

Decisions taken by the Cabinet on 2 July 2018



Notice dated: 4 July 2017

Issued to the chairman, members of the Scrutiny Committee and other councillors for information.

Key decisions will be implemented after the expiry of 3 working days from the date of this notice unless “called-in” under the provisions of the council’s scrutiny procedure rules (see end of document for call-in procedure) or implemented sooner by reason of urgency.

Please refer to the relevant cabinet agenda and reports when reading this notice. The minutes of the meeting of the cabinet containing a full record of the proceedings will be published in due course. To view on-line follow this link to the relevant pages on the council’s website:- <http://democracy.lewes-eastbourne.gov.uk/mgCommitteeDetails.aspx?ID=417>

DECISIONS:

Item No	Matter:	Decision:	Reasons for decision:
4	Urgent items - Lewes Bonfire celebrations	(Non-key decision) The Cabinet supported the recommendations made by the Scrutiny Committee at its meeting on 28 June 2018. The recommendations would be considered by the Tactical Co-ordination Group at its next meeting.	It is recognised that public safety at this event is of considerable concern and of paramount importance, however the impact of station closures would cause significant disruption and disproportionate inconvenience to public users of the service. The Cabinet acknowledged and accepted that the final decision would

			be made by the Tactical Co-ordination Group
9	Devolution of open spaces to Town and Parish Councils	<p>(Non-key decision):</p> <p>(1) That the state of progress in relation to those Newhaven sites outlined in paragraph 2.1 of the report, devolution of which has already been approved by Cabinet be noted.</p> <p>(2) To approve the transfer of those sites outlined in paragraph 2.4 and 2.7 of the report and authorise the Interim Director of Service Delivery to take all steps necessary to finalise those transfers.</p> <p>(3) To approve the recommendation to vary the standard form of overage provision to allow certain developments to take place at Eastside Recreation Ground, Newhaven as outlined at paragraph 2.3 of the report.</p> <p>(4) To approve the recommendation to devolve Meeching Down, Newhaven, to Newhaven Town Council and authorise the Interim Director of Service Delivery to take all steps necessary to finalise those transfers.</p>	To note the progress made on devolution of open spaces and and to agree the next steps to further progress.
10	Finance update - performance quarter 4 - 2017-2018	<p>(Key decision):</p> <p>(1) To agree the financial position on the General Fund, Housing Revenue Account and Collection Fund accounts for 2017/2018.</p> <p>(2) To confirms the allocation of reserves at 31 March 2018 shown at paragraph 2.9 of the report.</p>	(1) At the end of the financial year, Cabinet should review the impact of the financial performance on its current financial position, determine the level of Reserves available for use and variations, if any, which may be required to the revenue budget or capital programme.

		<p>(3) To agree the capital programme outturn for 2017/2018, as set out at appendix 2 to the report.</p> <p>(4) To approve the updated 2018/2019 capital programme, as set out at appendix 3 to the report.</p> <p>(5) To approve the write-off of irrecoverable debts noted in paragraph 4.5 of the report.</p> <p>Recommended to Council (Budget and policy framework):</p> <p>(6) To approve the annual treasury management report for 2017/2018, as set out at appendix 4 to the report.</p>	<p>(2) The Council's Treasury Management function deals with very large value transactions on a daily basis. It is essential that the Council is satisfied that appropriate controls are in place and in accordance with the Code of Practice on Treasury Management in the Public Services (the Code) prepared by CIPFA (the Chartered Institute of Public Finance and Accountancy) and adopted by the Council. The Code requires the Council to receive an Annual Treasury Management Report at the end of each financial year.</p>
11	Portfolio progress and performance report 2017-18 - quarter 4	<p>(Non-key decision):</p> <p>(1) That the council's progress and performance for quarter 4 be received and noted.</p> <p>(2) That the recommendations made by Scrutiny Committee at its meeting on the 28 June 2018 be considered.</p>	To enable Cabinet to consider specific aspects of the Council's progress and performance.
12	Development of Anchor Field, Ringmer	<p>(Non-key decision):</p> <p>(1) To note the revised project on Anchor Field Ringmer.</p> <p>(2) To agree to proceed with the proposal as outlined as 'option 1' in paragraph 6.2 of the report, disposing of Council land holdings at Anchor Field, Ringmer to allow for the delivery of affordable housing. In the event of 'option 1'</p>	To allow for changes to the approved project following a reappraisal of the deliverability and benefits realisation of the scheme.

not proving viable or possible for whatever reason, to delegate authority to the Director of Regeneration and Planning, in consultation with the Lead Members for Finance and Housing, to proceed with such other variation on the options set out in this report, as this will secure both the delivery of affordable housing and best consideration, without risk to the Council.

