole year). This would be the first increase for 5 years. The council was required to give an indication of likely future council tax rises. It was still expected that council tax would rise by no more than 2% per annum for each of the next three years. This was the government's target for inflation and also the current ceiling on rises that would otherwise require a referendum in order to exceed. Within this context, for 2016/17, the council would raise £7.7m from its share of the council tax. This was determined by multiplying the council tax base of band D equivalent dwellings by the band D tax rate of £228.51. This was unchanged from the tax base setting report submitted to cabinet on 9 December last. In addition, there would be a distribution of £180,000 payable by the council to the collection fund due to a small collection fund surplus.

61.13 A summary of the resources available was given, as shown below:

	£'m
Government formula grant	(1.8)
Retained business rates (normal)	(3.9)
Retained business rates (East Sussex pool)	(0.2)
New homes bonus	(1.2)
Section 31 grants	(0.2)
Collection fund surplus	(0.2)
Council tax	(7.7)
Total resources available (rounded)	<u>(15.2)</u>

In order to achieve a balanced budget without using reserves, the council would need to set a net expenditure budget for 2016/17 of £15.2m.

61.14 In addition to the general grant distributed through the new formula grant system, which was given towards financing the council's net expenditure, the government also provided some specific grants. These specific grants would fund in part or in full, service costs.

Grant	2016/17 £'m
Housing benefit subsidy	(c.40.0)
Housing benefit administration	(0.6)

Housing benefit subsidy was intended to reimburse the council for the awards of benefit it made to eligible tenants in both the private and public rented sector. Not only was this by far the largest single specific grant that the council received, but it was performance related. It was noted that the council had improved its performance in recent years. A new system of universal credits was due to be completed by 2019 which would see the caseload moved to the Department for Work and Pensions. The administration grant had been reduced by 5% per annum for the last 5 years. It was noted that the former homelessness grant (to assist with prevention and to find alternative accommodation other than bed and breakfast) had now been subsumed into the main grant system.

61.15 The detailed budget proposals were set out in appendix 1 to the report. Movement from the 2015/16 budget to the 2016/17 proposed budget were summarised as follows:

Movement from 2015/16 base budget:	£m	£m total
Change in resources:		
Government grants	0.5	
Council tax surplus	(0.2)	
Council tax	<u>(0.4)</u>	
		(0.1)
Cost increases:		
Inflation and unavoidable costs	0.7	
Other growth and changes in income	<u>0.1</u>	
		0.8
Savings:		
Efficiency savings	(0.5)	
Increased income/other changes	<u>(0.2)</u>	
		<u>0</u>

61.16 Details of proposed growth and savings were given in full in appendix 2 to the report. The proposals set out in the report would allow full council on 17 February to approve a balanced budget in line with available resources and without the need to use reserves.

61.17 The council now followed a rolling 3-year financial planning cycle and the service and financial plans had been set out in detail for 2016/17. The next MTFS due in July would project forward a further 3 years and continue to provide the basis of service and financial planning for the medium term. It was noted that the significant level of the savings required for the next MTFS had already been identified. Further reports to cabinet would detail the business plans under the transformation programme (DRIVE) and sustainable service delivery strategy (SSDS). The government had set out a revised 4-year programme of reductions in funding and the council's current MTFS already took account of this overall however the MTFS would be refreshed in July following the year end closedown.

61.18 The report detailed the principal financial risks the council was likely to face, as follows:

- Housing benefit performance.
- Inflation on goods and services.
- Income from services linked to customer choice (theatres, tourism; sports centres, car parking).
- Legal challenges.
- Savings being delayed.
- Excessive demand for services.
- Failure to realise capital receipts to finance the capital programme.

61.19 On an exception basis, information on each of the risk areas identified above, together with any new and significant risks that might emerge over the course of the year, would be included in each financial performance report to cabinet and scrutiny during the 2016/17 financial year. A corporate contingency budget of £140,000 (1% of the overall net budget requirement) for unbudgeted expenditure or reductions in income had been allowed. This was in addition to the known inflation that had been built into service budgets.

