

# Full Council

## 24 February 2020

Quorum: 11

*Published: Friday, 14 February 2020*



### To the Members of the Council

You are summoned to attend a meeting of the Council to be held in the Council Chamber at County Hall, St Anne's Crescent, Lewes on 24 February 2020 at 6.00 pm to transact the following business.

**Note:** At the commencement of the meeting the Chair will ask for a period of silence to enable councillors to focus their thoughts on the meeting or to pray silently.

## Agenda

### 1 Minutes of the meeting held on 25 September 2019 (Pages 9 - 18)

To confirm and sign the minutes of the meeting of the Council dated 25 September 2019.

### 2 Apologies for absence

### 3 Declarations of interest

Disclosure by councillors of personal interests in matters on the agenda, the nature of any interest and whether the councillor regards the interest as prejudicial under the terms of the Code of Conduct.

### 4 Announcements (Pages 19 - 20)

To receive any announcements from the Chair of the Council, Leader of the Council, Members of the Cabinet or the Chief Executive. A list of the Chair of the Council's engagements since the previous meeting is enclosed.

## **5 Urgent items**

Items not on the agenda which the Chair of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstances as defined in Section 100B(4)(b) of the Local Government Act 1972.

## **6 Questions from members of the public**

To deal with questions which members of the public may wish to put to members of the Cabinet in accordance with Council Procedure Rule 11 (if any).

## **7 Petitions**

No petitions have been received for consideration under Council Procedure Rule 13.

## **8 Council Budget and Setting of the Council Tax for 2020/21 (Pages 21 - 48)**

Report of Councillor Nicholson on behalf of the Cabinet. Referred from Cabinet on 10 February 2020, incorporating the recommendations from the Cabinet reports on:

- General Fund Revenue Budget 2020/21 and Capital Programme
- Housing Revenue Account (HRA) Revenue Budget and Rent Setting 2020/21 and HRA Capital Programme 2019-23
- Treasury Management and Prudential Indicators 2020/21, Capital Strategy and Investment Strategy

A copy of a General Fund amendment received from Councillor Linington is attached. Any further amendments received by the deadline of 6 pm on 23 February will be circulated.

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

## **9 Other matters referred from Cabinet or other Council Bodies.**

The following matters are submitted to the Council for decision:-

- (a) **Corporate Plan 2020-24** (Report to follow).  
Report of Director of Regeneration and Planning. Referred from Cabinet on 10 February 2020.

**(b) Making the Seaford Neighbourhood Plan** (Pages 49 - 50)

Report of Councillor O'Brien on behalf of the Cabinet. Referred from Cabinet on 10 February 2020.

**(c) Adoption of the Lewes District Local Plan Part 2: Site Allocations and Development Management Policies** (Pages 51 - 52)

Report of Councillor O'Brien on behalf of Cabinet. Referred from Cabinet on 20 February 2020.

**(d) Local Council Tax Reduction Scheme 2020/21 and Council Tax Class C Discount** (Pages 53 - 68)

Report of the Director of Service Delivery. Recommendation from the meeting of Cabinet on 28 October 2019. Appendix 1 is circulated as a separate document.

**10 Appointment of Returning Officer and Electoral Registration Officer** (Pages 69 - 72)

Report of the Assistant Director – Legal and Democratic Services.

**11 Governance Review Report** (Pages 73 - 122)

Report of the Assistant Director – Corporate Governance and Assistant Director – Legal and Democratic Services (Monitoring Officer).

**12 Calendar of Meetings 2020-21** (Pages 123 - 124)

To agree the proposed Calendar of Meetings for 2020/21.

This includes amendments to the date of Annual Council to be 18 May 2020, and to the date of the first Cabinet of the new municipal year to be 11 June 2020.

*Please note: The Council dates will be subject to final approval at the annual meeting of the Council, in accordance with legislation.*

**13 Urgent decisions taken by the Cabinet, Cabinet members or Officers**

In accordance with Scrutiny Procedure Rule 17, to receive details of any urgent decisions taken by the Cabinet, Cabinet members or Officers since the previous meeting.

**(a) IT Provisions Decision Notice - Urgent decision taken by the Leader** (18 December 2019) (Pages 125 - 126)

**(b) Newhaven Neighbourhood Plan Decision Notice - Urgent decision taken by the Deputy Chief Executive** (27 November) (Pages 127 - 128)

**14 Notices of motion.** (Pages 129 - 130)

To consider notice of motion which has been received from Councillor Davy.

**15 Written questions from Councillors**

To deal with written questions which Councillors may wish to put to the Chair of the Council, a Lead Councillor on the Cabinet or the Chair of any Committee or Sub-Committee in accordance with Council Procedure Rule 12 (if any). The deadline for receipt of questions is 5 pm on 18 February 2020.

**16 Questions to the Leader of the Council**

To deal with questions (if any) which Councillors may wish to put to the Leader of the Council. It will be at the Leader's discretion to re-direct questions to relevant Members of the Cabinet. A Councillor wishing to raise a question must notify the Chair of the Council of the text of the question prior to the commencement of the meeting.

(NB - This item is limited to a maximum of 5 questions, with no more than 1 question being asked per Councillor. If a question requires a detailed or technical response, the Leader may decide that a written response is more appropriate).

**17 Ward issues**

To deal with ward issues which councillors wish to raise (if any).

**18 Reporting back on meetings of outside bodies** (Pages 131 - 138)

To receive any reports from the Council's representatives who serve on outside bodies in respect of meetings they have attended.



**Robert Cottrill**  
Chief Executive

## **Information for the Public**

**Accessibility:** Please note that the venue for this meeting is wheelchair accessible and has an induction loop to help people who are hearing impaired. This agenda and accompanying reports are published on the Council's website in PDF format which means you can use the "read out loud" facility of Adobe Acrobat Reader.

**Filming/Recording:** This meeting may be filmed, recorded or broadcast by any person or organisation. Anyone wishing to film or record must notify the Chair prior to the start of the meeting. Members of the public attending the meeting are deemed to

have consented to be filmed or recorded, as liability for this is not within the Council's control.

**Public participation:** Up to 30 minutes will be allowed at ordinary meetings of the Council during which members of the public may ask questions of Cabinet members. Questions must be received by midday 3 working days before the day of the meeting and include the name and address of the questioner and the organisation they represent (if applicable), and the name of the Cabinet member to whom it is to be put. No more than 3 questions are allowed but person or per organisation. Please contact Democratic Services (see end of agenda) for further information.

## Information for Councillors

**Disclosure of interests:** Members should declare their interest in a matter at the beginning of the meeting.

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).

**Councillor right of address:** A member of the Council may ask the Chair, the Leader, a Cabinet member, the Chair of any committee or sub-committee, or a member of the Council to any external body or joint authority a question on any matter in relation to which the Council has powers of duties of which affects the district.

A member must give notice of the written question to Democratic Services in writing or by electronic mail no later than close of business on the fourth working day before the meeting at which the question is to be asked.

## Democratic Services

For any further queries regarding this agenda or notification of apologies please contact Democratic Services.

