



Published 1 December 2015

Agenda for meeting of the Cabinet to be held at 6.00 pm on Wednesday, 9 December 2015 in the Town Hall, Eastbourne

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



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



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Members of the Cabinet:

Councillor David Tutt (Leader and Chairman of Cabinet): Responsibilities aligned with Chief Executive and including the Community Strategy, Local Strategic Partnership, the Corporate Plan and economic development.

Councillor Gill Mattock (Deputy Leader and Deputy Chairman of Cabinet): Financial services including accountancy, audit, purchasing and payments.

Councillor Margaret Bannister: Tourism and leisure services.

Councillor Alan Shuttleworth: Direct assistance services including revenues and benefits, housing and community development, bereavement services and the Crime Reduction Partnership.

Councillor Troy Tester: Core support and strategic services.

Councillor Steve Wallis: Place services including cleansing and recycling, parks and downland, engineering, building and development control, planning policy and strategy, environmental health and licensing.

[KD] against an item indicates that the matter involves a Key Decision and that the item has been listed in the Council's Forward Plan for at least 28 clear days.

[BPF] against an item indicates that the matter is part of the Council's Budget and Policy Framework and as such will require the approval of the Full Council.

Publication of this agenda also constitutes notice (or confirmation that such notice has previously been given) to the Chairman of the Scrutiny Committee and members of the public as appropriate:

(1) Under regulation 10(3) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 in respect of any key decision not included in the Council's Forward Plan of Key Decisions within 28 days of this meeting. Such items (if any) are marked **[KDGE]** and the reasons why compliance with regulation 9 (publicity in connection with key decisions) was impracticable are given.

(2) Under regulation 5(4) of the above mentioned regulations that certain matters listed on this agenda (if any) may need to be considered in private. (This notice is given further to the earlier notice given under regulation 5(2)). The reasons for private consideration are given at the relevant item, together with details of representations received (if any) about why the meeting should be open to the public.

1 Minutes of the meeting held on 21 October 2015.

2 Apologies for absence.

3 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 and regulation 12(2)(d) of the 2012 Access to Information Regulations. (Please see note at end of agenda).

4 Questions by members of the public.

On matters not already included on the agenda and for which prior notice has been given (total time allowed 15 minutes).

5 Urgent items of business.

The Chairman to notify the Cabinet of any items of urgent business to be added to the agenda.

6 Right to address the meeting/order of business.

The Chairman to report any requests received to address the Cabinet from a member of the public or from a Councillor in respect of an item listed below and to invite the Cabinet to consider taking such items at the commencement of the meeting.

- 7 Corporate performance - Quarter 2 2015/16 [KD].** (Pages 1 - 40)
Report of Chief Finance Officer and Senior Head of Corporate Development and Governance.
Cabinet lead members: Councillors Gill Mattock and Troy Tester.
- 8 Corporate Plan 2016/20 (KD).** (Pages 41 - 48)
Report of Senior Head of Corporate Development and Governance and Senior Corporate Development Officer.
Cabinet lead member: Councillor Troy Tester.
- 9 Council budget 2016/17 - draft budget proposals (KD).** (Pages 49 - 58)
Report of Deputy Chief Executive.
Cabinet lead member: Councillor Gill Mattock.
- 10 Council tax base and business rate income 2016/17 (KD).** (Pages 59 - 68)
Report of Chief Finance Officer.
Cabinet lead member: Councillor Gill Mattock
- 11 Housing revenue account (HRA) 30 year business plan (KD).** (Pages 69 - 76)
Report of Chief Finance Officer.
Cabinet lead member: Councillor Gill Mattock
- 12 * Devonshire Park project (BPF).** (Pages 77 - 106)
Report of Senior Head of Regeneration, Planning and Assets and Senior Head of Tourism and Enterprise.
Cabinet lead member: Councillor Margaret Bannister.
- 13 * Contract rules and procurements (BPF).** (Pages 107 - 142)
Report of Senior Head of Projects, Performance and Technology.
Cabinet lead member: Councillor Troy Tester.
- 14 Employment land local plan (KD).** (Pages 143 - 158)
Report of Senior Head of Regeneration, Planning and Assets.
Cabinet lead member: Councillor Steve Wallis.
- 15 Review of safeguarding children and vulnerable adult policy (KDGE).** (Pages 159 - 190)
Report of Senior Head of Community.
Cabinet lead member: Councillor Alan Shuttleworth.

16 Gambling policy (statement of principles) 2016-2019 (BPF). (Pages 191 - 194)

Report of Senior Specialist Advisor.
Cabinet lead member: Councillor Steve Wallis.

17 Review of policies: (1) Street trading; (2) Sex establishments. (KD). (Pages 195 - 198)

Report of Senior Specialist Advisor.
Cabinet lead member: Councillor Steve Wallis.

18 Exclusion of the public.

The Chief Executive considers that discussion of the following items is likely to disclose exempt information as defined in Schedule 12A of the Local Government Act 1972 and may therefore need to take place in private session. The exempt information reasons are shown beneath the items listed below. 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 requisite notices having been given under regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.*)

(Note: Exempt papers are printed on pink paper).

19 Community grants - Major and housing grants 2016/17 to 2018/19 (KD). (Pages 199 - 202)

Report of Senior Head of Community.
Cabinet lead member: Councillor Alan Shuttleworth.

Exempt information reason 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).

20 Redundancy and redeployment policy - update. (Pages 203 - 206)

Report of Senior Head of Corporate Development and Governance.
Cabinet lead member: Councillor Troy Tester.

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

21 Corporate assets - investment (KDGE). (Pages 207 - 210)

Report of Senior Head of Regeneration, Planning and Assets.
Cabinet lead member: Councillor Troy Tester.

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).

Inspection of background papers – Please see contact details listed in each report.

Public right of address – Requests by members of the public to speak on a matter which is listed in this agenda must be **received** in writing by no later than 12 Noon, 2 working days before the meeting (e.g. if the meeting is on a Wednesday, received by 12 Noon on the Monday before). The request should be made to Local Democracy at the address listed below. The request may be made by, letter, fax, or electronic mail. For further details on the rules about speaking at meetings or for asking a question on a matter not listed on the agenda please contact Local Democracy.

Public questions – Members of the public may ask a question on a matter which is not on the agenda. Questions should be made in writing and by the same deadline as for the right of address above. There are rules on the matters on which questions can be asked. Please ask Local Democracy for further information

Councillor right of address - Councillors wishing to address the meeting who are not members of the Cabinet must notify the Chairman in advance (and no later than the immediately prior to the start of the meeting).

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).

Implementation of decisions - Implementation of any key decision will take place after 5 working days from the date notice is given of the Cabinet's decision (normally on the day following the meeting) unless subject to "call-in". Exceptions to this requirement are allowed when the decision is urgent.

Further information – The Forward Plan of Key Decisions, Councillor contact details, committee membership lists and other related information are available from Local Democracy. To receive regular e-mails alerting you to the publication

of Cabinet agendas (or other meeting agendas) please send an e-mail to:
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You can view the Forward Plan of Key Decisions at
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Agenda Item 7

- BODY:** CABINET
- DATE:** 9th December 2015
- SUBJECT:** Corporate Performance - Quarter 2 2015/16
- REPORT OF:** Chief Finance Officer and Head of Corporate Development
- Ward(s):** All
- Purpose:** To update Members on the Council's performance against Corporate Plan priority actions, performance indicators and targets for Quarter 2 2015/16.
- To inform Cabinet of the Council's provisional financial outturn for Quarter 2 2015/16.
- Contact:** William Tompsett, Senior Corporate Development Officer
Tel 01323 415418 or internally on ext 5418
- Pauline Adams, Financial Services Manager
Tel 01323 415979 or internally on ext 5979.
- Recommendations:** Members are asked to:
- i) Agree the performance against national and local Performance Indicators and Actions from the 2010/15 Corporate Plan (2014 refresh).
 - ii) Agree the General Fund, HRA and Collection Fund financial performance for the quarter ended September 2014, as set out in sections 3, 4 & 6.
 - iii) Approve the transfer from reserves as set out in paragraph 3.5.
 - iv) Approve the capital programme as set out in Appendix 3.
 - v) Agree the Treasury Management performance as set out in section 7.

1.0 Introduction

- 1.1 The 2010/15 Corporate Plan was refreshed in 2014 and sets out a number of key actions and indicators to deliver and measure progress against key priorities. Throughout the year, performance against these key indicators and milestones is reported to Cabinet and Scrutiny committees on a quarterly basis and to Scrutiny monthly.
- 1.2 The information in these performance reports is collected and managed using the Covalent performance management system. Further detail behind the report and evidence providing a full and robust audit trail for the

performance information presented is available to view within the online system. A dedicated Member portal has been designed to enable and encourage Members to access performance information at any time and two dedicated training sessions have been delivered. All Members are invited to contact the Corporate Development Team at any time to arrange individual training or support on using the system if required.

- 1.3 In the absence of a National Performance Framework it is important that the authority continues to strengthen its own performance management procedures particularly in relation to the use of robust local indicators and meaningful reporting against actions and activities. The actions, milestones and performance indicators in the Corporate Plan refresh 2014 have been chosen to reflect this year's priority activities and objectives with a view to realising the longer term vision set out in the Corporate Plan.
- 1.4 Due to operational improvements made to our activity reporting procedures in Quarter 3 2014/15, we made a change to one of the reported performance indicators. CS_012 "Calls Handled at First Point of Contact" has now been replaced with CS_012a "Telephone Calls handled at first point of contact." This new version of the indicator focuses solely on phone scripts.
- 1.5 Following changes to crime reporting procedures, it was decided to change the crime related PIs from targeted to data only as the previous targets are no longer relevant to the data being reported. These PIs will be reviewed and revised for the next iteration of the Corporate Plan.

2.0 Performance Overview

- 2.1 **Appendix 1** is a detailed report on the activities and outturns of the performance indicators listed within the current Corporate Plan. This report shows the latest available outturns for the local performance indicators featured in the 2010/15 Corporate Plan broken down into themed areas.
- 2.2 Each project has been allocated a number of in-year actions and milestones to be completed in order to progress the project efficiently. Some projects may be fully completed within the year whereas larger scale priorities will be delivered over a longer period. **The first section of Appendix 1 lists all the Corporate Plan priority actions whose in-year milestones have already been fully completed this year.** Full details of the specific milestones and commentary for these actions is available on request or directly via the Covalent Performance Management System.
- 2.3 The second section of Appendix 1 lists the ongoing actions showing all milestones that were scheduled for completion within this period and any outstanding milestones along with commentary to explain the context behind them.
- 2.4 Chapter summary text has been supplied by the relevant Heads of Service to provide added context for the performance reported in each section. This commentary highlights important achievements and challenges for the reporting period and can be found at the start of each chapter.

- 2.5 The PI tables show which indicators related to the priority projects are performing on target (green tick icon), failing to reach target (red octagonal icon) or are near misses (amber triangle icon). Relative performance is based on quarterly targets as set by the managers of each area using past performance, available benchmarking and planned service developments.
- 2.6 The current outturn for each PI is shown on the performance gauges in column 4 – Year to date. The gauges show visually how the level of performance compares to targets (green zones) and near miss levels (amber zones). Amber zones have been reviewed to reflect appropriate levels of performance expectation and any national targets which are lower than our own local aspirations.
- 2.7 The bar charts in column 6 show comparative performance against previous quarters/years as appropriate. This enables an at a glance indication of whether performance is improving or not and will help identify potential trends and seasonality of performance.
- 2.8 Commentary has been included in the action and indicator outturn tables where supplied. This provides some contextual background to the performance and this function and is backed up by the online evidence collation facility of the Covalent system.
- 2.9 Of the 27 Key Performance Indicators reported in the Corporate Plan this quarter, **5 are currently showing as Red, 9 are showing as Green, 3 are showing as Amber and 10 are data only or contextual PIs.** The off target PIs are...
- 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
- 2.10 We have the capability within Covalent to analyse performance data via dashboard reporting. This allows us to look beyond green – amber – red performance reporting and drill down more into the data and what it is telling us. The following PIs are showing as the relatively best performing according to the latest confirmed data available:

...	Code & Title	Gauge	Value	Target
✓	TL_008 Conference delegates		14,775	12,000
✓	CD_155 Number of affordable homes delivered (gr...		70	30
✓	CS_011 Telephone call abandonment rate		3.26%	5%
✓	CD_056 Median average number of days for assist...		73 days	100 days
✓	DE_192 Percentage of household waste sent for re...		37.90%	35.00%

**The data in this table is based on the latest reported out-turns including annually reported indicators so may include PIs where data is from the 2014/15 out-turn.*

3.0 Financial Performance – General Fund

3.1 General Fund performance for the year to September is in the table below:

Department	Full Year Budget £'000	Profiled Budget £'000	Actual to 30 Sep 15 £'000	Variance to date £'000	Projected Outturn £'000
SUMMARY					
Corporate Services	5,765	4,092	4,095	3	8
Community Services	5,902	26,860	26,733	(127)	(78)
Regeneration, Planning Policy and Assets	117	7	24	17	33
Tourism & Enterprise	2,949	1,972	1,963	(9)	6
Total Service Expenditure	14,733	32,931	32,815	(116)	(31)
Contingencies etc	(350)	67	-	(67)	(134)
Capital Financing and Interest	1,892	759	759	-	-
Contributions to/(from) Reserves	(1030)	(1030)	(1030)	-	-
Net Expenditure	15,245	32,727	32,544	(183)	(165)

Service Details are shown at **Appendix 2**. The work on realigning the budgets for Future Model 2 is now complete and the department split is based on the current operating structure.

3.2 The position at the end of September shows a favourable variance of £183,000 on net expenditure which is a movement of £187,000 compared to the position reported at the end of the first quarter in June. Service expenditure has a favourable variance of £116,000 mainly as a result of:

Salary savings pending recruitment to new FM structure	£69k
Additional Crematorium Abatement income	£45k

3.3 The contingency fund currently stands at £134,000 which is available to fund inflationary increases and any future unforeseen one off areas of expenditure during the year.

3.4 The projected outturn shows a favourable variance of £165,000. This is within 1.1% of the net budget and is within an acceptable tolerance level. However management continues to manage this position to ensure that this final outturn position is maintained.

3.5 Members approval is sought for the transfer from reserves as set out below:

Item No.	Amount	Reserve Code	Reserve	Reason
1	£75,000	z10125	Strategic Change Reserve	IESE payment for 2015-16
	<u>£75,000</u>			

This transfer is in line with the approved financial strategy.

4.0 Financial Performance - HRA

4.1 HRA performance for the quarter is as follows:

	Current Budget	Profiled Budget	Actual to 30 Sept 15	Variance to date	Projected Outturn
	£'000	£'000	£'000	£'000	£'000
HRA					
Income	(15,747)	(7,917)	(7,954)	(37)	(37)
Expenditure	12,774	3,969	3,899	(70)	(61)
Capital Financing & Interest	1,893	-	-	-	-
Contribution to Reserves	784	-	-	-	-
Total HRA	(296)	(3,948)	(4,055)	(107)	(98)

4.2 HRA performance is currently above target by £107,000, this is mainly due to increase in rents from the number of void properties being at a lower level than budgeted for plus a quicker turnaround (£41k), a reduction required for the provision for bad debts (£31k) and the slow take up of the under occupation scheme (£36K). Other small variances are carefully being monitored.

4.3 The favourable variances above are reflected in the forecast outturn of £98,000.

5.0 Financial Performance – Capital Programme

5.1 The detailed capital programme is shown at Appendix 3. Actual expenditure is low compared to the budget, due to delays in the start dates of various major projects. Expenditure is expected to increase as schemes progress however spending patterns will be reviewed at quarter three and re-profiled into the 2016/17 year where appropriate.

5.2 The capital programme has been amended from that approved by Cabinet in September to reflect new approved schemes.

6.0 Financial Performance – Collection Fund

6.1 The Collection fund records all the income from Council Tax and Non-Domestic Rates and its distribution to the major precepting authorities.

6.2 The projected Collection Fund for the year is as follows:

	Council Tax	Business Rates
	£'000	£'000
Balance B/fwd 1.4.15	(447)	1,789
Deficit recovery	180	(1,295)
Debit due for year	(54,747)	(34,264)
Payments to preceptors	53,953	34,399
Transitional Relief		(24)
Allowance for cost of collection		127

Allowance for appeals		838
Write offs and provision for bad debts	399	142
Estimated balance 31.3.16	(662)	1,712
Allocated to:		
CLG	-	856
East Sussex County Council	(480)	154
Eastbourne Borough Council	(91)	685
Sussex Police	(57)	-
East Sussex Fire & Rescue	(34)	17
	(662)	1,712

6.3 The allocations to preceptors reflect the operation of the Collection fund for Council Tax and retained Business Rates which are distributed on different bases under regulations. The distributions of the estimated balance calculated at quarter 3 will be made in 2016/17. Any changes after that date will be made in 2017/18.

6.4 Council Tax is currently showing a £662,000 surplus a variance of 1.21%, this is 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.

6.5 The Business Rate deficit of £1,712,000 is as a result of a bigger than anticipated provision made in 14/15 for outstanding appeals, giving rise to a higher than budgeted for balance carried forward as at 1.4.15, together with the extra number of appeals received by the valuation office which were not included in the 14/15 figures. The total number of appeals outstanding as at 30.9.15 was 248 with a total rateable value of £21.5m. The deficit represents 5% of the total debit for the year.

6.6 Collection performance is as follows:

Cash Collection Rates	Council Tax	Business Rates
Q2 Actual	56.20%	54.29%
Q2 Target	57.50%	54.33%

7.0 Treasury Management

7.1 The detailed mid-year review report has been submitted to the Audit and Governance Committee on 2 December in compliance with CIPFA's Code of Practice for Treasury Management. Below is a summary of the main points from the current economic background, interest rate forecasts, investment and borrowing performance.

7.2 Economic Background

While the economic outlook for the UK and US improved through much of 2014, the first quarter of 2015 was something of a disappointment for the two economies. Q2 figures proved this to be a blip, but more recently, the

sustainability of the economic recoveries has been called into question. Add in unsettled global financial markets and it could see both central banks hold back from policy changes until 2016

The Bank of England August Inflation Report included a forecast for growth to remain around 2.4 – 2.8% over the next three years, driven mainly by strong consumer demand as the squeeze on the disposable incomes of consumers has been reversed by a recovery in wage inflation at the same time that CPI inflation has fallen to, or near to, zero over the last quarter. Investment expenditure is also expected to support growth. Since then, worldwide economic statistics have been distinctly weak so it would not be a surprise if the next Inflation Report in November were to cut those forecasts.

The August Bank of England Inflation Report forecast was notably subdued with inflation barely getting back up to the 2% target within the 2-3 year time horizon

7.3 **Interest Rate Forecast**

The Governor of the Bank of England, Mark Carney, has repeatedly stated that increases in Bank Rate will be slow and gradual. The MPC is concerned about the impact of increases on many heavily indebted consumers, especially when average disposable income is only just starting a significant recovery as a result of recent increases in the rate of wage inflation, though some consumers will not have seen that benefit come through for them

Capita Asset Services, the council’s treasury advisors, undertook a review of its interest rate forecasts on 11 August after the August Bank of England Inflation Report. This latest forecast includes no change in the timing of the first increase in Bank Rate as being in quarter 2 of 2016.

7.4 **Annual Investment Strategy**

The Treasury Management Strategy Statement (TMSS) for 2015/16, which includes the Annual Investment strategy, was approved by Council on 4 February 2015. It sets out the Council’s investment priorities as being :

- Security of Capital;
- Liquidity;
- Yield.

A full list of short term investments held as at 30 September 2015 is shown in the table below:

Counterparty	Amount £'000	Interest Rate %	Maturity
Santander	4,000	0.80	Call
Nationwide Building Society	1,000	0.66	6.11.15
Lloyds Bank	459	0.40	Current Account
	5,459		

In addition, a sum of £1m is invested with Lloyds Bank at a rate of 3.03% maturing on 23.1.19. This investment is held as part of the LAMS scheme and all interest earned will be transferred into a reserve set up to mitigate any financial risks arising from that scheme.

Ni approved limits within the Annual Investment Strategy were breached during the quarter ending 30 September 2014.

Investment rates available in the market have continued at historically low levels. Investment funds are available on a temporary basis and arise mainly from the timing of the precept payments, receipts of grants and the progress of the capital programme.

7.4 **Investment performance**

Investment performance for the quarter ending 30 September 2014 is as follows:

Benchmark	Benchmark Return	Council Performance	Interest Earning
7 day	0.35%	58.00%	£32,750

The authority outperformed the benchmark by 0.23%. The budgeted investment return for 2015/16 is £50,000. Performance for the year to date is above target, but the second half of the year will see a reduction in interest income as temporary investments are utilised in place of borrowing. The continuous use of internal balances is in line with the Council's strategy and reduces the amount of interest paid on loans

7.4 **Borrowing**

No borrowing or debt re-scheduling was undertaken during the quarter.

Cash flow predictions indicated that further borrowing will be required towards the end of the year, depending on the timing of capital expenditure. The exact timing and nature of this borrowing will be considered at that time.

7.5 **Compliance with Treasury and Prudential Limits**

It is a statutory duty for the Council to determine and keep under review the affordable borrowing limits. The Council's approved Treasury and Prudential Indicators (affordability limits) are included in the approved TMSS.

During the quarter to 30 September 2015 the Council has operated within all the other treasury limits and Prudential Indicators set out in the Council's Treasury Management Strategy Statement and in compliance with the Council's Treasury Management Practices.

8.0 **Consultation**

8.1 Not applicable

9.0 Implications

9.1 There are no significant implications of this report.

10.0 Conclusions

- 10.1 This report provides an overview of performance against the authority's priority actions and indicators as at Quarter 2 2015/16. Progress against the key projects and indicators is updated on the online Covalent system on a regular basis and provides a "live" view of the Council's performance accessible at any time.
- 10.2 Both the General Fund and the HRA are showing favourable variances for the quarter and the outturn forecast. Capital expenditure is low but this is to be expected as some of the major schemes are yet to commence.
- 10.3 The Collection forecast for Council Tax is indicating a surplus of £662,000 and a deficit for Business Rates of £1,712,000. This will be allocated to or collected from preceptors during 2016/17.
- 10.4 Treasury Management performance is on target and all activities were within the approved Treasury and Prudential Limits.

William Tompsett
Senior Corporate Development Officer

Pauline Adams
Financial Services Manager

Background Papers:

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

Corporate Plan 2010/15 (2014 refresh)

Covalent performance management system











Budget monitoring working papers 2016/17 September 2015

Collection Fund and Business Rates Collection Fund monitoring working papers 2015/16.

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

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Completed CP Actions as at Q2 2015

Priority Theme	Project	Status
Priority Theme 1 Prosperous Economy	CP14_1_01 Tourism Marketing and Brand Development	
Priority Theme 2 Quality Environment	CP14_2_01 Managing Waste Responsibly	
	CP14_2_02 Improving the Cleanliness of the Street and Public Areas	
	CP14_2_03 Allotment Provision	
Priority Theme 3 Thriving Communities	CP14_3_01 Develop Youth Services and Activities	
	CP14_3_04 Support to Vulnerable Households	
	CP14_3_05(a) Enable the transfer of Towner to independent governance	
	CP14_3_05(b) Progress work with English Heritage to secure funding for the development of the Redoubt as an accessible, living museum	
	CP14_3_06 Tennis Development	
Priority Theme 4 Sustainable Performance	CP14_4_02 Sustainable Service Delivery Strategy (SSDS)	

Corporate Plan Milestones

(Scheduled for Quarter 2 2015 or not completed)

Parent Action	Action	Description	Due Date	Note	Completed
CP14_1_03 Business Support Scheme	CP14_1_03a Use of technology to promote local services including procurement	Complete marketing plan for Partnership to market the service to traders and public.	31-Mar-2015	This project is now part of the £2m Pier Fire Grant from DCLG. The grant was approved in February and the timetable is that this project will be delivered within 18 months.	No
		Start input of data to website and implement automatic data transfer.	30-Sep-2015	The VisitEastbourne data is ready to switch on as soon as EBNow sign a new contract which includes the original data agreement.	No
CP14_2_04 Towards a Low Carbon Town	CP14_2_04a Implement actions to reduce the carbon use of the Council's own buildings (a)	Complete feasibility study for the creation of a smart grid	31-Aug-2015	This was connected to funding application from DECC (see second note below). This is near completion as draft report and model received - due to be signed off by 31 December 2015.	No
		Identify costs and opportunities to implement a CHP energy and food hub, and report to Strategic Property Board for decision	31-Aug-2015	DECC delayed announcement of funding, start date set back to 2 January 2015. This is near completion as draft report and model received - due to be signed off by 31 December 2015.	No
	CP14_2_04b Implement actions to reduce the carbon use of the Council's own buildings (b)	Complete feasibility study for alternative heating and lighting solutions for the Eastbourne Sports Park	31-Aug-2015	Had been awaiting potential solutions from Carillion. As they did not materialise moved to different framework contract with Kier, awaiting solutions.	No
		In conjunction with the Asset Management Programme initiate recommendations outlined in the Carbon Audits for priority buildings	31-Aug-2015	As above, now awaiting solutions from Kier.	No
CP14_2_05 Transport - Cycling Provision	CP14_2_05a Implement Cycle Strategy	In partnership with ESCC complete detailed design of 5 new cycle routes	30-Nov-2014	Detailed designs have been completed for three routes; Meads to town centre and seafront, town centre to seafront via Devonshire Place and Horsey Phase 1. The Horsey Phase 3 route is to be constructed on floodplain and therefore the detailed design and associated planning is extensive. Construction of the route is not expected until the Summer of 2016. The provision of the seafront cycle route has been delayed due to ongoing discussion with DCLG regarding the amendment to the byelaw. These delays are outside EBC's control as they involve external partners/stakeholders.	No

Parent Action	Action	Description	Due Date	Note	Completed
		Complete detailed design of seafront cycle route	30-Sep-2015	Detailed design is currently being finalised.	No
CP14_2_06 Eastbourne Park	CP14_2_06b Carry out feasibility work for the new flood mitigation measures	Commission Consultants to assess the need for additional flood storage capacity and provide options for delivery	31-Mar-2015	Discussions have been taking place with the EA to progress this work and contribute to a brief for consultants to review the Eastbourne Park flood storage scheme.	No
		Prepare tender documents	30-Jun-2015	Discussions have been taking place with the EA to progress this work and contribute to a brief for consultants to review the Eastbourne Park flood storage scheme.	No
		Commission Consultants	30-Sep-2015	Discussions have been taking place with the EA to progress this work and contribute to a brief for consultants to review the Eastbourne Park flood storage scheme.	No
CP14_3_02 Improving Neighbourhood Delivery	CP14_3_02d Monitoring and Analysis of Ward Walks	First Ward Walk event held	30-Sep-2014	Ward walk scheme being reviewed and revised to enable "light engagement" events with ward councillors for the remainder of 2015/16.	No
		Second Ward Walk event held	30-Sep-2014		No
		Feedback collated and analysed	30-Nov-2014	Formal events deferred to Spring. Informal arrangements continue for both wards to ensure regular resident engagement.	No
CP14_3_03 Best Use of Housing Resources	CP14_3_03f Supporting Housing and Economic Progress (SHEP)	Include an additional 4 units (total 44)	01-Sep-2015	Occupied by early October 15 .	Yes
		Three priority commercial properties to be brought into use for Business Start Ups	01-Sep-2015	Delayed to incorporate Coastal Communities funding requirements for larger project. New completion target March 2016.	No
CP14_3_07 Active Eastbourne	CP14_3_07a Complete and implement the first priorities of the Active Eastbourne strategy	Forum to develop and action Plan and prioritise	31-Aug-2014	Rick Newman has left EBC and work on updating the Active Eastbourne Strategy will commence with the new Sports Manager in the New Year. A number of meetings have taken place and further meetings are planned for the New Year to link in with the Community Engagement Team.	No
		Commence work on action plan	30-Sep-2014	The action plan requires further development and this milestone will be carried forward to 2016.	No
CP14_4_01 Asset Management	CP14_4_01a Restructure service to create a Corporate Landlord Team	Complete work to deliver the new Corporate Landlord model	31-Mar-2015	Detailed development of the scope and specification for the CL procurement continues with Iese engaged at both EBC and LDC. Roll out of components within CL to achieve full CL model ongoing. Cabinet authorisation on programme including outsourcing of some components and phasing to accommodate changes in scope expected in autumn 2015.	No

Parent Action	Action	Description	Due Date	Note	Completed
		Continue to deliver the new Corporate Landlord Team	30-Sep-2015	Detailed development of the scope and specification for the CL procurement continues with Iese engaged at both EBC and LDC. Roll out of components within CL to achieve full CL model ongoing. Cabinet authorisation on programme including outsourcing of some components and phasing to accommodate changes in scope expected in autumn 2015.	Yes
	CP14_4_01b Market test the Wish Tower site for a restaurant	Appoint lead architect/project manager and project team	30-Sep-2015	Focus consultants appointed as project managers in August 15. Procurement for preferred operator underway.	Yes

Overarching commentary : Prosperous Economy



Tourism and Events

Q2 was a very busy period for the various T and E teams with record attendances at Airbourne and the regular full summer programme of events taking place. Meanwhile the re-branding exercise has been underway following consultation with key stakeholder groups with new visuals, straplines, design guidelines and messaging being developed through branding consultants working with Visit Eastbourne. Progress on the Devonshire Park project has involved input from catering, theatres, events, marketing and conference teams and we have been in constant negotiations with the LTA to discuss the future roll-out of major international events.

Over this quarter Eastbourne has been featured constantly and positively in the news, TV, radio and printed media, helped largely by a strong PR drive and close liaison with media partners. Some key highlights have included:

- UK's top resort town on Twitter announced in July.
- Airbourne – BBC South East Festival Friday tour (including Tourism feature on Eastbourne) and 2 days of filming from Meridian, featured on Channel 4's Countdown plus various national newspapers & magazines e.g. Telegraph, Mail & Mirror – audience reach of over 100 million of broadcast, print and online.
- Airbourne social media – Facebook reach to 728k people with 3.7 million page impressions of content and over 10 million tweet impressions during August.
- Eastbourne featured in Daily Express with top 10 things to do.
- Redoubt events featured in various publications e.g. My Weekly, Women & Home (Waterloo & Pirate School).
- BBC chose Redoubt for Children in Need live broadcast location and filmed Pudsey trailer here for broadcast throughout Oct/Nov.
- HolidayLettings.co.uk announced Eastbourne as one of the top 25 growing seaside towns with a 44% rise in searches.
- VisitEastbourne page hits up by 38% for the quarter.
- Mobile website – estimated users quadrupled and bookings almost doubled for this quarter, showing the shift in channel use.
- Toyah sell out at the bandstand.
- Bandstand season - saw a 13% total rise upon last year's ticket sales.

Significant progress has been made on the main corporate regeneration projects during the second quarter of this year. Following the making of the CPO in February, Legal and General have continued to purchase properties in Terminus Road and have to date acquired 13 of the 19 freeholds.

A number of objections to the CPO were made and Legal and General will continue to negotiate and agree terms with the objectors. However, if this is not possible, then the objections will be heard at a Public Inquiry which will commence on 24th November.

Works to replace the canopies and shopfronts in Terminus Road and to provide a new fully glazed (west) entrance to the Arndale is underway and will be finished before Christmas. The design of the development will mirror that of the proposed extension and will therefore provide a seamless elevation treatment along Terminus Road.

The Town Centre Improvement Scheme that will see a significant investment in the public realm in Terminus Road and Cornfield Road will commence next year. The scheme will be delivered in phases in order to minimise disruption and to ensure works are delivered alongside the extension to the Arndale.

Pacific House at the Sovereign Harbour Innovation Park is now complete and Bourne Rail is the first company to occupy the building with space reserved for two other companies. There

continues to be a considerable amount of interest in the business space from both local businesses and other companies considering relocating to Eastbourne.

Finally, planning permission was granted on 7th July for the detailed design of the Community Centre at Sovereign Harbour. Wave Leisure have been commissioned to work with the Community Association to provide advice on the management of the facility, negotiate Heads of Terms with the landowner and to explore opportunities for securing funding.

Prosperous Economy PIs 2015 Q2

Rows are sorted by Code

Traffic Light	
Green	1
Data Only	5

Traffic Light Icon	Code & Short Name	Year to date	Q2 2015/16	Comparison with previous year's quarter / previous year's value if annual PI.	Latest Note	Portfolio Owner
			Value			
	DE_004 Town centre vacant business space	Latest result for 2015/16 as of September 2015 10.08%	10.08%		The vacancy rate improved slightly from August's value to 10.08%.	Nazeya Hussain
	TL_003 Bandstand patrons	Cumulative result for 2015/16 as of Q2 2015/16 	28,194		Compared to the first quarter of 2014/15. The Bandstand patrons has shown a 20% increase in patrons. The excellent weather has contributed to this, with a rise in mid week concerts. We have made some changes to the tribute nights and this has also impacted on higher patron numbers.	Philip Evans
	TL_041 Number of visitors (day visitors and staying trips)	2015/16 result 5,007,000	Not measured for Quarters		2014 was an exceptional year for visitors, the pier fire in July acted as a catalyst for additional visitors. A number of attractions also reported higher visitor numbers than achieved for 2013.	Philip Evans

Traffic Light Icon	Code & Short Name	Year to date	Q2 2015/16	Comparison with previous year's quarter / previous year's value if annual PI.	Latest Note	Portfolio Owner
			Value			
	TL_042 Total tourist spend	2015/16 result £293,066,000	Not measured for Quarters		In line with the rise of visitors for 2014, Eastbourne achieved a higher visitor spend, both through day and staying visitors.	Philip Evans
	TL_043 Total day visitor spend	2015/16 result £125,230,000	Not measured for Quarters		Higher day visitors for 2014 than 2013, the destination marketing strategy is targeting day visitors to try to convert to overnight stays as the spend per head is much greater for staying visitors.	Philip Evans
	TL_044 Total accommodation spend	2015/16 result £167,836,000	Not measured for Quarters		In 2014 there was a very marginal decrease in the actual staying visitors however the spend was greater, which is great news as we are achieving higher rates for accommodation providers and a greater yield from the visitors.	Philip Evans

Overarching commentary : Quality Environment





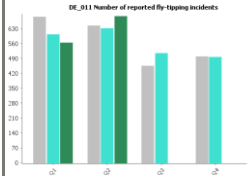

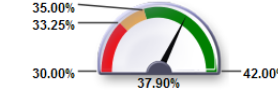
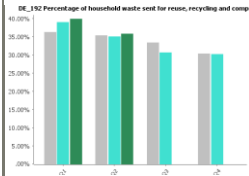
Phase 1 of the Horsey Way is to be installed in stages, the first stage is currently being constructed as part of the Town Centre Improvement Scheme (outside the station), the other stages are being installed between September 2015 and summer 2016. When completed this route will link the railway station all the way through to Langney roundabout. Council approved the amendment to the existing byelaw that will allow cycling to take place on the promenade between the Wish Tower and Fisherman's Green. A decision from DCLG to confirm the amendment is awaited.