61.20 The chief finance officer was obliged to report on the adequacy of the proposed financial reserves, and determine the minimum level required. There was no statutory minimum requirement, but reserves had to be set at a prudent level given the activities of individual councils and potential liabilities that they faced or might face in the future, i.e. a risk based approach. The council's earmarked reserves were reviewed at least annually for adequacy. If at any time the adequacy was in doubt the chief finance officer was required to report on the reasons, and the action, if any, that he considered appropriate. The council would always seek to contain any unforeseen additional costs within allocated annual budgets, including the contingency budget. However, it was proposed that, in addition, the minimum level of general reserves should be set at £2m. Should the budget recommendations be followed, the level of general fund reserves was projected at over £4m by March 2017. In addition to acting as a potential buffer against future risks, this should create further opportunities for one off investments in the future. The council had followed a process of consolidating its reserves into the corporate reserves above. This better facilitated corporate priority

planning. The only other reserves that the council held had specific obligations attached (e.g. Section 106/partnership contributions).

61.21 The principles for formulating the capital programme were set out in the budget report to cabinet last December and the updated programme was given in appendix 3 to the report (proposed new schemes were shown in bold text) and showed a projected outturn for 2015/16 of £21.915; a total budget for 2016/17 of £12.822m; £15.884m for 2017/18; £19.855m for 2018/19; £6.555m for 2019/20 and £1.355 for 2020/21. The council had a policy of only using borrowing for schemes that were 'invest to save' and could generate enough savings or additional income to service the financing costs. In addition to schemes that qualified for borrowing, the council had a further £400,000 of capital receipts to apply to the programme. No uncertain future capital receipts had been factored into the available resource so there would be opportunities to supplement the programme as the 3-year period progressed. Potential disposals would be identified through the asset management plans. The housing revenue account capital programme was set out in another report on the agenda (see minute 62 below) and was financed entirely from HRA resources. Once approved it would be amalgamated with the general fund programme.

*** 61.22 Resolved (budget and policy framework):** That full council, at their meeting on 17 February 2016, be recommended to approve the following:

(a) A general fund budget for 2015/16 (revised) and 2016/17 (original) as set out in appendix 1 to the report including growth and savings proposals for 2016/17 as set out in appendix 2 to the report.

(b) An increase in the council tax for Eastbourne Borough Council of 1.9% resulting in a 'Band D' charge of £228.51 for 2016/17.

(c) A general fund capital programme and financing 2015/19 as set out in appendix 3 to the report.

(d) That with regard to the government's offer of a 4-year settlement, as outlined in paragraph 61.11 above, the council be minded to accept the offer subject to the receipt of further detail and that the decision on whether or not to accept be delegated to the chief finance officer in consultation with the lead cabinet member for finance.

62 * Treasury management and prudential indicators 2016/17 (BPF).

62.1 Cabinet considered the report of the chief finance officer seeking approval to the council's borrowing and investment strategies in line with legislative and other regulatory requirements as described in the report. The council was required to receive and approve, the prudential and treasury indicators and treasury strategy as part of the budget setting process each year. This covered:

- The capital plans (including prudential indicators).

- A minimum revenue provision policy (how residual capital expenditure was charged to revenue over time).
- The treasury management strategy (how the investments and borrowings were to be organised) including treasury indicators.
- An investment strategy (the parameters on how investments were to be managed).

*** 62.2 Resolved (budget and policy framework):** That full council, at their meeting on 17 February 2016, be recommended to approve the following:

- (a) The treasury management strategy and annual investment strategy as set out in the report;
- (b) the methodology for calculating the minimum revenue provision set out at paragraph 2.3 of the report;
- (c) the prudential and treasury indicators as set out in the report; and
- (d) the specified and non-specified investment categories listed in appendix 2 to the report.

63 * Housing revenue account (HRA) revenue budget and rent setting 2016/17 and HRA capital programme 2015/18 (BPF).

63.1 Cabinet considered the report of the senior head of community and chief finance officer in respect of the rents, service charges and heating costs to be set for all of the council's housing tenants. The report outlined the revenue account budget proposals for 2016/17 and housing capital programme 2015/19 and arrangements for agreeing Eastbourne Homes Limited's (EHL) management fee and delivery plan.

63.2 From 1 April 2012 the way that council social housing was financed had been changed and the HRA had become self financing. This meant that expenditure had to be entirely supported from rental and other income. The main tool for the future financial management of the HRA was the 30-year business plan which had been approved by cabinet on 8 February 2012. A report had been submitted to the December cabinet meeting outlining the implications of the changes being introduced in the Housing and Planning and the Welfare Reform and Work Bills. Work is ongoing on updating the HRA 30-year business plan so that a long term sustainable plan could be set. The proposals included in this report were based on this ongoing work. The report reflected the recommendations made by EHL in relation to the increases in rent levels, service and other charges.