**Email:** [committees@lewes-eastbourne.gov.uk](mailto:committees@lewes-eastbourne.gov.uk)

**Telephone:** 01273 471600

**Website:** <http://www.lewes-eastbourne.gov.uk/>



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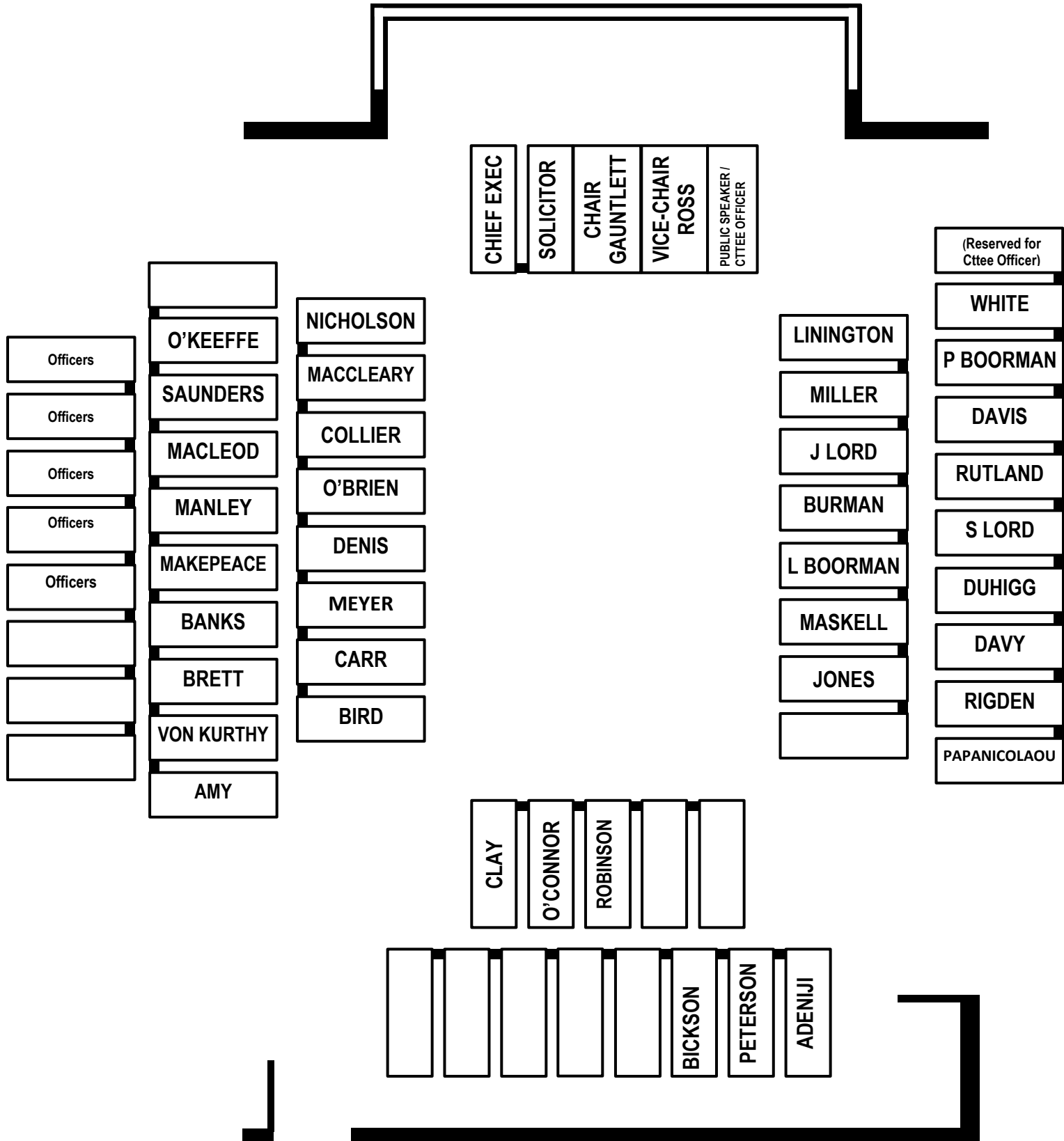
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# Annex

## Full Council Meeting

### County Hall Council Chamber - Seating Plan



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## Full Council

**Minutes of meeting held in Council Chamber at County Hall, St Anne's Crescent, Lewes on 25 September 2019 at 6.00 pm**

### **Present:**

Councillor Stephen Gauntlett (Chair)

Councillors Adrian Ross (Vice-Chair), Graham Amy, Nancy Bikson, Matthew Bird, Liz Boorman, Phil Boorman, Christine Brett, Roy Burman, Julie Carr, Roy Clay, Chris Collier, Phil Davis, Sharon Davy, Johnny Denis, Lynda Duhigg, Tom Jones, Isabelle Linington, Ron Maskell, Ruth O'Keeffe, Julian Peterson, Steve Saunders, Robert Banks, Christoph von Kurthy, Jim Lord, Sylvia Lord, James MacCleary, Sean MacLeod, Imogen Makepeace, Milly Manley, William Meyer, Joe Miller, Zoe Nicholson, Emily O'Brien, Laurence O'Connor, Keira Rigden, Geoff Rutland and Ian White.

### **Officers in attendance:**

Robert Cottrill (Chief Executive), Catherine Knight (Assistant Director of Legal and Democratic Services) and Sarah Lawrence (Senior Committee Officer).

### **32 Minutes of the meeting held on 15 July 2019**

The minutes of the meeting of the Council held on 15 July 2019 were approved as a correct record and signed by the Chair of the Council.

### **33 Apologies for absence**

Apologies for absence were reported from Councillors Adeniji, Papanicolaou and Robinson.

### **34 Declarations of interest**

The Chair of the Council advised that the Assistant Director Legal and Democratic Services has confirmed that Councillors need not declare if their sole interest related to them being a patient at one of the Seaford Surgeries.

Councillor Saunders declared a personal and prejudicial interest as a Council-appointed trustee of Wave Leisure under Agenda Item 8, Petition from Downs Development Neighbourhood Voice, but remained in the room but did not speak or vote under Paragraph 12 (3) of the Code of Conduct.

**35 Announcements**

The Council received a list of the Chair of the Council's engagements carried out between 15 July 2019 and 25 September 2019.

**36 Urgent items**

There were no urgent items.

**37 Questions from members of the public**

There were no questions from members of the public.

**38 Urgent decisions taken by the Cabinet or Cabinet members**

There were no urgent decisions to report.

**39 Discussion of Petition from Downs Development Neighbourhood Voice**

The Chair advised that at the last meeting a petition had been presented by Downs Development Neighbourhood Voice (DDNV) containing over 1,500 and therefore referred to this meeting for discussion, and set out the procedure for the meeting.

Karen Hall representing DDNV spoke first to advise that the petition 'Save our Recreation Grounds and Keep Doctors in Seaford' had now received 4,294 signatures. She outlined the petitioners' principle objections to the proposals for a single health hub outside the town centre, whilst wishing for the best possible health care in Seaford, in addition to those set out in the petition statement, these included:

- Concern as to the loss of access to free outdoor sports and recreation space, where there was already a shortfall, and where such access equated to good health equality and outcomes;
- Concern as to the impact on cafes and other businesses in the town centre from loss of footfall;
- Concern as to the impact on the local economy of town's largest employer being moved away from the town centre;
- Concern as to traffic congestion, pollution and parking issues around the Downs site;
- Concern as to loss of green space as a community asset; and
- Concern as to the impacts on environment and residents' health.