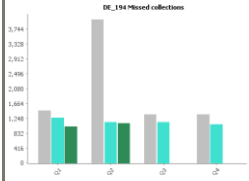
Quality Environment PIs 2015 Q2

Rows are sorted by Code

Traffic Light	
Red	1
Green	2

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Traffic Light Icon	Code & Short Name	Year to date	Q2 2015/16	Comparison with previous year's quarter / previous year's value if annual PI.	Latest Note	Portfolio Owner
			Value			
	DE_011 Number of reported fly-tipping incidents	<p>Cumulative result for 2015/16 as of September 2015</p> 	685		There has been an increased reports fly tipping in zone 2 in unadopted alleyways which has been cleared, we are negotiating with a CCTV supplier to place cameras on the adjacent lamp posts, alongside engagement events with the residents to drive an improvement. Fly tipping reports on EHL land are still included in the figures but there has been a reduced cost of removal for EHL in the second quarter compared to same period last year. Additionally we now moderate reports of fly tipping that are made on-line as previously they were sent directly to the contactor, which meant we could not investigate.	Ian Fitzpatrick
	DE_192 Percentage of household waste sent for reuse, recycling and composting	<p>Cumulative result for 2015/16 as of September 2015</p> 	35.86%		The recycling rate for Q2 was 35.86%, which is above the target rate of 35% and is higher than quarter 2 2014/15.	Ian Fitzpatrick

Traffic Light Icon	Code & Short Name	Year to date	Q2 2015/16	Comparison with previous year's quarter / previous year's value if annual PI.	Latest Note	Portfolio Owner
			Value			
	DE_194 Missed collections	<p>Cumulative result for 2015/16 as of September 2015</p> 	1,098		<p>There was a slight spike in the number of missed bins in the first month of Q2. This was caused by one of the garden waste collection crews that had a large number of agency staff working on it. The problem was dealt with by Kier supervisors and the number of missed bins returned to normal levels during August and September. Overall throughout the quarter, as a whole, the number of missed collections is below target.</p>	Ian Fitzpatrick

Overarching commentary : Thriving Communities



Eastbourne Theatres had a strong array of productions for this quarter starting with sold out shows for both Michael McIntyre and Kevin Bridges, followed by a raft of musicals including: 'The Sound of Music', the West End production of 'Top Hat', Craig Revel Horwood's 'Annie' and 'Jesus Christ Superstar'. At the Devonshire Park Theatre, Eastbourne Theatres produced Alan Ayckbourn's 'Round and Round The Garden' and hosted a marvellous production by the Original Theatre Company of Terence Rattigans 'Flare Path'. Other highlights included: Joan Armatrading final world tour, Alan Carr and Sir Ranulph Fiennes. Delivering a quality programme for the resident and visitor alike.

Implementation of the new Youth Strategy has started to take place. This went to cabinet in July for sign off. The Youth Fair will be incorporated in the Eastbourne Extreme weekend in 2015. The impact of this will be reviewed after the meeting. The intention is that a voluntary or community organisation will coordinate any future events and supported through the Community Grants programme if appropriate.

Grants Task Group has met and recommended priorities to be considered for the Major and Small Grants by Cabinet meeting in July. Grants Programme was launched in August and training sessions delivered in August, September and October. Expressions of interest have been assessed and applicants are being notified of the outcome. Assessment process is in place and assessments are due to take place between 9th October and mid November 2015

This work to develop a strategic approach to support for groups running community buildings is now well in hand with discussions underway with partners and the associations running the Council's Community buildings. Draft agreements have been discussed with the selected partners and we are awaiting further feedback before finalising. It is anticipated that tripartite partnership agreements will be drawn up between the Council, the selected Community Development partners and the individual organisations currently managing the Council's community buildings.

Mobilisation meetings for the new Neighbourhood teams have included background and principles on Neighbourhood Management. The Action Plan is being delivered in line with the reorganisation of services under FM 2. All five Neighbourhood Management plans have now been reviewed. The Council and Eastbourne Homes will be working in partnership with Mediation Plus to provide support to people reporting neighbourhood noise nuisance in a pilot to respond to noise nuisance.

All DW- Go Eastbourne targets have been successfully achieved and continuation funding secured for a second phase of the project ending March 2016. Officers have worked with the network to identify opportunities for funding and establish closer work between agencies. A couple of bids to funders are in hand, as are discussions about the value of advice to health and care services. However, funding for advice continues to be difficult to access.

Service Level Agreements are in place for Eastbourne Homes (as part of the Management Agreement) for: Audit, Customer Services, Finance, ICT/ Performance, HR, Grounds Maintenance and Arboriculture.

Eastbourne Housing Investment Company established and first Board meeting held. Competition to design iconic beach huts launched 9th September. Design submission deadline Nov/Dec. Winning designs announced March 2016.

Coventry Court frames all complete and finished well advanced. Target overall completion October 2015. Units complete. Longstone/Belmore outright sale properties are now on the market.

Welfare Reform data has been collected and provided to East Sussex County Council for inclusion in their county - wide report. The data includes information on Discretionary Housing Payments, Bedroom Tax and Benefit Cap cases as well as housing related information around rent arrears. The consultation for the new Council Tax Reduction scheme is now complete.

Devonshire Park Redevelopment



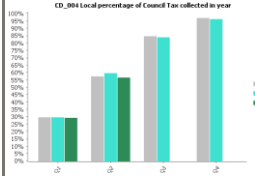

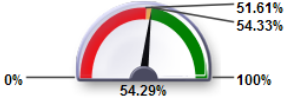
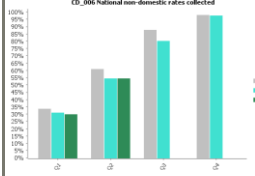
The priority task for the design team during the last quarter has been the submission of what is a very substantial planning application for the whole scheme. In addition the works to the Congress Theatre facade have been completed, the external works to the Devonshire Park Theatre have commenced and a number of optional designs for player facilities have been tested with the LTA. In terms of the Business Case this has been evaluated by an external consultant and the project team made a successful presentation to Scrutiny Committee. Finally, the team has finalised the phasing plan and the approach to procurement.



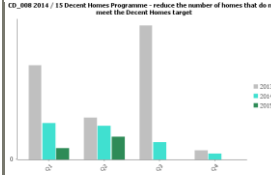


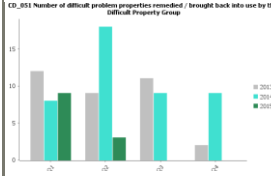


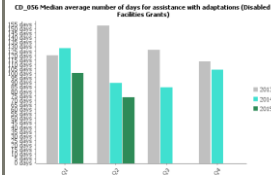


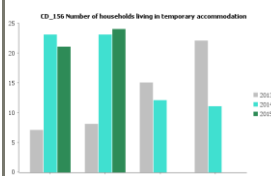


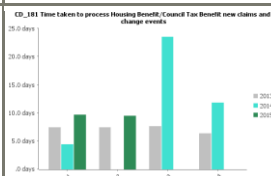
Thriving Communities PIs 2015 Q2


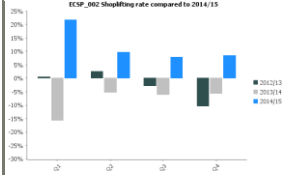



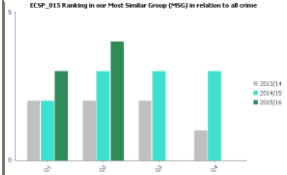

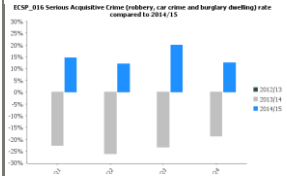

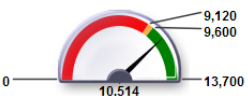
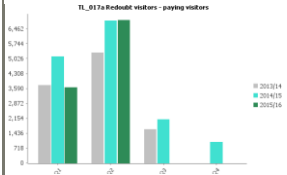
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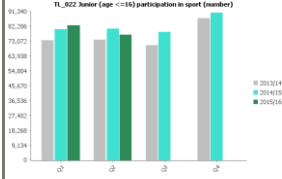


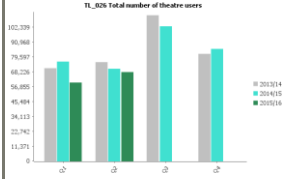
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Amber	3
Green	4
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Traffic Light Icon	Code & Short Name	Year to date	Q2 2015/16	Comparison with previous year's quarter / previous year's value if annual PI.	Latest Note	Portfolio Owner
			Value			
	CD_004 Local percentage of Council Tax collected in year	<p>Latest result for 2015/16 as of September 2015</p> 	56.2%		The transition to FM2 has presented various challenges to the Account Management team that have impacted adversely on the team's ability to progress recovery as efficiently as we would have wished. The team is moving towards a 'business as usual' state and an action plan is in place, which is being monitored regularly at a senior level, that should see an increase in performance for quarter 3.	Ian Fitzpatrick
	CD_006 National non-domestic rates collected	<p>Latest result for 2015/16 as of September 2015</p> 	54.29%		The transition to FM2 has presented various challenges to the Account Management team and whilst this has impacted adversely on the team's ability to progress recovery for Council Tax the team have managed to work efficiently in the collection of Business Rates to bring it almost back in line with the target. Q2 figure is 0.04% off target compared to being 1.46% off target at the end of Q1.	Ian Fitzpatrick

Traffic Light Icon	Code & Short Name	Year to date	Q2 2015/16	Comparison with previous year's quarter / previous year's value if annual PI.	Latest Note	Portfolio Owner
			Value			
	CD_008 2014 / 15 Decent Homes Programme - reduce the number of homes that do not meet the Decent Homes target	<p>Latest result for 2015/16 as of Q2 2015/16</p> 	0.233		The Council continues to maintain decency levels for the housing stock at almost 100%. At the end of September the number of non decent general needs properties was eight.	Ian Fitzpatrick
	CD_051 Number of difficult problem properties remedied / brought back into use by the Difficult Property Group	<p>Cumulative result for 2015/16 as of September 2015</p> 	3		Three properties were successfully remedied by the DPG in Quarter two. It is expected that this will increase in quarter three as works will be completed following serving of relevant notices	Ian Fitzpatrick
	CD_056 Median average number of days for assistance with adaptations (Disabled Facilities Grants)	<p>Latest result for 2015/16 as of Q2 2015/16</p> 	73 days		The average median time to deliver a DFG from receipt of OT (occupational therapist) recommendations to formal sign off is at 73 days for Q2. This represents effective partnership working between agencies including ESCC, ASC (Adult Social Care), contractors and surveyors.	Ian Fitzpatrick
	CD_156 Number of households living in temporary accommodation	<p>Latest result for 2015/16 as of Q2 2015/16</p> 	28		There are 28 households in temporary accommodation which reflects the current pressure on households in maintaining private rental tenancies due to high rents and lack of availability. The Caseworker and Specialist Advisory Team are working together to ensure that households spend a minimum amount of time in temporary accommodation.	Ian Fitzpatrick
	CD_181 Time taken to process Housing Benefit/Council Tax Benefit new claims and change events	<p>Latest result for 2015/16 as of September 2015</p> 	9.4 days		Performance continues to show an upward direction of travel, with the second quarter showing an outturn of 9.4 days compared to an outturn of 9.6 days for the first quarter of 2015/16.	Ian Fitzpatrick

Traffic Light Icon	Code & Short Name	Year to date	Q2 2015/16	Comparison with previous year's quarter / previous year's value if annual PI.	Latest Note	Portfolio Owner
			Value			
	ECSP_002 Shoplifting rate compared to 2014/15	Latest result for 2015/16 as of September 2015 -6.71%	-6.71%		On target and showing real reductions partially due to good partnership work including Business Crime Group.	Ian Fitzpatrick
	ECSP_004 Violent Crime in a Public Place rate compared to 2014/15	Latest result for 2015/16 as of September 2015 43.2%	43.2%		Slight reduction over time shows start of smoothing out of Home Office Crime Recording Procedures.	Ian Fitzpatrick
	ECSP_015 Ranking in our Most Similar Group (MSG) in relation to all crime	Latest result for 2015/16 as of September 2015 4	4		Despite increase in overall crime last performance year, Eastbourne still meeting target when compared with our most similar group.	Ian Fitzpatrick
	ECSP_016 Serious Acquisitive Crime (robbery, car crime and burglary dwelling) rate compared to 2014/15	Latest result for 2015/16 as of September 2015 -4.12%	-4.12%		Trend is now downwards after increase last performance year and target should be met.	Ian Fitzpatrick
	TL_017a Redoubt visitors - paying visitors	Cumulative result for 2015/16 as of September 2015 	6,876		The September figure is particularly good as we had 500 visitors for the 'Waterloo 200' event, included in the ticket price was entry to the museum	Philip Evans

Traffic Light Icon	Code & Short Name	Year to date	Q2 2015/16	Comparison with previous year's quarter / previous year's value if annual PI.	Latest Note	Portfolio Owner
			Value			
	TL_022 Junior (age <=16) participation in sport (number)	<p>Cumulative result for 2015/16 as of September 2015</p> 	76,871		<p>The second quarter of the year. Figures are down on target primarily due to a quiet August at all the sites but the Sovereign Centre in particular was over 3,000 down on target. There was a flood which affected some business and some good weather. All the other sites were slightly down except the sports park which was 1,000 down as there were no summer camps this year. September numbers have picked up. Close scrutiny will be applied to see if August was an abnormality.</p>	Philip Evans
	TL_026 Total number of theatre users	<p>Cumulative result for 2015/16 as of September 2015</p> 	67,663		<p>Q2 slightly below target, which is a mixture of both a slow summer for theatre and conference spring less numbers, going forward both theatre potential and conference actual booking are very likely to put us back on hitting target</p>	Philip Evans

Overarching commentary : Sustainable Performance





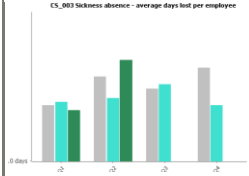


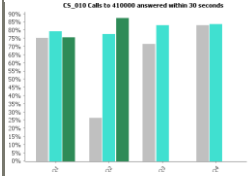

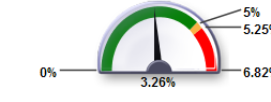
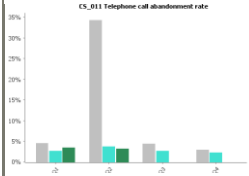
Capital programme works have commenced on Devonshire Park Theatre, Ocklynge Chapel and Motcombe Dovecot as part of the Structural Maintenance programme for 2015/16. The scope of external works to the Devonshire Park Theatre has been revised to now include structural restoration where necessary, improvements to windows/ventilation and external features including the restoration of the original cornice detail. Further investigations are underway with a view to a further phase of restoration works, including works to the turrets, commencing in January 2016.


Sustainable Performance PIs 2015 Q2

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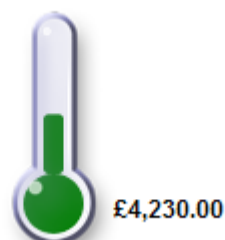
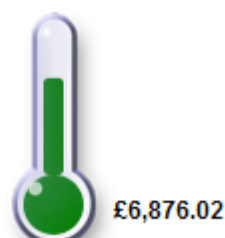
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Traffic Light Icon	Code & Short Name	Year to date	Q2 2015/16	Comparison with previous year's quarter / previous year's value if annual PI.	Latest Note	Portfolio Owner
			Value			
	CS_003 Sickness absence - average days lost per employee	Cumulative result for 2015/16 as of Q2 2015/16 	2.03 days		The Q2 figure of 2.03 days is higher than previous Q2 figures and has rendered us slightly off-target. HR is working closely with managers to monitor and manage sickness absence.	Alan Osborne
	CS_010 Calls to 410000 answered within 30 seconds	Cumulative result for 2015/16 as of September 2015 	87.26%		Indicator is on target for the month of July and above target for the months August and September which is a positive outcome for the team	Ian Fitzpatrick
	CS_011 Telephone call abandonment rate	Cumulative result for 2015/16 as of September 2015 	3.16%		This PI continues to be met by the team and is well within the agreed target	Ian Fitzpatrick


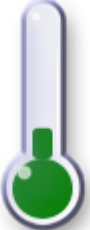
Traffic Light Icon	Code & Short Name	Year to date	Q2 2015/16	Comparison with previous year's quarter / previous year's value if annual PI.	Latest Note	Portfolio Owner
			Value			
	CS_012a Telephone calls handled at first point of contact	Cumulative result for 2015/16 as of September 2015 36.26%	32%		<p>In Q2 we started taking calls to Eastbourne Homes, which resulted in calls per month increasing to over 10,000. In total, 34,985 calls were taken, compared to 21,783 in Q1. The number of scripts we ran also increased, from 9,390 in Q1 to 11,194 in Q2. Month-by-month, Q2 saw an increase in the number of calls handled at the first point of contact. Overall, Q2's figure is lower than Q1's, but given the upward trend in scripts run, and staff's increasing familiarity with new scripts, we should see a percentage increase in Q3.</p>	Henry Branson

Devolved Budgets 2015/16

Wards	Gauge	Projects	Project Budget
Devolved Budget Spend - Devonshire	Cumulative result for 2015/16 as of October 2015 	Bourne School Play Equipment	£1,000.00
		Friends of Seaside Recreation Ground	£300.00
		Run Wednesday	£320.00
		Seedy Sunday	£500.00
		Tables for the Leaf Hall	£600.00
		Tree in Wellesley Road	£510.00
		Trees in Cavendish Place	£1,000.00
		Devolved Budget Spend - Hampden Park	Cumulative result for 2015/16 as of October 2015 
Contribution to Hampden Park in Bloom	£500.00		
Contribution to Willingdon Trees Funday	£600.00		
Green Flag Flagpole	£1,058.02		
Provision of a boat for the WRAS	£400.00		
Provision of a MUGA (Multi Use Games Area) at Lindfield School	£3,000.00		
St Peters Church Lighting	£1,000.00		

Wards	Gauge	Projects	Project Budget
Devolved Budget Spend - Langney	Cumulative result for 2015/16 as of October 2015  £0.00		
Devolved Budget Spend - Meads	Cumulative result for 2015/16 as of October 2015  £6,188.43	Helen Gardens Planting	£3,000.00
		Heritage Centre Projector	£874.83
		Meads Community Association - Banner	£344.60
		Meads Community Association - Laptop and Software	£469.00
		Trees in South Cliff Avenue	£1,500.00
Devolved Budget Spend - Old Town	Cumulative result for 2015/16 as of October 2015  £1,200.00	Contribution towards the refurbishment of the Community Wise premises	£1,000.00
		Tree within the Ward	£200.00

Wards	Gauge	Projects	Project Budget
Devolved Budget Spend - Ratton	Cumulative result for 2015/16 as of October 2015  £750.00	Trees within the Ward	£750.00
Devolved Budget Spend - St Anthony's	Cumulative result for 2015/16 as of October 2015  £300.00	Friends of Seaside Recreation Ground	£300.00
Devolved Budget Spend - Sovereign	Cumulative result for 2015/16 as of October 2015  £0.00		

Wards	Gauge	Projects	Project Budget
Devolved Budget Spend - Upperton	Cumulative result for 2015/16 as of October 2015  £0.00		
Devolved Budget Spend - all wards	Cumulative result for 2015/16 as of October 2015  £19,544.45		

	Current Budget	Profiled Budget	Actual to 30th Sept	Variance	Outturn	Comments
	£'000	£'000	£'000	£'000	£'000	
CORPORATE SERVICES						
Corporate Management	407	224	233	9	12	
Financial Services Team	1,297	659	662	3	5	
Corporate Finance	314	330	331	1	1	
Internal Audit and Corporate Fraud	235	221	221	-	-	
Strategic Finance	1,846	1,210	1,214	4	6	
Human Resources	376	174	173	(1)	(1)	
Legal Services	231	231	237	6	7	
Systems Admin and Support	1,650	1,391	1,395	4	5	
Projects and Performance	405	232	219	(13)	(15)	
IT Services	2,055	1,623	1,614	(9)	(10)	
Corporate Development	170	61	58	(3)	(3)	
Local Democracy	680	569	566	(3)	(3)	
Corporate Development and Governance	850	630	624	(6)	(6)	
TOTAL CORPORATE SERVICES	5,765	4,092	4,095	3	8	
COMMUNITY SERVICES						
Service Management	(75)	30	30	-	-	
Strategy and Commissioning Community	51	23,386	23,399	13	22	
Service Management	76	38	40	2	2	
Specialist Advisory	4,759	2,671	2,589	(82)	(52)	Includes salary savings whilst recruitment underway
Customer Contact	734	419	366	(53)	(53)	Includes salary savings whilst recruitment underway
Case Management	541	283	287	4	-	
Account Management	281	98	96	(2)	-	
Neighbourhood First	508	327	363	36	43	Includes Car Parking shortfall £25k
Customer First	6,899	3,836	3,741	(95)	(60)	
Bereavement Services	(973)	(392)	(437)	(45)	(40)	Additional Abatement income received
TOTAL COMMUNITY SERVICES	5,902	26,860	26,733	(127)	(78)	

	Current Budget	Profiled Budget	Actual to 30th Sept	Variance	Outturn	Comments
	£'000	£'000	£'000	£'000	£'000	
REGENERATION, PLANNING POLICY & ASSETS						
Service Management	100	1	1	-	-	
Regeneration and Planning Policy	353	156	156	-	-	
Corporate Landlord	(536)	(339)	(335)	4	33	Outturn includes shortfall in rental income
Facilities Management	200	189	202	13	-	
Estates and Property	(336)	(150)	(133)	17	33	
TOTAL REGENERATION, PLANNING POLICY & ASSET	117	7	24	17	33	
TOURISM AND ENTERPRISE						
Service Management	104	50	50	-	-	
Towner	679	491	491	-	-	
Devonshire Park Complex	-	4	4	-	-	
Tourism and Enterprise	379	246	256	10	3	
Catering	(4)	(92)	(100)	(8)	(8)	
Heritage	176	39	42	3	-	
Tourist Information	80	25	37	12	12	
Tourism and Enterprise	631	218	235	17	7	
Sports Delivery	213	292	288	(4)	(2)	
Seafront	(11)	(29)	(33)	(4)	(8)	
Events	595	512	502	(10)	(7)	
Theatres	738	434	426	(8)	16	
TOTAL TOURISM AND ENTERPRISE	2,949	1,972	1,963	(9)	6	
TOTAL SERVICE EXPENDITURE	14,733	32,931	32,815	(116)	(31)	

Scheme	Total Scheme Approved	Scheme Spend to 31.3.15	2015-16 Spend to 30 Sept 2015	Revised Budget 2015-16	Remaining Budget	Funding of Budget 2015-16	Comments for Cabinet report Q2
HOUSING REVENUE ACCOUNT							
Managed by Eastbourne Homes	Ongoing	Ongoing	1,946,525	4,258,000	-2,311,475	EBC	On target to complete 15-16
Other Schemes							
House Rescue Emergency Fund	200,000	0	0	200,000	-200,000	EBC	Schemes not yet identified
Empty Homes Programme Ph1	2,602,473	2,873,403	72,598	16,740	55,858	EBC/Grant	Overall schemes on target within budget. Some schemes completed other starting which will complete in 2016-17. New schemes being identified.
New Build Phase 1	4,928,255	2,553,450	1,652,050	2,374,805	-722,755	EBC/Grant	
New Build Phase 2	3,359,952	68,613	472,189	1,750,625	-1,278,436	EBC/Grant	
Empty Homes Programme Ph2	2,137,200	744,272	6,740	1,638,267	-1,631,528	EBC/Grant	
Total HRA		6,239,738	4,150,101	10,238,437	-6,088,336		
COMMUNITY SERVICES							
Memorial Safety Cems	40,000	6,080	0	34,000	-34,000	EBC	Works will not be completed in 2015-16. Need to re-profile to 2016-17
Digitalise Burial Records	10,000	0	0	10,000	-10,000	EBC	Works will not be completed in 2015-16. Need to re-profile to 2016-17
Ocklynge Cemetery Chapel	150,000	5,750	0	144,250	-144,250	EBC	Works started on site Aug 15. Completion due by December
Main Chapel Refurb - Phase 2	26,000	4,830	0	21,150	-21,150	EBC	Some improvements planned for 2015-16 but some to be re-profiled to 2016-17 after peak demand
Disabled Facilities Grants	Ongoing	Ongoing	220,629	769,450	-548,821	Grant	Slow start but expecting to commit all budget by year end.
BEST Grant (housing initiatives)	Ongoing	Ongoing	9,122	60,450	-51,328	Grant	Slow start but expecting to commit all budget by year end.
Acquisition of Land & Property	10,000,000	0		5,000,000	-5,000,000	Ext Funding	£1.85m allocated as loan to EHIC for purchase of 137-139 Seaside Road. Completion due 26.11.15
Willingdon Trees Multi Gym	20,000	0		20,000	-20,000	EBC	Bookings have declined and scheme unlikely to progress this year
Contaminated Land	185,000	82,966	0	102,000	-102,000	Grant	No works identified to date. Unlikely to be spent in 2015-16
Coast Defences Beach Management Strategy	Ongoing	4,821,722	181,000	181,150	-150	Grant	Works scheduled for Q4 dependent on tides and weather
Cycling Strategy	45,000	0	0	40,600	-40,600	EBC	Detailed designs are being finalised and works planned to start January 2016
Princes Park	210,000	14,425	0	178,600	-178,600	S106	Start was planned for October but delayed by at least 12 weeks. Completion expected June 2016
Play Area Sovereign Harbour	27,000	0	0	27,000	-27,000	S106	Negotiations are ongoing with the developer for play space.
Allotment Upgrade	114,000	112,893	0	1,100	-1,100	EBC	Main works completed.
Hampden Park Skate Park	170,000	169,907	0	1,150	-1,150	EBC	Main works completed.
Terminus Road Improvements	500,000	0	0	500,000	-500,000	EBC	Detailed design has been approved. Work on the first phase at the station has started with completion due Dec 15. Works in Cornfield Road due to start 2016 with the proposed works to the Arndale
CIL - Software	14,000	4,393	0	9,600	-9,600	EBC	New software being sourced by Lewes. Refund of 2015-16 spend due from Civa
Sov Harbour Community Centre	1,600,000	60,107	0	1,539,900	-1,539,900	EBC/Ext Funding/S106	Tenders for site investigation works received and works to be completed by mid November. Heads of Terms for the lease being discussed.
Highfield Allotments	25,000	22,855	2,145	2,150	-5	EBC	Complete
BMX Track Hampden Park	46,000	1,150	3,500	44,850	-41,350	EBC	Works completed Oct 15. Awaiting invoices.
Hampden Park Path	25,000	0	6,877	25,000	-18,124	EBC	Phase 1 completed. Phase 2 scheduled for Q4
Bodiam Cres Play Area Path	20,000	0	0	20,000	-20,000	EBC	Tender process for works underway
Gildredge Park - Toddler Equipment	22,000	0	0	22,000	-22,000	EBC	New equipment installed and post RoSPA inspection 5.10.15
Princes Park - Bowls Roof	40,000	0	37,646	40,000	-2,354	EBC/Ext Funding	Works completed 31.7.15
Hampden Park - Multi Play Unit	50,000	0	22,668	50,000	-27,332	EBC	New equipment installed and post RoSPA inspection 16.10.15
Motcombe Pond	50,000	0	0	50,000	-50,000	EBC	Project to be delivered by East Kent Engineering Partnership. Completion expected by March 16

Scheme	Total Scheme Approved	Scheme Spend to 31.3.15	2015-16 Spend to 30 Sept 2015	Revised Budget 2015-16	Remaining Budget	Funding of Budget 2015-16	Comments for Cabinet report Q2
Total Community Services		5,307,076	483,587	8,894,400	-8,410,813		
TOURISM & LEISURE							
Volleyball Court	25,000	2,000	0	23,000	-23,000	EBC	Development partner found. Awaiting decision from Historic England decision to progress
Signage	40,000	23,917	0	16,100	-16,100	EBC	Branding project has progressed. Completion planned for 2015-16
Sports Park Flood Lights	30,000	0	0	30,000	-30,000	EBC/Ext Funding	Likely to be in 2016-17
Re-surface Tennis Courts	265,000	208,946	0	56,050	-56,050	EBC/Ext Funding	Considering alternative ways of delivering access to tennis courts
Wish Tower - Catering Outlet	40,000	36,000	0	4,000	-4,000	EBC	Remaining budget to be spent 2015-16
Serco Contract	Ongoing	Ongoing	0	31,650	-31,650	EBC	On target to complete in 2015-16
ILTC - Air Conditioning	60,000	0	0	60,000	-60,000	EBC	Quotes being obtained
ILTC - Public Address System	40,000	15,000	27,857	25,000	2,857	EBC	Complete
ILTC - Fire Alarm	10,000	0	16,877	10,000	6,877	EBC	Complete, higher cost than estimated
Sports Park Railings	11,000	0	0	11,000	-11,000	EBC/Ext Funding	Works ordered. Completion due 2015-16
Redoubt - Stair Climber	20,000	0	0	20,000	-20,000	EBC	Quotes received. Works planned for 2015-16 during seasonal closure of Fort
Colonnade Removal	500,000	0	0	500,000	-500,000	EBC	Likely to be in 2016-17 in line with other works
Redoubt - Asphalt Gun Platform	50,000	0	0	50,000	-50,000	EBC	Likely to be in 2016-17 in line with other works
Devonshire Park - Roller	14,000	0	14,000	14,000	0	EBC	Complete
Devonshire Park - Verti Drain Aerator	14,000	0	14,000	14,000	0	EBC	Complete
Devonshire Park - Hollow Corer	15,000	13,250	1,750	1,750	0	EBC	Complete
Devonshire Park - Grounds Van	7,500	0	7,232	7,500	-268	EBC	Complete
New Beach Huts	235,240	0	69,413	235,250	-165,837	EBC	Scheme delayed. Completion expected June 16
Total Tourism & Leisure		299,113	151,129	1,109,300	-958,171		
CORPORATE SERVICES							
Carbon Reduction Works	467,500	0	10,624	467,500	-456,876	EBC	Works ready to start on new heating system/storage and energy efficiency at Sports Park. Expected spend in 2015-16 £400k
Invest to Save	80,000	0	0	72,500	-72,500	EBC	Available for allocation
1 Grove Road - Redesign CCC	409,100	423,675	26,653	0	26,653	EBC	Works complete. Final invoices awaited. Overspend by 7% due to additional fire safety requirements
Future Model Phase 2	2,990,000	2,459,398	578,633	651,150	-72,517	EBC	Programme nearing completion
Capital Contingencies	Ongoing	Ongoing	7,853	0	7,853	EBC	Subject to legal process
Investment Capital	5,750,000	1,150,000	0	2,300,000	-2,300,000	Ext Funding	Investment due to be made in tranches waiting next draw down
Sovereign Harbour Innovation Mall	1,400,000	0	1,400,000	1,400,000	0	EBC	Complete
Solar Panels (2nd Programme)	500,000	303,778	109,294	196,200	-86,906	EBC	All works completed. Retention monies outstanding.
IT - Block Allocation	Ongoing	241,726	123,080	526,250	-403,170	EBC	Planned works on schedule. Some budget will need to be re-profiled to 2016-17
Total Corporate Services		4,578,578	2,256,137	5,613,600	-3,357,463		
Asset Management							
Devonshire Park Review Stage 1-3	2,375,000	762,164	794,287	1,612,850	-818,563	EBC	Planning application submitted Aug 15. Extensive survey work started. Dev Park Theatre works phased around Panto
Devonshire Park Project Stage 4	500,000	0	0	500,000	-500,000	EBC	Approved Cabinet 22.10.15. Works to start Nov 15
Congress Theatre redesign & restoration	1,950,000	1,109,316	572,195	840,700	-268,505	EBC	Complete and within budget. Awaiting final invoices
Thatched Shelters - re-roofing	23,600	0	24,973	25,000	-27	EBC	Completed

Scheme	Total Scheme Approved	Scheme Spend to 31.3.15	2015-16 Spend to 30 Sept 2015	Revised Budget 2015-16	Remaining Budget	Funding of Budget 2015-16	Comments for Cabinet report Q2
Devonshire Park Theatre - rendering	197,000	833	127,031	411,750	-284,719	EBC	Significant additional work identified including structural defects and effect of subsidence. Work will continue into 2016-17.
Motcombe Dovecot	17,000	0		18,500	-18,500	EBC	Works started on site. Completion due Nov15
Town Hall Community Hub	20,000	0		20,000	-20,000	EBC	Feasibility study on hold until January 16
Downland Pipe replacement	70,000	0	56,025	70,000	-13,975	EBC	All works planned for 2015-16
Shinewater Boiler replacement	45,000	0	2,684	45,000	-42,316	EBC	Quotes received. Works due to commence mid Nov 15
Total Asset Management		1,872,313	1,577,194	3,543,800	-1,966,606		
Pier Grant & Coastal Communities Grant							
Wish Tower Restaurant	1,200,000	0	0	1,200,000	-1,200,000	Ext Funding	Architects appointed and working on concept & design. Focus Consultants appointed to manage project.
Replace staircase to Camera Obscura	65,000	0	0	65,000	-65,000	Ext Funding	Scope of work identified. Awaiting confirmation of public access in perpetuity from new Pier owner.
Statue Sculpture Installation	22,000	0	0	22,000	-22,000	Ext Funding	Design competition published. Designs due be end Nov 15.
Princes Park - Café Refurbishment	394,556	0	2,400	394,556	-392,156	Ext Funding	Works out to tender
Princes Park - Public Realm Work	512,359	81,872	2,400	430,487	-428,087	Ext Funding	Works out to tender
Sea Houses Sq - Plaza Improvements	169,500	20,677	2,300	148,823	-146,523	Ext Funding	Works out to tender
Sea Houses Sq 1-5 Seaside Refurb	65,543	0	0	65,543	-65,543	Ext Funding	Structural Engineers report on condition of building awaited
Seaside Rd - Elms Bdg Façade	172,826	5,743	16,486	167,083	-150,597	Ext Funding	Works out to tender
Seaside Rd - 67-69 Seaside refurb	68,687	0	0	68,687	-68,687	Ext Funding	Works out to tender
		108,291	23,586	2,562,180	-2,538,594		
						% Spent	
General Fund		12,165,372	4,491,633	21,723,280	-17,231,646	20.7%	
HRA		6,239,738	4,150,101	10,238,437	-6,088,336	40.5%	
Total		18,405,110	8,641,734	31,961,717	-23,319,982	27.0%	

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- BODY:** CABINET
- DATE:** 9th December 2015
- SUBJECT:** Corporate Plan 2016 - 2020
- REPORT OF:** Senior Head of Corporate Development and Governance and Senior Corporate Development Officer
- Ward(s):** All
- Purpose:** To update Members on the development and timeline for the Council's new Corporate Plan 2016-2020.
- Contact:** William Tompsett, Senior Corporate Development Officer
Tel 01323 415418 or internally on ext 5418
- Recommendations:** Members are asked to:
- i) Agree the approach and timeline to the development of the new Corporate Plan as set out in section 3 of this report
 - ii) Agree to bring forward suggestions for revisions and updates to the aims within the Corporate Plan themes and projects
 - iii) Note the headline consultation outcomes set out in section 4 of this report and endorse the use of this information as a key guide in determining future priority projects

1.0 Introduction

- 1.1 The Corporate Plan is a key strategic document that sets out the council's ambitions for Eastbourne over a five year period. The Council plays an important role in driving improvements and delivering and commissioning services both directly and in partnership with other organisations and this plan shapes the framework for how priority aims will be delivered, managed and reported.
- 1.2 The Council's current Corporate Plan was established in 2010 and has been refreshed on an annual basis to update actions and targets and ensure that activities continue to reflect local priorities.
- 1.3 As well as plans for the future, the Corporate Plan includes statistical, demographic and contextual information providing an overview of Eastbourne. This data is brought together from a number of sources and, along with resident and stakeholder consultations, provide a robust evidence base for the chosen priority themes and projects and a potential measure for improvements. This data will continue to be refreshed and updated on an annual basis.