(3) To give delegated authority to the Director of Regeneration and Planning, in consultation with the Lead Member for Housing, to dispose of land and easements at Anchor Field held within either the Council's General Fund or Housing Revenue Account, subject to appropriate due diligence being completed. This delegation is to include authorisation not to dispose by auction or invitation of tenders following public advertisements as is usually required by the Council's Contract Procedure Rules (para. 18.1).

(4) To give delegated authority to the Director of Regeneration & Planning in consultation with the Lead Member for Housing to enter a Development Agreement with the developer of the Anchor Field site in Ringmer.

(5) To give delegated authority to The Director of Regeneration and Planning in consultation with the Lead Member for Housing to invest in the development of a small number of additional affordable housing units in addition to those that will be built out by the developer for the Council at no cost.

13	Review of the council plan 2016-2020	<p>(Key decision):</p> <p>(1) To note the progress made in the second year of delivery of the Council Plan, set out at appendix A to the report.</p> <p>(2) To approve the design changes to the Council Plan, set out at appendix B to the report.</p> <p>Recommended to Council (Budget and policy framework):</p> <p>(3) To agree the Council Plan contents.</p>	<p>During the period of a four year Council Plan adjustments and refinements may need to be made to respond to changed circumstances and emerging opportunities. In acknowledgement of this an annual review is a helpful way of ensuring that the Plan remains focused on delivery of the organisations overall strategic objectives.</p>
14	Equality monitoring policy	<p>(Key decision):</p> <p>(1) To approve the Joint Equality Monitoring Policy, as set out at appendix A to the report.</p> <p>(2) To delegate authority to the Director of Service Delivery, in consultation with the Cabinet Member for People and Performance to make any amendments to the approved text set out in the appendices to the policy, to align with the Census 2021 questions when these are published.</p>	<p>An updated Equality Monitoring Policy is required to ensure the Council meets its legal duties under Equality Act 2010 and collects the information required to fulfil its Public Sector Equality Duty (PSED) whilst complying with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.</p>
15	Proposals to develop environmental initiatives	<p>(Key decision):</p> <p>(1) To agree match-funding of up to £5,000 for the provision of drinking water at Newhaven skate park.</p> <p>(2) To authorise the Strategy & Partnership Lead, Quality Environment, to conduct a desk-based feasibility study for the potential of free drinking water provision within council-owned parks and in other public places within Lewes</p>	<p>(1) The need for drinking water provision at skate parks has been identified by users of the skate parks, but there are insufficient funds within the project budget to allow for the installation costs of the water supply at this site.</p> <p>(2) Additional drinking water provision</p>

district, working with partners and stakeholders.

(3) To agree to support the national 'Refill' campaign through social media and as appropriate.

(4) To authorise the Strategy & Partnership Lead, Quality Environment, to develop guidance for developers on the provision of underground bins, as part of the wider sustainability planning policy review.

(5) To delegate authority to the Director of Regeneration and Planning, in consultation with the Portfolio Holder for Environmental Impact, to bid for funding, supported by an appropriate business case, to invest in electric vehicle (EV) charging technology and infrastructure, working with partners and other local authorities.

(6) To authorise the Strategy & Partnership Lead, Quality Environment, in consultation with the Portfolio Holder for Environmental Impact, to prepare a Sustainability Policy, to provide a framework for council activities for agenda item 15 consideration and approval at Cabinet later in the year.

(7) To note the launch and progress to date of the 'Single-Use Plastics' project.

could be made available to the general public in areas of high foot traffic, for example shopping precincts and parks. This will support various initiatives currently prominent in the political and public arena including the reduction of single use plastics and promoting healthy and active lifestyles.

(3) The 'Refill' campaign, described in paragraph 1.2, has arrived in Lewes district through community activism.