63.3 The HRA revenue budget (appendix 1 to the report) had been produced based on the policies set out in the HRA 30-year business plan and showed an overall surplus of £293,000 for 2016/17. The budget was performing better than expected due to various initiatives to control expenditure, including a reduction in the management fee payable to EHL, lower than anticipated interest rates, and efficiencies achieved through the council's restructuring programme: Future Model 2. The reduction on income earnings from rents and service charges were in line with the updated business plan. The plan provided for a contribution into the housing regeneration and investment reserve of £784,000 for

2015/16 and £924,200 for 2016/17 to meet future major works demands and other strategic housing related outcomes.

63.4 The HRA debt outstanding at 31 March 2015 was £40.3m, rising to £43.0m by 31 March 2018, the majority of which would be external debt and at fixed interest rates. The increase in borrowing was expected to be undertaken to support the housing and economic development programme (HEDP) programme. Under the self-financing settlement the government set a cap on total HRA borrowing of £42.96m, additional borrowing permission was given for £322,400 during 2014/15 and 2015/16 increasing the cap to £43.3m. The original 30-year business plan had assumed that from 2016/17 to 2028/29 an average debt repayment of £2.8m per annum would be funded from the HRA. This was no longer viable due the rent decrease and other government housing initiatives, however, if possible when opportunities arose consideration would be given to using any surplus funds for the repayment of debt or to be used to reinvest in housing properties in lieu of new borrowing.

63.5 The HRA outturn for 2015/16 was expected to deliver a £399,000 surplus, a positive variance of £104,000 over the original budget. This was mainly as a result of the decrease in the take up of the under occupation scheme and a reduction in the provision required for bad debts.

63.6 The government's summer budget review had announced that rents on social housing properties would be reduced by 1% a year for each of the four years from 2016/17.

63.7 For properties in shared blocks these charges covered common services such as communal heating, lighting, equipment maintenance contracts, cleaning and grounds maintenance. In older persons sheltered accommodation the charges additionally included on-site co-ordinators, lift maintenance contracts, communal furniture and carpets maintenance and internal redecorations. These costs were charged separately from the rent. For general needs properties in blocks the proposed average service charge increase was 1.06% to ensure that costs relating to communal areas are fully recovered.

63.8 Service charges for older persons sheltered accommodation would be subject to a further review dependent on the outcome of the East Sussex County Council decision in February regarding a proposal to withdraw Supporting People funding from sheltered housing in East Sussex. If funding was withdrawn, this was likely to come into effect from May 2016. EHL was consulting with residents on the impact of withdrawal of funding and meetings would be held at all schemes during February 2016. Any recommendations for any further change to the service charge as a result of the consultation would come to Cabinet in March 2016 for consideration. Until further recommendations were made, the average decrease would be 7.14% to ensure that charges reflected expenditure. Heating costs for older persons sheltered accommodation were set in line with known price decreases predicted by

the Department of Energy and Climate Control. An average decrease of 0.85% (equivalent to 6p per week) was recommended. Water charges were also set in this way and the average charge decrease would be 0.81% (or 37p per week).

63.9 Following the previous year's rent increases, garage void debt was slowly increasing and the number of garage voids had started to increase. In order to ensure that garage rents were fully self-sufficient, an increase by CPI plus 1% would result in covering the costs of day to day repairs but the major works would still not be covered. It was therefore recommended that garage rents be increased in line with RPI (as at September 2015) plus 1% at an average increase of 1.8% and a scheme to move new garage tenancies to market rent values for the 2017/18 financial year be examined.

63.10 Total budgeted expenditure on the HRA capital programme was planned at £7,712,285 for 2016/17. The major works element of the programme was in line with the asset management plan and the self financing business plan model with funding from the major repairs reserve. Cabinet had previously agreed a total budget of £14.4m for the housing and economic development programme (HEDP) out of the total allowance of £20m; this had now been profiled to reflect the expected spending timetable and will be funded from borrowing and Housing and Communities Agency (HCA) grant.

63.11 The EHL management fee covered both operational and administration costs as well as cyclical maintenance. The fee for 2015/16 had been set at £7,375,000. EHL had proposed a reduction of £55,500 to reflect the efficiency savings achieved following the implementation of the Future Model structure and processes less an allowance for the changes expected from the supporting people funding. The proposed fee for 2016/17 was therefore £7,319,500.