- 1.4 In the absence of a National Performance Framework it is important that the authority continues to strengthen its own strategic performance management procedures particularly in relation to the use of robust local indicators and meaningful reporting against actions and activities. The actions, milestones and performance indicators in the Corporate Plan are developed to reflect the priority activities and objectives with a view to realising the longer term vision set out in the Corporate Plan.

2.0 Corporate Plan 2016-2020

- 2.1 Eastbourne Borough Council remains 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.”

- 2.2 It is recommended that the new Corporate Plan continues with the same 4 priority themes as the current version – Prosperous Economy, Quality Environment, Thriving Communities and Sustainable Performance. These continue to be important areas of focus both locally and nationally and this approach will also add a degree of continuity to the projects and targets set within the plan.

2.3 Prosperous Economy

The 2010 – 2015 Corporate Plan listed the council’s themes and aims in this area as:

- An outstanding seaside resort and gateway to the South Downs National Park
- An inspiring cultural provision combining opportunities for employment, learning, participation and shared experiences for residents and tourists
- A Science Park that will be a regional centre of technology excellence
- Increased investment in infrastructure capitalising on the Eastbourne/Hailsham Triangle
- A new Town Centre that is vibrant, accessible and attractive to residents, businesses and visitors
- A wide range of employment opportunities

- 2.3.1 This theme encompasses tourism, employment and business support. Economic growth and stability are key to the future prosperity of the town’s businesses and residents. Some of the long term projects from the 2010-15 Corporate Plan are naturally continuing on into the new plan such as:

- Town Centre redevelopment
- Sovereign Harbour
- Tourism Marketing

The seafront is an important feature for the town and a joined up approach to protecting and developing the seafront along with the Wish Tower restaurant development and other facilities may be included in this area.

2.4 Quality Environment

The 2010 – 2015 Corporate Plan listed the council's themes and aims in this area as:

- Transformed sites that are currently under-used in our town centre
- Increased quantity and improved quality of public space
- Enhance and promote the unique natural and built environment for the maximum benefit of the town
- Continue working closely with the Community Environment Partnership for Eastbourne
- Moving towards becoming a low carbon town
- Less waste supported by more recycling and reusing
- Range of transport options, improved public transport and cycling facilities

2.4.1 Eastbourne prides itself on the quality of its seafront and open spaces as well as being a gateway to the South Downs National Park. We currently have two parks with Green Flag awards and 20 QE2 protected fields now protected in perpetuity. We have also seen a steady increase in recycling throughout the town since 2010 peaking at over 40% in some months and the successful implementation of the joint waste contract. Resident satisfaction with waste collection (97%), recycling (95%) and street cleanliness (86%) are at their highest rates since 2009.

Protecting the environment for future generations continues to be an important objective and increasing recycling rates, reducing carbon emissions and encouraging sustainable transport options are ongoing priorities.

2.5 Thriving Communities

The 2010 – 2015 Corporate Plan listed the council's themes and aims in this area as:

- Lowest levels of crime in comparison to similar towns in the South East
- Support for families and young people to reach their full potential
- A wider range of activities and facilities for young people, enabling them to be the best they can be
- A high level of community volunteering and involvement in our neighbourhoods
- A wide range of quality homes including affordable housing for those in need
- Increased opportunities to take part in recreational and sporting activities

- 2.5.1 This priority theme is about enabling all of Eastbourne's residents to live life to the full. This includes specific support for vulnerable households, activities for young people, neighbourhood management and development and delivery of cultural facilities.

Past successes in this area include the development of Towner including outreach facilities, youth activities and the Decent Homes programme.

Major ongoing project work around Devonshire Park and supporting vulnerable people especially during difficult economic times and following changes to the benefits system will remain key in this area.

2.6 Sustainable Performance

The 2010 – 2015 Corporate Plan listed the council's themes and aims in this area as:

- Service excellence and innovation
- Customer and outcome focussed
- An excellent employer
- A sustainable asset base
- A valued partner across the public, private and voluntary sectors
- A high performing local authority evidenced by sustained improvement

- 2.6.1 As with all local authorities and organisations, the council must continue to identify and develop more efficient ways of working to continue to deliver services and support at the necessary levels. An ongoing priority continues to be the development of the Corporate Landlord model to ensure efficient management of land, buildings and facilities owned by the council.

Eastbourne is already realising benefits through its Future Model working and this will continue to be developed and implemented along with the identification and development of potential joint working opportunities with other authorities/organisations and, in particular the work required to deliver the Eastbourne/Lewes shared service initiative, approved subject to business case by the Cabinets of both Councils in the last cycle of meetings.

- 2.7 Detailed priority projects will be drafted and mapped on the Covalent performance management system in order to assess and report clearly on progress against specific milestones throughout the life of the plan. It is proposed that these actions continue to be created and refreshed on an annual basis with quarterly reporting to Cabinet and Scrutiny committees being maintained.

- 2.8 Key performance indicators will be agreed to reflect the annual objectives and aims within the plan itself and progress against these will be reported quarterly alongside the actions and milestones as mentioned above.

- 2.9 The Members' Portal on Covalent will be updated to continue to give live access to all active Corporate Plan performance information and this will continue to be accessible to all members at all times. Two training sessions

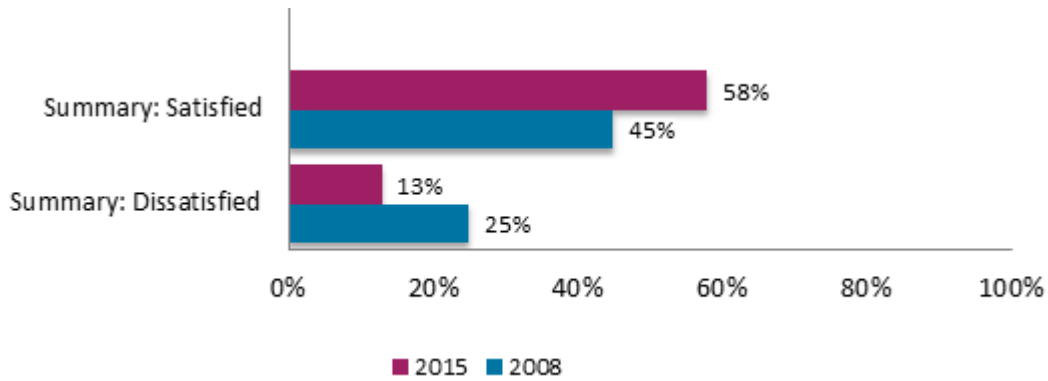
for this have been provided and Members are encouraged to contact the Corporate Development team should they require any further assistance or training for using this.

3.0 Development and Timetable

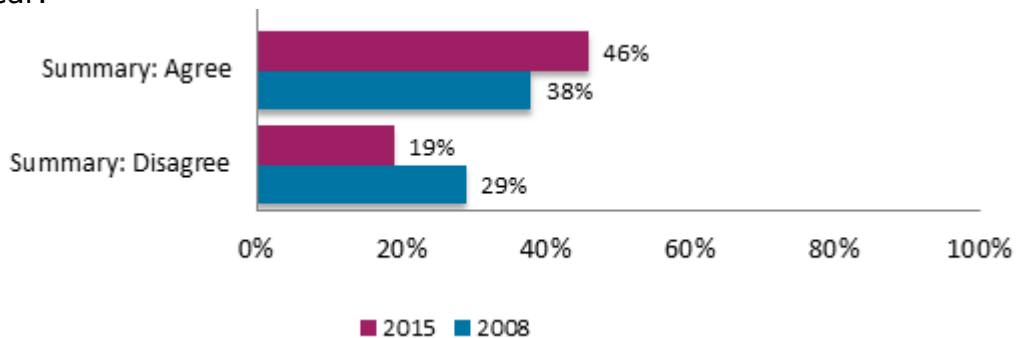
- 3.1 Over the next few months, the Corporate Development team will be working with key officers and members to agree the detailed content of the plan including the first year's specific milestones for all actions. At the same time, we will review and update the list of Key Performance Indicators.
- 3.2 In drafting the new Corporate Plan, we aim to improve the way in which equality is embedded within the document and considered when developing priorities and objectives. In the past, we have included a specific section focussing on up-to-date equality statistics and context and our commitment to the Equality Act. We have also previously invited community involvement groups to proofread and improve the document as a whole. It is our aim to strengthen this approach by ensuring the context of equality is featured within the themed chapters to ensure the aims and objectives are robustly designed and the consultation that has been held has been fully inclusive.
- 3.3 The final draft of the new Corporate Plan is due to go to Scrutiny Committee and Cabinet before being submitted for final approval by Council, all in February 2016 and delivery and monitoring of the plan will begin from 1st April.

4.0 Consultation

- 4.1 A Residents' Survey was commissioned in 2015 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 responded and a full report of the findings is available online at <http://www.eastbourne.gov.uk/about-the-council/consultations/results/>.
- 4.2 Residents were asked how satisfied they were with the way that Eastbourne Borough Council run things and whether they felt the Council offered value for money. Overall satisfaction has increased from 45% in 2008 to 58% this year and dissatisfaction has dropped from 25% to 13% over the same period.



Perceived value for money has also improved from 38% in 2008 to 46% this year.



4.3 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”.

The themes that received the highest proportion of “top priority” votes were:

- Improved job and career opportunities generally (50%)
- Improved job and career opportunities for young people (50%)
- Develop town centre (49%)
- Street cleanliness and tackling unsightly buildings (45%)
- Improved transport links and safe cycle routes (42%)

4.4 Respondents were also asked to rate aspects of Eastbourne that had improved or worsened over the life of the current Corporate Plan. The top 5 areas of improvement over the past five years are:

- Household recycling provision (52%)
- Overall image of Eastbourne as a place to live, work and visit (39%)
- Cultural provision for residents and visitors (38%)
- Eastbourne as a holiday destination (35%)
- Quality of open space/parks (32%)

Areas that were judged to have worsened were focused on economic areas such as:

- Vibrant town centre (43%)
- Tackling vacant and under-used buildings/sites in town (42%)
- Range of employment opportunities (35%)

4.5 Residents were asked to identify up to 5 listed areas that were important in making somewhere a good place to live and what areas most needed improving in their local area. When the results of these questions are combined, the most popular answers were:

- Road and pavement repairs (27% important/62% needs improvement)
- Health services (57% important/33% needs improvement)
- Affordable decent housing (33% important/27% needs improvement)
- Clean Streets (45% important/25% needs improvement)
- Job prospects (27% important/25% needs improvement)

More detailed analysis of this and all other questions are available within the full report online.

4.6 A second survey was conducted online at the same time as the residents' survey. This was a shorter questionnaire and was made available to anyone who lives, works or visits Eastbourne to feedback their opinions and the link was circulated to a wide array of stakeholders groups and publicised over social media resulting in over 500 responses. Due to the differences in methodology and the "self-choosing" nature of this survey, it is not possible to combine results with the Residents Survey but does offer a comparison and an extra layer of feedback which will help to shape the Corporate Plan and other decisions.

4.7 The online respondents were asked to rate their satisfaction with how the council run things and whether they felt the authority represented value for money. 53% of residents expressed satisfaction with 19% expressing dissatisfaction to some degree and 47% felt that the council offered value for money.

4.8 The online survey found that the all proposed priority areas received over 69% of "important" or "top priority" ratings with the following themes receiving the highest proportion of "top priority" votes:

- Develop town centre (51%)
- Street cleanliness and tackling unsightly buildings (47%)
- Improved transport links and safe cycle routes (42%)
- Protect and enhance parks and open spaces (41%)
- Improved job and career opportunities generally (39%)

4.9 The online survey also asked which areas of Eastbourne had improved or worsened over the past 5 years. The top five areas of improvement mentioned were:

- Household recycling provision (55%)
- Cultural provision for residents and visitors (48%)
- Eastbourne as a holiday destination (45%)
- Overall image of Eastbourne as a place to live, work and visit (42%)
- Quality of open spaces/parks (36%)

Areas that were judged to have worsened over the past 5 years were:

- Vibrant town centre (45%)
- Tackling vacant and under-used buildings/sites in town (34%)
- Local transport options (27%)

5.0 Implications

5.1 The Corporate Plan 2016-2020 will set out the strategic priorities for Eastbourne Borough Council to focus on delivering over the next 4 years. All service level activity will align to these priorities and performance against specific objectives will be managed and reported on a quarterly basis to Cabinet and Scrutiny committees.

6.0 Conclusion

6.1 The Corporate Plan is a key document which sets out the Council's medium-term objectives and priorities that are important for the town as a whole. It is important that these are chosen and developed using the consultation and statistical evidence available in order to ensure resources are allocated appropriately. The final draft of the plan will be submitted to Council in February for adoption. The council has aligned its corporate and financial planning procedures which mean that the Corporate Plan will be considered in parallel with the draft budget proposals. Ongoing financial and performance reporting have also been aligned to improve the quality of management information that regularly goes to committees.

Peter Finnis
Senior Head of Corporate Development and Governance

William Tompsett
Senior Corporate Development Officer

Background Papers:

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

Corporate Plan 2010/15
Residents Survey 2015
Online open survey 2015
Covalent performance management system

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

Agenda Item 9

- BODY:** CABINET
- DATE:** 9th December 2015
- SUBJECT:** Draft Budget Proposals 2016/17
- REPORT OF:** Chief Finance Officer
- Ward(s):** All
- Purpose:** To summarise the main elements of the emerging 2016/17 revenue budget that has arisen from the corporate and service financial planning process to date.
- Contact:** Alan Osborne, Chief Finance Officer,
Tel 01323 415149 or internally on ext 5149
- Recommendations:** Members are asked to:
- i) Agree the draft budget proposals for consultation.
 - ii) Agree the approach to dealing with changes in the expected resources available for the 2016/17 budget as detailed in 5.3.
 - iii) Agree that subject to there being no material change in the government settlement that 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.

1.0 Introduction

- 1.1 Each year the Council consults with a range of stakeholders on its detailed draft budget proposals for the following financial year. This follows consultation on the corporate plan and Medium Term Financial Strategy (MTFS), which is carried out over the summer and autumn. The results of the corporate plan consultation are reported elsewhere on this agenda.
- 1.2 The Cabinet will consider initial responses to the consultations at this meeting and finally on 3 February 2016 in order to recommend a final budget for 2015/16 and amended capital programme to the Council on 17th February 2016.
- 1.3 The process of service and financial planning is an integral part of the corporate planning cycle that looks over a medium term horizon. The corporate change programmes under the DRIVE transformation programme pick up the challenge set by the MTFS.
- 1.4 The 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.

1.5 At the time of writing this report neither the Chancellors autumn statement nor the resulting local government settlement is available, However there has been a ministerial announcement that an overall 30% reduction in Government funding for the Department of Communities and Local Government (DCLG) has been agreed.

1.6 DCLG will 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)

In addition there is support specific to upper tier authorities such as the dedicated schools grant (DSG) and recognition of services devolved as part of the Government's devolution programme.

1.7 The Council is with other East Sussex authorities part of a single business rates "pool" which allows the Council to increase its business rates retention over and above the national scheme (worth approximately £100k in 2015/16 and projected at £200k per annum thereafter) The additional retention supports growth initiatives in the Council's capital programme.

2.0 Integrated corporate planning process

2.1 In July 2015, the Council adopted its latest MTFs that set the platform for the service and financial planning process during the summer and autumn. The 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)

2.2 The overarching DRIVE programme forms the basis of Councils efficiency agenda and the sustainable service delivery strategy (SSDS) is a major component of the programme, which will deliver savings over the life of the current MTFs. The Council's move towards shared services and integration with Lewes District Council is set to contribute a further £1m of savings over the next four years. Together with savings from procurement and channel shift provide the main emphasis of the current SSDS. Performance against targets is reported frequently via Cabinet.

2.3 The Service and financial planning process is a rolling three year period to reflect the MTFs, which as well as providing £500,000 per annum to reflect growth in the capital programme is well developed to meet the overall target of £2.7m over the current cycle.

2.4 Consultation on the financial plans is underway and includes Scrutiny, unions and staff as well as partner organisations and the public. A separate report is included on the agenda on the corporate plan consultation and place survey.

2.5 Once the budget proposals have been adopted in February, service plans will be updated and resource allocations reviewed in the light of any changes required by corporate plan priorities or the budget. The performance management systems will be used to monitor progress with quarterly reports to Cabinet.

3.0 Background to the Budget Proposals

3.1 The MTFS set out the principles for the budget of the following four years and models the financial impact of the strategy.

3.2 The main backdrop to the MTFS is the requirement to set a balanced budget and dealing with the effects on the Councils finances of the current economic downturn.

3.3 The current strategy set out a rolling three year plan to:

- Deal with the anticipated reduction in the Government support of a further 30% from the 2015/16 level.
- Integrate 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 & charges and increase where possible
- Reinvest in the capital programme 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

3.4 Whilst at the time of writing the settlement in respect of revenue support grant (RSG) and retained business rates for 2016/17 as well as numerous other grant announcements have not yet been made, the following are assumed in the draft budget.

Year	2015/16	2016/17
	£'m	£'m
RSG	(2.8)	(2.4)
Retained 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)

4.0 The Emerging Budget Proposals 2016/17

4.1 The service and financial planning process started in July and has culminated in the four service areas presenting their plans to the Cabinet and shadow cabinet in November.

4.2 In response to the challenge set out in the MTFs, the service and financial planning process has identified proposed savings of £0.553m (4% of net spend) shown in **(appendix 1)**

These are categorised as:

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

4.3 A total of £0.653m of service growth is proposed categorised as follows **(appendix 2):**

	<u>£m</u>
Corporate inflation	0.440
Reduced income	0.072
Other Growth	0.141
Total	0.653

4.4 The draft budget assumes a rise in Council Tax for 2016/17 of 1.9% consistent with the MTFs. The requirement to hold a referendum may apply if any proposed tax rise were 2% or greater (The Government may announce cap on Council Tax rises as part of settlement)

4.5 The proposal also includes £546,000 of non-recurring service investment to be financed directly from reserves **(Appendix 2).**

5.0 Summary of Revenue Proposals

5.1 The following is a summary of the effect of the proposed changes.

5.2

	Proposal
	<u>£m</u>
Base Budget 2013/14	15.2
Growth (outlined in 4.3)	0.7
Savings (outlined in 4.2)	(0.6)
Net budget requirement	<u>15.3</u>
Funded By:	
Government Grants/Retained Rates	(7.7)
Council tax	(7.6)
Total Resources	<u>(15.3)</u>

Forecast General Reserve 31.03.16 £4m

5.3 Should the resources assumed by way of retained business rates and RSG differ, the recommended strategy would be to make any additional resources available to the capital programme.

Should the resources available be less than the assumptions then they should first reduce the contingency by up to £100,000 and beyond that, a further review of the service and financial plans will be required to identify additional savings/reduced growth.

6.0 Capital Programme 2016/20

6.1 The Council currently finances its capital programme from capital receipts and grants and contributions. There is currently c£0.5m of internal identifiable capital resources available for the next four years.

6.2 It is intended that any revenue headroom created by the 2016/17 revenue budget will be reinvested in the Capital programme.

6.3 In addition to these resources, borrowing is permitted on a business case basis where savings or new income generated from a scheme can repay the capital costs.

6.4 Additional individual schemes to be added to the capital programme linked to priorities will be developed in December/January and contained in the final budget and capital programme proposals to be agreed by the Full Council in February.

6.5 It should also be noted that unlike the Council Tax, the capital programme can be varied at any time and that there are duties under certain schemes to consult with those affected before schemes are commenced. As well as schemes financed from internal resources, the corporate plan will include schemes financed from external resources.

7.0 Consultation

- 7.1 As outlined in sections 1 & 2, consultation is planned both internally and externally to supplement the comprehensive consultation programme to date which is reported elsewhere on the agenda.

8.0 Conclusions

- 8.1 The Council is well placed to deal with the lasting effects of the current economic climate and subsequent reduction in support by The Government. Clearly however this has restricted choice in respect of any new services requiring recurring investment.
- 8.2 Should the budget proposals remain materially intact following consultation and further announcements, The Council will have continued to move its financial position towards longer term sustainability as outlined in the MTFS.

Alan Osborne
Chief Finance Officer

Background Papers:

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

Budget 2014-15

Cabinet Reports: – Finance Matters Each Cabinet Meeting

- Budget Setting February 2015.

- MTFS July 2015.

Audit Committee- Final Accounts- September 2015.

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

Proposed Savings

Dept	Service	Proposal	2016/17 £'000
Efficiency Savings			
Corporate	All	Future Model Phase 2 full effect	(150)
Corporate	All	Shared Services future phases	(250)
Corporate	IT	Remove 1 FTE staff	(40) *
Corporate	IT	Reduce MS software licensing costs by 10% p.a.	(6)
Corporate	IT	Reduce other license costs	(12)
Corporate	IT	Lower wifi costs across EBC estate	(5)
Community	Bereavement	Possible further Savings to be made from further review of operational practices to optimise cremation capacity.	(5)
Tourism & Enterprise	Events	Airbourne display budget reduction	(5)
Tourism & Enterprise	Events	Eastbourne extreme core funding reduction	(4)
Tourism & Enterprise	Events	Run cycle festival on zero cost basis	(4)
Tourism & Enterprise	Events	Run Beer and Cider by the sea on a zero cost basis	(2)
Tourism & Enterprise	Events	Run Magnificent Motores on a zero cost basis	(2)
Efficiency Savings Total			(485)
Income Generation			
Corporate	Internal Audit and Fraud	Income from Lewes District Council to cover the Internal Audit Manager working one day a week at Lewes	(10)
Corporate	Internal Audit and Fraud	Income for carrying out audit for EHL - offset by extra costs incurred in providing resources for cover	(4)
Community	Bereavement	Inflationary Increase in Fees and Charges	(48)
Community	Specialist Advisory Team	New legislation allows Council Tax Penalties against taxpayers who fail to notify a change in circumstances within 21 days (CT liability or CTR scheme)	(1)
Tourism & Enterprise	Events	Airbourne Lottery target increase	(5)
Income Generation Total			(68)
TOTAL SAVINGS			(553)

* Linked savings & growth items

Recurring Growth

Dept	Service	Item	2016/17 £'000
Corporate Inflation			
	Corporate	Pay Award 1% plus increments	150
	Corporate	Inflation on Contracts	100
	Corporate	Living Wage £7.20 per hour from April 2016	40
	Corporate	National Insurance changes-removal of contracted out reduction	120
	Corporate	Pensions backfunding based on actuarial calculation	30
	Corporate Inflation Total		440
Changes in Income targets			
Community	Neighbourhood First	Pest control income target	7
Community	Neighbourhood First	Reduced income in Hyde Gardens Car Park due to configuration changes as a result of Town Centre Development Scheme	25
Community	Specialist Advisory Team	Reduction in Council Tax Summons Cost Income due to new legislation	40
	Changes in Income Total		72
Other Growth			
Corporate	Finance	Insurance increase in Insurance Premium Tax from 6% to 9.5%	14
Corporate	IT	Add Mobile 1 managed service to IT contract	17 *
Community	Specialist Advisory Team	DWP Administration Grant (Housing Benefit)	56
Community	Strategy and Commissioning	Grants to Voluntary Organisations to be made recurring	23
Community	Account Management	Civica Mobile number Data Appending Service - Data Cleansing (HLR) Option	1
Community	Neighbourhood First	Annual maintenance budget for new bus shelters to be provided in Cornfield Road as part of the Town Centre Improvement Scheme.	25
Community	Specialist Advisory Team	Increased tree stock in Seaside Recreation Ground	5
	Other Changes Total		141
TOTAL PROPOSED RECURRING GROWTH			653

Non Recurring Service Investments

Group	Service	Proposal	
Corporate	IT	Onboarding new Mobile 1 service	21
Corporate	Projects and Performance	Funding for channel shift initiatives	15
Community	Strategy and Commissioning	Community Development Partnership- Invest to save. Kick start programme of support and business planning to enable community centres to increase their income and secure funding from external sources and reduce their reliance on EBC support and grants	30
Community	Strategy and Commissioning	Community Energy - Invest to save - costs of procurement exercise to create a Special Purpose Vehicle to deliver community energy generation and supply, to generate income and energy resilience.	50
Community	Strategy and Commissioning	Fund raising officer - Invest to save. Possible to share with Lewes. Potential to attract much greater investment and grants from external sources to deliver range of regeneration and other schemes	19
Community	Strategy and Commissioning	Renewables Officer - Invest to save - proposal for shared post with Lewes, to manage existing Solar PV schemes , and maximise income through the development of business cases for new energy initiatives for both authorities.	19
Community	Strategy and Commissioning	Community Safety Partnership Officer (Prevent/Protect)	28
Community	Account Management	Council Tax Direct Debit Incentive Promotion	2
Community	Account Management	Civica Mobile number Data Appending Service - Data Appending Gold Option	22
Community	Neighbourhood First	Recalibration of Downland car park machines for new one pound coins	5
Community	Neighbourhood First	Promotions and Preventative actions	5
Community	Specialist Advisory Team	Empty Properties Review	20
Community	Specialist Advisory Team	Single Person Discount Review	15
Community	Specialist Advisory Team	Exceptional Hardship Scheme/Local Council Tax Reduction Scheme	11
Community	Specialist Advisory Team	Empty Business Properties	10
Community	Specialist Advisory Team	Decoy Pond Biodiversity Action Plan	5
Community	Specialist Advisory Team	CIL Software Annual Maintenance charge	6
Regeneration	Regeneration and Planning Policy Team	Commission consultants to provide evidence and advice on the review of the Core Strategy Local Plan Policy D4 - Tourism and Culture (in relation to Tourist Accommodation) and meet the costs of the Examination.	15
Regeneration	Regeneration and Planning Policy Team	Commission consultants to provide a 'critical friend' service to help in preparation of Sustainability Appraisal for Local Plan Review	5
Regeneration	Regeneration and Planning Policy Team	Commission consultants to provide evidence based studies to inform the Local Plan Review (Development Site Viability, Employment Land Review (joint with Wealden DC), Transport Study (joint with Wealden DC)	45
Regeneration	Regeneration and Planning Policy Team	Commission consultants to undertake a study to confirm priority and critical sub-sectors and employers for Eastbourne's economy, focusing on growth and retention and use evidence to secure funding at County and SE LEP level	15
Regeneration	Regeneration and Planning Policy Team	EBC contribution towards funding for Locate East Sussex to continue to provide support and advice for businesses looking to start up, relocate or grow in East Sussex	35
Regeneration	Regeneration and Planning Policy Team	Delivery of Eastbourne Park SPD actions and initiatives Progress - nature reserve and access to land	18
Tourism and Enterprise	Seafront Services	Replacement programme for deckchairs	10
Tourism and Enterprise	Seafront Services	Defibrillator for the Lifeguard Station	2
Tourism and Enterprise	Seafront Services	Tyro Lifeguard Equipment, lifejackets	3
Tourism and Enterprise	Events	Aegon International Tennis to address funding shortfall on budget when the licence term/extension was agreed	33
Tourism and Enterprise	Events	Aegon International Tennis to fund town advertising /dressing of on street banners flagpoles	10
Tourism and Enterprise	Events	Music Live Events	25
Tourism and Enterprise	Events	Big Screen Presentations	20
Tourism and Enterprise	Events	Devonshire Park Core Harvester nb attaches to existing utility vehicles	5

Tourism and Enterprise	Events	Devonshire Park Agronomy Tools - Clegg Hammer £1813, Penetrometer £225	3
Tourism and Enterprise	Events	Soil Moisture Monitor £806	2
Tourism and Enterprise	Events	Cable protection ramps £1300 electric cable £500	4
Tourism and Enterprise	Events	Motorola GP 340 radios + chargers	2
Tourism and Enterprise	Events	Boefenag VHF radios X 30	1
Tourism and Enterprise	Events	Laptop Projector	8
Tourism and Enterprise	Theatres	Road Tracking	30
Tourism and Enterprise	Catering	Devonshire Park Review - Transitional Works Cost on Service	10
		TOTAL NON RECURRING INVESTMENTS	584

* Linked savings & growth items

Body:	Cabinet
Date:	9th December 2015
Subject:	Council Tax Base and Business Rate Income 2016/17
Report Of:	Chief Finance Officer
Ward(s)	All
Purpose	To approve the Council Tax Base and net yield from Business Rate Income for 2016/17 in accordance with the Local Government Finance Act 1992, as amended.
Decision Type:	Key Decision
Recommendations:	Members are asked to <ul style="list-style-type: none">i) Agree the provisional Council Tax Base of 33,606.10 for 2016/17.ii) Agree the provisional Retained Business Rates Income of £3.947m for 2016/17.iii) Agree that the Chief Finance Officer, in consultation with the Portfolio Holder for Finance, determine the final amounts for the Council Tax Base and Retained Business Rates income for 2016/17.
Contact:	Pauline Adams, Financial Services Manager Tel 01323 415979 or internally on ext 5979

1.0 Introduction

- 1.1 The Council is required to set its Council Tax Base and the expected Business Rate Income for the forthcoming year. These calculations are used as the basis for the amount of income the Council will precept from the Collection Fund.
- 1.2 The Local Authorities (Calculation of Council Tax Base) Regulations 1992 prescribe that the billing authority (this council) must supply the precepting authorities (the County, Police and Fire authorities) with the calculation of the Council Tax Base. This information must be supplied between 1 December and 31 January in the financial year proceeding the financial year for which the calculation is being made.
- 1.3 Non-Domestic Rating (Rates Retention) Regulations 2013 also sets out a timetable for informing the government and precepting authorities of the business rate income calculation. This information is completed via a government return (NNDR1) which must be submitted by 31 January in the financial year proceeding the financial year for which the calculation is being made.

1.4 In order to assist the precepting authorities with their financial planning it is helpful to provide the information during December rather than wait for the January deadline.

2.0 Council Tax Base

2.1 The Council Tax Base is the estimated full year equivalent number of chargeable dwellings. This is expressed as the equivalent number of Band D dwellings with two or more liable adults.

2.2 In making this estimate, account must be taken of discounts, disablement relief and property exemptions. Movements on and off the Valuation List during the year must also be taken into account – e.g. where new properties have been built or old ones converted or demolished.

2.3 The primary legislation that determines how the Council Tax Base is to be calculated is the Local Government Finance Act 1992. A number of regulations have been laid under this Act that has prescribed how the detailed calculation is to be made. Those regulations are listed at the foot of this report.

2.4 The basic calculation as determined by the primary legislation is that the Council arrives at its Council Tax Base by multiplying its Relevant Amount by its estimated Collection Rate.

3.0 Relevant Amount

3.1 The Relevant Amount for each Band is the estimated full year equivalent number of chargeable dwellings in the Band expressed as the equivalent number of Band D dwellings. For example, a Band A property is equivalent to 6/9 of a Band D property, a Band H property is equivalent to 2 times (18/9) a Band D property. The Relevant Amounts for each Band are then added together to arrive at the overall Band D equivalent.