(4) Underground bins installed as a method of communal waste collection within a significant residential development could be considered for viability, if the guidance were in place.

(5) A charging point feasibility study will provide for an evaluation of the opportunities available to Lewes District Council (LDC) with regards to EV charging on its own estate in light of the national move towards the provision of this infrastructure and Cabinet-approved changes to LDC planning guidance in support of EV charging facilities.

(6) The adoption of a set of guiding principles in the form of an overarching Sustainability Policy would bring Lewes DC into line with

			<p>many other councils nationally. The policy would support planning policy and guidance, guide procurement decisions, potentially reduce costs with regards to energy and waste (through staff education and project initiatives) and generally work to ensure the council has 'its own house in order' before guiding others.</p> <p>(7) The Single-Use Plastic (SUP) project started in May as a result of the Council's aim to become SUP free where it is reasonable to do so by 31December 2018.</p>
16	Affordable housing supplementary planning document (SPD)	<p>(Key decision):</p> <p>(1) That Cabinet delegate authority to the Director of Regeneration and Planning in consultation with the Cabinet portfolio holder to make any minor or technical adjustments found necessary in the affordable housing supplementary planning document before it is presented to Full Council.</p> <p>Recommended to Council (Budget and policy framework):</p> <p>(2) That Cabinet endorse the affordable housing supplementary planning document as set out at appendix 3 to the report, and recommend its adoption by Full Council.</p>	<p>(1) There is an ongoing and increasing need for the provision of affordable housing in the Lewes District, as rent costs and the price of home ownership rises.</p> <p>(2) There are challenges regarding the delivery of affordable housing. A significant proportion of affordable housing is delivered through the planning system. The Affordable Housing SPD will provide the Council with a policy reference point with weight during negotiations, better enabling the Council to deliver much needed affordable dwellings.</p> <p>(3) The SPD builds upon and provides</p>

			<p>more detailed advice and guidance on Core Policy 1 and Core Policy 2 of the Lewes District Local Plan Part 1 – Joint Core Strategy (2016). This will provide developers and housing providers with a useful reference point, making the planning process more efficient and effective.</p>
17	North Street Quarter	<p>(Key decision):</p> <p>(1) To delegate authority to the Director of Regeneration and Planning, in consultation with the Deputy Chief Executive, Leader of the Council and Strategic Property Board, to purchase the Health Hub and Car Park from the North Street Quarter scheme, subject to a satisfactory business case and agreeing a purchase price with joint landowner, NSQ Ltd, in respect of both assets.</p> <p>(2) To delegate authority to the Director of Regeneration and Planning, in consultation with the Deputy Chief Executive and Cabinet Member for Finance, to authorise the development of a temporary car park at the site of North Street, and to take all and any steps necessary to facilitate implementation of such development.</p> <p>(3) To make an allocation of £700,000 for the development of the temporary car park within the 2018/19 capital programme.</p> <p>(4) To delegate authority to the Director of Regeneration and Planning, in consultation with East Sussex Country Council, to seek amendments to the existing off-street and on-street Traffic Regulation Orders (TROs) which are necessary to implement the permitted North Street Quarter</p>	<p>(1) To progress delivery of the strategically significant North Street Quarter (NSQ) development in Lewes. The NSQ is a £180m mixed use brownfield site that will deliver the following regeneration benefits to the area:</p> <ul style="list-style-type: none"> - 416 new homes, of which 40% will be affordable, - 140,000 sq. ft. of new commercial space, including subsidised creative workspace - 475 full time jobs - 100 full time construction jobs, - a new modern health centre serving in excess of 26,000 patients, - strategically important flood defences, completing the defence of Lewes,