Dr Daniel Elliot (representing the GP practices and CCG) and Duncan Kerr of Wave Leisure, had been invited by the Chair to provide an opposing view to aid Councillors' discussions, and addressed the Council. Dr Elliot advised on why GPs and the Clinical Commissioning Group (CCG) felt that the development was essential to meeting the health care needs of residents of Seaford today and in the future. It was intended that the co-location of GPs alongside other services would enable a shared approach to health and wellbeing in line with national policy, would offer the space and facilities for extended hours, additional services, and recruitment and retention of clinical

staff, which were unable to be provided at the current locations. He expressed his concern as to the shape of general practice in Seaford in the future if this did not proceed. Duncan Kerr emphasised the benefits of co-location of GP practices with leisure and other services, to enable effective treatment through participation, peer support for those with similar conditions, preventative care, rehabilitation, and the ability to improve health outcomes and enable people to live healthier lives.

Councillor Brett, as Vice-Chair of the Scrutiny Panel set up to investigate the matter, advised that the panel had met 4 times and had interviewed a wide range of interested individuals and groups, and a copy of the remit of the Panel was tabled at the meeting. It was anticipated that the Panel would next meet in mid-October, with a view to its final report being reported to Scrutiny Committee for consideration on 28 November 2019, and referred on to Cabinet for a decision on 2 December 2019.

Councillors then discussed the matter and made the following points:

- All the contributions from the speakers were welcomed, as was the interest from the public.
- It was important for the Scrutiny Panel to hear all views, receive professional advice and come to a conclusion as to the best way forward, having considered all options, and the Council commended it for its work to date and looked forward for its final report which would be considered by the Scrutiny Committee and Cabinet.
- Regardless of the controversies of this particular application it was recognised that the GPs were providing a vital service to Seaford, and it was important that Seaford had appropriate health provision.
- Concern was expressed as to the way in which funding for health was distributed which meant that such a health project was not possible without the support of the District Council.
- Assurance was given that Officers had been asked to investigate all alternative sites.
- It was recognised that there were heightened emotions on all sides, and whatever the outcome, some would be disappointed.
- It was important that the Scrutiny Panel produced a balanced and evidence-based report and that the Council was transparent in its final decision.

The Chair of the Council thanked the speakers and public for attending.

**RESOLVED** - That the comments made during the meeting be duly reported back to the Scrutiny Panel and taken into account when the Scrutiny Panel comes to make its final report and recommendations.

#### **40 Amended Code of Conduct for Members**

Councillor Peterson, Chair of the Audit and Standards Committee, moved the recommendations of the report for the adoption of the amended Members Code of Conduct and this was seconded by Councillor Burman.

Councillor Peterson commended the amendments to the Council, and recommended that any Councillors who were also Parish or Town Councillors to urge their local councils to in turn adopt these changes.

**RESOLVED –**

- (1) That Council adopts the amended Code of Conduct for Members, set out at report Appendix 3; and
- (2) That the Council authorises the Monitoring Officer to make the amended Code of Council available to all Town and Parish Councils in the Lewes district, with a view to those Councils adopting it for consistency.

**41 Financial Procedure Rules**

Councillor Peterson, Chair of the Audit and Standards Committee, moved the recommendations of the report for the approval of the updated Financial Procedure Rules, as part of the Council's Constitution and this was seconded by Councillor Burman.

Councillor Peterson commended the amended rules, which had received a good level of challenge at the Audit and Standards Committee. Councillor Nicholson welcomed Appendix 1, which outlined the key changes to the document in a concise and clear way.

**RESOLVED –** That the Council approves the Financial Procedure Rules attached as Appendix 2 to the report, for inclusion as part 4 of the Council's Constitution.

**42 Treasury Management Report - Referral from Cabinet**

Councillor Nicholson, Leader of the Council, moved the recommendation referred from Cabinet to agree the Annual Treasury Report for 2018/19 and approve Prudential and Treasury Indicators, and this was seconded by Councillor Peterson.

Councillor Peterson and Councillor Gauntlett commended to the Council the excellent training session held with the Council's Treasury Managers, Arlingclose, and encouraged all members to attend any future sessions.

**RESOLVED –** To agree the Annual Treasury Report for 2018/19 and approve the 2018/19 Prudential and Treasury Indicators included in the report (and attached as Appendix 1 to the referral report).

**43 Notices of motion.**

The Chair of the Council reported that three notices of motion had been submitted under Council Procedure Rule 14.

**(a) Motion 1 - Local Authority Mental Health Challenge (Cllr Macleod)**

Councillor Macleod motion and Councillor Collier seconded: -

“We call on the Council to sign the Local Authority Mental Health

Challenge and we call of the Council:

1. To commit to appointing an elected member as “Mental Health Champion”.
  - The Member Champion will advocate for mental health issues in council meetings and policy development and will reach out to the local community to raise awareness of mental health issues and challenge stigma.
  - The Member Champion will listen to people with personal experience of mental health and get their perspective on local needs and priorities.
  - The Member Champion will scrutinise areas that have an impact on people's mental health such as Housing needs, developments and other areas.
  - The Member Champion will look at fostering local partnerships between agencies to support people with mental health problems more effectively.
  - The Member Champion will identify at least one priority each year for focused work.
  - The Member Champion will respond to occasional requests from the challenge coordinator for updates on activities undertaken in the role of member champion.
  - The Member Champion will have access to advice and support from the mental health challenge national partners, access to resources on the challenge website, and an annual meeting with other member champions to share information, experience and ideas.
2. We will also seek to identify a current member of staff within the council to act as a lead officer for mental health:
  - Advising the member Champion on current issues and priorities
  - Supporting implementation of strategies initiated by the member champion.
  - Raising awareness within the council's staff about mental health issues.
  - Seeking external support for activities led by the council to promote mental health and wellbeing.
  - Providing information to the member champion to support their work
  - Liaising with mental health challenge national partners to secure

information and advice.

- The lead officer will also have access to the benefits described above for member champions.
3. The council will also look to support positive mental health in our community, including in local schools, neighbourhoods and in all other areas of our community.
  4. We will work with local partners to offer effective support for people with mental health needs, we will also work to tackle discrimination on the grounds of mental health in our local community and to proactively listen to people of all ages and backgrounds about what they need for better mental health.”

Councillor Collier, as the relevant portfolio holder, welcomed the proposals and suggested that as a similar motion had been passed by Eastbourne Board Council on 10<sup>th</sup> July and Phil Evans, Director of Tourism and Enterprise, had been appointed as the staff Mental Health Champion, he should be the nominated staff champion for Lewes District Council as well.

In relation to the appointment of Member Mental Health Champion, Councillor Collier recommended that Councillor Macleod be the Member Champion, but he committed to support both post holders in their roles.

The motion was put to the vote and declared carried **(RESOLVED)**.

**(b) Motion 2 - Speaking at Planning Applications Committee (Cllr Davy)**

Councillor Davy (as Chair of Planning Applications Committee) moved and Councillor Saunders seconded that:

“I call upon Full Council:

To amend Part 10, Public Speaking at Planning Applications Committee, Procedure at meetings in our Constitution as follows:

“If a Member of the Committee is also a Local Ward Member, wishes to speak against, or in support, of an application in that capacity and has registered to speak, then they are allowed to withdraw from the meetings proceedings for that item only and speak for 5 minutes on that particular item. In this event, they would not take part in the debate nor have a vote on the determination of the application on which they spoke. Having spoken, they would be required to leave the room.

They then may return to the Committee to determine the remaining items.”

It was noted Councillors had been able to do this in the past with the permission of the Chair, but this would regularise the procedure and had the support of the Head of Planning.

The motion was put to the vote and it was declared carried **(RESOLVED)**.

**(c) Motion 3 - Waste and Recycling Facilities - (Cllr L Boorman)**

Councillor Liz Boorman moved and Councillor Burman seconded that:

“I call upon Full Council to request: that officers carry out a thorough review of the waste and recycling facilities at all blocks of flats across Lewes District and rectify the balance between waste and recycling bins, where needed, and that this is completed within the next 6 months.”