3.2 The results for each Band when totalled up are converted to form the appropriate number of Band D equivalent dwellings. This is the Relevant Amount. For 2016/17 this totals 34,556.4 equivalent properties

3.3 The Relevant Amount has increased by 1,248 properties (3.75%) Band D equivalent dwellings from 2015/16. This reflects expected growth in the number of taxable properties of 102 plus the effect of the changes to the Local Council Tax Reduction Scheme (LCTRS) agreed by the Council on 18 November 2015. The effect of these changes has resulted in an increase to the total number of chargeable dwellings of 1,615.

4.0 Collection Rate

4.1 The Collection Rate is the Council's estimate of the proportion of the overall Council Tax collectable for 2016/17 that will ultimately be collected. This is expressed as a percentage.

- 4.2 The key elements in making this calculation are losses on collection, appeals against valuation, changes in circumstances (e.g. applications for discounts in respect of single person occupancy or disability) and other adjustments. These other adjustments to bills can arise for a variety of reasons including bankruptcy, death and exemption where premises are unoccupied for reasons allowed by the Exempt Dwellings Order. The Council must also make provision for uncollectable debts.

The approved change to the LCTRS limiting the total amount of discount to 80% of the claimant's council tax liability is likely to have an impact on the Council tax collection rate, as all claimants will have to pay part of their Council Tax. Two scenarios were modelled based on 0.25% and 0.75% resulting in a loss on collection of £134,560 and £403,680 respectively.

- 4.3 The current level of council tax collection is forecast to show a surplus balance at the end of 2015/16, and this would indicate that the current collection rate of 97.75% would be adequate going forward, however after taking into account the impact of the LCTRS it is considered that the collection rate should be decreased to 97.25% for 2016/17, a decrease of 0.5% over 2015/16.

5.0 Council Tax Base

- 5.1 Taking the Relevant Amount of 34,556.4 and applying the Collection Rate of 97.25% produces a Council Tax Base for 2016/17 of **33,606.1**.

- 5.2 The Council Tax Base has increased by 3.22% compared with 2015/16. This is equivalent to an increase of 1,047 Band D dwellings. The detailed number of properties is shown at Appendix 1.

- 5.3 The Council's Medium Term Financial Plan is updated annually to take account of movements in the Council Tax Base. The assumed tax base for the current MTFS was 32,969.

6.0 BUSINESS RATE INCOME

- 6.1 The Local Government Finance Act 2012 introduced a new system for the local retention of business rates. This means that the council is 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 2016.

- 6.2 The Business Rate income is all collated on the NNDR1 form which will show the net rate income yield for the forthcoming year and the central and local shares of the business rates. The actual NNDR1 form for 2016/17 has not yet been received but the provisional figures based on the 2015/16 form plus known changes have been calculated as follows:

Retained Business Rate	2016/17 Estimate £'000
Gross Rates Yield	39,911
Less Mandatory and Discretionary Reliefs	(4,624)
GROSS RATE YIELD AFTER RELIEFS	35,287
Less Allowance for cost of Collection	(126)
Adjustments for Changes in RV due to growth or reduction in property numbers.	(145)
Less Estimated Losses on Collection	(150)
Less Allowance for Appeals	(177)
NET BUSINESS RATE YIELD	34,690

The adjustment for the changes in RV includes the properties that are to be demolished as part of the Town Centre redevelopment, however once the redevelopment work has been completed there will be a corresponding growth in the business rate yield.

6.3 The net business rate yield is allocated centrally and locally based on the following ratios:

- 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)

The local share (the Business Rate baseline) is then payable to the Council's general fund. All other adjustments to the overall level of business rate income retained locally are then accounted for within the general fund.

7.0 Retained Business Rates income in the General Fund

7.1 As some local authorities collect more business rates than they currently receive in formula grant (which is based on relative need and resources), whilst others are lower, the government will rebalance to ensure that no local authority is worse off as a result of its business rates at the outset of the scheme through a system of tariffs and top ups. To calculate these tariffs and top ups a business rate baseline funding level has been set by government based on the 2012/13 formula grant funding levels. An authority will pay a tariff if their business rate baseline is more than their baseline funding level and receive a top up if their business rate baseline is less than their baseline funding level. Tariff and top ups will be self funding and fixed in real terms (i.e. only up rated by RPI) in future years, ensuring that changes in retained income are driven by business rate growth.

This authority has a business rate baseline higher than its baseline funding level and thus is due to make a tariff payment.

7.2 The intention of the Rates Retention scheme is to give an incentive to local authorities to grow their business rate base, and the scheme has been

devised to allow local authorities to benefit from this growth. However due to the gearing effect, i.e. the differences in the relationship between an individual authority's business rates base and its baseline funding level, some authorities with existing large tax bases in relation to their funding levels will experience increases in their income that is out of proportion to the growth in their business rate base. To moderate this gearing effect a system of levies and safety nets has been introduced.

The levy rate will allow authorities to retain their growth in an equivalent proportion to its baseline revenue. This translates into a real benefit and after the payment of the central share and the levy at least 20p in each extra pound will be retained locally.

Conversely a safety net will apply to any authority experiencing a decrease in their business rates revenue. This safety net guarantees authorities 92.5% of their original baseline funding. For the purpose of the safety net the baseline funding level will be increased by RPI each year.

- 7.3 The estimated 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 31.3.16	(685)
Add Section 31 Grants	792
Local Retained Business Rate Income 2016/17	3,947
2015/16 Amount	4,024

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

8.0 Setting the Business Rate Income

- 8.1 The figures required to set the business rate income are not yet available as the final NNDR1 form and guidance notes have not yet been received from DCLG. Cabinet is therefore asked that delegated authority be given to the Chief Financial Officer, in consultation with the Portfolio Holder for Finance, to determine the final estimated net yield from Business Rate Income for 2016/17.
- 8.2 The revenue implication of the new Business Rates retention scheme has been modelled into the financial plan and will be fully reflected in the budget setting process.

9.0 Business Rates Pooling

- 9.1 The council is working within a business rate pool with the other East Sussex Borough and District Councils, East Sussex County Council and East Sussex

Fire Authority.

- 9.2 Under pooling, the levy as set out in para 7.2 will be payable to the pool rather than to DCLG, and redistributed to participating authorities in accordance with the agreed memorandum of understanding. This is to be used to fund economic development.
- 9.3 The first half year monitoring of the pool is showing that overall the forecast levy payments across all authorities is £1.321m (down £938,000 from the original NNDR1 figures supplied in January). This reduction is 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 the valuation tribunal decision and the large number of appeals lodged at the end of March 2015. Eastbourne's share of the pool is expected to be £49,000 (£236,000 forecast in January).
- 9.4 DCLG have been informed of the intention to continue with the pool in 2016/17, subject to any matters arising from the provisional local government finance settlement.

10.0 Collection Fund Performance

- 10.1 As at 31 March 2015 the Collection fund showed a deficit of £1,342,171 (£447,357 Council Tax surplus and £1,789,529 Business Rates). £1,115,817 is being recovered across Council Tax and Business Rates preceptors during 2015/16, leaving a balance of £226,354 to be distributed in 2016/17.
- 10.2 The Council has 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 is included in the 2016/17 precept figures.
- 10.3 Current monitoring figures indicate a surplus by 31 March 2016 of £662,553 for Council Tax, this will be revised in January and the results reported to members as part of the budget report to the February Cabinet. Any surplus or deficit is allocated to preceptors in 2016/17 in proportion to the 2015/16 Band D Council Tax.
- 10.4 The calculation on the business rate income element of the Collection Fund currently indicates a deficit balance of £1,711,700 as a result of a bigger than anticipated provision required for outstanding appeals, due to the extra number of appeals received as a result of the Government's deadline for backdating appeals to those received by 31.3.15. Over 100 appeals were receive by the Valuation Office during the last few days of March 2015 with a total rateable value of £10m. The calculation will be revised for January and the results reported to members as part of the budget report to the February Cabinet. Any surplus or deficit is allocated in 2016/17 in accordance with the proportions given at 6.3 above.

10.0 Consultation

- 10.1 Not Applicable

11.0 Implications

- 11.1 The Council Tax Base will be used to calculate the level of Council Tax requirement that will be recommended to the Council on 17 February 2016.
- 11.2 The net yield from Business Rates income will be used to calculate the amount of retained business rates to be credited to the General Fund.
- 11.3 Once the Council Tax Base and the estimated balance on the Council Tax element of the Collection Fund has been determined, East Sussex County Council, Sussex Police and Crime Commissioner and East Sussex Fire Authority will be notified.
- 11.4 Once the NNDR1 2016/17 has been completed and the estimated balance on the Business Rate element of the Collection Fund has been determined, this will be submitted to Central Government and both East Sussex County Council and East Sussex Fire Authority will be notified.
- 12.0 **Summary**
- 12.1 The provisional Council Tax Base for 2016/17 has been calculated in accordance with relevant legislation. Summary calculations are set out within the attached appendix.
- 12.2 The figures required to set the business rate income are not yet available as the final NNDR1 form and guidance notes have not yet been received from DCLG. Provisional figures indicated business rates income for the General Fund of £3,947m.
- 12.3 It is recommended that delegated authority be given to the Chief Finance Officer, in consultation with the Portfolio holder for Finance, to agree the final figures for both calculations.

Pauline Adams
Financial Services Manager

Background Papers:

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

The Local Government Finance Act 1992

The Local Authorities (Calculation of Council Tax Base) Regulations 1992

The Local Authorities (Calculation of Council Tax Base) (Amendment) Regulations 2003

Non-Domestic Rating (Rates Retention) Regulations 2013

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Tax Base Comparison between years				
	2013/14	2014/15	2015/16	2016/17
NUBER OF DWELLINGS				
Valuation List as at November	46,629	47,150	47,285	47,489
Less discounts equated to property numbers	(4,859)	(4,966)	(4,753)	(4,775)
Total equivalent property numbers	41,770	42,184	42,532	42,714
Estimated changes in year	86	(19)	55	102
Less Local Council Tax Reduction Scheme	(6,813)	(7,504)	(7,465)	(6,079)
Total Number of Properties	35,043	34,661	35,122	36,737
% increase (-decrease)		-1.09%	1.33%	4.60%
TAXBASE CALCULATION				
Relevant Amount (Band D Equivalent)	33,309.3	32,950.3	33,308.3	34,556.4
Collection Rate	97.50%	97.50%	97.75%	97.25%
Council Tax Base	32,476.6	32,126.5	32,558.9	33,606.1
% increase (-decrease)		-1.08%	1.35%	3.22%

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BODY: CABINET

DATE: 9th December 2015

SUBJECT: Housing Revenue Account (HRA) – 30 year Business Plan

REPORT OF: Senior Head of Community

Ward(s): All

Purpose: To update members on the latest update of the Housing Revenue Account (HRA) 30 year Business Plan and to make members aware of the implications of recent Government announcements relating to the operation of the HRA.

Contact: Ian Fitzpatrick, Senior Head of Community
Tel 01323 415935 or internally on ext 5935

Pauline Adams, Financial Services Manager
Tel 01323 415979 or internally on ext 5979.

Recommendations: Members are asked to:

- i) Note the content of the report and work being undertaken to set a sustainable HRA business plan
- ii) Delegate authority to the Snr Head of Community in consultation with the Community Cabinet Portfolio Holder to respond to the Government proposal to outline long term implications of the changes

1.0 Introduction

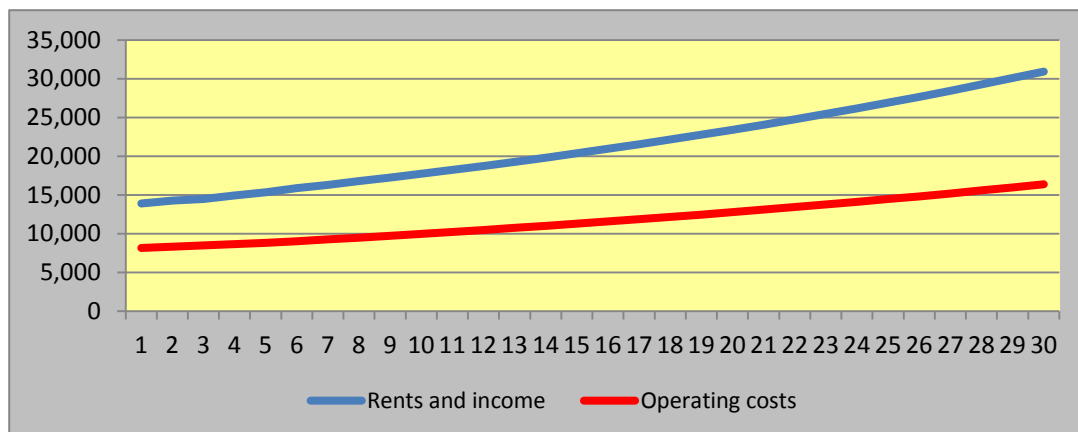
- 1.1 The Local Government Act 2003 gives the Secretary of State power to require local authorities to prepare HRA business plans and housing strategies and direct how they should be prepared.
- 1.2 The requirement for HRA business plans to be submitted to Government has been removed, however it is not only good practice for authorities to prepare HRA business plans but under self-financing there is a need for the HRA to have a detailed business plan to sustain the assets and ensure that debts can be serviced.
- 1.3 Business planning should be the main tool by which the service is managed, used for service and financial planning, informed by and informing all other plans such as asset management and investment.

2.0 HRA Self-Financing

- 2.1 The Self Financing regime for Housing Revenue Accounts was introduced on 1 April 2012, and since that time all local authorities have been expected to

support all expenditure relating to its housing stock from its rental income.

- 2.2 Self-Financing replaced the old complicated centralised housing subsidy system where housing authorities either received subsidy or were in negative subsidy i.e. where payment had to be made into the Government's central pot. As this authority was a receiver of subsidy, to achieve self-financing the Government made a one off £30m settlement payment to the council which was to be used for debt repayment in order for the long term HRA business plan to be sustainable. The majority of HRA authorities were in negative subsidy and under self-financing had to make lump sum payments to Central Government and thus taken on substantial external new debt.
- 2.3 The HRA self-financing settlement was based on the HRA business plan being sustainable over 30 years.
- 2.4 This Council together with Eastbourne Homes employed CIH as consultants to produce the initial thirty year business plan. A number of presentations were made to members back in the autumn of 2011, and a report submitted to Cabinet on 8th February 2012 setting out the outcomes of the Business Plan as at that time.
- 2.5 Over the full course of the Business Plan, the HRA was predicted to maintain a sustainable position with rental income meeting expected levels of expenditure together with meeting its capital funding requirements necessary to maintain the housing stock in a viable condition.
- 2.6 The chart below demonstrates how income was expected to exceed operating costs over the thirty years to 2042.



The excess income provided the opportunity for either the repayment of debt outstanding by year 18 (2029-30), the reinvestment in the existing stock or investment in new housing schemes and at that time it appeared that sufficient resources would be available to achieve Council policy objectives over the life of the HRA Business Plan

3.0 HRA Performance 2012/13 to 2015/16.

- 3.1 HRA performance since the introduction of Self Financing has been in line with the original business and surpluses have been generated in excess of

expectations each year. The HRA Balances as at 31.3.16 are expected to be as follows:

HRA Revenue Account	£3,412,000
Housing Regeneration and Investment Reserve	£ 784,000

In addition a capital programme of £31m has been undertaken funded from borrowing, capital receipts, Major Works Reserve and HCA grant.

4.0 HRA Business Plan going forward

4.1 There are a number of legislative changes proposed in the Housing and Planning Bill and the Welfare Reform and Work Bill that will have a financial impact for both the Council and Eastbourne Homes.

The Key points are:

1. 1% reduction in social housing rents for four years;
2. Sale of Council housing high value assets;
3. 'Pay to stay', where high earners will be expected to pay more rent.

The bill also proposes the extension of Right to Buy to Housing Association Tenants, which will be funded by the sale of Council housing high value assets as noted above.

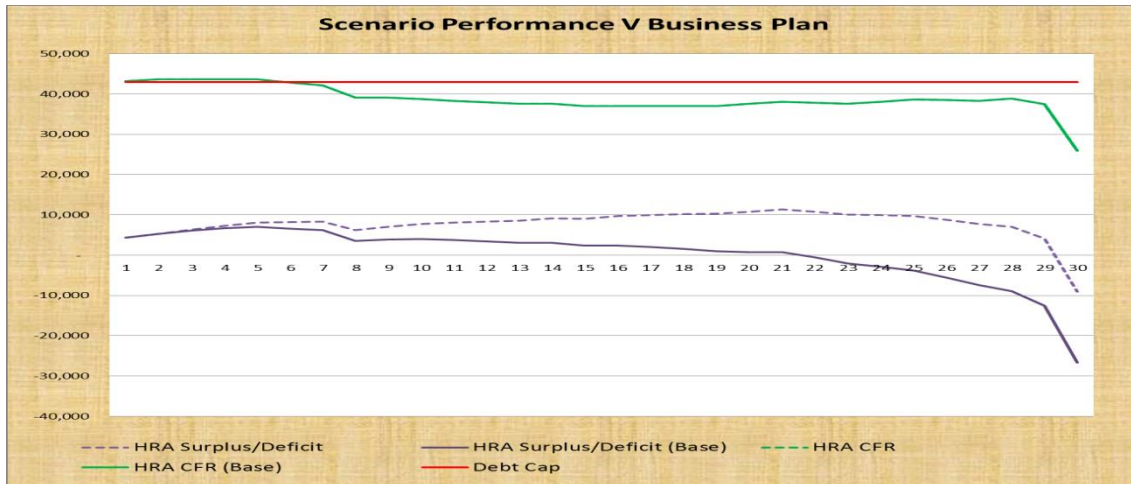
All of these proposed changes will have an impact on the 30 year business plan, in particular the change to the rent policy. The business plan has therefore been re-modelled and a revised business plan produced.

5.0 Rents

5.1 The original self-financing settlement was based on the national social rent policy that rent for council homes should achieve convergence by 2015-16 and thereafter council rents should rise at RPI +0.5% per year. The council has adopted this policy and rents in the past have been increased accordingly.

The Government's expectation is now that all Councils and Housing Associations will be expected to reduce their rents by 1% for four years from April 2016. It is not known at this stage if some types of homes will be exempt.

Early calculations indicated a reduction in income of £560,000 over the 4 years and the effect on the business plan is as follows:



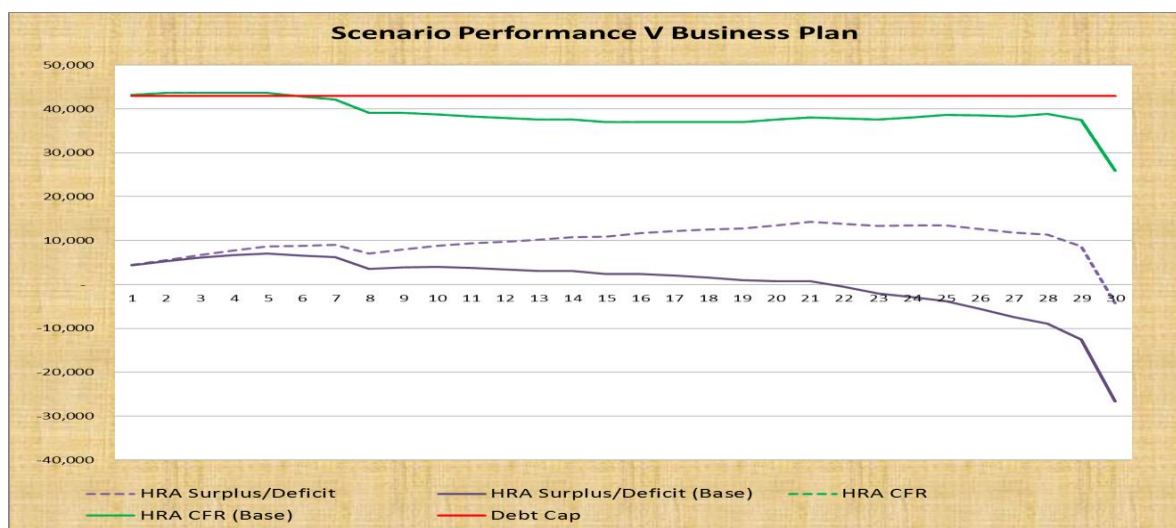
The solid purple line is the predicted HRA surplus/deficit allowing just for the 1% rent reduction, the dotted purple line is what the HRA balance would have been under the current rent policy.

With the rent reduction built into the plan the HRA is expected to remain in surplus until the year 22 when a deficit position is predicted.

6.0 Other factors impacting on the Business Plan

5.1 Other variable factors which will have an impact on the Business Model are:

1. **EHL Management Fee** – As an indicator, a reduction of £100,000 on the management fee from 2016/17 would result in the following impact on the business plan, and bring it back into surplus over the 30 years (the dotted line is the effect of reducing the management fee):

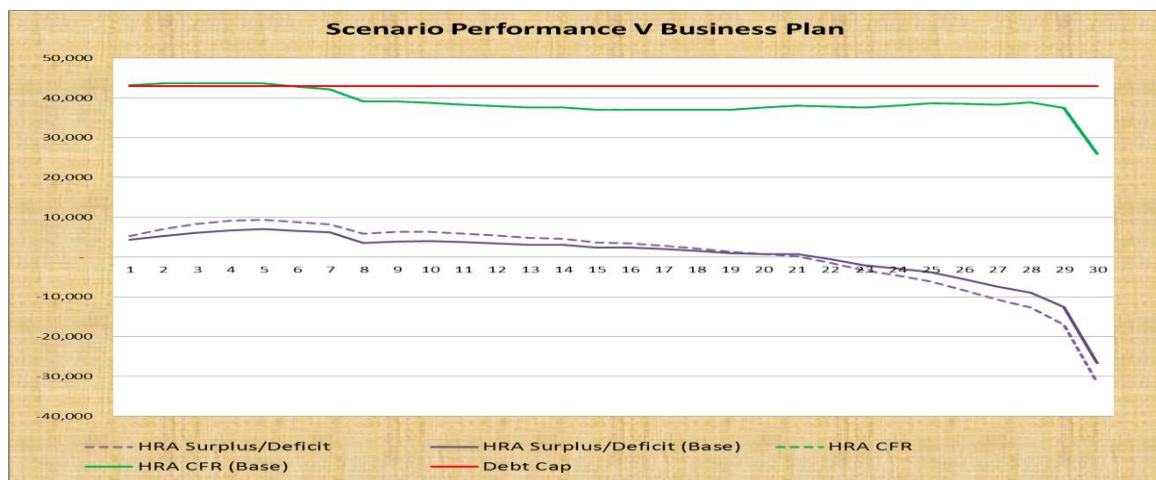


The fee has been maintained at the same amount over the last four years and is in fact expected to decrease following the implementation of the Future Model to its operations during this

year. The Council and EHL are in the process of examining the impact of a fee reduction and further efficiencies from working with neighbouring authorities and this will be reported at a future Cabinet.

2. **Sales of high value assets** – Council will be expected to sell high value assets as they become void, the receipts will be paid into Central Government to fund the RTB being extended to Housing Associations. The actual amount to be paid will be based on a formula relating to the market value of the housing stock and stock turnover. Payment will be due regardless of whether the expected properties become vacant. The model has been reworked allowing for 80 properties to be sold over the next 4 years with the following result (the dotted line shows both the management fee reduction and the decrease in the number of properties).

Applying this scenario, the HRA ceases to be sustainable after year 21.



3. **Pay to Stay** – Households earning more than £30,000 will have to pay a higher rent. The government is currently consulting on whether this should be calculated on a taper basis. Councils may have to return any increases in rental income to Central Government. The detail on how this scheme will operate and how/if any additional management costs at a local level will be met has not been released at the time of this report.
4. **Right to Buy properties** – The model assumes the number of right to buys (RTB) to be 26 per annum based on the last two years' experience. Note, however, that there has been some speculation that 'Pay to Stay' will increase RTB's as the cost of renting may not compare as well with purchase for some current tenants.
5. **Inflation and Interest Rates** – CPI has been assumed at -0.16%, 1.50% for years 2 and 3 and then 2% thereafter. The interest rate used is 3.5% based on 30 year borrowing, a view of the actual rates

and length of loans will be taken at the time the borrowing is required to obtain maximum advantage for the HRA.

6. **Refinancing of existing borrowing** – The model assumes that all maturing loan debt of £7.5m up to 2019 will be refinanced and any loans maturing after this time will be repaid, however in order to maintain positive balances on the HRA in the longer term this debt may also need to be refinanced.
7. **Cumulative impact of public sector funding pressures** – many public sector partners working with the Council and EHL are facing significant funding reductions. Key agencies including the Sussex Police, East Sussex County Council, Probation and the voluntary sector are redesigning services, reducing services or in some cases withdrawing services. This includes services for complex high need groups, mental health, homelessness, young people, and older households. Whilst partners are working to understand and minimise the cumulative impact of these changes, based on the scale of reduction we are likely to see increased pressure on the HRA and EHL over the next term.

6.0 Capital Programme

- 6.1 When making the self-financing settlement the Government set a debt cap for each authority for the maximum amount of borrowing the HRA is allowed. The debt cap originally was set at £42.9m and since then an additional £0.3m borrowing approval has been received. The total HRA borrowing at 1.4.12 was £36.7m giving head room of £6.5m for future borrowing.
- 6.2 Once the current capital programme for the new build and empty homes programmes has been completed this head room will have been fully utilised and no further borrowing will be available to the HRA. The Capital programme will 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.

8.0 Consultation

- 8.1 The Council and EHL will be responding to Government and partner consultation events. Information on reductions and implications will be shared with Council residents via direct correspondence and/or use of existing newsletter/magazines.

9.0 Implications

- 9.1 The Council and EHL are working to fully understand the long term implications for the proposed changes. At this point, there is still significant detail to be released on how the proposals will work in practice and be funded. The Council and EHL will 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.

10.0 Recommendations

Members are asked to:

- i) Note the content of the report and work being undertaken to set a sustainable HRA business plan
- ii) Delegate authority to the Snr Head of Community in consultation with the Community Cabinet Portfolio Holder to respond to the Government proposal to outline long term implications of the changes

Pauline Adams
Financial Services Manager

Background Papers:

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

HRA 30 year Business Plan

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

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Body:	Cabinet
Date:	9 December 2015
Subject:	Devonshire Park Project
Report of:	Senior Head of Regeneration, Planning and Assets, and Senior Head of Tourism and Enterprise
Ward(s)	Meads
Purpose	To consider the proposal for the future development of Devonshire Park to create a cultural destination.
Decision type:	Key Decision
Recommendation:	Cabinet is recommended to: <ul style="list-style-type: none">a) Confirm its support for the Devonshire Park redevelopment Scheme as presented in this reportb) Recommend to Council the addition of £44m to the capital programme to complete the scheme, subject to final due diligencec) Instruct officers to continue to seek external funding sourcesd) Confirm the appointment of the existing multi-disciplinary Design Team to complete the schemee) Approve 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 and the Lawyer to the Council. Such delegation to include approval to allowing exceptions to the Council's Contract Procedure Rules should that become necessaryf) Delegate authority to appoint all the contractors necessary to deliver the project to the Senior Head of Regeneration, Planning and Assets in consultation with the Chief Finance Officer and the Lawyer to the Council.
Contact:	Graham Cook, Programme Manager Devonshire Park Re-Development, Tel: 01323 415867 graham.cook@eastbourne.gov.uk

1.0 Background

1.1 In order to meet the Vision and Objectives set for the redevelopment of the Devonshire Park Complex the Council adopted a structured approach, involving detailed analysis of the site's heritage, access and sustainability issues, design options and the business case for change.

In parallel with this strategic approach, a tactical decision was made to proceed with the essential repairs to the exteriors of the Congress and Devonshire Park Theatres.

1.2 A Planning Application and application for Listed Building Consent was submitted on 27th August 2015 and was considered by the Planning Committee on 24th November 2015.

1.3 Members have approved this structured approach in a series of Cabinet reports:

- 20 October 2010 – this report triggered by the failure of the concrete cladding of the Congress Theatre led the Council to commission a strategic review of options for the future of the Devonshire Park Complex.
- 14 December 2011 – the strategic review referred to above, led to the appointment of Marks Barfield architects. The architects proposed a number of options for the regeneration of the site and the council adopted Option 4. Key to this option was the creation of a new "front door" to the site (working title "the Welcome Building") and a sensitive restoration and repurpose of the other buildings and the wider site
12 December 2012 – following the approval of Option 4, Marks Barfield together with business planning consultants David Clarke Associates, were commissioned to develop a Masterplan which respects the heritage of the site and sets out how the financial performance could be improved through increased income and reduced running costs. The plan also highlights initial options for the future governance of the site. Based on this work the council agreed an investment of £700,000 to progress the scheme to RIBA Stage C (now known as Stage 2)
- 16 July 2014 – following the appointment of Focus Consultants as external project managers the Cabinet approved a revised budget of £950,000 to fund the full architectural and specialist advisor team needed to progress the project to RIBA Stage 2. Subsequent to the Cabinet, Levitt Bernstein heritage architects and a full team of building and theatre specialists were appointed. In addition the council has retained David Clarke Associates to continue developing the business plan and future governance models and Huntley Cartwright quantity surveyors
- 18 March 2015 – this report gave approval to and the necessary funding for the development of the scheme to RIBA Stage 3, the submission of a planning application and the continued appointment of the multi-disciplinary Design Team

- 21st October 2015 – this report gave approval to a budget of £500,000 to bring forward some of the Stage 4 design works, in order to gain time and improve the likelihood of obtaining competitive tenders.

2.0 Vision and Objectives

2.1 Since the start of the review of the Devonshire Park Complex there has been a clear vision to create a cultural destination and for it to be one of the most talked about locations in the South East. To achieve this the Council set out to fulfil a number of aims:

- Deal with all the necessary essential repairs to those buildings that are being retained in the new development;
- Understand the significance of the three listed buildings and carry out sensitive renovations;
- Upgrade the facilities in the buildings to enable them to be better and more fully used;
- Preserve the future of the international tennis tournament;
- Create better conference facilities;
- Create a new entrance to 'Welcome' the visitors and users and make the site more inclusive;
- Create significant new public realm to provide an appropriate civic setting for the new complex;
- Develop a more sustainable future for the site, reducing subsidy and increasing income.

2.1 The vision and its aims have guided the work to reach the current Royal Institute of British Architects (RIBA) Stage 3 scheme.

3.0 Financial and Economic Benefits of Investment

3.1 The Business Case has been developed by David Clarke Associates (DCA).

Following the detailed review of the Business Case referred to in the March 2015 Cabinet report, further work has been done to ensure the Stage 3 design reflects the business case criteria and to align the revenue projections in the business case with the planned construction programme. This alignment has adopted a prudent approach as to when the new facilities will reopen.

DCA have tested the emerging design against the core business case drivers at each stage to ensure the optimum priorities are met. These drivers are outlined below along with their approximate contribution to the financial position.

Key financial drivers

1. An accessible visible, quality, visitor attraction, efficiently operable
10%
2. Theatre/live entertainment business – working main venues harder
20%
3. Conference/events – transform performance in the 'distinctive venue'

- market 40%
4. Catering & visitor spends – essential quality offer & significant income driver 30%

Financial benefits to the town rather than directly to the Devonshire Park account

5. Tennis – important to the economy and reputation of the town
6. Driving local hospitality economy through conference and event business
7. Tourism – driving prosperity and general job creation

3.2 **Improvements in business and viability**

DCA forecast there will be significant improvement in business in the core business of arts and entertainment provision as well as in the conference and catering businesses. The important role of the site in hosting the international tennis tournament will be safeguarded.

Central to the viability of the site and its economic value to the town, will be substantially increased conference business, where DCA forecast that once renewed, the site will host in the order of 353 events a year of varying sizes. While many will continue to be in the association and charity sector, financial yields will rise and new business can be expected in the higher value corporate sector. In total we expect conference income in the order of £1.7m per annum, of which some £531k will be hires income.

DCA anticipate catering incomes will improve given the new provision of two very attractive public catering spaces and the potential for increased food and beverage sales to conference organizers. In total we anticipate catering turnover in the order of £1.44m and net receipts/savings after all costs of £265k per annum.

3.3 **Overall financial impact**

The analysis by DCA shows that the site will move to a much more viable basis of operation on completion of the works. From a current subsidy in the order of £1.1m per annum, they anticipate that, after new investments in service to conferences and in managing and marketing the site, the new scheme will generate an overall improvement over the current basis in the order of £814,000 per annum.

3.4 **Build up of income, risk and sensitivity**

DCA state that risks and sensitivities in the business model were significantly addressed during stage 3 development. Disruption to programmes and loss of income remains a significant challenge during the construction period but the proposed construction plan is driven by the need to maintain business as far as is possible, and does so very effectively. The detailed planning of this construction programme has enabled us to develop a detailed analysis of the effects on trading and compensating savings during the sequential closure of the different buildings, and to contain the overall additional loss consequent upon the construction works to £1m. DCA also now forecast that income will

build up to the level set out above relatively quickly once works are complete. The specialist conference team comprising Devonshire Park operational staff and specialist consultant advisors has begun work on the planning of the marketing campaign for the renewed Devonshire Park and local conference businesses are assisting this process by way of a conference working group.

DCA state that whilst there are risks in growing the business, each forecast for new business has been based on detailed market appraisal and is kept to relatively modest levels. Detailed sensitivity analysis has been carried out on all assumptions and overall the sensitivity of the plan to change in any one business area is relatively modest for a scheme of this size.

3.6 **Economic Impact**

Focus Consultants were appointed to carry-out an economic impact assessment of the investment at Devonshire park. Their report considered both the long term post-construction benefits and the short term benefits during the construction period.