		<p>development.</p> <p>(5) To delegate authority to the Director of Regeneration and Planning, in consultation with the Strategic Property Board, to dispose of Council property assets in lieu of part of a cash compensation payment for third party land interests at the NSQ, subject to an independent valuation and this being the most economically advantageous scenario for the Council. Such disposal to be made without the need for auction or the invitation of tenders or expressions of interest following appropriate public advertisement.</p> <p>(6) To note progress on the acquisition of third party land interests at the NSQ and the intention to appoint specialist advisors to prepare the case for a compulsory purchase order (CPO). The decision to make the CPO, should one be needed, will be the subject of a separate report to Cabinet.</p>	<ul style="list-style-type: none"> - a new riverside promenade, new footbridge, extensive new cycle paths and footpaths, and - a public square hosting contemporary eateries and riverside dining. <p>(2) To ensure that the Council maximises return on its investment into the NSQ scheme, while at the same time minimising any risks involved in delivery and potential financing.</p>
18	Regeneration at Avis Way, Newhaven	<p>(Key decision):</p> <p>(1) That Cabinet delegates authority to the Director of Regeneration and Planning, in conjunction with the Interim Director of Service Delivery to develop new premises for the Waste & Recycling Depot in Newhaven in accordance with the detail contained within this report.</p> <p>(2) That Cabinet allocates the sum of up to £4.1m within the Capital Programme for delivery of the new depot facility.</p> <p>(3) To delegate authority to the Director of Regeneration and Planning in consultation with the Interim Director of Service Delivery, the Portfolio Holder for Finance, the</p>	<p>To enable the provision of a new waste depot and vehicle servicing facility in Newhaven to replace a life-expired asset.</p>

		<p>Chief Finance Officer, and the Assistant Director – Legal and Democratic Services, to progress the project through the Clear Futures Energy & Sustainability Joint Venture if they consider it appropriate and at an appropriate future stage to decide the project should be put forward to the JV Steering Board for inclusion as a Part 1 and/or Part 2 project.</p>	
19	Regeneration of Newhaven Town Centre	<p>(Key decision):</p> <p>(1) To note the progress on the business case outlining the investment potential and opportunities within the Newhaven Town Centre area.</p> <p>(2) To approve the allocation of funding of up to £500,000 from the property acquisition and development budget in respect of consultancy, professional fees, and surveys to fund the project up to the letting of the construction contract.</p> <p>(3) To delegate authority to the Director of Regeneration and Planning in consultation with the Director of Service Delivery and the Portfolio Holder for Environmental Impact (and where appropriate the Chief Finance Officer and Assistant Director – Legal and Democratic Services) to progress the project through the Energy & Sustainability Joint Venture if they consider it appropriate and at an appropriate future stage to decide the project should be put forward to the JV Steering Board for inclusion as a Part 1 and/or Part 2 project.</p> <p>(4) To delegate authority to enter into an agreement for lease of the property to the Director of Regeneration and Planning on the basis of the conditions and terms that are no worse than those set out in the report; such delegation</p>	<p>(1) Newhaven has substantial physical capacity for growth, including large brownfield sites in and around the waterfront and the town centre. The town is planning for 28% of all housing growth within the District over the lifetime of the Local Plan (ie. to 2030). Newhaven is also home to 40% of the district's B-Class employment space, and the designation of the Enterprise Zone emphasises the town's central role in delivering sustainable economic growth.</p> <p>(2) Newhaven town centre is one of the key redevelopment sites within the town and will be the anchor playing a critical role in delivering new housing, employment space, and other community benefits. The redevelopment of the town centre links closely with delivery of the Newhaven Enterprise Zone that commenced in April 2017 and seeks to address a range of development</p>

		<p>to include authorisation not to dispose by auction or invitation of tenders following public advertisement (sought under Contract Procedure Rule 18.1) for those leases.</p> <p>(5) To approve the proposal to allow free parking of at least 30 minutes, perhaps more, depending on officer modelling, in both Lower Place and Dacre Road multi-storey car parks to support the regeneration strategy for Newhaven and that authority be delegated to the Interim Director of Service Delivery to implement the decision.</p> <p>(6) To delegate authority to the Interim Director of Service Delivery to request that East Sussex County Council amends the Traffic Regulation Order and associated on-street and off-street parking places orders to ensure enforcement against nuisance parking, and that parking violations on Denton Island may also be enforced.</p> <p>(7) To approve the commissioning of a feasibility study to regularise parking at Railway Quay to provide additional parking in advance of the redevelopment of the town centre.</p>	<p>barriers that are inhibiting effective investment delivery.</p> <p>(3) In November 2017, Cabinet approved the allocation of £1.2m from the property acquisition and development budget to develop the proposed scheme in order to submit a planning application. At the same time, Cabinet requested that the Director of Strategy and Planning develop a business case for Cabinet to consider in 2018.</p> <p>(4) A well-designed parking scheme is one of the factors that can support a successful high street. The Council wishes to offer limited free parking to improve footfall and interest in the town centre in advance of the regeneration plans.</p> <p>(5) Nuisance parking is having a detrimental effect within Newhaven and this report makes recommendations to regularise enforcement and to improve the parking facilities.</p>
24	Regeneration at Springman House	<p>(Key decision):</p> <p>(1) To approve the allocation of funding of up to £700,000 from the property acquisition and development budget in respect of consultancy, professional fees, surveys and the</p>	<p>A strategic opportunity has arisen to provide a commercial development of the Council's landholdings within the Lancaster Road, Lewes site known as Springman House. The proposed</p>