Councillor Carr moved and Councillor Manley seconded an amendment to the motion to read:

“I call upon Full Council to request that officers carry out a thorough review of the waste and recycling facilities at all **Lewes District Council-owned** blocks of flats across the District and rectify the balance between waste and recycling bins, where needed, and that this is completed within the next 6 months. **The Council will then take stock and consider extending the review to all blocks of flats in the District.**”

The Council debated the motion and noted that the Council’s rules permitted a proposed minor modification to be made to Councillor Carr’s amendment, at the sole discretion of Councillor Carr.

The meeting was adjourned for a period of 5 minutes at 7.35 pm to allow for an agreement on the form of words.

On resumption of the meeting Cllr Carr indicated that she was prepared to make a minor modification to her amendment so that it read:

“I call upon Full Council to request that officers carry out a thorough review of the waste and recycling facilities at all **Lewes District Council-owned** blocks of flats across the District and rectify the balance between waste and recycling bins, where needed, and that this is completed within the next 6 months. **The Council will then take stock and will extend the review to all blocks with the District, to within 12 months in total**”.

Councillor Liz Boorman and Councillor Burman agreed to accept the motion as amended.

The amended motion was then put to the vote and it was declared carried **(RESOLVED)**.

#### 44 Written questions from Councillors

Councillor Brett had submitted a written question to the Leader under Council Procedure Rule 12 as follows:

“I have had residents contact me to ask what the District Council will do after Brexit, should trucks be turned away at Newhaven Port and park up in the wider residential roads of Seaford and / or on the Esplanade whilst they await the correct paperwork. In particular:

- What will LDC do to ensure the drivers’ sanitation needs are met?
- Can we please have a public phone number made available for residents to ring if this situation happens in their neighbourhood?

People are especially concerned if these situations occur at weekends or at night.”

Councillor Nicholson thanked Councillor Brett for the question, and advised this was an issue that could affect the whole district, including Seaford and Newhaven, and advised that the Cabinet had agreed to write to the Department of Transport on the issue, and invited Councillor MacCleary to provide additional details. Councillor MacCleary advised that the information received from the Government to date was that it was going to be fine but that was insufficient to give confidence, and as a result the Cabinet was seeking reassurance, and to enable the Council to show that it has taken every step possible should the port struggle. This would include dealing with health and safety issues from drivers parking if there was an overflow from the port. In the first instance, residents should raise concerns with the neighbourhood first team. The Council would call in additional support if required.

Councillor Brett asked a supplementary question, asking if Neighbourhood First had an emergency and out-of-hours number should it be required.

Councillor Nicholson confirmed that one would be made available if required.

#### 45 Questions to the Leader of the Council

The following questions were put to the Leader of the Council and answered by the Leader or the relevant Portfolio Holder.

Questioner	Question
1. Councillor L Boorman	When can Full Council expect to receive reports from Councillors on outside bodies, as there are none at Agenda Item 16?
	<b>Response</b> Councillor Nicholson thanked Councillor Boorman for raising the matter, and confirmed that she would ensure administration councillors brought appropriate updates to the next meeting or in the interim if needed, and invited opposition members to do so as well.



2. Councillor Miller	Does the Leader of the Council welcome Maria Caulfield MP's work in lobbying the communities secretary, Robert Jenrick for the award of £25m pounds funding from the Towns Fund to Newhaven?
	<b>Response</b> Councillor MacCleary advised that the fund, if received, would build on the hard work that officers had done with the future high streets fund. He had received clarification from the secretary of state that the fund was not automatic, but required a bidding process. Once this process was open, officers would put forward a full funding proposal and he would report back in due course.
3. Councillor P Boorman	Will the Leader of the Council congratulate the previous Conservative Leader over the past eight years on over doubling recycling rates from 19% to 43% as at July, and what does the coalition plan to do to increase recycling?
	<b>Response</b> Councillor Nicolson responded that she had already commented on the achievements of the previous administration in getting from 20% to 43% which was amazing, but the Council was not yet in the top quartile in the country. On the forward plan there was a paper due to come to Cabinet which would look to improve recycling rates to much higher levels.
4. Councillor Burman	Would the Leader explain to the Council and residents the basis on which the co-operative alliance was founded as of course each element was elected on separate and differing manifestos and I believe our residents are entitled to be shown the documents of their agreement and the platform and policies on which they are agreed, as was promised when the administration took over control of the Council?
	<b>Response</b> Councillor Nicholson welcomed the interest of residents, and confirmed that they were working together on the Corporate Plan which would enshrine the work to be taken forward over the next 4 years, and residents and members would be consulted on it in due course.

#### 46 Ward issues

No ward issues were notified to be raised at the meeting.

#### 47 Reporting back on meetings of outside bodies

No Councillors had asked to report back on meetings of outside bodies.

Councillor Saunders advised that he had hoped to bring a report at this meeting on his role as a Trustee of Wave Leisure, but there were a number of issues that were currently commercially sensitive, and therefore he hoped to be in a position to report at the next meeting.

The meeting ended at 7.55 pm

Councillor Stephen Gauntlett (Chair)

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# Agenda Item 4

## Lewes District Council

Southover House  
Southover Road  
Lewes  
East Sussex BN7 1AB

Civic & Member Services Officer: 01273 085030

**CHAIR**  
Councillor STEPHEN GAUNTLETT

**VICE-CHAIR**  
Councillor ADRIAN ROSS

[civic.office@lewes-eastbourne.gov.uk](mailto:civic.office@lewes-eastbourne.gov.uk)

### CHAIR'S ENGAGEMENTS

#### 26 September 2019 – 24 February 2020

Sunday 29 September	6pm	Chair and Consort: To attend a charity performance of 'If I Catch Alphonso, Tonight!' to celebrate the 10 <sup>th</sup> Anniversary of the East Sussex High Sheriff's Fund at Folkington Manor, Polegate
Thursday 17 October	12pm	Chair: To join the civic line-up and be presented to HRH The Duchess of Cornwall at Ditchling Museum of Art + Craft, Ditchling
Sunday 20 October	9.30am	Chair and Consort: To attend Lewes Town Council's Civic Church Service at Trinity South Malling, Church Lane, Lewes
Tuesday 22 October	6.30pm	Chair and Consort: To attend Her Majesty's Lord-Lieutenants of Sussex Presentation of awards ceremony at Christ's Hospital School, Horsham
Thursday 24 October	4pm	Chair and Consort: To attend a talk by Professor Dave Goulson entitled 'The importance of pollinators and biodiversity', at Southover House, Lewes
Friday 25 October	4.30pm	Chair and Consort: To attend the High Sheriff of East Sussex Judges' Service at St Anne's Church, Lewes followed by a reception.
Tuesday 5 November	5pm	Chair and Consort: To host the annual Bonfire Night celebrations at Lewes House, Lewes.
Sunday 10 November	9.45am	Chair: To attend Newhaven Town Council's Remembrance Sunday service at St Michael's Church, Newhaven and to lay a wreath the war memorial.
Sunday 10 November	2pm	Chair: To attend Lewes Town Council's Remembrance Sunday service and to lay a wreath at the War Memorial, Lewes.
Tuesday 12 November	10.30am	Chair: To attend the Commonwealth War Graves Service of Remembrance and lay a wreath at Seaford cemetery.