3.7 Their report identified the following key additional benefits from the project:

- Additional, projected direct visitor spend from visitors post investment to Devonshire Park = £13,419,183 per annum. (excluding consequential effects, and across the whole economy).
- Additional jobs supported in Eastbourne as a result of this additional visitor spending = 169 full time equivalent.
- Top sectors that these additional jobs will be created in = Food and Beverage Services (48 jobs), Retail (21 jobs) and Accommodation (45 jobs).
- The impact of these additional new jobs on GVA in the local economy = circa £6.1 million per annum.
- Additional demand for floor space in the town resulting from a £40 million investment in Devonshire Park = circa 400sqm retail space and 750sqm for food and beverage.
- Additional bed spaces supported = 22.
- 140 new jobs locally during the construction phase as a result of the £40 million capital expenditure.

4.0 **Capital Cost**

4.1 In order to arrive at the design and budget proposed in this report the project team worked with operational managers, key commercial partners, Historic England and a wide range of stakeholders to identify and then evaluate a range of options. The initial assessment produced options totalling some £75M in value, which could not be supported by the Business Case.

- 4.2 The full range of options was subject to prioritisation using the following categories:
- Essential works:
 - High Priority works:
 - Medium Priority works
 - Low Priority works.
- 4.3 The prioritisation generated the following recommendation which was approved by the Project Board on 3rd December 2014 to guide the Design Team through the final part of Stage 2:
- Undertake all Essential Works
 - Refine the High Priority list to bring within the remaining budget available
 - Review phasing of the works to reduce inflation impact and continue momentum of works on site.
- 4.4 This prioritisation meant that the following items were not pursued:
- Extensive landscaping across the Park
 - Additional refurbishment to Winter Gardens
 - Additional refurbishment to Congress Theatre
 - Refurbishment of Racquet Court
 - Refurbishment of Devonshire Park Theatre
 - New permanent stand to Centre Court
 - Enhancement works to Towner Gallery.
- 4.5 In addition a number of other enhancements were considered at an early point in the Stage 2 work but not pursued:
- environmental improvements to Wilmington Gardens
 - underground car parking
 - a range of minor works within the park.
- 4.6 In developing the scheme budget the following assumptions have been used:
1. In time the construction market may become more competitive again, but for now it is prudent to allow 5.8% inflation per year resulting in a range of 7% - 20% applied across the project.
 2. Contingency of 10% is allowed for within each of the individual elements. Contingency has also been reviewed in light of the risk register and provisional allowances made within the cost plan breakdown where appropriate.
 3. The costs are based on developed designs informed by survey information and initial market testing. As the detailed design develops so too will the Cost Plan to provide more accurate and market tested costings.
 4. During Spring 2016, the two stage procurement of the main contractor will be undertaken. By July 2016 we anticipate having a contractor appointed and we will have our first market tested competitive rates, against which to compare the cost plan and make necessary adjustments prior to the main works starting on site in January 2017.

- 4.7 The budget approved at the Masterplan stage in 2012 was £35m. However, since that time, the construction market has experienced a substantial upturn and inflation levels have risen from 1–2% year on year to 5–6%.

The table below summarises the Masterplan budget as at 2012 and then the current forecast based on that same scheme but uplifted to reflect the current market.

COST/BUDGET HEADING	Masterplan 2012	Uplifted to 2014
Phase 1 Total	£26,353,207	£28,988,528
Phase 2 Total	£1,899,937	£2,089,931
Tennis Total	£4,332,538	£4,765,792
Subtotal	£32,585,682	£35,844,250
Inflation to mid-point construction	£2,500,000	£7,527,000
TOTAL	£35,085,682	£43,371,250

- 4.8 As the above table demonstrates, simply applying inflation to the masterplan project resulted in a scheme some £8m above the originally agreed budget.

At RIBA Stage 2, with the new Design Team on board, a thorough interrogation of the project proposals was undertaken which resulted in a project with forecast estimate of £40-£42m. At that time, the published construction tender price indices were indicating an inflation figure of circa 21% over the life of the project and this was included in the forecast estimate range.

Inflation in the construction industry operates on a different scale to that of the retail price index. When forecasting construction prices, the tender price index is used. This looks at prices of materials and labour to forecast rates of increase in the industry. During the recession, a number of contractors downsized or went into administration. In conjunction with this, some of the work force left the sector to find alternative employment and suppliers reduced production. Coming out of the recession and moving into a boom period has resulted in a sharp increase in demand without the capacity in supply to resource this uptake. As such we see prices inflated and long lead in times to balance the demand/supply.

During Stage 2 published indices were indicating a year on year rise in construction prices of 5.25%. The equivalent figure is now at 5.8%. However, the forecast costs have been profiled against the construction programme to give a more accurate appreciation of the costs at each stage to help mitigate the impact.

Furthermore, at RIBA Stage 3 we have now received further survey information to inform the costings and there have been ongoing discussions with Historic England and the Planning and Conservation Department to ensure statutory permissions are secured.

- 4.9 The budget set at Stage 2 was £40 – £42m. The forecast cost at the end of

Stage 3 was some 20% over at £49,969,534. We summarise below the key reasons behind this, split into two categories.

1. Costs of previously specifically excluded items reintroduced in Stage 3:

- a. Devonshire Park Theatre Foyer/ WCs/ Lift - £505,000
- b. Gold Room enhancements (Extra over essential M&E) - £665,000
- c. Foul sewer diversion - £230,000
- d. Furniture - £500,000

2. Significant revisions to the scheme during Stage 3 include:

- a. Enhancement of Western Cluster refurbishment for tennis facilities
- b. Reconstruction of Winter Garden kitchen core, uplift to other catering provision
- c. Increase in Heritage work to Winter Garden including roof railings
- d. External plant facility to rear of Congress Theatre
- e. Welcome Building modest essential increase in gross internal floor area and review of glazing specification
- f. Introduction of feature stage rig in Floral Hall
- g. Allowance for some consequential park wide public realm works to circulation around the park to the North of the main buildings

4.10 A subsequent Value Engineering phase enabled this to be reduced to £44m
In carrying out the Value Engineering account was taken of:

- work for which there would be only this opportunity to do while buildings were closed and the major components exposed
- work which was essential to support the business case
- work of significant heritage value

The resulting savings and final budget are shown below and result in a budget of £44m at the end of Stage 3. It is considered that to reduce the budget further would have detrimental impact to the project.

The table below outlines the Stage 3 costs before and after Value Engineering ('VE').

	STAGE 3 COST PLAN BEFORE VE	STAGE 3 COST PLAN AFTER VE
Stage 3 Professional Fees	1,425,000	1,425,000
Development Costs (Statutory/ Utilities Works, Surveys etc)	400,000	400,000
Enabling Works	526,450	526,450
Devonshire Park Theatre	1,086,019	252,000
Western Cluster	1,275,218	653,226
Congress Theatre	7,837,722	6,889,722
Welcome Building	11,572,512	11,144,205
Public Realm & Landscaping	1,446,000	1,353,840
Public Realm & Landscaping (Parkside) Phase 2	420,000	-
Winter Garden (Including Racquet Court)	8,193,302	7,592,642
Tennis Court Works	990,800	930,800
Clients FF&E	-	500,000
Temporary/ Disruption Mitigation	500,000	500,000
Professional Fees (Stage 4 onwards)	4,091,543	3,133,603
Contingency	4,360,428	3,911,566
Inflation	5,844,540	4,818,988
TOTAL	49,969,534	44,032,042

4.11 To achieve the target budget savings were made as follows:

<p>Category A - technical and design savings £722,000 without significant impact on function, heritage, or business case.</p>
<p>Category B - significant changes in approach/alternative funding totalling £2,070,000. Some of the most significant items in this list are</p> <ul style="list-style-type: none"> ○ Reduction in scope of theatre equipment upgrades across the site - £292,000 ○ External repairs to Devonshire Park Theatre funded and completed through the council's Structural Maintenance budget - £447,000 ○ Cafe fit outs to be transferred to operator's responsibility - £364,000 ○ Omit Winter Garden railing replacement - £132,000

Category C - items totalling £3,060,000 were deferred from the scheme. The most significant of which are:

- Internal works and lift to the Devonshire Park Theatre (the boiler will be replaced) - £728,000
- External staircase from Welcome Building down to tennis courts - £231,000
- Public realm and landscaping works to wider site £657,000
- Gold Room aesthetic enhancements - £264,000
- Congress Theatre – further heritage enhancements - £173,000

These items will be subject to "first refusal" should tender prices prove competitive and/or risks are not realised enabling a release of contingency.

4.12 The table below outlines the commitment required to complete each stage of the project.

Stage	Date	Cost Commitment	Status
Commence Stage 2	July 2014	£950,000	Complete
Commence Stage 3 up to and including submission of Planning Applications and Listed Building Consent; also to include "at risk working" for Stage 4 of Devonshire Park Theatre restoration works	March 2015	£1,425,000	Complete
Commence Stage 4 early to assist with programming	October 2015	£500,000	Approved and Underway
Commit to the delivery of the project within budget parameters set out above	December 2015	£44,000,000	For Approval

This paper is seeking commitment to £44,000,000 which will enable the delivery of the project in its entirety from December 2015 through to 2020.

5.0 Constraints

5.1 There are 3 listed buildings on the site, the Congress Theatre (grade 2* listed) and the Winter Garden and Devonshire Park Theatre (both grade 2

listed). These buildings have long term defects which will require sympathetic restoration intervention requiring Historic England approval and Listed Building Consent, as the restoration will involve modifications and material replacement (similar to the Congress façade restoration, as opposed to simple 'like for like' repairs).

Following a period of negotiation and amendments to the scheme, Historic England have indicated their support for the scheme. They have provided a number of conditions regarding design details and materials to be included within the Planning Permission and Listed Building Consent which was achieved at Planning Committee on 24th November 2015.

- 5.2 A key stakeholder in the in the DP Project is the LTA. The project will need to deliver significant improvements to the Tennis court layout to accommodate increased court sizes and a new show court and the LTA will also be keen to see significant improvements to the player facilities.

Following detailed design work to improve player facilities, two schemes are under consideration by the LTA which is due to make a decision on 1st December 2015. At present the base scheme is included in the project cost.

- 5.3 The buildings, in particular the Theatres, as they are currently arranged, present significant challenges for disabled access and the topography of the site presents design challenges in terms of the varying levels throughout the site which hinders connectivity between buildings.

The approved design has successfully addressed these challenges. In order to improve access for those disabled patrons arriving by car a controlled access drop of point has now been incorporated in the plaza.

- 5.4 The first construction phase of the project is scheduled to begin in summer 2016 and the overall project is programmed to complete in early 2020. During this period it will be necessary to close the Congress Theatre for 14 months, of which the last 6 months will overlap with the closure of the Winter Garden. The construction procurement process will explore how the Winter Garden could operate with a series of partial closures.

A temporary modular kitchen will be located at the rear of the Winter Garden as the current kitchen will be demolished at an early stage of the project.

The works will have an impact on both the conference and show programmes and plans are being developed to address this and notify hirers. The Devonshire Park Theatre programme should not be affected and the Aegon Tennis tournament will continue throughout the construction phase and no other significant business interruptions are foreseen.

6.0 Consultation

- 6.1 The current project has been guided by regular meetings of the cross party member led Devonshire Park Project Board.
- 6.2 The Project Board has been assisted by a Partnership Group, who represent a range of organisations and groups that have an interest in the site and its function. A second Group specialising in the Conference and Exhibition sector has also been consulted.
- 6.3 A series of Public Exhibitions took place during July and August 2015 at the 999 Roadshow, Airbourne and other venues in the town. The (albeit limited) responses were positive with recognition of the need for and benefits of the scheme. Some concerns were expressed about whether the Council would be able to fund the scheme.
- 6.4 Extensive consultation has also been carried out with the on-site operational teams. This was important to ensure practical solutions to current issues and inefficiencies were being developed alongside the emerging design. Besides operational managers being part of the Partnership Group, they had direct access on a one to one basis to the design team through detailed working groups.
- 6.5 Finally, the economic case for the investment was the subject of detailed review at the Scrutiny Committee of 7 September 2015. The Committee's summarised findings are set out below (full minutes at Appendix 1).
- 6.6 The Committee debated this matter following presentations on the overall project (by Graham Cook), the internal business case (by David Clarke Associates), and the economic impact (by Focus Consultants) and Philip Evans, Senior Head of Tourism and Enterprise, on the wider tourism benefits of the project and the significant additional social benefits of the improved facilities for visitors and residents alike.

In summary the Committee invited Cabinet to take into account the overall content and findings set out below (full minutes at Appendix 1) when considering this matter. However, no specific recommendations in respect of the overall project detail or its economic rationale arose from this review.

Financial Impact and Risk

Currently the Devonshire Park Estate required a minimum investment of £10m just for repairs and maintenance to stand still. This would not lead to any business improvement

Following the development of the site as proposed, it was anticipated that there would be a net increase in contribution of between £850k and £1m per annum.

A revenue allowance of £1m had already been set aside to compensate for inevitable revenue loss to the Council during the construction period of the project. The current medium term financial strategy provided a further

£600k to support the Council's capital financing requirement.

Risks which could impact on cost were considered as:

- Project and client requirement changes to the specification
- Tenderer's concerns about project risk
- Market Risks associated with the demand/supply in the sector

Mitigations to these risks included:

- Potential for further development at the site in future
- Future changes to governance of the business on the site
- sale of the site or branding
- market testing and engagement with the supply side

6.6 **General points relating to the overall project**

- There were opportunities to draw in additional partners to assist with future development
- An 'Ambassador' scheme would be adopted and implemented as an essential part of securing new conference business
- The Devonshire Park development would be seen as an anchor for the town and its impact on growth would be measured and recorded through regular bespoke surveys, and by monitoring visitor numbers
- The Council was working closely with some hoteliers to ensure there would be enough quality hotel stock to support the enhanced conference facilities.
- Methods of measuring social impact should be considered as part of the assessment of the overall benefit to Eastbourne.

Key points relating to the economic rationale of the project

- David Clarke Associates estimated a £814k annual improvement once the project was completed, in their experience, other comparable projects with lower returns had been successful
- a £10m investment in the upkeep of the existing buildings on the site could not be avoided due to the Council's responsibilities for buildings with listed status. Such an investment would only enable the site to 'stand still' with its conference offer. This would not be sustainable in a declining market at this level
- It was generally felt that the proposed scheme was of an optimum size and design matching the economic rationale

- The consultants assured the committee that the location of the kitchen in relation to the Congress and the new Welcome building was suitable in respect of supporting the activities on the site
- Focus Consultants estimated a £13.4m annual increased spend from visitors to Devonshire Park in the Eastbourne area. With conference attendees projected to grow from 7,500 to 34,150, they contribute £9m of this increase or £342 per head, a figure supported by both sets of consultants.

7.0 Programme Phasing

7.1 The high level Programme Overview is set out below:

Milestones	Date
Cabinet Meeting and Instruction to Proceed	December 2015
RIBA Stage 4 – Technical Design	August 2015 – June 2016
Production/ Tender Documentation / Tender Action	November 2015 – March 2017
RIBA Stages 5-6 – Construction & Handover	April 2016 – December 2019
RIBA Stage 7 – In Use Study and Defects Liability	Completes December 2020

7.2 It is planned to split the project into different phases. This has been planned in order to ensure "business as usual" as much as possible and also minimise the impact of inflation.

- Phase 1 Devonshire Park Theatre – Essential Repairs – Underway
- Phase 2 Enabling Works, Asbestos removal, DPT Boiler replacement
- Phase 3 Tennis Players Facilities
- Phase 4.1 Congress Theatre
- Phase 4.2 Welcome Building
- Phase 4.3 Winter Garden
- Phase 4.4 Demolition of Devonshire Park Halls
- Phase 5 Tennis Courts
- Phase 6 Public Realm

In order to keep works progressing and maintain momentum on site, the enabling works and boiler replacement are planned to follow on from the Devonshire Park Theatre – Essential Repairs in 2016. To relieve programme pressures Cabinet agreed, in October 2015, to bring forward the Stage 4 design work so that detailed designs are available to include within the contractor procurement package. This should secure better prices as the tenderers can understand more clearly the work required and associated risks.

7.3 Construction Phasing

Phase	Construction Period
Phase 1 Devonshire Park Theatre – Essential Repairs	July 2015 – June 2016
Phase 2 Enabling Works and DPT Boiler Replacement	February 2016 – November 2016
Phase 3 Tennis Player Facilities	July 2016 – May 2017
Phase 4.1 Congress Theatre	January 2017 – June 2018
Phase 4.2 Welcome Building	January 2017 – August 2018
Phase 4.3 Winter Gardens	January 2018 – May 2019
Phase 4.4 Demolition of Devonshire Park Halls	August 2018 – September 2018
Phase 5 Tennis Courts	September 2018 – February 2019
Phase 6 Public Realm	March 2019 – June 2019
In Use Soft Landing	July 2019 – December 2019
End of Defects Liability Period	June 2020
End of In Use Evaluation	December 2020

7.4 The programme for the tennis associated works (player’s facilities and tennis courts) is under review with the LTA.

8.0 External Funding

8.1 An outline Funding Strategy was produced as part of the Stage 2 work which identified a range of external funding streams. Given the scale and costs of the capital expenditure, officers identified three funders to focus on:

- Heritage Lottery Fund
- Arts Council England
- Local Economic Partnership

8.2 Heritage Lottery Fund (HLF):

A first stage capital application was made to the HLF to support the works to the Congress Theatre. Unfortunately the application was not successful because the scheme did not have high enough priority, given the calls on the HLF’s funds. The HLF have indicated that they may be prepared to discuss some revenue support for interpretation work in the future.

8.3 Arts Council England

A number of conversations have been held with Arts Council England to explore potential funding streams. As none of the buildings that are the subject of this project are recognised as a National Portfolio Organisation

('NPO') it is unlikely that the Devonshire Park Redevelopment will be considered for capital funding. However, there are ongoing discussions about the potential to secure revenue funding in the future and these will be continued through the delivery of the project, to help ensure the long term sustainability and investment.

8.4. **Local Economic Partnership**

Eastbourne is part of the South East LEP and has had recent success in securing funding for other infrastructure projects from this source. At present there are no calls for heritage/cultural regeneration capital scheme but we have gained a place in the investment pipeline for the scheme and will continue to pursue this opportunity.

8.5 **LTA**

As a key partner on the site, the Council and our project consultants have worked proactively with the LTA. One of our drivers is to jointly secure the future of Eastbourne as an international tennis venue meeting international court standards. As a result of our negotiations with the LTA two options for improving player facilities are under consideration and the LTA will make a decision on 1st December 2015.

9.0 **Procurement**

9.1 Project Team

The Project Team have been procured for the full life of the project but with a break clause within the appointment to allow for the contract to be ended at any point without penalty. This has enabled consistency of team throughout whilst also ensuring there isn't undue commitment by the Council in the early stages of the project.

9.2 The project will be split into a number of phases as outlined above and delivered through three major contracts together with a number of enabling works.

The major contracts will be:

- Boiler replacement in the Devonshire Park Theatre
- Enabling Works including utilities diversions and asbestos removal
- New tennis player facilities
- A main contract for the construction of the Welcome Building and redevelopment of the Congress Theatre and Winter Garden plus associate Public Realm
- Tennis courts and irrigation system

A fuller schedule of the proposed contracts is attached at Appendix 2.

9.3 It is likely that the Council will use a range of JCT contracts for the appointment of the contractors. There will also be a range of procurement processes followed which will depend on the nature of the contract and its value. These may range from calling off from existing frameworks, tender processes under the Council's Contract Procedure Rules or regulated procurements using the open or restricted procedures. The most appropriate procurement process will be determined as the process of finalising the detailed specifications and requirements is undertaken.

It is anticipated that the main contract will follow the “competitive procedure with negotiation”. There are specific situations in which the Council may use this procedure. For this project it is felt that the current situation set out in the regulations is applicable:

....the contract cannot be awarded without prior negotiation because of specific circumstances related to the nature, the complexity or the legal and financial make-up or because of risks attaching to them....

The competitive negotiated procedure involves the publication of a contract notice in OJEU to enable potential suppliers to express an interest to be selected to tender. A minimum of three contractors must be invited to tender. Whilst the Council can decide to award the contract on the basis of the initial tender, it may negotiate with the contractors who submit tenders to improve their content. If it does so the process ends with a final tender on which the award decision is based.

10.0 Risk Management

10.1 A comprehensive risk matrix has been developed by The Council and Focus which has been captured in Covalent. The strategic risks for the project are summarised as follows:

- **Budget exceedance**; Cost Consultants Huntley Cartwright have been appointed directly by the Council to estimate and monitor project costs for the duration of the project to ensure it aligns with the budget set by Cabinet. The project team has held a number of structured Value Engineering Exercises to identify which cost elements contribute most to delivering the Business Case and meeting the Council’s heritage responsibilities.
- **Programme overruns**; detailed work has been undertaken by the design team to develop the programme and a specific Phasing Working Group has been set up to oversee the process. In addition work has already started to minimise any potential delays to the main contractor by carrying out asbestos surveys and commissioning public utility works (in particular the major sewer diversion). Finally, at their meeting of 21st October 2015 the Cabinet agreed to forward fund some of the Stage 4 professional work in order to advance the development of detailed designs and procurement documents and thus enable construction contractors to be appointed as soon as possible.
- **Business interruption**; some interruption to business activity is required to undertake significant restoration and equipment installation to the Congress Theatre and Winter Garden. The project has been designed to mitigate this as far as possible and a budget has been provided in both the capital project and the revenue budget to support the financial consequences.
- **Future business assumptions**; a detailed evaluation of the business case has been undertaken by a specialist consultant that confirms and supports the design principles of the project. The same specialist has also been commissioned, with additional support from Catering, Conference and Retail consultants, to continue to provide advice on the business planning aspect and future governance to ensure that

optimum commerciality is achieved for the site.

11.0 Governance

- 11.1 The governance framework set up to guide the development to scheme to date has worked very well and it should be retained.

12.0 Staffing Implications

Effective human resource management will be key to both maintaining the current operations leading up to closure and to ensuring sufficient appropriately trained staff with the relevant skills are in place to allow the new venues to open on time and safely. A detailed HR strategy is being drawn up and will be subject to consultation with staff and unions. The Council has an existing Redundancy and Redeployment Procedure which will be used to inform part of the strategy, however the staffing implications of such a project are complex and it is likely that new proposals will be drawn up to consider issues such as retention payments.

13.0 Financial Implications

- 13.1 The Council has appointed Capita Asset Services Ltd to provide advice on the robustness of the business case, potential funding options and affordability.

In addition Capita will comment on considerations regarding the any future decisions over governance that may impact on the business.

At the time of writing the work is ongoing and a final report is expected in the new year.

No material concerns have been raised to date. However, there are some points of clarity over the business case are still being addressed. These are not expected to raise any significant issues.

- 13.2 Overall the scheme will cost the Council in the order of £44m if all allowances for inflation and contingency are exhausted.

Whilst a Council does not finance individual schemes in its overall capital programme, clearly a scheme of this magnitude is a material consideration in the context of the overall programme.

Capital expenditure is financed from:

- Grants and contributions
- Capital receipts
- Borrowing financed via revenue (the capital financing requirement)

The Council sets its own borrowing limit in the general fund. Housing borrowing is restricted by the Government.

- 13.3 Any additions to the capital financing requirement attract interest, via external loans and/or loss of interest if internal borrowing is used. Also capital repayments are required via the minimum revenue provision (MRP), an annual payment derived from the asset life. Capital receipts can be

applied to repay debt at any time.

The Council's treasury management policy and prudential indicators are used to determine the overall affordability of the capital programme. Currently the capital financing requirement (£27m) is fully financed in the general fund revenue account which equates to £1.8m per annum (12% of the net budget)

The Council had £5.4m of usable capital receipts as at 31 March 2015.

Whilst the Devonshire Park Board is seeking external support for the scheme, should there be no grants or contributions available to this particular scheme the Council will need to finance £44m of capital expenditure.

- 13.4 Capita has advised that the MRP can be delayed until the scheme is finished or even until the business plan is performing to capacity (projected £814k per annum by year)

The Council has a pipeline of capital receipts in the order of £30-£50m over the next five years and will need to decide via treasury policy when to apply the receipts.

Capita has provisionally advised that it is unlikely that any method of financing capital expenditure other than the Public Works Loans Board (PWLB) will be more attractive.

Currently Interest rates range from 2.4% to 3.5% on 5 to 50 year PWLB loans these are forecast to rise to a maximum of 4.5% by 2018.

The main cash flows of the scheme are in the calendar years 2017 and 2018 the Council can borrow ahead of need but needs to be mindful of the low interest on deposits and counterparty risk if surplus cash is created.

Overall the business plan can generate enough to cover the MRP even if the scheme were fully borrowed, leaving the interest to be funded by the Council's revenue account.

Interest on the £44m would have a carrying cost of £1.5m (at today's 50 year rate) reducing as MRP was paid.

- 13.5 Another way of looking at the scheme viability is that the business plan will eventually support about half the overall cost.

Therefore the scheme cannot pay for itself. The Council's medium term financial strategy already allows for recurring growth of a further £500,000 per annum to be set aside over the next four years.

At this stage it is envisaged that capital receipts of between £12m to £20m will be set aside over the next four years to fund capital expenditure.

In addition to the capital financing costs the Council has already made provision of £1m of revenue funding to fund the cost of business interruption

over the construction phase.

In summary the implications for the Councils finances are:

- 1. £1m of revenue to fund business interruption (set aside in March 2015)**
- 2. £12m-£20m of future capital receipts required to reduce the Councils CFR**
- 3. The surplus created by the improved business post completion is required to part finance the capital investment as it is achieved.**

- 4. The Council should continue to 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.**

14.0 Legal Implications

14.1 Procurement/contracts

A detailed procurement strategy has been developed with the works and services required analysed in terms of the most appropriate grouping and procurement process by reference to the public procurement regulations and the Council's Contract Procedure Rules. In order to ensure that an appropriate level of flexibility is maintained and the programme is not delayed it is recommended that the Cabinet 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 and Lawyer to the Council. Such delegation to include approval to exceptions to the Council's Contract Procedure Rules should that become necessary.

It should be noted that a number of contracts cannot be procured in the usual competitive manner due to the suppliers having exclusive rights to undertake the work. These are works relating to highways and statutory undertakings such as gas, electricity & water. Such works will be carried out under direct contracts with the suppliers and Cabinet is asked to formally note and agree this as an allowed exception to the council's Contract Procedure Rules as part of the delegations set out in the Recommendations of this report in relation to procurement to the Senior Head of Regeneration, Planning and Assets.

14.2 State Aid

In December 2013, Cabinet considered legal advice in relation to the Council's proposed financial support to the Devonshire Park project and agreed European Commission notification was not required. There has been no change to this position but this will be kept under review to ensure compliance with State Aid legislation.

- 14.3 LTA licences
The Towner is leased to the recently established Towner Trust for a period of 30 years. In addition, there is an agreement for LTA to use Towner during the main tournament.
There is also a 43 year User License between the Council and the LTA dating from 1997 to permit the LTA to use the site during Tournaments.

15.0 Equality

- 15.1 This project will deliver substantial improvements to access throughout the site for visitors, performers and staff and will, therefore contribute significantly to the 'disability' protected group.

An Equality and Fairness Analysis has been produced which confirms the above which is also acknowledged in the Access statement and associated supplements.

Consultation with the Eastbourne Disability Involvement Group (EDIG) resulted in the redesigning of the drop off zone in the plaza which essentially allows the retention of a drop off point adjacent to the Congress Theatre as currently exists on the site.

EDIG also requested the provision of a Changing Places facility on the site. However, there now proposals to provide this facility in an alternative town centre location which is preferred by EDIG.

- 15.2 An Interim Equalities Impact Analysis has been completed to evaluate the impact of the design on users. This concluded that the scheme will generate positive improvements. Once further work has been carried out on any changes to the operational management of Devonshire Park those changes will also be evaluated.

16.0 Conclusions

- 16.1 Cabinet gave authority for officers to engage a Multi Disciplinary Design Team to take the Marks Barfield Masterplan forward. That work has been completed, planning permission and listed building consent have been applied for and the vision the Council has for the Devonshire Park site can be achieved.
- 16.2 Significant analysis has been undertaken of how the site can be developed to meet the objectives the Council has set for its future. This has included a forensic analysis in the business case to ensure the savings to be achieved through efficiencies and the generation of new and increased income streams can be realised.
- 16.3 The finalised design reflects the planning/listed building application and the cost plan contains the following major elements:
- a plaza which offers a new high quality public realm that aims to integrate the site with the surrounding context
 - work to the Congress Theatre will improve its setting, complete its exterior restoration, restore the original interior design, improve accessibility, and improve comfort and facilities for audiences and

- performers particularly cooling in the auditorium
- investment in the Winter Garden will enhance the historic character of its exterior and interior, improve accessibility throughout, reduce overheating in the Floral Hall, improve facilities for all users and increase revenue generation
- the Welcome Building includes two new large conference spaces (replacing the Devonshire Park Halls) below a highly glazed pavilion accommodating central box office, coffee/wine bar and breakout/hospitality space
- Devonshire Park Theatre works have been focused on the essential repairs to the exterior and a replacement boiler
- tennis works are in two parts. Improvements to facilities for players and officials and redesign of the tennis courts
- the catering offer at the site is being much improved through the construction of two cafes and a new production kitchen.

This investment will enable Devonshire Park to become a more competitive player in the conference and events market, secure a performance programme which drives larger and more diverse audiences, offer good quality conference and occasional catering and provide the quality of tennis facilities required by the LTA.

Background papers

The background papers used in compiling this report were as follows:

- The minutes of the Cabinet meetings on:-
 - 20 October 2010
 - 14 December 2011
 - 12 December 2012
 - 16 July 2014
 - 18 March 2015
 - 21st October 2015
- RIBA Stage 3 Report dated November 2015 by Levitt Bernstein
- Report on The Current and Potential Economic Impact of Devonshire Park dated September 2015 by Focus Consultants

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

Appendices	
1.	Scrutiny Committee minutes of 7 th September 2015
2.	Schedule of proposed contracts

Appendix 1

Minutes of the Scrutiny Committee of 7th September 2015

The Committee debated this matter following a seminar where presentations were given to members on the overall project (by Graham Cook), the internal business case (by David Clarke Associates), and the economic impact (by Focus Consultants).

The committee commenced with a presentation from Philip Evans, Senior Head of Tourism and Enterprise, on the wider tourism benefits of the project and the significant additional social benefits of the improved facilities for visitors and residents alike.

Alan Osborne, Deputy Chief Executive gave a brief overview regarding the financing of the project covering the following areas:

- Currently the Devonshire Park Estate required a minimum investment of £10m just for repairs and maintenance to stand still. This would not lead to any business improvement
- Following the development of the site as proposed, it was anticipated that there would be a net increase in contribution of between £850k and £1m per annum, the scheme being approximately half of the council's forecast capital expenditure over the next 5 years
- As part of a cautious approach, increases in business rate retention and other potential 'fringe' benefits such as new homes bonus had not been included in assessing the business case
- The development would have an estimated 50yr lifecycle, with a 50yr capital repayment period being normal for a development of this nature.
- The Council holds assets of a much greater value than the amount of investment required some of which were potentially surplus – the Council was currently undergoing an 'asset challenge' process and, as a result, there could be the potential for additional capital receipts to be used to assist the financing of the Council's overall capital financing requirement.
- A revenue allowance of £1m had already been set aside to compensate for inevitable revenue loss to the Council during the construction period of the project. The current medium term financial strategy provided a further £600k to support the councils capital financing requirement.
- The Public Works Loans Board was likely to be the most cost effective method of financing any additional borrowing.

Risks which could impact on cost were considered as:

- Project and client requirement changes to the specification
- Tenderer's concerns about project risk

- Market Risks associated with the demand/supply in the sector

Mitigations to these risks included:

- Potential for further development at the site in future
- Future changes to governance of the business on the site
- sale of the site or branding
- market testing and engagement with the supply side

The committee were advised that Capita would be reporting back on it's review of the business case and affordability and financing options in late September 2015. A copy of the Capita report would be provided for Members.

Members were advised by the Deputy Chief Executive that, whilst this was clearly the Council's largest planned capital scheme, it would not prevent the Council investing in other future capital schemes as part of the remaining capital programme. The Public Works Loans Board financing for the councils capital programme was available without condition and the Council was able to determine what it could afford and its ability to repay, with potential interest rates of between 3.4% and 3.8%.

Members were also advised that any loans could be 'serviced' from within the overall budget whilst the project was being completed, however, capital repayments could be deferred and capital receipts could be used to reduce initial borrowing such as to bridge the period between commencement of the project and full completion. At which point the full financial benefits of the development could start to be realised and resulting savings being diverted to the Capital Financing Budget.

In consideration of the merits of the overall project, and in particular the economic rationale, members noted, discussed and/or questioned consultants and officers on the following aspects drawn out from the presentations:

General points relating to the overall project

- There were opportunities to draw in additional partners to assist with future development for example the LTA and local University; the proposed branding exercise would make Eastbourne more attractive to a range of potential investors.
- The 'Ambassador' scheme would be adopted and implemented as an essential part of securing new conference business, particularly from Associations
- The Devonshire Park development would be seen as an anchor for the town and its impact on growth would be measured and recorded through regular bespoke surveys, and by monitoring visitor numbers
- The Council was working closely with some hoteliers to ensure there would be enough quality hotel stock to support the enhanced conference facilities. It was anticipated that this would drive investment and improvement across Eastbourne's hotel stock as the benefits of the new facilities became apparent

- Methods of measuring social impact should be considered as part of the assessment of the overall benefit to Eastbourne.