63.12 The council was obliged to ensure that all tenants were given 28 days notice of any changes to their tenancy including changes to the rent they pay. In addition the information in the report would be sent to the tenant area panels following this meeting.

***63.13 Resolved (budget and policy framework):** That full council, at their meeting on 17 February 2016, be recommended to approve the following:

(a) The HRA budget 2016/17 and revised 2015/16, as set out in appendix 1 to the report;

(b) that social and affordable rents be decreased by 1% in line with the change in government policy;

(d) that service charges for general needs properties are increased by 1.06%;

- (e) that service charges for older persons' sheltered accommodation are decreased by 7.14% to reflect a reduction in actual costs as well as notification of a reduction in heating and water costs;
- (f) that heating costs are set at a level designed to recover the estimated actual cost;
- (g) that water charges are set at a level designed to recover the estimated cost of metered consumption;
- (e) that garage rents are increased in line with RPI (as at September 2015) plus 1% at an average increase of 1.8%;
- (f) a scheme to move new garage tenancies to market rent values for the 2017/18 financial year is examined;
- (g) that delegated authority be granted to the senior head of community, in consultation with the lead cabinet members for community services and finance and the chief finance officer to finalise Eastbourne Homes' management fee and delivery plan; and
- (i) the HRA capital programme as set out in appendix 2 to the report.

64 * Changes to housing strategy and housing revenue account (HRA) asset management strategy (KD).

64.1 Cabinet considered the report of the senior head of community providing an update on national policy changes for council housing arising from the Welfare Reform and Work Bill and the Housing and Planning Bill currently before Parliament. Proposals were made for the sale of a number of housing properties; and in advance of the bills becoming law, approve changes to the delegation for disposal of assets to enable Eastbourne's housing stock to be managed sustainably and in line with national best practice. The report also sought authority to obtain external specialist advice to assist the review of homelessness decisions when considering applications for accommodation under Part 7 of the Housing Act 1996.

64.2 A separate addendum to the report comprising exempt information was circulated in the confidential part of the agenda (Schedule 12A to the Local Government Act 1972, reason 3 – information relating to the financial or business affairs of any particular person (including the authority holding that information).)

64.3 The Welfare Reform and Work Bill would introduce of a 1% reduction in social housing rents for 4 years from 2016/17. This was detailed in the rent setting report at minute 63 above.

64.4 The Housing and Planning Bill proposed the sale of council housing high value assets and the mandatory introduction of higher rents for residents earning higher incomes ('pay to stay'). The intention was that monies raised from high value voids would be used to fund the 'right to

buy' discounts given to housing association tenants, provide replacement affordable housing on a one for one basis, and establish a brownfield regeneration fund. The council's housing revenue account (HRA) business plan had now been remodelled to reflect the impact of 80 properties being sold over each year over the next 4 years. High income was defined in the bill as household income of more than £30,000 outside of London. The bill did not define what the rent levels would be; these were to be set out in future rent regulations. The extra rent would be taken by the government less an element to cover the council's administration costs. Pay to stay was expected to be introduced in 2017/18 and an increase in right to buy sales was anticipated as a consequence.

64.5 The council would need to make a payment to the government based on assumptions on the value of high value void properties arising from April 2017. The payment was not likely to be dependent on actual vacancies and to give flexibility to retain properties within the stock in the future, it would be prudent to review the current vacant stock and how receipts from disposals now could be used to meet future demands. On this basis, a number of current properties had been assessed for disposal. Details relating to each disposal were listed in the exempt addendum. Where properties had tenants the council would work closely with the occupants to make sure that they were offered appropriate alternative accommodation.

64.6 It was now considered best housing management practice for the council to dispose of the freehold interest in a block of flats when all the flats were held on leases. Eastbourne Homes (EHL) currently managed 12 such blocks. Details of the blocks and market valuations of the freeholds were given in the exempt addendum. It was recommended that the senior head of community be granted delegated authority to dispose of the freehold of such blocks. Should existing leaseholders not wish to take up the offer the council would retain the freehold. A consultation plan would be developed involving the affected leaseholders.