Thursday 14 November	7pm	Chair and Consort: To attend the Lewes Youth Music Concert at Lewes Town Hall
Sunday 17 November	3pm	Chair and Consort: To attend HOMELINK's 20 <sup>th</sup> Anniversary Gala at Glyndebourne Opera House
Saturday 23 November	8am	Chair and Consort: To attend the East Sussex Prayer Breakfast at East Sussex National Golf Resort in Uckfield.
Saturday 23 November	4.30pm	Chair and Consort: To attend Seaford Town Council's ceremony for Honorary Freeman of the Town at St Leonards Church, followed by a reception at 'The View', Seaford Head
Wednesday 27 November	2pm	Chair: To attend the Military Preparation College Eastbourne Awards Ceremony at Kings Centre, Eastbourne
Saturday 30 November	7pm	Vice-Chair: To attend the Peacehaven Players performance of 'Sleeping Beauty' at the Meridian Centre, Peacehaven.
Sunday 1 December	6.30pm	Chair and Consort: To attend the Friends of Arundel Cathedral 'Pontifical Sung Vespers' at Arundel Cathedral.
Thursday 5 December	5.30pm	Chair: To host the Santa's Grotto at Lewes House for Lewes Late Night Shopping 2019.
Sunday 8 December	3pm	Chair and Consort: To attend the HOMELINK Christmas Concert by the Ashdown Singers followed by coffee and mince pies at the Church of St Thomas More, Seaford.
Wednesday 18 December	12.30pm	Chair: To co-host a Christmas mulled wine and mince pies event for staff and Councillors in the Mezzanine kitchen, Southover House
Thursday 19 December		Chair and Consort: To attend Headway East Sussex's mince pies and carols event, and to present them with a letter of thanks for their design of the Chair's Christmas card 2019.
Thursday 23 January	9.30am	Chair: To attend the 3VA Annual General Meeting 'Sustainability for the years ahead' at the Welcome Building, Eastbourne.
Thursday 23 January	6.30pm	Chair: To attend Eastbourne's Holocaust Memorial Day event at the Welcome Building. Eastbourne.
Friday 24 January	6pm	Chair: To attend the launch of the Lewes Holocaust Memorial Day events 2020 at Lewes Town Hall
Saturday 25 January	7.30pm	Chair: To provide the closing remarks at the Lewes Holocaust Memorial Day Group's event 'Standing Together' at St John Sub Castro.
Sunday 26 January	9.45am	Chair: To attend a service to mark 900 years of history at St Michael's Church, Newhaven
Wednesday 12 February	12.30pm	Chair: To speak at Seaford Rotary Club lunch.

**Meeting:** COUNCIL

**Date:** Monday 24 February 2020

**Subject:** COUNCIL BUDGET AND SETTING OF THE COUNCIL TAX FOR 2020/21

**Report of:** Councillor Zoe Nicholson (Leader and Portfolio Holder for Finance)

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The Council is asked to consider the reports to Cabinet and also the Cabinet minutes and resolutions from the meeting held on 10 February 2020.

The budget book 2020/21 will be circulated to all Members of the Council in March, once the budget has been formally adopted. A copy will be deposited at the Town Hall Reception for public inspection purposes and on the Council's website.

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

<https://democracy.lewes-eastbourne.gov.uk/ieListDocuments.aspx?CId=417&MId=2973&Ver=4>  
(This is the listing for the Cabinet meeting held on 10 February 2020)

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In order to comply with Section 25 of the Local Government Act 2003; the Authority's Chief Finance Officer is required to report on the robustness of the estimates made for the purposes of the budget calculations and the adequacy of the proposed reserves. A statement covering this requirement is attached at Appendix 1.

The resolutions in this report, which must include the requirements of all precepting authorities, are based on the recommendations made to East Sussex Fire Authority and the budgets approved by the East Sussex County Council and the Police and Crime Commissioner for Sussex.

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

Authority	Precept/Demand		2020/21 Band D Council Tax	Change over 2019/20	
	£	%	£	£	%
<b>Lewes District Council:</b>					
Council Tax Requirement (incl Special Expenses*)	7,713,114	9.93%	<b>209.53</b>	5.00	2.44%
Town and Parish Councils	4,198,131	5.40%	<b>114.04</b>	12.61	12.44%
<b>Total Lewes District Council</b>	<b>11,911,244</b>	<b>15.33%</b>	<b>323.57</b>	<b>17.61</b>	<b>14.88%</b>
East Sussex County Council	54,923,047	70.68%	<b>1,492.02</b>	57.24	3.99%
The Police and Crime Commissioner for Sussex	7,358,927	9.47%	<b>199.91</b>	10.00	5.27%
East Sussex Fire Authority	3,516,574	4.53%	<b>95.53</b>	1.86	1.99%
<b>Total</b>	<b>77,709,792</b>	<b>100.00%</b>	<b>2,111.03</b>	<b>86.71</b>	<b>4.28%</b>

*Special Expenses					
LDC Council Tax Requirement	7,713,114	-	209.53	5.00	2.44%
Less Total amount to be charged as Special Expenses	(642,310)	-	(17.45)	-	0.00%
<b>Council Tax to be levied on all LDC taxpayers</b>	<b>7,070,804</b>	<b>-</b>	<b>192.08</b>	<b>5.00</b>	<b>2.67%</b>

The Council has adopted a system of 'Special Expenses' in respect of the cost of General Fund Open Spaces. In setting the basic amount of the Council Tax for 2020/21, it is necessary for the Council to determine the costs which are to be its Special Expenses for the year, with all other costs being charged as its 'General Expenses'.

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

### Recommendations:

1. The recommendations as detailed in the reports from the Chief Finance Officer and the Director of Service Delivery to Cabinet on 10 February 2020 as summarised below:

#### General Fund Budget and Capital Programme

- (i) The General Fund budget for 2019/20 (Revised) and 2020/21 (Original) including growth and savings proposals for 2020/21.
- (ii) An increase in the Council Tax for Lewes District Council of £5 resulting in a Band D charge for general expenses of £192.08 for 2020/21.
- (iii) The revised General Fund capital programme 2020/21.
- (iv) To note the Section 25 Statement of the Section 151 Officer Sign-Off attached at Appendix 1 and set out in the Cabinet report.

#### Treasury Management, Prudential Indicators and Capital Strategy

- (v) Approve the Treasury Management Strategy and Annual Investment Strategy for 2020/21.
- (vi) Approve the Minimum Revenue Provision Policy Statement for 2020/21.
- (vii) Approve the Prudential and Treasury Indicators for 2020/21 to 2022/23.

- (viii) Approve the Capital Strategy.

Housing Revenue Account

- (ix) Housing Revenue Account (HRA) income and expenditure proposals, including revised HRA budget for 2019/20 and the budget for 2020/21, rents and service charges and the HRA Capital Programme including:
- (a) To agree the HRA budget for 2020/21 and revised 2019/20 budget as set out at Appendix 1 to the Cabinet report.
  - (b) To agree that social and affordable rents (including Shared Ownership) are increased by 2.7% in line with Government policy.
  - (c) To agree that private sector leased property rents are increased by 3.4% (RPI+1%).
  - (d) To agree that the revised service charges are implemented.
  - (e) To agree that garage rents are increased by 3.4% (RPI+1%).
  - (f) To agree that the HRA Capital Programme as set out at Appendix 2 to the Cabinet report.