Key points relating to the economic rationale of the project

- David Clarke Associates estimated a £814k annual improvement once the project was completed. 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, the consultant's view was, although this was a relatively low rate of return for a project of this size, it was viable and, in their experience, other comparable projects with lower returns had been successful.
- The committee was advised by the consultants that a £10m investment in the upkeep of the existing buildings on the site could not be avoided due to the Council's responsibilities for buildings with listed status. Such an investment would only enable the site to 'stand still' with its conference offer. This would not be sustainable in a declining market at this level. Thus, a key driver of the project is the transformation and elevation of the conference offer to generate significant improvements in conference income and associated catering revenues from this source.
- It was generally felt that the proposed scheme was of an optimum size and design matching the economic rationale. The Director of Tourism and Enterprise stated that, whilst, the ideal would have been for a slightly larger development, anything smaller would not be economically viable and anything significantly larger would be overreaching the business potential of the site. Thus, the development was fully supported by staff in the Council's Tourism service delivery area.
- The Committee was advised that a primary focus on Association conferences was important given the nature of the conference offer provided by the development and its geographical location
- The consultants assured the committee that the location of the kitchen in relation to the Congress and the new Welcome building was suitable in respect of supporting the activities on the site
- Focus Consultants estimated a £13.4m annual increased spend from visitors to Devonshire Park in the Eastbourne area. With conference attendees projected to grow from 7,500 to 34,150, they contribute £9m of this increase or £342 per head, a figure supported by both sets of consultants.

Cabinet were invited to take into account the overall content and findings set out above when considering this matter. However, no specific recommendations in respect of the overall project detail or its economic rationale had arisen from this review.

Appendix 2 – Procurement Schedule

PROCUREMENT PACKAGES

Key	
	Main Contract – Works
	Services Contract – no aggregation
	Works Contracts aggregated with main contract but to be award as a “small lot”
	Works Contracts aggregated with main contract but to be awarded separately - subject to OJEU as above “small lot” threshold
	Supply contracts – no aggregation
	Works contract – not aggregated with main contract
	Works contracts subject to exclusive rights – no aggregation – no competition possible

V8 11th November 2015

Package	Contract type	Est. Value	Procurement route	Procurement Timescales	Date to be let by	Start date	Completion date		
Asbestos survey and strategy	Service	£ 10 - 15 K	CPRs – 3 quotes direct – PQ to receive	3 wk quote period RFQ – 1 st Aug 15 Deadline – 21 st Aug 15 Appt – 28 th Aug 15	End Sept 2015	October 2015	November 2015		
Sewer diversion	Works	£ 250 k	EXCLUSIVE RIGHTS – exception list Through Southern Water	At least 3 month process Application to SW – 29 th October 2015 Response from SW anticipated 12 th November 2015 Agree works and make payment 30 th November 2015	Dec 2015	January 2016	April 2016		
Gas, Water, Electricity concurrent with Sewer diversion	Works	£200k	EXCLUSIVE RIGHTS – exception list	At least 3 month process Discussions with utilities on going. MF to confirm payments to be raised at PTM on 12 th Nov 2015 Make payment 30 th November 2015	Dec 2015	January 2016	April 2016		
Asbestos works	Works	£ 295 k	CPR Tender Advert or Framework	4 wk tender period ITT 4 th Dec 15 Deadline – 8 th Jan 2016 Appt – 15 th Jan 2016	January 2016	February 2016	Nov 2016		

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Appendix 2 – Procurement Schedule

Package	Contract type	Est. Value	Procurement route	Procurement Timescales	Date to be let by	Start date	Completion date		
Tennis player facilities – Western Cluster	Works	£750k - £1.75k dependent on option	*CPR Tender Advert or Restricted – below threshold D&B	4 wk PQQ Period 6 wk Tender Period PQQ – 22 nd Jan 2016 Deadline – 19 th Feb 2016 Shortlist – 4 th 2016 ITT – 11 th March 2016 Deadline – 22 nd April 2016 Appt – 6 th May 2016	May 2016	July 2016	May 2017		
ITC and Pavilion	Works	£200k							
DPT boiler	Works	260k	CPR Tender Advert or Framework	5 week open tender period ITT – 29 th Jan 2016 Deadline – 4 th March 2016 Appt – 18 th March 2016	March 2016	April 2016	June 2016		
DPT internals	Works	£1.2m (£1.5m including boilers)	Restricted – OJEU Traditional	DEFERRED					
Substation – legal arrangements and order placement	Works	n/a	EXCLUSIVE RIGHTS – exception list	At least 6 month process Scope of Works 18 th Dec 15 Receive Quote 29 th Jan 16 Place order 5 th Feb 16	June 2016				
Gas, Water, Electricity – legal arrangements and order placement	Works	n/a	EXCLUSIVE RIGHTS – exception list	At least 6 month process Scope of Works 18 th Dec 15 Receive Quote 29 th Jan 16 Place order 5 th Feb 16	June 2016				
S278 design & approval	Service	£ 20 k	EXCLUSIVE RIGHTS – exception list	Scope of works Jan – March 2016 Legals April – Sept 2016	Part of Professional Team's appt.	January 2016	Agreements in place by Sept 2016		

Appendix 2 – Procurement Schedule

Package	Contract type	Est. Value	Procurement route	Procurement Timescales	Date to be let by	Start date	Completion date		
Umbrella contract for CT, WG, WB and public realm	Works	£32.6m	Competitive Negotiated OJEU	6 wk EOI Period 8 wk Negotiation Period EOI – 8 th Jan 2016 Deadline – 4 th March 2016 Shortlist – 18 th March 2016 ITN – 25 th March 2016 Deadline – 20 th May 2016 Appt – 10 th June 2016	June 2016	PCSA July 2016 SOS Jan 2017	June 2019		
Signage – internal/external	Supply but incl. In Works above	200k	Include in main contract	Include in main contract	Jan 2018	Feb 2018	June 2019		
CT replacement seats	Works Incl above	£ 383 K	Include in main contract	Include in main contract	Jan 2018	Feb 2018	March 2018		
Theatre tech equipment/grids	Supply but incl. in Works above	£1.8m	Include within the main contract	Include in main contract	June 2017	July 2017	June 2019		
278 Works	Works	In the main works		Timescale to be determined by Main Contractor		TBC by Main Contractor	TBC by Main Contractor		
Substation - works	Works	£ 100 K +	EXCLUSIVE RIGHTS – exception list	Timescale to be determined by Main Contractor		January 2017	March 2017		
Gas, Water, Electricity - works	Works	£ 100 K +	EXCLUSIVE RIGHTS – exception list	Timescale to be determined by Main Contractor		TBC by Main Contractor	TBC by Main Contractor		
Tennis court works	Works	£ 944 K	Open - OJEU	6 wk tender period ITT – 28 th July 2017 Deadline – 8 th Sept 2017 Appt – 22 nd Sept 2017	Sept 2017	July 2018	Sept 2018		
Loose furniture and equipment	Supply and install	500k	Framework/ DPA? Otherwise Restricted - OJEU	6 wk tender period assuming Framework or DPA ITT – 3 rd Nov 2017 Deadline – 15 th Dec 2017 Appt – 12 th Jan 2018	Jan 2018	Feb 2018	June 2019		
Fire/safety equipment	Supply	50k	Framework/ CPR Tender Advert	6 wk tender period assuming Framework or CPR Advert RFQ – 3 rd Nov 2017 Deadline – 15 th Dec 2017 Appt – 12 th Jan 2018	Jan 2018	Feb 2018	June 2019		

Appendix 2 – Procurement Schedule

Package	Contract type	Est. Value	Procurement route	Procurement Timescales	Date to be let by	Start date	Completion date		
Public Realm Signage	Supply	TBC	Framework - CPR Tender Advert – open - OJEU	6 wk tender period assuming Framework or CPR Advert RFQ – 2 nd Nov 2018 Deadline – 14 th Dec 2018 Appt – 11 th Jan 2019	Jan 2019	April 2019	June 2019		
Theatre tech	Supply	Say £400k	*CPR Tender Advert – Open - OJEU	6 wk tender period ITT – 4 th Jan 2019 Deadline – 15 th Feb 2019 Appt – 1 st March 2019	March 2019	June 2019	July 2019		
Replacement site survey	Service	150k	Framework	Underway – see survey tracker	August 2015	August 2015	October 2015		
Other surveys??	Service	100k	CPR Quotes - CPR Tender Advert	Underway – see survey tracker					
Ongoing service contracts	Service								
Catering Contract	Supply		To be discussed	To be discussed	To be discussed	To be discussed	To be discussed		
IT & Data	Service		Installation under the main contract	Main Contract?		Nov 2017	June 2019		

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Body:	Cabinet
Date:	9 December 2015
Subject:	Contract Procedure Rules and Procurements
Report Of:	Henry Branson, Senior Head of Projects, Performance and Technology
Ward(s)	All
Purpose	To seek approval of revised contract procedure rules and agree approaches to two key procurements.
Decision Type:	Key
Recommendation:	Cabinet is asked to: <ul style="list-style-type: none">i. Recommend the new contract procedure rules for approval by Council.ii. Authorise an exception to the existing contract procedure rules to appoint ESCC directly to procure the council's energy supply and manage the council's energy servicesiii. Authorise an exception to the existing contract procedure rules to procure the same software solution as Lewes District Council to manage Community Infrastructure Levy payments as part of a shared service.
Contact:	Henry Branson, Senior Head of Projects, Performance and Technology Tel: 01323 415155 Email: henry.branson@eastbourne.gov.uk

1.0 Introduction

- 1.1 The contract procedure rules (CPRs) form part of the council's constitution and determine how officers contract with external bodies. The CPRs ensure lawfulness and best practice in terms of the procurement of services, supplies or works. Clear and up-to-date CPRs play a key role in ensuring that best value is achieved for the authority and that the Council is not exposed to risk.
- 1.2 Local authority procurement is an evolving area which is subject to scrutiny and challenge. The current CPRs were approved in 2009 and need to be fully revised now to ensure they reflect current law, best practice and the environment in which the council is now operating.
- 1.3 Both the existing and the new CPRs include provision for exceptions to be made, subject to certain conditions, thresholds and approvals, where there is a case to directly appoint a supplier. There are two such cases

outlined in this report, both of which involve joint working with other local authority partners.

2.0 Contract Procedure Rules Revisions

2.1 Reasons for revisions

There are three key reasons for revising the CPRs at this time:

1. To reflect the Public Contract Regulations 2015 which came into force earlier this year.
2. To achieve a standard set of CPRs for Eastbourne Borough Council, Lewes District Council and Eastbourne Homes Ltd.
3. To enable a modern and responsive approach to procuring works, supplies and services.

2.2 Public Contract Regulations 2015

The Public Contracts Regulations 2015 (PCR 2015) implement the 2014 EU Public Sector Procurement Directive and a range of other reforms. They largely apply to public contracts that exceed certain value thresholds.

The PCR 2015 outline a number of standard procurement procedures for public bodies to follow. They also mandate the use of Government portals such as Contracts Finder for the advertising of certain contracts and place greater emphasis on electronic availability of procurement documents.

As is the case with previous PCRs, there are a number of exemptions and exceptions defined within the regulations which contracting authorities may choose to exercise, with appropriate care and legal advice.

The revised CPRs reflect the important changes contained with the PCR 2015.

2.3 Standardisation of CPRs

Eastbourne Borough Council (EBC) is on a path of ever closer partnership working. The 'Eastbourne Homes in Partnership' approach adopted by the Eastbourne Homes Board in 2014 saw much closer working between EBC and Eastbourne Homes Limited (EHL). This has resulted in integration of back office services, co-location at 1 Grove Road and shared management arrangements.

EBC is already sharing a range of services with Lewes District Council (LDC), in addition to shared senior management roles, and in October 2015 both EBC and LDC Cabinets approved the outline business case for wider integration of services and workforces.

It is clear that the future will entail staff working across multiple organisations to deliver shared and closely integrated services. It is therefore important that staff can work to a set of common policies, rules and procedures in key areas, and therefore the revised CPRs will be put forward for adoption by EHL and LDC as well as EBC.

2.4 Modernisation of CPRs

In order to respond effectively to the economic constraints facing local authorities, and continue to deliver the wide range of statutory and non-statutory services we do, EBC has needed to become more modern, agile and entrepreneurial, as well as working more effectively in partnership.

Our CPRs are a key enabler of this modern approach, and aspects of the current rules are now out of step with the way we need to do business. The PCR 2015 encourage a more electronic approach to procurement and this, amongst other changes, is reflected in the revised rules.

2.5 Summary of revisions

The full revised CPRs are attached as Appendix One. Key changes include:

- Simplification and standardisation of the contract value thresholds that determine the approach taken to procurement. The summary of thresholds and procedures required is outlined in section 6 of the CPRs. The new rules include a higher threshold for low value procurements for which no specified number of quotes is required, with 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 are outlined in section 7 of the CPRs.
- A 'digital by default' approach to tendering, meaning that tenders will be advertised online and responses will 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.

2.6 The CPRs form a key part of EBC's constitution, and therefore must be approved by full Council before coming into effect. Therefore, Cabinet is asked to recommend the revised CPRs for approval by full Council in February 2016.

3.0 Energy Procurement

3.1 The council's electricity and gas contracts expire in 2016 and a review was carried out by Improvement and Efficiency Social Enterprise (IESE) as part of the Shared Procurement Service to assess options for utilities procurement and associated energy management services.

The review focussed on two potential providers LASER (an energy buying group set up by Kent County Council) and East Sussex County Council (ESCC). Both are public sector focussed and can provide energy supplies which are compliant with the public procurement rules. LASER is our current supplier.

3.2 Electricity and gas are traded commodities and the actual price we pay is likely to be the same irrespective of the supplier chosen. Therefore the cost of the procurement services and any energy management services provided is where value for money is best assessed.

3.3 The review recommended the selection of ESCC for the following reasons:

- ESCC would be nearly £5k cheaper per year than LASER for the energy procurement package.
- ESCC can provide additional value with the validation of water and oil bills, use of TEAM energy software, and the inclusion of Government's Carbon Capture fee - LASER cannot offer any of these facilities.
- ESCC can offer additional energy services that LASER cannot e.g. data monitoring, renewing display energy certificates. These carry an additional charge but would be partly offset by the other savings and will free up EBC staff time to focus on more ambitious sustainable energy projects.

It should also be noted that LDC have selected ESCC for similar reasons, so the appointment would support the shared services programme.

3.4 Both LASER and ESCC would procure energy in a compliant manner under the Crown Commercial Services framework. The authorisation sought from Cabinet is to directly appoint ESCC to provide the procurement and energy management services. The estimated total cost of the contract is £65k, so it is comfortably under the OJEU thresholds and therefore within Cabinet's authority to authorise a direct appointment.

4.0 Community Infrastructure Levy Software Procurement

4.1 The Community Infrastructure Levy (CIL) is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area.

As with funding obtained via Section 106 (s106) agreements, it is important that CIL funds are properly administered to ensure they are used for the agreed purpose and are clearly auditable.

EBC and LDC intend to enter into a shared service for the administration of CIL and s106 monies, hosted by LDC.

4.2 LDC and EBC use different case management systems for processing planning applications. EBC's system does not have a CIL module. LDC's supplier, Idox, has teamed up with a company called Exacom Systems to deliver Exacom's market leading CIL/s106 'Obligations Suite' to Idox's large customer base. The Exacom product can be used as part of an integrated solution with Idox or as a standalone product. LDC has already agreed to purchase the Exacom system.

4.3 Given the intention to enter into a shared service, and the lack of a product from EBC's supplier, it is recommended that Cabinet authorise an exception to the CPRs to enable EBC to directly appoint the same supplier, Exacom, as LDC. The estimated contract value is £45k so it is comfortably under the OJEU thresholds and therefore within Cabinet's authority to authorise a direct appointment.

5.0 Resource Implications

- 5.1 The goal of the revised CPRs is that they are applied consistently across EBC, LDC and EHL, thus making it easier for staff working across the organisations to carry out compliant procurements. Less staff time will be spent learning different CPRs in each organisation.

A training and awareness programme will be developed for staff who are likely to carry out procurement exercises to ensure they understand and can apply the new rules. The new CPRs refer to further guidance being available in a Contract Manual. LDC have an existing manual and EHL have some existing guidance on good practice. A new Contract Manual will be developed for use by all three organisations reflecting the new Regulations and CPRs.

- 5.2 The energy procurement solution will allow the Council to continue to deliver the required energy services and release capacity to focus on strategic sustainable energy projects. The transition to ESCC would be managed by the Senior Sustainability Officer.
- 5.3 The CIL procurement will underpin a shared service between EBC and LDC to ensure a consistent and thorough approach to managing CIL and s106 monies. Without a single system, the efficiencies of a shared service would be lost.

6.0 Legal and Financial Implications

6.1 Revised CPRs

The new CPRs have been drafted by the Legal team and are compliant with EU law, including the new PCR 2015.

The CPRs form an important part of the council's constitution. Changes of substance to the constitution will only be approved by the full Council after consideration of the proposal by the Monitoring Officer and, where appropriate, the Audit and Governance Committee.

The Monitoring Officer and the Audit and Governance Committee have both considered the revised rules and have recommended them for approval.

6.2 Energy Procurement

ESCC will procure the energy through a framework that was set up by the Crown Commercial Service following the required public procurement rules. This will enable the council to meet its public procurement obligations when buying energy.

The estimated three year contract value, if all the additional services were taken from ESCC, is £65k. All of the costs would be spread on a pro-rata basis against the relevant buildings. The additional energy management services are subject to the public procurement rules. The value of the services to be provided is below the EU threshold that would require a regulated procurement process to be followed. However the CPRs would apply to the contract and normally require a competitive tender process to be undertaken to select the service provider.

6.3 CIL Procurement

The value of the CIL software to be provided is below the EU threshold that would require a regulated procurement process to be followed. However the CPRs would apply to the contract and normally require a competitive tender process to be undertaken to select the service provider.

- 6.4 Cabinet may authorise an exception to the CPRs for a specific contract where this is not prohibited by the public procurement regulations. As a general principle, Cabinet should only agree to waive these requirements if there are good and objectively demonstrable grounds for doing so. The reasons for waiving the requirement for a tender process and entering into the arrangements with ESCC and Exacom are set out elsewhere in this report and Cabinet is asked to agree an exception to the CPRs to allow the award of these contracts without a tender process.

7.0 Summary

- 7.1 This report brings together a number of current procurement issues. Cabinet is requested to recommend the new CPRs to Council for approval, and also to exercise its authority to waive the current CPRs in respect of two procurements which represent best value and support the shared services strategy.

Henry Branson
Senior Head of Projects, Performance and Technology

Background Papers:

IESE Review: Utilities procurement and management – September 2015

(EBC Constitution - 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 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 immovable 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 a grant, to determine whether it is in fact a contract.

- f. 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 Council 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 Council 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 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> .	No requirement to advertise. IF advertised then NO requirement to also advertise in <i>Contracts Finder</i> .
Contracts exceeding	[£25,000] and not exceeding	Seek minimum three written quotes.	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
[£25,000] and not exceeding [£100,000] See Para. 9 for details	[£1,000,000] See Para. 9 for details	Must use <i>constructionline</i> to select those to be invited to quote for Works contracts unless waiver given.	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) See Para. 11 for details	Above <i>Applicable Threshold Value</i> (EU) See Para. 11 for details	EU regulated process to be followed unless an <i>exception or waiver</i> applies. Consult <i>Legal Services or Procurement Team</i> .	Requirement to advertise in all cases. 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 a 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. Were 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 clause 10 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 or extension must be made to a contract without an agreed budget.
- 12.2. Variations to existing contracts will normally be permitted **only** where all of the following criteria are met:
 - a) The change 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;
 - b) Value for money can be demonstrated; and
 - c) The 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* 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 £75,000 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 *Organisations* 'Safeguarding Children and Vulnerable Adults Policy' ('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 *Organisations* 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.
- 18.2. 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 contact 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 contracts 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	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: Works: £4,322,012 Supplies/Services: £172,514 Schedule 3 service contracts for social and other specific services: £625,050 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.
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, 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

Word or Phrase	Meaning
	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.
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.
EBC	Eastbourne Borough Council.
EHL	Eastbourne Homes Limited.
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).

Word or Phrase	Meaning
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.
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.

Word or Phrase	Meaning
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	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 Council 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 Council, 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 Council 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 Council merely organises a procurement exercise in a decentralised way.

The value must be estimated by the Council 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 Council 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 Council 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 the 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 Council 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:

- £66,672 for supplies or services
- £833,400 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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COMMITTEE	CABINET
DATE	9 December 2015
SUBJECT	Employment Land Local Plan
REPORT OF	Senior Head of Regeneration, Planning and Assets

Ward(s) All

Purpose For Members to approve the Revised Proposed Submission Employment Land Local Plan for publication for a 6 week period to receive representations on issues of soundness, in preparation for formal submission to the Secretary of State.

Contact Matt Hitchen, Senior Strategy & Commissioning Officer (Planning Policy)
1 Grove Road, Eastbourne
Tel no: (01323) 415253
E-mail: matt.hitchen@eastbourne.gov.uk

Recommendations

1. That Cabinet approve the Revised Proposed Submission Employment Land Local Plan for publication for a six week period to receive representations on issues of soundness.
2. To delegate authority to the Senior Head of Regeneration, Planning and Assets 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, to delegate to the Senior Head of Regeneration, Planning and Assets in consultation with the Local Plan Steering Group, authority to submit the Employment Land Local Plan to the Secretary of State for public examination.
4. To delegate authority to the Senior Head of Regeneration, Planning and Assets in consultation with the Lead Cabinet Member to authorise public consultation on proposed modifications as a result of the Examination, if necessary.

1.0 Introduction

- 1.1 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.
- 1.2 In order to meet this requirement, an Employment Land Local Plan (ELLP) is being produced. The ELLP will 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 relates to land and buildings within the B1 (Offices and Light Industry), B2 (General Industry) and B8 (Storage and Distribution) Use Classes.
- 1.3 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 have been taken into account in revising the ELLP.
- 1.4 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 needs to be published to allow for representations to be made on issues of soundness before it can be submitted for examination.

2.0 Employment Land Local Plan

- 2.1 The Employment Land Local Plan contains policies to meet the identified need for 43,000 sqm of employment (Class B) floorspace between 2012 and 2027. This would result in the creation of 1,263 new jobs.
- 2.2 The ELLP seeks to allocate land for employment use in the most sustainable and effective way, through intensifying development in existing employment locations and directing development towards the 'Sustainable Centres' at the Town Centre and Sovereign Harbour that have been identified in the Core Strategy 2006-2027. This approach will

allow all sites within the Borough to 'work together' to meet future requirements, providing a functioning supply of sites that are deliverable and provide sufficient choice to support indigenous businesses and inward investment.

- 2.3 Therefore the strategy contained within the ELLP to deliver the employment floorspace requirement proposes:
- 20,000 sqm of industrial and warehouse floorspace through the intensification of the existing Industrial Estates;
 - 3,000 sqm of office floorspace in the Town Centre; and
 - 20,000 sqm of office and light industry floorspace at Sovereign Harbour.

3.0 Representations on Proposed Submission ELLP

3.1 A total of 19 representations were received on the Proposed Submission ELLP when it was published in December 2014, including significant representations from Sovereign Harbour Limited (SHL) that raised a number of issues.

3.2 A review of the issues raised was undertaken, and as a result it was considered that the overall strategy for the provision of employment space, particularly in relation to the amount of office space at Sovereign Harbour, should be re-assessed through the Sustainability Appraisal process.

3.3 The outcomes of the revised Sustainability Appraisal showed that the proposed strategy is the most sustainable option, and that there is no overwhelming justification to reduce the amount of office space at Sovereign Harbour. Options for a lower provision of office space at Sovereign Harbour were rejected because they failed to meet market demand and were considered to be less deliverable and sustainable solutions.

4.0 Revised Proposed Submission ELLP

4.1 As a revised Sustainability Appraisal has been prepared and some minor changes to the ELLP have been proposed, it is necessary to publish a revised version of the Proposed Submission ELLP once again for a period to receive representations on issues of soundness.

4.2 As the evidence and the outcomes of the revised Sustainability Appraisal supports the original position, it is not proposed to make any significant changes to the ELLP before it is re-published. However, some minor amendments have been made to various parts of the ELLP for

clarification purposes.

- 4.3 A schedule of changes made to the Employment Land Local Plan is provided in Appendix 1.

5.0 Consultation

- 5.1 The Revised Proposed Submission ELLP was approved by the Local Plan Steering Group on 20 October 2015.
- 5.2 The Revised Proposed Submission ELLP will, if approved by Cabinet, be subject to a 6 week representation period between 11 December 2015 and 22 January 2016 to allow stakeholders to make representations on issues of soundness. Soundness is defined in the National Planning Policy Framework as being: positively prepared, justified, effective and consistent with national policy.

6.0 Next Steps

- 6.1 Following the representation period, it is recommended that the Local Plan Steering Group consider a summary of representations, and that the Senior Head of Regeneration, Planning & Assets is given delegated authority to approve the submission of the ELLP to the Secretary of State ahead of public examination by a Planning Inspector.
- 6.2 It is anticipated that Public Examination will take place around May/June 2016. The Inspector at the Examination may require that modifications be made to the ELLP in order for it to be found sound, and it is recommended that authority is delegated to the Senior Head of Regeneration, Planning and Assets, in consultation with the Lead Cabinet Member, to authorise public consultation on any proposed modifications. Once the ELLP has been found sound by the Planning Inspector, it can be formally adopted by the Council.

7.0 Implications

7.1 Legal Implications

- 7.1.1 The Revised Proposed Submission version of the ELLP has been prepared in order to comply with the Town & Country Planning (Local Planning) (England) Regulations 2012, and with regard to the requirements of the National Planning Policy Framework. The Council must also comply with Section 33A, of the Planning and Compulsory Purchase Act 2004 (as amended) which imposes a duty to co-operate with other local planning authorities on issues which are likely to have a significant effect on more

than one planning area.

7.2 Financial Implications

- 7.2.1 There are no financial implications to the Council as a direct result of this report. The cost of the publication and examination the ELLP will be met from within the service budget, which has been subject to bids through the Service and Financial Planning process.

7.3 Human Resource Implications

- 7.3.1 Officers in the Regeneration & Planning Policy team will manage the consultation arrangements for the ELLP, the collection and processing of representations received, and defending the ELLP at Examination.

7.4 Equalities and Fairness Implications

- 7.4.1 An Equalities and Fairness Impact Assessment was undertaken during the scoping stage in the production of the ELLP, and the assessment demonstrates that the ELLP is unlikely to have any significant impacts on equalities and fairness.

8.0 Conclusion

- 8.1 Work undertaken since the Proposed Submission version has provided the evidence required to show that the correct process has been followed, and that the strategy is the most sustainable, which will provide a solid base to defend against any further objections.
- 8.2 In order to progress the ELLP towards adoption, Cabinet are 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.
- 8.3 Following the representation period, the Employment Land Local Plan will be submitted to the Secretary of State for public examination, following which the Council will be able to formally adopt the Employment Land Local Plan.

Background Papers:

- Revised Proposed Submission Employment Land Local Plan (November 2015)

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- Employment Land Local Plan Revised Sustainability Appraisal Report (November 2015)
 - Schedule of Changes to the Employment Land Local Plan (Revised Proposed Submission) (November 2015)
 - Representation Statement (November 2015)
 - Statement of Representations Procedure (November 2015)
 - Employment Land Local Plan – Changes to Policies Map (November 2015)

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

APPENDIX 1

Schedule of Changes

The table below provides a schedule of the changes that should be made to the Employment Land Local Plan for the Revised Proposed Submission version. The majority of the changes are proposed as a response to the representations received on the Proposed Submission Employment Land Local Plan, which was published in December 2014, and these can be identified by the Rep ID. Other changes are proposed to add clarity or revise description of the procedure.

Ref	Rep ID	Section	Modification	Reason
RPS-C1	PS-ELLP/13	Introduction – What is the Employment Land Local Plan?	Amend para 1.3 to read: The Employment Land Local Plan identifies the future requirements for employment land in Eastbourne and how the future needs for employment are to be met.	To provide consistency for the Revised Proposed Submission version
RPS-C2	n/a	Introduction – Format of the Proposed Submission Employment Land Local Plan	Replace para 1.5 to read: The Revised Proposed Submission Employment Land Local Plan has been published for a six week period in order to receive representations on matters of soundness in accordance with Regulation 19 of the Town & Country Planning (Local Planning) (England) Regulations 2012. The Revised Proposed Submission version presents the proposed strategy and policies relating to the employment land supply over the Core Strategy plan period up to 2027.	To provide consistency for the Revised Proposed Submission version
RPS-C3	PS-ELLP/13	Introduction – Format of the Proposed Submission Employment Land Local Plan	Replace para 1.6 to read: The Revised Proposed Submission Employment Land Local Plan takes into account representations that were received through pre-production stakeholder engagement, via consultation on the Proposed Draft Employment Land Local Plan that took place between December 2013 and	To provide consistency for the Revised Proposed Submission version

Ref	Rep ID	Section	Modification	Reason
			March 2014, and representations received between December 2014 and February 2015 following the publication of the Proposed Submission version. The Revised Proposed Submission version has been published to allow further representations following the preparation of a revised Sustainability Appraisal.	
RPS-C4	PS-ELLP/13	Introduction – Format of the Proposed Submission Employment Land Local Plan	<p>Amend para 1.7 to read:</p> <p>The Revised Proposed Submission Employment Land Local Plan has also been informed by:</p> <ul style="list-style-type: none"> • Employment Land Review (GVA, 2013) • Employment Land Strategy and Distribution Options Report (EBC, 2013) • Supplementary Employment Land Evidence (GVA, 2014) • Employment Land Review Viability Briefing Note (GVA, 2014) • Revised Sustainability Appraisal (JAM Consult, 2015) • Eastbourne Office Deliverability Assessment to Support the Sustainability Appraisal (GVA, 2015) 	To update para on stages that have occurred since Proposed Submission version
RPS-C5	PS-ELLP/13	Introduction – Relationship with Other Plans and Strategies	<p>Add new para after para 1.9:</p> <p><u>Sovereign Harbour Supplementary Planning Document (SPD)</u></p> <p>1.10 The Sovereign Harbour SPD, which was adopted in 2013, has been prepared to provide more detail on the implementation of Core Strategy Policy C14: Sovereign Harbour Neighbourhood Policy. The SPD identifies the issues that need to be addressed through future development in Sovereign Harbour. It identifies that the main uses of Sites 6 and 7 should be a Business/Office Park of a high quality design to provide a distinctive</p>	To provide further context and background to the preparation of the Employment Land Local Plan

Ref	Rep ID	Section	Modification	Reason
			gateway into the town and Sovereign Harbour, and that office use could also be provided on Site 4.	
RPS-C6	PS-ELLP/13	Introduction – Relationship with Other Plans and Strategies	<p>Add new paras after new para 1.10:</p> <p><u>Town Centre Local Plan</u></p> <p>1.11 The Town Centre Local Plan, adopted in 2013, set out a strategy and proposals for the regeneration of the Town Centre, in order to create a place that attracts more shoppers, workers, residents and visitors to increase investment in the town, which will bring wide-ranging benefits to Eastbourne.</p> <p>1.12 Alongside enhanced shopping and leisure facilities, the Town Centre Local Plan aims to deliver a minimum of 450 net residential units across five Development Opportunity Sites, along with a quantum of office development that will be determined through the Employment Land Local Plan.</p>	To provide further context and background to the preparation of the Employment Land Local Plan
RPS-C7	n/a	Introduction – Relationship with Other Plans and Strategies	<p>In para 1.14, amend first sentence to read:</p> <p>The Revised Proposed Submission Employment Land Local Plan has been prepared having regard to the National Planning Policy Framework (NPPF) and specifically the presumption in favour of sustainable development.</p>	To provide consistency for the Revised Proposed Submission version
RPS-C8	n/a	Introduction – Relationship with Other Plans and Strategies	<p>Amend para 1.15 to read:</p> <p>The South East Local Enterprise Partnership (SELEP) Strategic Economic Plan sets out proposals to drive economic expansion over the next six years. The bid for the Government’s Local Growth Fund is supported by businesses, local authority and education leaders across the area. To date, funding has been awarded for the</p>	To provide an update on the latest situation regarding SELEP and funding that has been committed.

Ref	Rep ID	Section	Modification	Reason										
			development of Pacific House at Sovereign Harbour (via the Growing Places Fund), and funds have been committed from the Growth Deal to deliver site infrastructure on the Sovereign Harbour Innovation Park site and transport schemes for the 'Hailsham, Polegate and Eastbourne Sustainable Corridor', 'Town Centre access & improvements' and an 'Eastbourne and South Wealden walking and cycling package'.											
RPS-C9	n/a	Introduction – Stages in the production of the Plan	<p>In Table 1 at para 1.17, replace:</p> <table border="1"> <tbody> <tr> <td>Publication of Proposed Submission Version for representation period</td> <td>December 2014 – February 2015</td> </tr> <tr> <td>Publication of Revised Proposed Submission Version for representation period</td> <td>December 2015 – January 2016</td> </tr> <tr> <td>Submission to Secretary of State</td> <td>February 2016</td> </tr> <tr> <td>Examination in Public</td> <td>June 2016</td> </tr> <tr> <td>Adoption</td> <td>October 2016</td> </tr> </tbody> </table>	Publication of Proposed Submission Version for representation period	December 2014 – February 2015	Publication of Revised Proposed Submission Version for representation period	December 2015 – January 2016	Submission to Secretary of State	February 2016	Examination in Public	June 2016	Adoption	October 2016	To provide consistency for the Revised Proposed Submission version
Publication of Proposed Submission Version for representation period	December 2014 – February 2015													
Publication of Revised Proposed Submission Version for representation period	December 2015 – January 2016													
Submission to Secretary of State	February 2016													
Examination in Public	June 2016													
Adoption	October 2016													
RPS-C10	n/a	Introduction – Stages in the production of the Plan	<p>Amend para 1.18 to read:</p> <p>The six week representation period on the Revised Proposed Submission Employment Land Local Plan commenced on 11 December 2015 and finishes on 22 January 2016. The Revised Proposed Submission Employment Land Local Plan is accompanied by a Revised</p>	To provide consistency for the Revised Proposed Submission version										

Ref	Rep ID	Section	Modification	Reason
			Sustainability Appraisal Report, which is also available for comment.	
RPS-C11	n/a	Introduction – Stages in the production of the Plan	At para 1.19, amend final sentences to read: Regeneration and Planning Policy 1 Grove Road Eastbourne BN21 1TW All representations should be received by 5pm on Friday 22 January 2016.	To provide consistency for the Revised Proposed Submission version
RPS-C12	PS-ELLP/13	Context – Existing Situation	Replace para 2.8: Over the past 10 years, there has been an overall net increase in employment floorspace in Eastbourne of 4,569 sqm. A significant amount of this growth has been due to redevelopment of areas of the Courtlands Road and Brampton Road Industrial Estates to provide an increased amount of higher quality employment space. There has been an overall increase in the amount of class B8 (Storage and Distribution) uses, however there has been a net loss of all other employment use classes. There has been a significant loss in class B1a (Office) uses in the last two years, particularly to residential use due to the recent changes to Permitted Development rights.	To provide an update on employment development that has taken place since the Proposed Submission version.
RPS-C13	n/a	Context – Recent developments and future projects	Amend para 2.16 to read: There are a number of significant economic development projects that are being undertaken in Eastbourne. Recently, the South East Local Enterprise Partnership (SELEP) via the Growing Places Fund allocated £6m towards the development of a state of the art business park (Sovereign Harbour Innovation Park) at Sovereign	To update the Revised Proposed Submission version with the latest position regarding the Sovereign Harbour Innovation Park.