64.7 Eastbourne Housing Investment Co. Ltd. (EHIC) acted as the council's asset holding vehicle. Cabinet approved the purchase of the company's first property (137-139 Seaside Road) in July 2015 and agreed the principles under which future acquisitions would be made using loans provided by the council. EHIC had expressed an interest in acquiring council housing assets. The details of the assets concerned were listed in the exempt addendum. An options appraisal and project viability would be developed by EHIC prior to a formal application to the council for lending. The report also included an outline of the council's legal powers for the disposals and provision of loan to EHIC.

64.8 Under the council's current scheme of delegations to officers, the senior head of community did not have delegated authority to dispose of HRA or general fund housing properties of any value. This could lead to delays in disposal while reports were prepared that seek the approval of cabinet as the executive decision-making body. It was recommended

that the senior head should have the following powers in relation to all and any council owned housing properties:

(a) To acquire or dispose of land, and to grant and/or modify leases, easements, licences and way-leaves of, in, or over such properties, in accordance with the following limits, subject to sub-paragraph (i):

- *Where the payment from the other party does not exceed £50,000 (£25,000 for amenity land); or*
- *where the payment to the other party does not exceed £50,000; or*
- *where the annual rent does not exceed £25,000 (except for a rent review); or*
- *where the lease term of the property does not exceed 10 years; or*
- *if an easement or way-leave, the annual fee does not exceed £1,000.*

(i) Where any value exceeds the limits stated above, the senior head of community may exercise the powers referred to in paragraph (a) but only after consulting with the relevant cabinet portfolio holder.

(b) To vary the terms and conditions of, or negotiate the surrender of, leases and licences.

(c) To determine as landowner or landlord, applications for licences, consents and permissions in respect of properties.

64.9 In addition, it was recommended that the senior head be given authority to make the necessary application for permission to dispose of 5 or more HRA assets direct to the secretary of state without prior cabinet approval and that this be incorporated within the scheme of delegations.

64.10 When the council made a decision under homelessness legislation an applicant had a right to seek a review of that decision if he/she did not agree with the finding. For complex cases or to ensure decisions could be made in a timely manner some authorities obtained specialist external support to carry out reviews and/or use the services of other councils that had the required experience and capacity. Under normal circumstances the council would anticipate internal review of cases, however, to give flexibility, it was recommended that the senior head be authorised to obtain specialist advice when necessary.

64.11 The senior head corrected the report in three respects, clarifying (a) that the delegation sought in respect of the disposal of freeholds (resolution (1) (ii) below) applied to the 12 current blocks and to future freeholds where all had been sold as leasehold; (b) in respect of the delegation in paragraph 64.9 above (resolution (3) below) that this applied to both HRA and general fund properties; and (c) advising that full council approval would be required to amend the scheme of delegation as part of the council's constitution.

64.12 Resolved (key decision): (1) That the senior head of community be given delegated authority to:-

- (i) To dispose of the 7 properties identified in appendix 1 of the exempt addendum, subject to consultation with the chief finance officer and portfolio holders for community and finance;
- (ii) to dispose of the freehold of the properties to existing occupiers as identified in appendix 2 of the exempt addendum and future freeholds where all have been sold as leasehold; and
- (iii) to approve the use of external specialist advice, where necessary, to conduct homelessness reviews under Part 7 of the Housing Act 1996.

(2) That the council provide a loan on market terms to Eastbourne Housing Investment Company Ltd. (EHICL) to enable the company to purchase the properties listed in appendix 3 of the exempt addendum.

(3) That representations be made to the local member of parliament seeking her support in challenging the government's intention to reduce the stock of social housing through the forced sale of 'high value' council stock to fund housing association 'right to buy' sales.

*** 64.13 Resolved** (4) That full council be asked to approve the amendment to the councils scheme of delegation to officers as set out at paragraphs 64.8 and 64.9 above.

65 Exclusion of the public.

Resolved: That the public be excluded from the remainder of the meeting as otherwise there was a likelihood of disclosure to them of exempt information as defined in schedule 12A of the Local Government Act 1972. The relevant paragraphs of schedule 12A and descriptions of the exempt information are shown at paragraph 64.2 above and beneath the items below. *(The requisite notice having been given under regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.)*

66 Community grants programme 2016/17 - small grants (KD).

66.1 Cabinet considered the report of the senior head of community on the small grants element of the community grants programme. It was proposed that a budget of £60,000 continue to be made available. Given the financial constraints on the council at present, the proposed budget continued to protect the voluntary and community sector as a whole from significant reductions in spending on their activities by this council.