2. That delegated authority is given to the Chief Finance Officer to amend the budget for any presentational changes ensuring the Council Tax Requirement remains unchanged.
3. That it be noted, that since the Cabinet meeting on 10 February the Business Rates return to the Government (NNDR1) has been finalised and the budget has been updated accordingly as shown in Appendix 2. As a result of the latest Business Rates position, it has been possible to add £450K to the Contingency Provision and transfer £202K into the Business Rates Equalisation Reserve. In addition, previously budgeted transfers from reserves of £700K, to cover additional capital financing costs and the impact of the economic downturn, are no longer required. Finally, it should also be noted that the forecast surplus of £300K together with a further £100K has been transferred into the General Fund Balance.
4. That the expenses incurred by the Council set out below be approved as Special Expenses chargeable to the residents of each of the Town/Parish areas indicated and that any other expenses (excluding local precepts) incurred by the Council be approved as general expenditure for the purposes of Section 35 of the Local Government Finance Act 1992.

<b>Town/Parish Area</b>	<b>Special Expense 2020/21 £</b>
Lewes	344,430
Newhaven	134,940
Telscombe	57,720
Seaford	58,590
Peacehaven	41,100
Chailey	1,120
Ringmer	4,410
<b>Total</b>	<b>642,310</b>

4. That consequent upon a General Fund budget of £14,254,000 and other matters, the basic amount (Band D) of Council Tax for the Borough Council's functions will be £209.53 calculated as follows:

	<b>General Expenses only</b>	<b>Total including special items</b>
	£000's	£000's
Gross Expenditure:		
General Fund	50,743	
HRA	16,212	
Business Rates payable to Government	7,805	
Contributions to Reserves	689	
	75,449	75,449
Special expenses		642
Parish and Town Council Precepts		4,198
Less Income:		
Service Income	(54,259)	
Other Government Grants	(3,449)	
Business Rates income	(10,587)	
Collection Fund Surplus (Council Tax)	(83)	
	(68,378)	(68,378)
<b>COUNCIL TAX REQUIREMENT</b>	<b>7,071</b>	<b>11,911</b>
<b>Band D Council Tax</b>	<b>£192.08</b>	<b>£323.57</b>

The statutory resolutions relating to this matter are given at paragraphs 5 and 6 below.

5. That it be noted that at its meeting on 10 February 2020 Cabinet approved the following calculations for the year 2020/21, being made in accordance with regulations made under Sections 31(B)(4) and 34(4) of the Local Government Act 1992, as amended:-
- (a) 36,811.50 being the amount calculated by the Council, in accordance with regulation 3 of the Local Authorities (Calculation of the Council Tax Base) Regulations 1992, as amended, as its Council Tax Base for the year ) Item T in the formula in Section 31B of the Local Government Finance Act 1992).



(b)

<u>Part of the Council's Area</u>	<u>Tax Base</u>
Parish of Barcombe	637.60
Parish of Beddingham and Glynde	184.00
Parish of Chailey	1,299.60
Parish of Ditchling	1,122.00
Parish of East Chiltington	192.90
Parish of Falmer	65.80
Parish of Firle	124.80
Parish of Hamsey	271.50
Parish of Iford	90.70
Parish of Kingston	428.10
Town of Lewes	6,137.90
Town of Newhaven	3,693.80
Parish of Newick	1,106.30
Town of Peacehaven	4,800.90
Parish of Piddinghoe	123.60
Parish of Plumpton	665.40
Parish of Ringmer	1,876.30
Parish of Rodmell	208.20
Parish of St Ann Without	39.60
Parish of St John Without	23.60
Town of Seaford	9,495.70
Parish of Southease	22.80
Parish of South Heighton	277.60
Parish of Streat	81.20
Parish of Tarring Neville	8.60
Town of Telscombe	2,533.60
Parish of Westmeston	153.20
Parish of Wivelsfield	1,146.20

Being the amounts calculated by the Council, in accordance with regulation 6 of the Regulations, as amended, as the amounts of its Council Tax base for the year for dwelling in those parts of its area to which one or more special items relate.

6. That the following amounts be now calculated by the Council for the year 2020/21 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992, as amended:

(a)	£80,289,345	being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act.
(b)	£68,378,100	being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
(c)	£11,911,245	being the amount by which the aggregate at 5(a) above exceeds the aggregate at 5(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act).

(d)	£323.57	being the amount at 6(c) above (Item R), all divided by Item T (5 above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including local precepts).																																																								
(e)	£4,840,441	being the aggregate amount of all special items referred to in Section 34(1) of the Act.																																																								
(f)	£192.08	being the amount at 6(d) above less the result given by dividing the amount at 6(e) above by the amount at 4(a) above (Item T), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates,																																																								
(g)	<p>Parts of the Council's area</p> <table><tr><td>Barcombe</td><td>242.23</td><td>Piddinghoe</td><td>272.74</td></tr><tr><td>Beddingham and Glynde</td><td>253.40</td><td>Plumpton</td><td>283.68</td></tr><tr><td>Chailey</td><td>244.28</td><td>Ringmer</td><td>262.99</td></tr><tr><td>Ditchling</td><td>280.23</td><td>Rodmell</td><td>263.17</td></tr><tr><td>East Chiltington</td><td>226.36</td><td>St Ann Without</td><td>192.08</td></tr><tr><td>Falmer</td><td>199.68</td><td>St John Without</td><td>192.08</td></tr><tr><td>Firle</td><td>272.58</td><td>Seaford</td><td>290.08</td></tr><tr><td>Hamsey</td><td>260.24</td><td>Southeast</td><td>192.08</td></tr><tr><td>Iford</td><td>203.11</td><td>South Highton</td><td>236.67</td></tr><tr><td>Kingston</td><td>308.88</td><td>Streat</td><td>236.41</td></tr><tr><td>Lewes</td><td>445.95</td><td>Tarring Neville</td><td>192.08</td></tr><tr><td>Newhaven</td><td>374.67</td><td>Telscombe</td><td>309.57</td></tr><tr><td>Newick</td><td>251.74</td><td>Westmeston</td><td>276.94</td></tr><tr><td>Peacehaven</td><td>334.82</td><td>Wivelsfield</td><td>265.18</td></tr></table> <p>Being the amounts given by adding the amount at 5(f) above, the amounts of the special items or items relating to dwelling in those parts of the Council's area mentioned above divided in each case by the amount at 5(B) above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate.</p>		Barcombe	242.23	Piddinghoe	272.74	Beddingham and Glynde	253.40	Plumpton	283.68	Chailey	244.28	Ringmer	262.99	Ditchling	280.23	Rodmell	263.17	East Chiltington	226.36	St Ann Without	192.08	Falmer	199.68	St John Without	192.08	Firle	272.58	Seaford	290.08	Hamsey	260.24	Southeast	192.08	Iford	203.11	South Highton	236.67	Kingston	308.88	Streat	236.41	Lewes	445.95	Tarring Neville	192.08	Newhaven	374.67	Telscombe	309.57	Newick	251.74	Westmeston	276.94	Peacehaven	334.82	Wivelsfield	265.18
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(h) Parts of the Council's area