	<p>planning application in respect of the Springman House site.</p> <p>(2) To undertake early public consultation with a range of stakeholders prior to submitting the detailed design for planning purposes.</p> <p>(3) To delegate authority to the Director of Regeneration and Planning, in consultation with the Lead Member for Finance and Resources, and the Strategic Property Board, to develop a detailed design for a commercial development scheme at Lancaster Road, Lewes, in readiness to submit a planning application.</p> <p>(4) To delegate authority to the Director of Regeneration and Planning in consultation with the Portfolio Holder for Resources, the Chief Finance Officer, and the Assistant Director – Legal and Democratic Services, to progress the project through the Energy & Sustainability Joint Venture if they consider it appropriate and at an appropriate future stage to decide the project should be put forward to the JV Steering Board for inclusion as a Part 1 and/or Part 2 project.</p> <p>(5) Delegate authority to enter into an agreement for lease of the property to the Director of Regeneration and Planning on the basis of the conditions and terms to be no worse than set out in this report; such delegation to include authorisation not to dispose by auction or invitation of tenders following public advertisement (sought under Contract Procedure Rule 18.1) for those leases.</p>	<p>scheme will create a new hotel facility for the town, together with employment opportunities, economic benefits, and a revenue stream for the Council.</p>
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Call-in procedure

Call-in is the procedure whereby a decision of the Cabinet, the Leader or a portfolio holder, or a member or officer with delegated authority (an executive decision), taken but not implemented, may be examined by the Scrutiny Committee prior to implementation.

Any councillor is entitled to submit a request by email setting out the reason why he/she wishes any such decision to be called in by the Scrutiny Committee for consideration by a Scrutiny Panel. The request must be submitted to Democratic Services within three working days of the date of this notice.

Should any request by a councillor be submitted, the Cabinet Officer will then email all members of the Scrutiny Committee, advising them of the request for a review.

Members of the Scrutiny Committee must decide within two working days if they support the request and if they do, they should email a response to the Head of Democratic Services accordingly. If at least six members of the Committee are in favour of calling in the decision the Chair of the Scrutiny Committee will call a meeting of a Panel of the Scrutiny Committee within five working days where possible. The number of councillors to serve on a Panel (which shall be politically proportionate except that either the Leader of a political group may decide to offer one of their Group's places to another Group or an Independent member) shall be determined by the Chair with the councillors being nominated by the respective Group Leaders.

The decision of the Cabinet will not be implemented until:

- The time period for call-in has expired and six members of the Scrutiny Committee have not stated they are in favour of calling in the decision; or
- A Panel of the Scrutiny Committee considers the matter and resolves not to intervene in the decision of Cabinet; or
- A Panel of the Scrutiny Committee resolves to refer the matter back to Cabinet for further consideration and to take account of any recommendation of the Panel, in which case the Cabinet will reconsider the decision as soon as is reasonably practicable; or
- In the case of any question relating to the budget or policy framework, the Panel of the Scrutiny Committee has reported to the meeting of the Council that will consider the budget or policy framework or any component part of it (if there is insufficient time for the matter to be referred back to the Cabinet).

Once a decision of the Cabinet has been referred to a Panel of the Scrutiny Committee it shall not be subject to further consideration by a Panel of the Scrutiny Committee or the Committee itself and shall not again be referred by any individual councillor.

Democratic Services

For any further queries regarding this document or you require any further information please contact Democratic Services.

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