66.2 In addition to the small grants programme, cabinet had previously agreed major grants for the three years from 2016/17 to 2018/19 as follows:

	£
Citizen's Advice Bureau	115,000
BHT Eastbourne Housing Advice	56,500

Eastbourne and Wealden YMCA	40,000
Salvation Army	30,000
Shinewater Shaftesbury Centre	4,000
3VA	14,000
Total:	259,500

66.3 It was reported that the council also supported voluntary and community organisations in a variety of other ways including:

- The award of rent support grants to some organisations occupying council properties to the value of £139,570.
- Discretionary rate relief awards to voluntary and community sector occupying premises in the town with a budget in 2015/16 of £52,575.
- Allocation of £90,000 each year to the council's devolved ward budget scheme, with ward councillors were able spend up to £10,000 on quick fix one-off works or initiatives to improve the lives of local residents. Local residents could make suggestions on how this money should be spent by contacting their local councillor.

In total the council's direct support to voluntary and community organisations amounted to over £575,358.

66.4 The current community grants policy agreed by cabinet in 2015 set out the eligibility criteria for applications. These were designed to reflect the limited budget available and the wide demand for funding within the voluntary and community sector. The aim was to ensure that resources were spent where services were most needed and that robust arrangements were in place for managing any grant. Applications for large capital items could not be considered. Similarly applications for services which duplicated existing services and were available and funded elsewhere were ineligible. There must also be a clear financial need for funding and organisations with large unrestricted reserves or which made a significant surplus could not be funded. The policy also excluded any organisation which itself awarded grants to other organisations. Applicants are also required to have adequate governance and equality policies in place. Applicants were also required to have adequate governance and equality policies in place.

66.5 The agreed priorities were:

- Projects designed to promote inclusion and the needs of those communities and groups protected under current equality legislation.
- Projects designed to promote digital inclusion.
- Projects designed to promote emotional health and well-being.
- Services to children and families.

66.6 Twenty-six expressions of interest had been submitted totalling £153,920. Four were judged ineligible and a further 4 did not address the agreed priorities. Of the 18 organisations invited to apply in full 16 applications were received totalling £106,533.

66.7 The following recommendations were made by the council's grants task group:

	£
Eastbourne Survivors Group	5,000
SCDA Sompriti	7,000
Now	8,000
Age Concern Eastbourne	7,300
Memory Lane	3,000
Community Stuff	6,200
Abacei Cultural Exchange	2,500
Embrace	6,000
Street Pastors	3,000
Community Wise	2,000
Relate	3,000
Bridgmere	2,600
Elim Church	2,600
Eastbourne Excellence	800
Wayfinder Woman	500
Multi Cultural Project	500

The recommended allocations reflected the relevance of the application to the priorities agreed and the quality of the application itself.

66.8 The task group recommended that cabinet approve the following priorities for the small grants programme in 2017/18.

- Projects which promote the inclusion of groups protected under the Equalities Act.
- Projects which provide mental health services with a particular focus on young people.
- Projects to reduce social isolation in vulnerable people.
- Community buildings – one off small grants to help voluntary organisations increase the involvement of local residents as volunteers to help run the buildings and/ or new activities within those buildings; or to develop business plans to put them on a more sustainable financial footing.

66.9 Resolved (key decision): (1) That the proposals for the award of small grants as recommended by the grants task group and set out above be approved.

(2) That the reasons given by the task group for the allocation of funding based on an assessment against the criteria set out in the council's community grants policy be endorsed.

(3) That it be noted that the foregoing resolutions are subject to the approval by full council at their meeting on 17 February 2016 of the council's budget for 2016/17.

(4) That the priorities for the award of small grants in 2017/18 be agreed.

(Notes: (1) Exempt information reason 3 (information relating to the financial or business affairs of any particular person (including the authority) holding that information).

(2) The above minute and associated report to cabinet was made public following the cabinet's decision.)

67 Council investments (KD).

Cabinet agreed the principle of disposing of all or part of the council's financial interests in the subject asset and gave the senior head of community delegated authority to negotiate the sale in consultation with the leader of the council and the council's chief finance officer. A budget for legal work associated with the disposal was allocated.

Exempt information reasons: 3 - information relating to the financial or business affairs of any particular person (including the authority holding that information) and 5 (information in respect of which a claim to legal professional privilege could be maintained in legal proceedings).

The meeting closed at 7.00 pm

Councillor David Tutt
Chairman

By virtue of paragraph(s) 1, 2, 3, 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A
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