Council Tax Valuation Bands								
	A 6/9 £	B 7/9 £	C 8/9 £	D 9/9 £	E 11/9 £	F 13/9 £	G 15/9 £	H 18/9 £
Barcombe	161.49	188.40	215.32	242.23	296.06	349.89	403.72	484.46
Beddingham and Glynde	168.93	197.09	225.24	253.40	309.71	366.02	422.33	506.80
Chailey	162.85	190.00	217.14	244.28	298.56	352.85	407.13	488.56
Ditchling	186.82	217.96	249.09	280.23	342.50	404.78	467.05	560.46
East Chiltington	150.91	176.06	201.21	226.36	276.66	326.96	377.27	452.72
Falmer	133.12	155.31	177.49	199.68	244.05	288.43	332.80	399.36
Firle	181.72	212.01	242.29	272.58	333.15	393.73	454.30	545.16
Hamsey	173.49	202.41	231.32	260.24	318.07	375.90	433.73	520.48
Iford	135.41	157.97	180.54	203.11	248.25	293.38	338.52	406.22
Kingston	205.92	240.24	274.56	308.88	377.52	446.16	514.80	617.76
Lewes	297.30	346.85	396.40	445.95	545.05	644.15	743.25	891.90
Newhaven	249.78	291.41	333.04	374.67	457.93	541.19	624.45	749.34
Newick	167.83	195.80	223.77	251.74	307.68	363.62	419.57	503.48
Peacehaven	223.21	260.42	297.62	334.82	409.22	483.63	558.03	669.64
Piddinghoe	181.83	212.13	242.44	272.74	333.35	393.96	454.57	545.48
Plumpton	189.12	220.64	252.16	283.68	346.72	409.76	472.80	567.36
Ringmer	175.33	204.55	233.77	262.99	321.43	379.87	438.32	525.98
Rodmell	175.45	204.69	233.93	263.17	321.65	380.13	438.62	526.34
St Ann Without	128.05	149.40	170.74	192.08	234.76	277.45	320.13	384.16
St John Without	128.05	149.40	170.74	192.08	234.76	277.45	320.13	384.16
Seaford	193.39	225.62	257.85	290.08	354.54	419.00	483.47	580.16
Southease	128.05	149.40	170.74	192.08	234.76	277.45	320.13	384.16
South Highton	157.78	184.08	210.37	236.67	289.26	341.86	394.45	473.34
Streat	157.61	183.87	210.14	236.41	288.95	341.48	394.02	472.82
Tarring Neville	128.05	149.40	170.74	192.08	234.76	277.45	320.13	384.16
Telscombe	206.38	240.78	275.17	309.57	378.36	447.16	515.95	619.14
Westmeston	184.63	215.40	246.17	276.94	338.48	400.02	461.57	553.88
Wivelsfield	176.79	206.25	235.72	265.18	324.11	383.04	441.97	530.36

Being the amounts given by multiplying the amounts at 6(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

7. To note that East Sussex County Council, East Sussex Fire and Rescue Authority and Police and Crime Commissioner for Sussex have issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992, as amended, for each category of dwellings in the Council's area as indicated in the table below.

Council Tax Valuation Bands								
	A	B	C	D	E	F	G	H
	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9
	£	£	£	£	£	£	£	£
<b>Precepting Authorities</b>								
East Sussex County Council	994.68	1,160.46	1,326.24	1,492.02	1,823.58	2,155.14	2,486.70	2,984.04
Sussex Police Authority	133.27	155.49	177.70	199.91	244.33	288.76	333.18	399.82
East Sussex Fire Authority	63.69	74.30	84.92	95.53	116.76	137.99	159.22	191.06
<b>Aggregate of Council Tax Requirements</b>	<b>1,191.64</b>	<b>1,390.25</b>	<b>1,588.85</b>	<b>1,787.46</b>	<b>2,184.67</b>	<b>2,581.88</b>	<b>2,979.11</b>	<b>3,574.92</b>

8. That having calculated the aggregate in each case of the amounts at 6(h) and 7 above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of Council Tax for the year 2020/21 for each of the categories of dwellings shown below:

Council Tax Valuation Bands								
	A	B	C	D	E	F	G	H
	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9
	£	£	£	£	£	£	£	£
Barcombe	1,353.13	1,578.65	1,804.17	2,029.69	2,480.73	2,931.76	3,382.83	4,059.38
Beddingham and Glynde	1,360.57	1,587.34	1,814.10	2,040.86	2,494.38	2,947.90	3,401.44	4,081.72
Chailey	1,354.49	1,580.24	1,805.99	2,031.74	2,483.24	2,934.73	3,386.24	4,063.48
Ditchling	1,378.46	1,608.20	1,837.95	2,067.69	2,527.18	2,986.65	3,446.16	4,135.38
East Chiltington	1,342.55	1,566.30	1,790.06	2,013.82	2,461.34	2,908.84	3,356.38	4,027.64
Falmer	1,324.76	1,545.55	1,766.35	1,987.14	2,428.73	2,870.30	3,311.91	3,974.28
Firle	1,373.36	1,602.25	1,831.15	2,060.04	2,517.83	2,975.60	3,433.41	4,120.08
Hamsey	1,365.13	1,592.66	1,820.18	2,047.70	2,502.74	2,957.78	3,412.84	4,095.40
Iford	1,327.05	1,548.22	1,769.40	1,990.57	2,432.92	2,875.26	3,317.63	3,981.14
Kingston	1,397.56	1,630.49	1,863.41	2,096.34	2,562.19	3,028.04	3,493.91	4,192.68
Lewes	1,488.94	1,737.10	1,985.25	2,233.41	2,729.72	3,226.03	3,722.36	4,466.82
Newhaven	1,441.42	1,681.66	1,921.89	2,162.13	2,642.60	3,123.07	3,603.56	4,324.26
Newick	1,359.47	1,586.04	1,812.62	2,039.20	2,492.36	2,945.50	3,398.68	4,078.40
Peacehaven	1,414.85	1,650.66	1,886.47	2,122.28	2,593.90	3,065.51	3,537.14	4,244.56
Piddinghoe	1,373.47	1,602.38	1,831.29	2,060.20	2,518.02	2,975.83	3,433.68	4,120.40
Plumpton	1,380.76	1,610.89	1,841.01	2,071.14	2,531.39	2,991.64	3,451.91	4,142.28
Ringmer	1,366.97	1,594.79	1,822.62	2,050.45	2,506.11	2,961.75	3,417.43	4,100.90
Rodmell	1,367.09	1,594.93	1,822.78	2,050.63	2,506.33	2,962.01	3,417.73	4,101.26
St Ann Without	1,319.69	1,539.64	1,759.59	1,979.54	2,419.44	2,859.33	3,299.24	3,959.08
St John Without	1,319.69	1,539.64	1,759.59	1,979.54	2,419.44	2,859.33	3,299.24	3,959.08
Seaford	1,385.03	1,615.86	1,846.70	2,077.54	2,539.22	3,000.88	3,462.58	4,155.08
Southeast	1,319.69	1,539.64	1,759.59	1,979.54	2,419.44	2,859.33	3,299.24	3,959.08
South Heighton	1,349.42	1,574.32	1,799.23	2,024.13	2,473.94	2,923.73	3,373.56	4,048.26
Streat	1,349.25	1,574.12	1,799.00	2,023.87	2,473.62	2,923.36	3,373.13	4,047.74
Tarring Neville	1,319.69	1,539.64	1,759.59	1,979.54	2,419.44	2,859.33	3,299.24	3,959.08
Telscombe	1,398.02	1,631.02	1,864.03	2,097.03	2,563.04	3,029.03	3,495.06	4,194.06
Westmeston	1,376.27	1,605.64	1,835.02	2,064.40	2,523.16	2,981.90	3,440.68	4,128.80
Wivelsfield	1,368.43	1,596.50	1,824.57	2,052.64	2,508.78	2,964.91	3,421.08	4,105.28

9. Determine that the Council's basic amount of Council Tax for 2020/21 is not excessive in accordance with the principles approved under Section 52ZB of the Local Government Finance Act 1992, as amended.