Ref	Rep ID	Section	Modification	Reason
			Harbour. The first building, known as Pacific House, was completed in summer 2015 and has the potential to provide up to 300 new jobs.	
RPS-C14	n/a	Context – Recent developments and future projects	Delete para 2.18.	The Council is no longer progressing an Economic Development and Tourism Strategy.
RPS-C15	PS-ELLP/13	Context – Key Issues	Amend the second sentence of para 2.27 to read: This allocation for 30,000 sqm (GEA) of office space across two sites (known as Sites 6 and 7) was retained through the Eastbourne Borough Plan 2001-2011 (adopted 2003).	To provide clarity over the amount of floorspace
RPS-C16	PS-ELLP/13	Context – Vision and Objectives	Add additional bullet points to para 2.41: <ul style="list-style-type: none"> • Key Spatial Objective 3: Town Centre Regeneration – To strengthen Eastbourne’s Town Centre as a leading sub-regional shopping and leisure destination. • Key Spatial Objective 8: Sustainable Travel – To reduce the growth in car-based travel by reducing the need to travel and by promoting alternative travel choices including walking, cycling and public transport. • Key Spatial Objective 10: Sustainable Neighbourhoods – To ensure that the diverse needs of local communities are delivered, having regard to the sustainability and capacity of each neighbourhood, the infrastructure needed and the opportunities to meet requirements. 	To include other relevant Spatial Objectives from the Core Strategy
RPS-	PS-	Strategy – Employment Land	Amend para 3.2 to read:	To provide an update and better explanation that the

Ref	Rep ID	Section	Modification	Reason
C17	ELLP/13	Strategy and Distribution	The options for employment land were considered through the Sustainability Appraisal, and this determined that the most sustainable and effective way of meeting the employment land requirement is through intensifying development in existing employment locations and directing development toward the Sustainable Centres at the Town Centre and Sovereign Harbour that have been identified in the Eastbourne Core Strategy Local Plan 2006-2027.	preferred option is the more sustainable option that was considered.
RPS-C18	n/a	Policy EL1 – Economy and Employment Land	Add bullet point to Policy EL1 to read: <ul style="list-style-type: none"> Seeking Local Labour Agreements on all development of 1,000sqm or more, including change of use, to secure local employment and training measures as part of development proposals 	To provide a policy hook to seek Local Labour Agreements on developments.
RPS-C19	PS-ELLP/13	Strategy – Economy and Employment Land	Amend the bullet points at para 3.10 to read: <ul style="list-style-type: none"> Intensification of Industrial Estates – 20,000 sqm GEA of B1c/B2/B8 floorspace Town Centre – 3,000 sqm NIA of B1a floorspace Sovereign Harbour – 20,000 sqm NIA of B1 floorspace 	To provide further clarity on the amount of floorspace to be provided.
RPS-C20	n/a	Strategy – Economy and Employment Land	Replace para 3.14 with: <p>The level of development required in Eastbourne will create a significant number of jobs and there is opportunity to create local employment at both construction and operational stages of this development. Eastbourne Borough Council will seek to secure Local Labour Agreements and associated contributions on developments of 1,000sqm or more (including change of use) in order to secure local employment and training</p>	To provide further information and justification on the part of the policy relating to Local Labour Agreements.

Ref	Rep ID	Section	Modification	Reason
			measures as part of development proposals, with the objective of improving training and skills in the town for the future economic development of the Borough. This will be achieved through Section 106 Agreements related to specific development proposals, which will secure contributions from development that will support and benefit the local labour market and economy, enabling employment growth, raising skills and giving local people opportunities generated by new developments. A Local Labour Agreement Supplementary Planning Document (SPD) will be prepared to guide the implementation of this policy.	
RPS-C21	PS-ELLP/13	Policies – Industrial Estates	In para 4.3, after 20,000 sqm, add: (GEA)	To provide further clarity on the amount of floorspace to be provided.
RPS-C22	PS-ELLP/13	Policy EL2: Industrial Estates	After 20,000sqm add: (GEA)	To provide further clarity on the amount of floorspace to be provided.
RPS-C23	n/a	Policies – Industrial Estates	Replace para 4.6 with: Since 2012/2013, a total of 5,049 sqm of class B floorspace has been delivered within the town's industrial estates (at 1 April 2015). This includes the redevelopment of an existing site that has been vacant for a considerable amount of time to provide new, high quality class B2 floorspace, and the intensification of an existing site to provide nine new class B1a and B8 units totalling 1,755 sqm. In addition, there is 3,722 sqm of employment floorspace within the Industrial Estates that has permission but development has yet to start. Table 3 shows the position at 1 April 2015 in terms of completed	To provide an update on the current position in terms of the amount of employment floorspace that has already been developed within the Industrial Estates.

Ref	Rep ID	Section	Modification	Reason																
			<p>employment developments within the designated Industrial Estates.</p> <p>Table 3: Employment Land Delivery within Designated Industrial Estates</p> <table border="1"> <thead> <tr> <th>Year</th> <th>Completed Floorspace (sqm)</th> </tr> </thead> <tbody> <tr> <td>2012/2013</td> <td>100</td> </tr> <tr> <td>2013/2014</td> <td>118</td> </tr> <tr> <td>2014/2015</td> <td>4,831</td> </tr> <tr> <td>Total</td> <td>5,049</td> </tr> <tr> <td>Target</td> <td>20,000</td> </tr> <tr> <td>Committed</td> <td>3,722</td> </tr> <tr> <td>Residual 2015-2027</td> <td>11,229</td> </tr> </tbody> </table>	Year	Completed Floorspace (sqm)	2012/2013	100	2013/2014	118	2014/2015	4,831	Total	5,049	Target	20,000	Committed	3,722	Residual 2015-2027	11,229	
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RPS-C24		Policies – Sovereign Harbour	<p>Replace Para 4.36 to read:</p> <p>Eastbourne Borough Council has been active in promoting the delivery of business space in Sovereign Harbour. In 2013, the Growing Places Fund confirmed the allocation of £6 million to deliver a new “Innovation Mall” at Sovereign Harbour. Completed in 2015, Pacific House has provided 2,350 sqm NIA of serviced employment floorspace, and will help to establish Sovereign Harbour as a business location, which will help to attract future occupiers. The commitment from the Growing Place Fund highlights the potential for Sovereign Harbour to accommodate high quality employment space that is not available elsewhere in the area.</p>	To update the Revised Proposed Submission version with the latest position regarding the Sovereign Harbour Innovation Park.																
RPS-C25	PS-ELLP/13	Figure 3	Update Figure 3 to include demarcation of Site 7a, and the full extent of Site 7.	To clarify the extent of Site 7a upon which the office development should be provided.																

Ref	Rep ID	Section	Modification	Reason
RPS-C26	n/a	Implementation and Monitoring – Infrastructure	Amend second sentence of para 5.5 to read: In April 2015, Eastbourne Borough Council adopted a CIL Charging Schedule, which sets out a table of charges that calculates how much development is required to pay.	To update the Revised Proposed Submission version with the latest position in terms of CIL
RPS-C27	PS-ELLP/13	Glossary	Add new terms and definitions into Glossary: Sovereign Harbour Supplementary Planning Document (SPD) - The Sovereign Harbour SPD provides additional detail on the implementation of Core Strategy Policy C14: Sovereign Harbour Neighbourhood Policy, to guide the development of the remaining sites. Sustainable Neighbourhood Assessment - An evidence study produced in 2011 that analyses the sustainability of each of the Borough's 14 neighbourhoods against locally relevant sustainability criteria.	To provide further clarification.

BODY:	Cabinet
DATE:	9th December 2015
SUBJECT:	Review of Safeguarding Children and Vulnerable Adult Policy
REPORT OF:	Senior Head of Community
Ward(s):	All
Purpose:	To seek Members' agreement to the proposed revisions to the Council's Safeguarding Children and Vulnerable Adult Policy.
Contact:	Ian Fitzpatrick, Senior Head of Community, Telephone 01323 415935 or internally on extension 5935. Email: ian.fitzpatrick@eastbourne.gov.uk
Recommendations:	Cabinet is recommended: (i) to note that a review of the Council's Safeguarding Children and Vulnerable Adult Policy has taken place and (ii) to delegate authority to the Senior Head of Community in consultation with the Lead Member for Direct Assistance Services to approve amendments to the policy, subject to consultation with the Local Safeguarding and Children's Board (LSCB) and the Safeguarding Adults Board (SAB).

1.0 Introduction

- 1.1 Under the Children Act 2004 Eastbourne Borough Council has a duty to cooperate to improve well-being and safeguard children and promote their welfare. The Working Together to Safeguard Children (DfES, 2006) guidance sets out how organisations and individuals should work together to safeguard and promote the welfare of children.
- 1.2 The role and responsibilities of local authority staff with responsibilities for children living or present in East and West Sussex and Brighton and Hove are set out in the Pan-Sussex Child Protection and Safeguarding Procedures Manual. This includes staff in district councils providing services to children and young people, such as housing and activities for young people. The manual covers key issues for Eastbourne Borough Council, notably on information sharing and confidentiality, referrals and reporting.
- 1.3 The Sussex Child Protection and Safeguarding Procedures Manual states:
"Responsibility for the protection of children must be shared because

children are safeguarded only when all relevant agencies and individuals accept responsibility and co-operate with one another."

This statement is intended to include Council staff, contracted agencies (voluntary and private) and elected members.

- 1.4 The Pan-Sussex Child Protection and Safeguarding Procedures Manual is updated every 6 months to take account of new legislation and guidance and learning from Serious Case Reviews. Recent updates take account of the Care Act 2014 and "Working Together to Safeguard Children" 2015.
- 1.5 The Care Act 2014 places Safeguarding Adults on a statutory footing. Part 1 of the Act covers responsibilities for Safeguarding and came into force on 1st April 2015. The Act is supported by "Care and Safeguarding Support Guidance" which replaces the "No Secrets" Guidance, 2000 and "Safeguarding Adults: A National Framework of Standards for Good Practice and Outcomes in Adult Protection Work", 2005.
- 1.6 The Sussex Multi-Agency Policy and Procedures set out local arrangements for raising and responding to concerns relating to the suspected abuse or neglect of adults.
- 1.7 Section 6 of the Care Act includes a requirement for cooperation between the Local Authority and each of its relevant partners to protect adults experiencing or at risk of abuse or neglect and to establish a Safeguarding Adults Board.
- 1.8 A review of Eastbourne Borough Council's policy and procedures has been carried out to ensure that these comply fully with the latest legislation and guidance. Reference has also been made to the current Lewes District Council Safeguarding Policy to ensure this aligns as closely as possible.
- 1.9 The re-modelling of staff roles and responsibilities under the Future Model has also necessitated a review of lines of responsibility, recruitment, induction and training procedures and arrangements for information recording, storage and sharing to ensure the Council meets the required standards and cooperates effectively with other agencies and in line with locally adopted procedures.

2.0 Summary of proposed amendments

- 2.1 A review of the Council's policies and procedures for safeguarding children and adults has been carried out. A revised Safeguarding Policy has been developed and is presented at Appendix A.
- 2.2 A key amendment to the policy is the introduction of the role of Safeguarding Contacts. It is proposed that a minimum of five Team Leaders, Service Managers or Specialist Advisors are nominated to play a lead and supportive role in the identification, recording and reporting of safeguarding concerns. Between them, these Safeguarding Contacts will cover Customer Advice, Neighbourhood First, Specialist Advice – Housing, Sports and Events.

This in no way removes the responsibility on all staff for identifying

and reporting safeguarding issues, but is designed to strengthen the policy and procedures and provide a source of advice and support.

2.3 Other amendments incorporated in the policy cover:

- Clearer separation of policy and procedures. Some sections of the previous policy have been moved to Appendices as they relate more to guidance and procedures than to policy.
- More detail included on some aspects of policy
- Inclusion of a definition of a vulnerable adult
- Expanded Safeguarding Statement at section 3
- Inclusion of a list of the types of abuse and neglect that may arise and signs of abuse. This list incorporates different kinds of abuse and neglect highlighted in the Care Act 2014.
- More detail on the recruitment of all staff including the use of agency staff
- More detail on training for staff and members
- Updated information on reporting concerns based on current guidance and agreed pan-Sussex procedures.

3.0 Consultation

3.1 The East Sussex Local Safeguarding and Children's Board and the East Sussex Safeguarding Adults Board will be consulted. Lewes District Council and Eastbourne Homes will also be asked for their views.

4.0 Resource Implications

4.1 There are no significant financial or staffing resource implications arising from this recommendation.

5.0 Implications for Equality and Fairness

5.1 The Policy is designed to protect children and young people and those adults most at risk of abuse or neglect. This includes anyone who is, or may be in need of community services due to age, illness or a mental or physical disability and may include, for example, people who are frail due to age, those have specific disabilities and those at risk of exploitation.

6.0 Other Implications

6.1 The review of the Council's Safeguarding Policy and procedures is designed to ensure the policy remains robust and is implemented effectively. The recommended amendments are designed to bring the policy up to date, to ensure it covers all areas in which the Council is involved and to minimise the risks to those using Council services, resources and premises and to Council staff, volunteers, contractors and other partners.

6.2 The duty to co-operate quoted in paragraph 1.1 above is a reference to section 10 of the Children Act 2004, which requires local authorities

to make arrangements to promote co-operation between the authority, each of their relevant partners, and any other persons the authority considers appropriate, with a view to improving the well-being of children in the authority's area, in relation to:

- (a) physical and mental health and emotional well-being;
- (b) protection from harm and neglect;
- (c) education, training and recreation;
- (d) the contribution made by those children to society;
- (e) social and economic well-being.

In making arrangements under this section, a local authority must have regard to the importance of parents and other persons caring for children in improving the well-being of children.

7.0 Conclusion

- 6.1 Cabinet is recommended to note the proposed Safeguarding Policy and amendments and to delegate authority to the Senior Head – Community in consultation with the Cabinet Portfolio Holder for Direct Assistance to approve amendments to this policy following consultation with the East Sussex Local Safeguarding and Children's Board and the East Sussex Safeguarding Adults Board.

Ian Fitzpatrick
Senior Head of Community

Background Papers:

None.

Appendix 1

Safeguarding Policy - Children, Young People and Vulnerable Adults

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1. Scope

1.1. This policy is the responsibility of all

- councillors
- staff and volunteers
- contractors and partners working for or on behalf of the Council.

References to staff in this policy include all workers (e.g. permanent and temporary staff, agency staff, casuals, volunteers, apprentices and those undertaking internships or work experience). The Staff Code of Conduct requires compliance with the policy.

1.2. Children and young people are defined as those aged under 18.

1.3. A vulnerable adult is someone aged 18 or over who:

- has needs for care and support (whether or not the local authority is meeting any of those needs) and;
- is experiencing, or at risk of, abuse or neglect; and
- as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

For example, a person who:

- is frail due to age
- has drug or alcohol problems
- has a learning disability
- has mental or physical ill health or disability

- has been trafficked for purposes such as forced labour or sexual exploitation.

Vulnerability is related to how able an adult is to make and exercise their own informed choice, free from duress or undue influence, and to protect themselves from abuse, neglect and exploitation. There is no hard and fast rule: an adult should be assumed to be covered by this policy unless there is information to indicate that they are not.

2. Reasons for the policy

- 2.1. Everyone, including children, young people and vulnerable adults, has the right not to be abused. We recognise the need to ensure their welfare when they come into contact with the services we provide. The Council has wide ranging contacts with potentially vulnerable children and adults. It is essential that a clear and consistent approach to safeguarding is followed across all Council Services.
- 2.2. It is known that some individuals will actively seek employment or voluntary work with vulnerable people, particularly with children and young people, in order to harm and 'control' them. People who work with children, young people and adults who may be at risk, Contractors and other partners of the Council have a role to play in protecting them from harm and safeguarding their welfare.
- 2.3. It is also important to recognise additional vulnerability in terms of race, disability, religion, ethnicity or language. Specific reference is made to these issues in the "Pan-Sussex Children Protection and Safeguarding Procedures" and in the "Sussex Multi-Agency Policy and Procedures for Safeguarding Vulnerable Adults".
- 2.4. The Children Act 2004 and the Care Act 2014 place specific duties on District and Borough Councils to have regard to the need to safeguard and promote the welfare of children and vulnerable adults, and to co-operate with other agencies to improve the well-being of children and vulnerable adults. The Council is a partner of the East Sussex Local Safeguarding Children Board (LSCB), and East Sussex Local Safeguarding Adults Board (LSAB) and is required, where appropriate, to contribute information to Serious Case Reviews and Safeguarding Adults Reviews, and to ensure learning from these is disseminated and acted on within the Council.

3. Safeguarding Statement

- 3.1 Eastbourne Borough Council works to ensure that all children, young people and vulnerable adults coming into contact with the Council and its employees are protected and treated with respect. Eastbourne Borough Council will endeavour to create an organisational culture where staff, councillors and contractors are sensitive to abuse and exploitation and take responsibility for and feel confident in reporting concerns. The Council will co-operate with relevant partners in order to protect children and adults experiencing or at risk of abuse in accordance with arrangements and procedures agreed by the Local Safeguarding Children Board and the Safeguarding Adults Board.
- 3.2 It is not the policy of Eastbourne Borough Council to encourage staff to investigate suspicions or allegations, but to make all staff aware of the issues surrounding child and vulnerable adult protection and to have clear procedures in place to ensure that staff are aware of how and to whom any concerns should be reported. All staff involved in the provision of services should know what to do if there are any concerns about abuse and what procedures and guidelines they should follow.

4. Safeguarding roles and responsibilities

- 4.1. Safeguarding children from abuse and promoting their welfare means:
- protecting children from maltreatment;
 - preventing impairment of children's health or development;
 - ensuring children are growing up in circumstances consistent with the provision of safe and effective care;
 - taking action to enable all children to have the best outcomes.
- 4.2. Safeguarding vulnerable adults means protecting them from maltreatment, and preventing injury or significant harm. Abuse violates an adult's human and civil rights. It can vary from treating someone with disrespect in a way which significantly affects the person's quality of life, to causing actual physical suffering.
- 4.3. A safeguarding concern arises if abuse is suspected or disclosed. Abuse can happen anywhere – at home, in a residential or nursing home, a hospital, in the workplace, at a day centre or educational establishment or in the street.
- 4.4. It is the responsibility of all those working within or on behalf of Eastbourne Borough Council to report accidents and alleged or suspected incidents of child, young person and/or vulnerable adult abuse.
- 4.5. A minimum of five team leaders or other officers in key roles within the Council will act as **Safeguarding Contacts** supporting staff and ensuring that concerns are reported appropriately and in accordance with current guidance. The role and responsibilities of the Safeguarding Contacts are set out in more detail in Section 8.
- 4.6. The **Named Senior Officer**, the Senior Head of Community, has overall responsibility for safeguarding, including e-safety. This responsibility includes:
- keeping this policy up to date and ensuring its conformity with the Pan Sussex LSCB and LSAB guidance;
 - making sure this policy is implemented, and that staff, councillors, contractors, organisations receiving financial support from the Council and partners understand their responsibilities;
 - checking that appropriate steps are taken in the event of any allegations against a councillor or member of staff, and that the council liaises appropriately and effectively with authorities responsible for investigating these safeguarding concerns: the Police and/or East Sussex County Council Children's and Adults' Services. The Named Senior Officer oversees liaison between the responsible authorities and the council to determine how any internal and external investigations can be conducted properly, preserving evidence and avoiding unnecessary duplication and delay. Investigation by the responsible authorities normally takes precedence over council investigations under the complaints, grievance or disciplinary procedures.
 - supporting the Safeguarding Contacts and other staff, providing direction, advice and guidance where appropriate;
 - ensuring that the council actively supports all Serious Case Reviews (SCRs) and Safeguarding Adults Reviews (SARs) where the council may have had involvement / contact with the victim; and

- o ensuring that the council acts on lessons learnt from SCRs and SARs and other safeguarding issues, grievances or disciplinary proceedings.

4.7. Specific safeguarding responsibilities are tabulated at Appendix A.

5. Types of abuse

- 5.1. The Care Act 2014 includes a list of some types and patterns of abuse and neglect and the different situations in which this may take place. This is intended as an illustration rather than an exhaustive list and the Council should not limit its view of what constitutes abuse or neglect to examples illustrated. The list below is included as an illustration of the types of abuse and neglect that may arise.
- 5.2. **Physical:** causing physical harm, including hitting, shaking, biting, grabbing, withholding food or drink, force-feeding, wrongly administering medicine, unnecessary restraint, failing to provide physical care and aids to living;
- 5.3. **Sexual:** including sexual assault, rape, inappropriate touching/molesting, forcing or enticing, someone into sexual acts they don't understand or feel powerless to refuse; grooming a child or young person in preparation for abuse, including on-line activity.
- 5.4. **Emotional or psychological:** persistent emotional ill treatment or rejection (domestic or otherwise), including verbal abuse, shouting, swearing, threatening abandonment or harm, isolating, taking away privacy or other rights, bullying/intimidation, blaming, belittling, silencing, controlling or humiliating;
- 5.5. **Exploitation:** either opportunistically or premediated, unfairly manipulating someone for profit or personal gain;
- 5.6. **Financial or material:** illegal or improper use of an adult's property, money or other assets without their informed consent or where the consent is obtained by fraud. It can include withholding money or possessions, theft of money or property, fraud, intentionally mismanaging finances, borrowing money and not repaying. In relation to an adult's financial affairs or arrangements this could include wills, property, inheritance or financial transactions of the misuse or misappropriation of property, possessions or benefits;
- 5.7. **Neglect and acts of omission:** persistent or severe failure to meet a person's basic physical and psychological needs. It will result in serious impairment of their health or development, and can include withholding shelter, food, drink, heating and clothing, failing to provide access to health, social and educational services, ignoring physical care needs, exposing a person to unacceptable risk, failing to ensure adequate supervision or unresponsiveness to the basic emotional needs of a child;
- 5.8. **Discriminatory abuse:** including slurs, harassment and maltreatment due to a protected characteristic (Equality Act 2010);
- 5.9. **Institutional abuse:** including neglect and poor care practice within an institution or specific care setting such as a hospital, care home or children's home.
- 5.10. **Unintentional abuse:** this may be the result of negligence or ignorance;
- 5.11. **Child Sexual Exploitation (CSE):** includes forcing or enticing a child aged under 18 to take part in sexual activities whether or not the child is aware of what is happening.

The may include situations or relationships where children receive something (e.g. food, drugs, alcohol, cigarettes, affection, gifts, accommodation and money) linked to sexual activity. CSE also occurs remotely, not necessarily with the child's awareness through the use of technology, e.g. posing sexual images on the internet.

- 5.12. **Modern slavery:** recruiting people by deception or coercion and moving them to a new place where they can be exploited. This includes human trafficking.
- 5.13. **Domestic abuse:** an incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse by someone who is or has been an intimate partner or family member regardless of gender or sexuality.
- 5.13 **Honour Based Abuse (HBA):** a collection of practices which are used to control behaviour within families or other social groups to protect perceived cultural and religious beliefs and/or honour and which can occur when perpetrators perceive that a relative has shamed the family and/or community by breaking their honour code.
- 5.14 **Forced Marriage (FM):** a marriage conducted without the valid consent of one or both parties and where duress is a factor. FM is now a specific offence under s121 of the Anti-Social Behaviour, Crime and Policing Act 2014;
- 5.15 **Female Genital Mutilation (FGM):** is a collective term for a range of procedures which involve partial or total removal of the external female genitalia for non-medical reasons, sometimes referred to as female circumcision or female genital cutting. FGM of girls is regarded as child abuse;
- 5.16 **Human Trafficking:** the recruitment, transportation, transfer, harbouring or receipt of people by means of the threat or use of force or other forms of coercion, abduction, fraud, of deception, abuse of power or inducements for the purpose of exploitation through prostitution or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or removal of organs. Victims may be physically or psychologically 'imprisoned'.
- 5.17 **Self-neglect:** Self-neglect is 'the inability (intentional or non-intentional) to maintain a socially and culturally accepted standard of self-care with the potential for serious consequences to the health and well-being of people who self-neglect and perhaps even to their community' (Gibbons, 2006);
- 5.18 **Prevent:** is the Government counter-terrorism strategy. From July 2015 local authorities have a responsibility to work with and support individuals and communities who may be vulnerable to the threat of violent extremism and terrorism. Children and vulnerable adults may be at risk of being drawn into extremism. Early intervention can help protect them before illegality occurs, and concerns relating to extremism can be reported as a Safeguarding Concern.

6. Signs of abuse

- 6.1. There are many possible signs of abuse, none being conclusive on their own.

Examples include:

- Unexplained injury / weight loss / cuts and bruises / dirtiness
- Changes in behaviour
- Depression / low self-esteem / anxiety
- Lack of self-care / dehydration / abnormal eating pattern

- Harm to self
- Obsessive behaviour
- Bills not being paid
- An overly critical or disrespectful carer (or boss, for trafficking) who may control, bully or undermine
- Isolation from usual network of friends, family or community
- No access to GP / local services and legal documents e.g. passport (trafficking)

7. Reporting safeguarding concerns

- 7.1. We all have a responsibility to report any safeguarding concerns over the welfare of children, young people or vulnerable adults. This extends to the identification of signs of abuse; poor practice by staff, councillors and others acting for or on behalf of the council, and allegations brought to our attention by a member of the public. Reporting safeguarding concerns can prevent serious abuse or harm from happening, or from escalating.
- 7.2. All staff, volunteers, members, contractors and partners of Eastbourne Borough Council are expected to act promptly and effectively in communicating concerns relating to child and adult protection either through one of the Council's Safeguarding Contacts, if available, or directly to East Sussex Children's Services or Adult Social Care Service.
- 7.3. A list of the council's **Safeguarding Contacts** is maintained by the HR Manager. Safeguarding concerns must be reported to them **securely** and **in writing**, preferably using a Safeguarding Form. Staff must not attempt to investigate abuse themselves; neither must they confront anyone who is allegedly responsible for abuse nor tell them that allegations have been made about them.
- 7.4. **Inside normal office hours**, safeguarding concerns must be reported in writing to a Safeguarding Contact at the earliest possible opportunity, and within **one working day** of recognising the risk. Verbal reports must be confirmed in writing within one working day.
- 7.5. **Outside normal office hours**, safeguarding concerns must be reported immediately to the East Sussex County Council Emergency Duty Service. A record must be made of everything that is said, and a Safeguarding Contact must be informed in writing on the next working day (see 6.3).
- 7.6. **Dial 999** if a child, young person or vulnerable adult may be in imminent danger or a criminal offence may have been committed before taking the steps in 6.3 or 6.4 above.
- 7.7. The Safeguarding Contact should be given as much factual information as possible, preferably on a Safeguarding Form. For example:
- The child, young person or vulnerable adult's name and address (and parents'/carers' address if different);
 - The reason for concern – a note of significant events or conversations should be made as promptly as possible to assist with any referral and subsequent investigation. Evidence such as texts or Facebook entries should be preserved;
 - Any other known factors which may be contributing to the problem;
 - Additional information such as age (or date of birth), ethnicity, religion, language and disabilities / specific needs.

However, it is not the role of Eastbourne Borough Council staff to investigate suspicions or allegations and any safeguarding concern should be reported whether or not the information is complete.

- 7.7 If there are doubts about whether a safeguarding concern has been handled in accordance with the Safeguarding Policy, these should be raised with the Named Senior Officer. If this is not appropriate, the concern should be raised with another member of the Council's Corporate Management Team.
- 7.8 Variations to these arrangements may be agreed within specific teams (e.g. sheltered housing) to ensure that safeguarding concerns are dealt with promptly.

8. Role of Safeguarding Contacts

- 8.1. A Safeguarding Contact is responsible for receiving reports of safeguarding concerns inside normal office hours from any councillor or staff member **regardless** of which team they work in and for maintaining appropriate records on behalf of Eastbourne Borough Council, seeking advice from ESCC Children's and Adults' Services and informing the Named Senior Officer of the concern and advice received.
- 8.2. To discharge this responsibility, the Safeguarding Contact must inform East Sussex County Council (ESCC) Children's or Adults Services of the safeguarding concern, where possible on the same working day as it is received and **within 24 hours**, and obtain their advice about the appropriate action to be taken. For Children's Services, the point of contact will be the Local Authority Designated Officer (LADO). Advice may also be received from the Police if appropriate.
- 8.3 It is not the job of the Safeguarding Contact or the Named Senior Officer to establish whether or not abuse is taking place, or whether a crime has been committed. That is the job of the "responsible authorities" (Police or ESCC Children or Adult Services).
- 8.4 Safeguarding Contacts are also responsible for supporting staff who report concerns directly to East Sussex County Council (ESCC) whether this is out of normal office hours or in situations where they have not been able to locate a Safeguarding Contact.

9. Confidentiality, record keeping and sharing information

- 9.1 Information about safeguarding concerns should be regarded as **confidential** and should be channelled through a Safeguarding Contact. The information is not secret, however, and the Safeguarding Contact will seek advice from ESCC Children's and Adults' Services and be guided by the information set out at Appendix H. Information sharing must be necessary, proportionate, relevant, accurate, timely and secure.
- 9.2 If someone discloses abuse, but asks that it should be kept a secret, they should be told that if what they have said indicates that they, or someone else, may be harmed, there is a duty to report it to a Safeguarding Contact. This is called acting in the public interest.
- 9.3 If a witness who is not a councillor or member of staff requests anonymity, they should be told that it is much better if they are willing to give their name, but if not, their concern will still be reported to a Safeguarding Contact.

- 9.4 Records should be written in plain English, and should always differentiate clearly between fact and opinion or judgement. All must be dated, and stored securely. Any paper records must be signed, and appropriately destroyed after scanning.
- 9.5 Information about a safeguarding concern may be shared by a Safeguarding Contact or the Named Senior Officer at the earliest opportunity with appropriate others, in accordance with principle vi. of the Seven Golden Rules at Appendix H. For example:
- a. the council's HR Manager (in the case of an allegation against staff);
 - b. the council's Monitoring Officer (in the case of an allegation against a councillor);
 - c. the appropriate company / organisation, Eastbourne Borough Council Senior Lead or Manager where safeguarding concerns and allegations relate to contractors or partners;
 - d. the alleged victim or their parent/carer where appropriate (regarding the safeguarding concern and steps being taken to deal with it). Advice must be sought from ESCC Children's or Adults' Services before contacting them.
- 9.6 A secure GCSX compliant email system must be used where there is a need to share Safeguarding Forms or other confidential information with external organisations (in accordance with the information-sharing requirements of this policy).
- 9.7 Records will be stored in accordance with the Council's policies and procedures governing information management and record / document retention and disposal.

10. Allegations against staff, councillors, contractors or partners.

- 10.1 If someone witnesses behaviour by a councillor, member of staff, contractor or partner, or an allegation is made about them that indicates that they have, or may have:
- harmed a child, young person or vulnerable adult, or put them at risk of harm;
 - possibly committed a criminal offence against or related to a child, young person or vulnerable adult or
 - behaved in a way that indicates they may pose a risk of harm to children, young people or vulnerable adults,
- they must report it as a safeguarding concern to a Safeguarding Contact (see Section 7).
- 10.2 It is acknowledged that an allegation against any member of staff will generate concern amongst other staff. The way in which any such allegation are dealt with should be professional and fair and, above all, protect the welfare of the child, young person or vulnerable adult. Staff will be supported if they disclose information about a colleague.
- 10.3 A councillor or member of staff, whether paid or unpaid, must report any allegation made against them to a Safeguarding Contact following the procedure in Section 7 of this policy.
- 10.4 Safeguarding concerns and allegations relating to staff will be dealt with in accordance with the Council's Disciplinary Procedure (including in instances where the member of staff resigns or leaves). However, investigations by the responsible authorities will take precedence over internal council procedures relating to conduct. The HR Manager will liaise with the responsible authorities to agree the appropriate course of action.

- 10.5 The HR Manager will seek advice from East Sussex County Council Children's or Adult Services or the Police prior to informing a member of staff of an allegation against them. The HR Manager will offer appropriate welfare support to the member of staff and ensure they are kept appropriately informed during any investigation process.
- 10.6 In accordance with the law, the Council will refer to the Disclosure and Barring Service (DBS) any member of staff who:
- was dismissed because they harmed a child or adult
 - was dismissed or removed from working in a regulated activity because they might otherwise have harmed a child or adult;
 - would have been dismissed for either of these reasons, but they resigned first; or
 - who works with children or vulnerable adults in regulated activity and has been cautioned or convicted for a relevant offence.
- 10.7 Safeguarding concerns and allegations relating to councillors will be referred to the Monitoring Officer and dealt with in accordance with the Code of Conduct of Members of the Council.
- 10.8 The Council will implement procedures to deal with the outcome of any investigation including:
- advice and reassurance to the public;
 - media attention;
 - dealing with staff in the event of allegations being unfounded;
 - dealing with staff should an allegation about a staff member be proven.

11. Recruitment and Selection

- 11.1 Eastbourne Borough Council will take all reasonable steps to prevent unsuitable people working on behalf of the Council with children, young people and vulnerable adults. Procedures will be deployed consistently for all staff – whether in full time, part time, permanent or temporary employment and whether paid or voluntary.
- 11.2 The need to recruit quickly will not be allowed to take precedence over safe recruitment principles. They are incorporated into the council's recruitment policies and practices, and the HR Manager is responsible for their implementation and review. Key aspects are:
- A commitment to safeguarding must be included in all future employment contracts.
 - Criminal record checks will be made where appropriate. Roles that involve "regulated activities," such as caring for, supervising or being in sole charge of children or vulnerable adults, require an Enhanced Disclosure and Barring Service (DBS) Check. This may include checking whether someone is included in the two DBS 'barred lists' of individuals who are unsuitable for working with children and adults. DBS Checks must be obtained for staff and volunteers undertaking these roles, and they will not be permitted to commence unaccompanied work until they have been received. It is against the law for employers to employ someone, or allow them to volunteer for, this kind of work if they know they are on one of the barred lists.
 - Offers of employment or placements are subject to receipt of satisfactory references and identity checks. Where the post involves significant contact with

children, young people or vulnerable adults, former employers will be asked about the suitability of the candidate and whether there have been any concerns, allegations or disciplinary investigations related to safeguarding.

- Managers and HR staff must comply with corporate policies on the security of DBS Records and on the Rehabilitation of Offenders to ensure the confidentiality of information received in relation to applicants.

11.3 Managers are responsible for ensuring that employment agencies used by the council offer safe recruitment and selection processes. Employment agencies must be made aware of this policy, must provide the council with a copy of their safeguarding procedure and must agree to share with the council any safeguarding concern within the agency relating to individual staff.

12. Information and Training

12.1. Information will be made available in Council premises to raise awareness to let people know how to voice any safeguarding concerns they may have.

12.2. Appropriate information will be made available to staff, councillors, contractors and partners in the form of this policy and Appendices.

12.3. All training carried out will be consistent with the recommendations of the Local Safeguarding Children Board and the Safeguarding Adults Board.

12.4. Induction for new staff and councillors on safeguarding must be completed within 3 months of the start of their employment / placement / term of office. It will include:

- signposting this policy, procedures for reporting safeguarding concerns and contact details of Safeguarding Contacts and the Named Senior Officer;
- awareness training on safeguarding, professional standards and role boundaries.

12.5. Existing staff and councillors will be required to undertake refresher awareness training on safeguarding, professional standards and role boundaries every 3 years.

12.6. Requirements for more advanced training for staff who have significant contact with children, young people or vulnerable adults will be identified as part of the induction and/or appraisal process, dependent on the nature of the post.

12.7. Requirements for additional training for HR Officers, Safeguarding Contacts, the Monitoring Officer and the Named Senior Officer will be identified as part of the induction and/or appraisal process and refreshed at appropriate intervals.

13. External organisations licensed by, or working with, for or on behalf of the council

13.1 The Council works with and through a number of external organisations such as charities, contractors, licensees, other public sector bodies etc.

13.2 Where these external organisations are likely to have significant contact with children, young people or vulnerable adults as a direct result of their work for, on behalf of, or in partnership with the council, they are required to have safeguarding procedures, such as safe recruitment and selection processes, in place. They must be made aware of this policy, must provide the council with a copy of their safeguarding procedure and

must agree to share with the council any safeguarding concern within their organisation relating to relevant individuals who undertake work for or on behalf of the council.

- 13.3 Support for programmes which involve children, young people or vulnerable adults (funding, premises, etc.) will be subject to those organisations providing evidence of effective policy and procedures on child and vulnerable adult protection. This includes all those managing any of our buildings or with a licence to run services from any of our buildings.
- 13.4 Senior Heads of Service and Managers are responsible for ensuring that their teams are made aware of and comply with the provisions set out in 13.2. and 13.3).
- 13.5 Senior Heads of Service and Managers are responsible for obtaining assurances that external organisations have implemented their own safeguarding procedures once they have been alerted to a safeguarding concern under Section 7. Senior Heads of Service and Managers will also take appropriate steps to address any risk that may be posed by an individual in the course of their organisation's work for or on behalf of the council.
- 13.6 The council will undertake DBS checks in accordance with national guidelines as part of the licence application process (e.g. taxi licence applications).

Appendix A – table of specific responsibilities in relation to safeguarding

		Role	
Named Senior Officer	Safeguarding Contacts	HR Manager	Others
Maintain policy – update and ensure conformity with East Sussex LSCB and LSAB guidance.	Receive reports of safeguarding concerns and seek advice from ESCC Children’s and Adults’ Services (including the LADO and reference to the Children Index for concerns about children).	Manage allegations against staff <ul style="list-style-type: none"> • Implement disciplinary procedure where appropriate; • Liaise with responsible authorities • Share information with appropriate others; • Offer appropriate welfare support to person against whom allegations have been made; • Make referrals to the DBS when appropriate. 	Cabinet Member for Direct Assistance Services Senior Head of Projects, Performance and Technology Ensure Communications including social media comply with Safeguarding policies and standards
Oversee policy implementation and ensure awareness and understanding. Ensure Corporate Risk Assessment is carried out, updated and recorded on Covalent	Recommend the appropriate action to be taken to the Senior Named Officer, and implement their decision(s) promptly.	Implement safe recruitment practices including <ul style="list-style-type: none"> • DBS checks where applicable; • Information in application pack; • Pre-employment checks. 	Senior Officers / Managers <ul style="list-style-type: none"> • Ensure departmental compliance with the policy including completion, updating and recording of risk assessments on Covalent; • Implement section 13 (external organisations). • Implement section 11.7 (employment agency checks) • Managers and Safeguarding Contacts ensure information is properly protected and shared, and use monitored.
Oversee management of allegations against staff and councillors including <ul style="list-style-type: none"> • Implementation of appropriate procedures; • Liaison with responsible authorities. 	Maintain appropriate records of concerns, advice, decisions and actions taken.	Arrange appropriate induction and training for staff.	Specialist Advisor - Licensing Implement national guidance on DBS checks as part of the licence application process.

<p>Support Safeguarding Adult Reviews</p> <ul style="list-style-type: none"> • Active co-operation; • Lessons learnt. 	<p>Share information with appropriate others.</p>	<p>Maintain and publicise a list of Safeguarding Contacts.</p>	<p>Senior Head of Corporate Development and Governance</p> <ul style="list-style-type: none"> • Arrange appropriate induction and training for councillors. • Ensure that safeguarding concerns and allegations relating to councillors are dealt with in accordance with the Code of Conduct of Members of the Council.
<p>Support and direct the Safeguarding Contacts, in the light of advice from ESCC Children's and Adults' Services</p>			

Appendix B – General Guidance for Staff and Managers

We can reduce likely situations for abuse of children and help protect our staff and volunteers from false accusations by making sure that everyone is aware that **it is not acceptable to:**

- Spend time alone with children away from others;
- Take children alone in a car on journeys, however short;
- Take children to their home.

In exceptional circumstances where it is **absolutely unavoidable** that these things do happen, they should **only** occur with the full knowledge and consent of the senior head or their deputy.

You should make it clear to all staff and volunteers in your organisation that they should **never:**

- Engage in rough physical games, including horseplay (apart from structured sports activities);
- Allow or engage in inappropriate touching of any form;
- Allow children to use inappropriate language unchallenged;
- Make sexually suggestive comments about, or to, a child;
- Let allegations a child makes go unchallenged or unrecorded;
- Do things of a personal nature for children or vulnerable adults.

APPENDIX C – Guidance For Managers: Supervision of Children

Making arrangements for the proper supervision of children is one of the most effective ways of minimising opportunities for children to suffer harm of any kind whilst taking part in organised programmes or whilst at Council facilities.

Planning

- Organisers **must** plan and prepare a detailed programme of activities for the children who are involved in the project, **including preparing a risk assessment prior to the event.**
- Managers must ensure that all staff and volunteers have got required appropriate CRB clearance in place.
- Organisers are responsible for the welfare and safety of the children for the whole time they are in their care.
- Young people should not be left to their own devices when undertaking a supervised programme.
- All children should be adequately supervised and engaged in suitable activities at all times.
- In circumstances when planned activities are disrupted, e.g. due to weather conditions, then organisers should have a number of alternative activities planned.

Supervision

- Leaders in charge must be satisfied that those workers and adults who accompany group parties are fully competent to do so.
- Children must be supervised at all times.
- Children must not be left unsupervised at any venue whether it is indoors or out of doors.
- Workers should know at all times where children are and what they are doing.
- Any activity using potentially dangerous equipment should have constant adult supervision.
- Children will be safer if supervised by two or more adults.
- Dangerous behaviour by children should not be allowed.

Adult/Child Ratios

Level of supervision must be adequate whether at the organisation's venue or on a journey/visit. Therefore, when deciding how many adults are required to supervise, manager must take into consideration a range of practical matters:

- The number of participants in the group
- The nature of the site/venue and of the activity involved
- It is important that each individual supervisor knows the responsibilities he/she is expected to bear.

It is for the Manager in charge to exercise his/her professional judgement in deciding the level of supervision taking into account the appropriate national guidance. Risk assessments should be carried out in advance of programming the activity.

Guidelines for listening to a child, young person or vulnerable adult who claims he or she has been abused:

- React calmly so as not to frighten the child, young person or vulnerable adult
- Tell them they are not to blame and that they were right to tell
- Take what they say seriously, recognising how difficult it was for them to confide in you
- Always reassure them but do not make promises of confidentiality
- Immediately afterwards, make a full, detailed record of what has been said, heard and/or seen.

APPENDIX D – What to do if you have concerns – reporting incidents or allegations

All staff must report any incidents or allegations to one of the Council's **Safeguarding Contacts**, or, in their absence, to a direct line manager.

If a disclosure is made it **must be reported**. If in doubt contact one of the Safeguarding Contacts, your line manager, Human Resources or the Senior Head of Community.

The Safeguarding Contacts will be identified to the member of staff at the start of their employment.

These are:

- The Manager of Customer First (Customer Contact)
- The Neighbourhood First Team Manager
- Specialist Advisor – Housing
- Manager - Sports Team
- Events Coordinator

The Safeguarding Contact or manager will contact the relevant Duty and Assessment Team at East Sussex County Council during working hours or the Emergency Duty Team if outside office hours.

The Senior Head of Community and the Head of Service should be informed.

In an emergency, if it is out of office hours or you are unable to contact a Safeguarding Contact, report your concerns directly.

If a child, young person or vulnerable adult is in **immediate danger ring 999**.

If the person you are concerned about is **injured, call an ambulance** or contact a doctor.

Use the Safeguarding Referral Form at Appendix E as a checklist and to record information relating to a concern about a child or young person but **do not send this other than by secure (GCSX) email**.

Use this form during working hours:

- If you observe something that gives you concern, or witness and incident that involves a child or young person
- If you are concerned about the behaviour of a member of Eastbourne Borough Council staff towards a child or young person adult
- If a child, young person or vulnerable adult discloses abuse or neglect.

Pass this report to a Safeguarding Contact, or, if they are not available, to the Named Senior Officer or another member of the Corporate Management Team.

If you are unable to answer all the questions, do not delay making a report. Do not try to gather any further information. Staff, volunteers, members and partners are **not**

expected to investigate suspected incidents but **must** act promptly and effectively in communicating the issues to child and adult protection professionals.

Reporting Concerns about child protection

- Concerns relating to child protection should be reported to the Local Authority Designated Officer on 07825 782793 or, if they are not available, to the Duty Assessment Team on 01323 747373 during office hours – by the Safeguarding Contact or manager who has been notified of the incident, or, if none of these is available, by the member of staff raising the concern.
- Out of hours, in the case of urgent childcare issues which cannot wait until the following day, staff should raise their concerns directly through the Out of Hours service on 01273 335906 or 01273 335905. This service is available out of office hours, including weekends and Public Holidays.
- All allegations should be reported regardless of their nature or who receives them. If you are unsure whether the concern should be referred, you may contact the Local Authority Designated Officer (LADO) for advice on 07825 782793.

Reporting suspected abuse of an adult at risk

- Concerns relating to suspected abuse of an adult at risk should be reported to East Sussex Adult Social Care Direct on 0345 6080 191.

Other useful contacts

- Elder Abuse Response
Phone: **080 8808 8141**
Website: www.elderabuse.org.uk;
- Healthwatch
Phone: 0300 012 0122;
- Public Concern at Work (for staff concerned about bad practice in the workplace)
Phone: 020 7404 6609;
- NHS Direct
Phone: 0845 4647;
- Samaritans
Phone: 08457 909090;
- Carers Direct National Helpline
Freephone: 0808 802 0202;
- Care Quality Commission
Phone: 03000 616161;
- National Domestic Violence Helpline (24-hour helpline)
Freephone: 0808 2000 247.

Appendix E

Allegations against a member of staff or Councillor

If you are concerned about the behaviour of a member of Eastbourne Borough Council staff towards a child, young person or vulnerable adult you must report this.

Where an allegation is made against an employee:

- the matter will be investigated in accordance with the Council's disciplinary procedure.
- an appropriate person will be appointed to investigate;
- an immediate evaluation will be carried out to determine if there needs to be a full investigation;
- the employee may be suspended in cases of a more serious nature;
- if during the investigation there are suspicions of criminal activity or intent, the case will be referred to the police and/or social services.

If you report your concerns, you will be treated with sensitivity and fully supported by the Council.

Appendix F



Referral Form - CONFIDENTIAL

THIS FORM SHOULD ONLY BE COMPLETED FOLLOWING A CONVERSATION WITH A DUTY SOCIAL WORKER AND SHOULD BE RETURNED WITHIN 24 HOURS OF CONTACT

1

To: _____ at
Children's Social Care

Initial date of contact _____ Today's date _____

Are you aware if a CAF form may have already been completed? Yes/No/Do not know

2

FAMILY/CLIENT DETAILS

Are family aware of referral? Yes No

Re-referral Yes No

CHILD/YOUNG PERSON'S FULL NAME(S)

DATE OF BIRTH/Expected date of delivery _____ GENDER: M F

ADDRESS:

PHONE:

3

ETHNICITY

African Bangladeshi Caribbean Chinese Indian Pakistani

White British White & Asian Other Asian White & Black African White & Black Caribbean

White Irish Other White Other Black Other Ethnic Group Other Ethnic Group Not given

4

OTHER HOUSEHOLD MEMBERS/CHILDREN

Name	D.O.B	Relationship	Parental Responsibility
_____	_____	_____	Y <input type="checkbox"/> N <input type="checkbox"/>

_____	_____	_____	Y <input type="checkbox"/>	N <input type="checkbox"/>
_____	_____	_____	Y <input type="checkbox"/>	N <input type="checkbox"/>
_____	_____	_____	Y <input type="checkbox"/>	N <input type="checkbox"/>
_____	_____	_____	Y <input type="checkbox"/>	N <input type="checkbox"/>
_____	_____	_____	Y <input type="checkbox"/>	N <input type="checkbox"/>
_____	_____	_____	Y <input type="checkbox"/>	N <input type="checkbox"/>

5

<u>OTHER SIGNIFICANT ADULTS/PEOPLE (LIVING ELSEWHERE)</u>		
Name	Relationship	Address
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

6

<u>REFERRAL DETAILS</u>	
These should include information on:-	<ul style="list-style-type: none"> The presenting issue, with evidence and facts Summary of previous involvement Expectations of referrer (what you feel needs to happen) Family's view of referral CAF/Framework of Assessment, where possible Are there any indications that the child/young person may be
at risk of Child	Sexual Exploitation

Please continue on separate sheet if necessary, and attach any supporting documents.

7

OTHER KEY AGENCIES

Name/Role mail	Address	Telephone No	E-
_____	_____	_____	

_____	_____	_____	

_____	_____	_____	

8

REFERRER DETAILS

Name _____ **Agency-**

Address

_____ **Signature**

Tel No: _____ **Fax No:** _____ **E-mail:**

APPENDIX G – Risk Assessment

The Named Senior Officer is responsible for ensuring that a corporate risk assessment covering safeguarding is carried out and recorded on Covalent.

Senior Heads of Service are responsible for ensuring risk assessments are carried out in their service areas and recorded on Covalent.

For the purposes of this policy the type of work shown is indicative of the type of areas where protection of children and vulnerable adults should be considered. It is not intended to be comprehensive or exclusive.

Managers of work areas have responsibility for identifying “at risk” staff and other groups.

High Risk: Staff who enter people’s homes where Children or Vulnerable Adults may be, e.g.

- Leisure Centre & Sports Centre Staff
- Events staff
- Neighbourhood Advisors
- Contractors
- Volunteers

Low Risk: Staff who work out of the office but have no direct contact with Children, e.g.

- Contract inspectors
- Planning Officers / Building Control Officers

No Risk: Staff who are office based and have no contact with Children or Vulnerable Adults, e.g. Financial or Legal staff

When considering risk the same methodology should be applied to Council members, staff, contractors and volunteers.

APPENDIX H – Information Sharing

Working Together to Safeguard Children 2015 states that:

“Effective sharing of information between professionals and local agencies is essential for effective identification, assessment and service provision.

Early sharing of information is the key to providing effective early help where there are emerging problems. At the other end of the continuum, sharing information can be essential to put in place effective child protection services. Serious Case Reviews (SCRs) have shown how poor information - sharing has contributed to the deaths or serious injuries of children.

Fears about sharing information cannot be allowed to stand in the way of the need to promote the welfare and protect the safety of children.” (Working Together 2015)

Professionals often feel confused or concerned when they are asked to provide information to Children’s or Adult Social Care. Usually, this concern centres on the Data Protection Act and whether or not the professional has to obtain the consent of a parent before personal information can be shared.

There have been occasions when attempts to protect children from significant harm have been obstructed or delayed by a professional’s reluctance to share relevant information.

No professional should assume that someone else will pass on information which they think may be critical to keeping a child safe. If a professional has concerns about a child’s welfare and believes they are suffering or likely to suffer harm, then they should share the information with local authority children’s social care.

What is the legal basis for sharing information?

Sharing information with Children’s or Adult Social Care when they are discharging their legal duty to safeguard children or vulnerable adults is enshrined in legislation, statutory guidance, and in inter-agency safeguarding procedures.

- The Children Act 1989 requires local authorities to make child protection enquiries if they have reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm, and requires other organisations to assist them with those enquiries if asked to do so.
- the Children Act 1989 places a general duty on local authorities to provide services for children in need in their area; section 27 of the act enables local authorities to request the help of other organisations to exercise this duty.
- Section 10 of the Children Act 2004 requires organisations to cooperate with the local authority to make arrangements to improve the wellbeing of children in their area.
- Section 11 of the Children Act 2004 places a duty on organisations to make arrangements to ensure their functions are discharged with regard to the need to safeguard and promote the welfare of children; this includes ensuring arrangements are in place for appropriate information sharing.
- Section 175 of the Education Act 2002 requires governing bodies of maintained schools and further education colleges to make arrangements to ensure that their functions are carried out with a view to safeguarding and promoting the welfare of children. Section 157 of the Education Act 2002 requires proprietors of independent schools (including academies, Free Schools and city technology colleges) and The Non-Maintained Special Schools Regulations 1999 require governing bodies of non-maintained special schools to make similar arrangements to safeguard and promote the welfare of children. Collaborative work and information sharing is necessary to fulfil these duties.
- Clause 45 of the Care Act focuses on ‘supply of information’. This relates to the responsibilities of others to comply with requests for information from the Safeguarding Adults board

Staff should be aware of:

- 'Working Together to Safeguard Children' 2015
- The 'Care and Support Statutory Guidance' 2015
- Local requirements as set out in the *Sussex Safeguarding and Child Protection Procedures* (<http://pansussexscb.proceduresonline.com>)
- Local requirements as set out in the *Sussex Safeguarding Adult – Policy and Procedures* (<https://eastsussexgovukstorage.blob.core.windows.net/media/1066/sussex-safeguarding-adults-policy-and-procedures.pdf>)

The general principle is that information will only be shared with the consent of the subject of the information.

However, consent should not be sought:

- If it would place a child or adult at increased risk of harm
- If it would prejudice the prevention of detection of a serious crime
- If it would lead to unjustified delay in making enquiries about allegations of significant harm to a child
- If required by a statutory duty or a court order to share information

Consent is not necessary in cases where Children's Social Care are making child protection enquiries under section 47 of the Children Act 1989 – information needs to be shared with them; staff should ensure they record that the information has been shared.

Seven Golden Rules

- i. Remember that the Data Protection Act is not a barrier to sharing information but provides a framework to ensure that personal information about living persons is shared appropriately
- ii. Be open and honest with the person (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.
- iii. Seek advice if you are in any doubt, without disclosing the identity of the person where possible.
- iv. Share with consent where appropriate and, where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, that lack of consent can be overridden in the public interest. You will need to base your judgment on the facts of the case. See also [Further Information to Inform Decision Making Procedure](#) regarding the need for consent.
- v. Consider safety and well-being: Base your information sharing decisions on considerations of the safety and wellbeing of the person and others who may be affected by their actions.

- vi. Necessary, proportionate, relevant, accurate, timely and secure: Ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those people who need to have it, is accurate and up-to-date, is shared in a timely fashion, and is shared securely.
- vii. Keep a record of your decision and the reasons for it - whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.

(Extract from “Information sharing: Guidance for Practitioners and Managers”)

Further information can be found at:

<http://pansussexscb.proceduresonline.com/index.htm>

<http://pansussexadultssafeguarding.proceduresonline.com/>

Body:	Cabinet
Date:	9th December 2015
Subject:	Gambling Policy (Statement Of Principles) 2016-2019
Report of:	Claire Groves, Senior Specialist Advisor
Ward(s)	All
Purpose	To provide an update to Cabinet following consultation and feedback on the draft revised Gambling Policy for the period 2013 -2016. The Policy sets out the Council's approach to matters under the Gambling Act 2005 for the next 3 years.
Recommendation:	<ol style="list-style-type: none">1. Note, endorse and approve the proposed changes to the Council's Gambling Policy (Statement of Principles) 2013 – 2016 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.2. Members are asked to comment upon the draft Gambling Policy 2013-2016 prior to final consideration and approval by Full Council.
Contact:	claire.groves@eastbourne.gov.uk , Telephone 01323 415757 or internally on extension 5757.

1.0 Introduction and Background

- 1.1 The Gambling Act came into force on the 1st September 2007.
- 1.2 The legislation established the Gambling Commission, a non departmental public body who advise both central and local government on issues relating to gambling. It issues new operating licences and personal licences required by the Act.
- 1.3 Once these licences are obtained from the Commission, an application must then be made to Eastbourne Borough Council, as the Licensing Authority, for a premises licence and associated permissions to trade.
- 1.4 As the Licensing Authority, the Council is responsible for issuing premises licences for the following:
 - Casino Premises
 - Bingo Premises
 - Adult Gaming Centre Premises
 - Family Entertainment Centre Premises
 - Betting Premises

1.5 The Act also passes the responsibility for issuing all types of Gaming Machine Permits to the Local Authority, and alters the manner in which certain categories of lotteries are registered and controlled.

1.6 In exercising functions under the 2005 Act, Local Authorities must have regard to the Licensing Objectives, which are distinct and different from those contained under the Licensing Act 2003. They are:

- 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; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

2.0 Gambling Policy Statement Of Principles

2.1 To discharge its statutory duties under Section 349 of the Gambling Act 2005, this Authority is required to formulate a three year Gambling Policy (Statement of Principles) that it proposes to apply in exercising its functions under the Act. This version will be effective from February 2016.

2.2 The Gambling Commission is required by Section 25 of the Act to issue Guidance to Licensing Authorities on the discharge of their functions under the Act. It deals primarily with matters intended to assist in the development of the Authority's Gambling Policy (Statement of Principles) and is something that the Authority must have due regard to.

3.0 Gambling Policy Statement and Consultation

3.1 The Gambling Policy (Statement of Principles) must be reviewed at least every three years, and the current policy comes to an end when the latest version is approved by Full Council in February 2016.

3.2 As regards the new Gambling Policy (Statement of Principles), the legislation requires that the final approval for the Policy is given by Full Council.

3.3 The draft review of the Gambling Policy (Statement Of Principles) consultation took place from 1st July 2015 to the 24th September 2015.

3.4 The Gambling Act 2005 requires the Authority to consult with various groups before policy is determined. These include:

- The Chief Officer of Sussex Police covering the Eastbourne Borough
- The Responsible Authorities as defined by the Gambling Act 2005
- "Interested Parties" as defined by the Gambling Act 2005
- HM Revenue & Customs
- Fire Authority
- Child Protection Services
- One or more persons who represent the interests of gambling businesses in Eastbourne
- One or more persons who appear to represent the interests of persons

who are likely to be affected by the implementation of the Gambling Act 2005

3.5 In addition, to enable the broadest range of people and organisations the opportunity to offer their views, a range of others were consulted, including;

- All Eastbourne Borough Councillors
- Gambling Commission
- Premises licence holders who hold a permission issued under the Gambling Act 2005;
- Trade Associations
- Community groups
- Various internal departments

3.6 Copies of the draft policy and feedback forms were made available on the Council's website. Copies were also made available at 1 Grove Road, the Town Hall and Eastbourne Library.

4.0 Implementation Timetable

4.1 The timetable for the review of the policy is tabulated below:

Procedure	Date/s
Public consultation	1 st July – 24 th September 2015
Full Licensing Committee: <ul style="list-style-type: none">- To consider results of consultation- Delegate any further revisions to the Policy in line with their views to the council's Senior Specialist Advisor in consultation with the Chair of the Licensing Committee prior to consideration by Cabinet and Full Council.	5 th October 2015
Seek Cabinet Approval	9 th December 2015
Seek Full Council Approval	17 th February 2016

5.0 Consultation Feedback

5.1 Three responses have been received in relation to the consultation as follows:

- Gosschalks Solicitors on behalf of their client the Association of British Bookmakers (ABB)
- Coral Racing Ltd

- Poppleston Allen Solicitors on behalf of their client Power Leisure Bookmakers Limited.

5.2 None of the responses raised any major issues.

5.3 A small number of changes were made to the Policy. In summary the amendments changed grammatical errors required to provide greater clarification and include an allowance in several paragraphs, for future legislative amendments or guidance from the Gambling Commission.

6.0 Financial & Resource Implications

6.1 All fees are set locally, within a banding specified by Central Government, and the cost of administering the service is fully recovered by way of these fees.

7.0 Conclusion

7.1 The Council's present Gambling Policy reaches the end of its term in February 2016. A revised Policy is required and consultation has been undertaken with various parties to inform this. The revised draft Gambling Policy was agreed by Full Licensing Committee at their meeting on 5 October 2015. A copy of the amended Policy and report to the Council's Licensing Committee and the committee's recommendation can be viewed on the Council's website at <http://democracy.eastbourne.gov.uk/ieDocHome.aspx?bcr=1>

8.0 Recommendations

8.1 Members are asked to agree the recommendations at the beginning of this report.

Background Papers

- Gambling Act 2005
- Gambling Commission Guidance to Local Authorities
- Gambling Commission Licensing, Compliance and Enforcement
- Gambling Commission Codes of Practice
- LACORS/Local Government and Gambling Commission – Gambling Policy Template
- LACORS – Guidance to Local Authorities
- Licensing Committee Report (5/10/15)
- Decision of the Licensing Committee (5/10/15)
- Amended Gambling Policy
- Responses to the consultation
- Summary of amendments.

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

Body: Cabinet

Date: 9th December 2015

Subject: Review of the following Councils policies:

- 1. Street Trading in Eastbourne**
- 2. Sex Establishment & Encounter Policy, regarding the control of Sex Establishments in Eastbourne.**

Report of: Claire Groves, Senior Specialist Advisor

Ward(s) All

Purpose For members to review the Policies following consultation.

Recommendation:

- a) Members are invited to note the feedback received in relation to the public consultation concerning the review of both policies.**
- b) Members are asked to endorse and adopt the Policies in line with the views of the General Licensing Committee.**

Contact: claire.groves@eastbourne.gov.uk, telephone 01323 415757 or internally on extension 5757.

1.0 Street Trading

- 1.1 A key Council objective is to increase the vibrancy and vitality of the town, in particular the town centre. This is embedded in the Community Strategy under Regeneration & Economy, the Corporate Plan and the Proposed Submission Version of the Eastbourne Town Centre Area Action Plan. The policy will facilitate the provision of extra vitality in the Borough and the appropriate diversification of street trading activity, as well as attracting a regular improved street market.
- 1.2 The Street Trading Policy, adopted in February 2012, sought to allow a range of managed street trading activities across the Borough and is available via:
<http://www.eastbourne.gov.uk/about-the-council/council-policies-plans-and-strategies/licensing-policy/street-trading-policy/>
- 1.3 The Council currently regulates street trading under the provisions of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. This permits the Council, among other things, to designate streets as "consent streets" or "prohibited streets" for trading purposes.
- 1.4 The Street Trading Policy will not cover all types of trading on the street, as there are some exemptions. Pedlars Certificates, which are issued by Sussex Police to individuals to sell their goods from a mobile unit, moving from location to location. This activity is transitory in nature, where customers

approach the Pedlar as opposed to the Pedlar directly marketing their wares. Their activity is regulated under the Pedlars Act 1871.

2.0 Sex Establishments

- 2.1 The increase nationally in the number of lap dancing clubs and adult entertainment venues since the implementation of the Licensing Act 2003 had become a concern for many local communities.
- 2.2 Central Government has responded to calls for further controls to be introduced, specifically governing lap dancing clubs and similar premises. This resulted in the introduction of legislation in the form of the Policing and Crime Act 2009. This re-classifies current "Sexual Establishments" as 'Sexual Entertainment Venues' under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. (LGMPA 1982).

3.0 Legislative Proposals

- 3.1 As detailed above, Section 26 of the Policing and Crime Act 2009 introduces a new category of 'Sex Establishment' under Schedule 3, called a 'Sexual Entertainment Venue.' This is defined as 'any premises at which relevant entertainment is provided before a live audience for the financial gain on the part of the organiser or the entertainer.'
- 3.2 'Relevant Entertainment' is defined as 'any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must be reasonably assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience.' This includes pole dancing, lap dancing and strip tease etc.
- 3.3 Such venues will require a Sex Establishment Licence. However, there is an exemption for premises which provide this type of entertainment 'infrequently.' The Act still permits sexual entertainment to be provided in premises, providing it occurs on no more than eleven occasions a year, with at least a month of "other" entertainment in between, without the need for it to be registered as a sexual entertainment venue (i.e. a pub).

4.0 Adoption of Provisions

- 4.1 At a meeting on 19th July 2010, Members agreed to adopt the relevant provisions of the Policing and Crime Act 2009, and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
- 4.2 Members agreed the current Sex Establishment and Encounter Policy on the 23rd February 2011. This is available via:
<http://www.eastbourne.gov.uk/about-the-council/council-policies-plans-and-strategies/licensing-policy/sex-establishment-and-encounter-policy/>

5.0 Consultation

- 5.1 Consultation in relation to the review of the Street Trading Policy and the Sex Establishment Policy commenced on the 1st July 2015 and concluded on the 24th September 2015.
- 5.2 No responses were received concerning the review of either policy.

6.0 **Implementation Timetable**

The timetable for the review of both policies is tabulated below:

Procedure	Date/s
Public consultation	1 st July – 24 th September 2015
Full Licensing Committee: <ul style="list-style-type: none">- To consider results of consultation- Delegate any further revisions of the policy in line with the views of the General Licensing Committee to the Senior Specialist Advisor in consultation with the Chair of the Licensing Committee and the relevant Cabinet Portfolio Holder prior to consideration and adoption by Cabinet.	5 th October 2015
Seek Cabinet Approval	9 th December 2015

7.0 **Consultation/Feedback**

7.1 No feedback was received to either consultation.

7.2 The policies considered and agreed at General Licensing Committee on 5th October 2015 contained no amendments. Copies of the policies and the reports to the Council's General Licensing Committee and the committee's recommendation can be viewed on the Council's website at <http://democracy.eastbourne.gov.uk/ieDocHome.aspx?bcr=1>

8.0 **Community Safety and Links to Strategic Vision**

8.1 In relation to the Sex Establishments Policy, the introduction of the regime under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 gives the Council powers to tackle issues of concern to local communities around crime, disorder and anti-social behaviour, associated with sex establishments.

8.2 The local authority will continue to work in partnership with enforcement agencies such as Sussex Police and Trading Standards to deliver effective enforcement in respect of crime, disorder and anti-social behaviour.

8.3 The Corporate Plan sets out the Council's priority themes and is available via: <http://www.eastbourne.gov.uk/EasysiteWeb/getresource.axd?AssetID=210648&type=full&servicetype=Inline>

9.0 **Policy Review**

9.1 Both the Street Trading Policy and the Sex Establishment and Encounter

Policy will be kept under review and amended as required.

10.0 Recommendation

- 10.1 Members are asked to agree the recommendations at the beginning of this report as it clarifies the Council position on licensed Street Trading and Sex Establishments. It provides clear guidance to anyone considering applying for such a licence, or wishing to comment on an application, and to Members of the Committee when determining applications.

Background Papers:

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

- Local Government (Miscellaneous Provisions) Act 1982
- Policing and Crime Act 2009
- Sexual Entertainment Venues, Guidance For England and Wales, Home Office 2010
- Licensing Act 2003
- Pedlars Act 1872
- West Berks DC v Paine [2009] EWHC 422 (Admin)
- Street Trading – Eastbourne Policy
- Sex Establishment – Eastbourne Policy
- General Licensing Committee Report (5/10/15) – Review of the Council's Sex Establishment & Encounter Policy
- General Licensing Committee Report (5/10/15)– Review of the Council's Street Trading Policy
- Decision of the General Licensing Committee (5/10/15)

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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of the Local Government Act 1972.

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