As the billing authority, the Council has **not** been notified by a major precepting authority that its relevant basic amount of Council Tax for 2020/21 is excessive and that the billing authority is not required to hold a referendum in accordance with Section 52ZK Local Government Finance Act 1992, as amended.

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

E-mail: [committees@lewes-eastbourne.gov.uk](mailto:committees@lewes-eastbourne.gov.uk)

For further information please contact Homira Javadi, Chief Finance Officer Tel. (01323) 415149

**Appendices:**

Appendix 1 - Section 25 Statement of the Chief Finance Officer.

Appendix 2 - Revised General Fund Budget Summary.

Appendix 3 - Detail Town/Parish Precept, Tax Base and Band D analysis.

Appendix 4 - Draft Cabinet Minute Extract, 10 February 2020, General Fund Budget 2020/21 and Capital Programme.

Appendix 5 – Draft Cabinet Minute Extract, 10 February 2020, Treasury Management and Prudential Indicators 2020/21, Capital Strategy and Investment Strategy

Appendix 6 – Draft Cabinet Minute Extract, 10 February 2020, Housing Revenue Account (HRA) Revenue Budget and Rent Setting 2020/21 and HRA Capital Programme 2019-23.

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## **Section 25 Statement of the Section 151 Officer**

### **STATEMENT ON THE GENERAL FUND BUDGET PROPOSALS BY THE CHIEF FINANCIAL OFFICER**

#### **1. Statutory Requirements**

- 1.1. Section 25 of the Local Government Act 2003 requires Chief Financial Officers to report to their authorities about the robustness of estimates and the adequacy of reserves in the budget.
- 1.2. The Council is required to have regard to this report in approving the budget and council tax.

#### **2. Summary Opinion**

- 2.1. The budget proposals have been drafted amidst a set of challenging circumstances, which sees the Council continue to face ongoing economic and demand-led pressures.
- 2.2. Having taken into account the issues detailed in the report, I am able to give a positive opinion on the robustness of the estimates and the adequacy of financial reserves for 2020/21. I base my opinion on the budget presented to Cabinet on 10<sup>th</sup> February 2020 and subsequent updates following the latest Business Rates income position.
- 2.2. The inclusion of further service transformation and efficiency savings and additional income targets in the budget is challenging and as such there is a risk that, should these targets not be achieved, the Council will need to draw on its reserves during 2020/21. The Council has sufficient reserves to mitigate this risk in 2020/21 but use of reserves would not be sustainable in the medium term. Should any of the assumptions change which require the identification of significant additional savings then I will review this opinion.

#### **Robustness of the Estimates**

#### **3. Estimates Procedures and Processes**

- 3.1. In giving a positive opinion on the robustness of the estimates, I have relied on the established processes and procedures, which underpin the detailed review of all budgets. This process is undertaken and led by Finance in conjunction with Senior Managers, Heads of Service and budget holders.
- 3.2. Budget estimates are exactly that – estimates of spending and income made at a point in time and which will change as circumstances change. This statement about the robustness of estimates cannot give a 100% guarantee about the budget but gives Members reasonable assurance that the budget has been based on the best available information and assumptions at the time.

3.3. The key budget assumptions considered by officers in terms of assessing the robustness of budgets are shown below:

- The treatment of pay and price inflation and interest rates.
- The treatment of demand led pressures.
- The treatment of efficiency savings/income generation.
- The financial risk inherent in any significant new service/operational changes or major capital developments.
- The availability of other funds to deal with major contingencies.

3.4. A detailed list of the key financial assumptions included within the MTFS is set out in Appendix 4 to the Budget report.

#### **4. Determination of the level of resources available.**

4.1. The 2020/21 Financial Settlement, announced on 20<sup>th</sup> December 2019, was in line with expectation. Provisional settlement figures for 2020/21 have been provided, and have been used in the preparation of the current budget projections.

4.2. Whilst there is new money from Central Government, this has been prioritised for adult and children's social care.

4.3. The settlement provides no update on the progress of either the move to further business rates retention or the Review of Relative Needs and Resources (commonly called the Fair Funding Review). However, the settlement confirmed that the next business rates revaluation is planned for 2021 and from then on the Government intends to move to a three-yearly revaluation cycle.

#### **5. Advice on the level and use of reserves**

5.1. There is no statutory definition of a minimum level of reserves and it is for this reason that the matter falls to the judgement of Section 151 Officer. The level of reserves is a balance between the risk facing the Authority and the opportunity costs of holding those balances. Reserves can only be spent once and should ideally only be used to support one off expenditure or to allow time for management actions to be implemented.

5.2. Currently, the minimum level of General Fund Balance is set at £2m or approximately 15% of the net expenditure budget and is considered to be within the range that is deemed appropriate. The estimated level of the General Fund Balance at 31 March 2021 is £3.3m subject to final audit.

5.3. The General Fund Balance is set aside to mitigate against the impact of unexpected events and emergencies. In order to assess the adequacy key financial risks have been identified and are set out in section 7 below. It



should however be noted that this is not a precise science and that local circumstances, the strength of financial reporting arrangements and the Council's track record in financial management will also be a key influence on the actual potential of any individual risk materialising.

- 5.4. An analysis of earmarked reserves held by the Council has revealed that the level of individual reserves is appropriate. The reserves are estimated to be £6.8m at 31<sup>st</sup> March 2021. They are adequate to meet the commitments and forecast expenditure facing the Council, as well as providing a degree of resilience against changes in Business Rates income forecasts and the impact of a continuing economic downturn.

	<b>01 April 2020 £000's</b>	<b>Transfers In / (Out) £000's</b>	<b>31 March 2021 £000's</b>
<b>General Fund Balance</b>	<b>2,862</b>	<b>400</b>	<b>3,262</b>
<b>Earmarked Reserves</b>			
Asset Management	2,316	-	2,316
Newhaven Enterprise Zone	266	660	926
Economic Regeneration	1,124	-	1,124
Revenue Grants and Contributions	468	-	468
Strategic Change	1,771	(500)	1,271
Vehicle and Equipment Replacement	18	-	18
Business Rates Equalisation	200	202	402
Managing In-Year Economic Downturn	296	-	296
<b>Total Earmarked Reserves</b>	<b>6,459</b>	<b>362</b>	<b>6,821</b>
<b>Total Reserves</b>	<b>9,321</b>	<b>762</b>	<b>10,083</b>

- 5.5. In conclusion, having considered the need for balances and the budget risks, the level of reserves held are considered sufficiently adequate but only on the basis that any potential adverse budget variations are tightly controlled and wherever possible contained within service budgets.

## **6. Key Budget Risks**

- 6.1. The 2020/21 budget contains £2.7m of savings and income targets, of which some £1.9m is considered low risk or already certain. The remaining £0.8m will be challenging, but in my opinion achievable. This places significant reliance on senior management's ability to meet these targets in order to eliminate the need to draw on the Council's reserves to balance the budget as it closes the 2020/21 year. Thus, it will be important for a rigorous ongoing programme of management, monitoring and, where necessary, intervention to be in place to ensure delivery of the more challenging targets.
- 6.2. In the medium term the authority's plans for self-sufficiency contains risk from a potential inability of the Corporate Management Team (CMT) to identify and deliver new income and cost savings targets. However, CMT have given a

commitment to meeting these targets and ensuring they are delivered in the timescales required.

- 6.3. The Council has done a significant amount of work in recent years to move towards financial self-sufficiency, especially through its Joint Transformation Plan. The Council will continue on this path of transformation of core services but ultimately the organisation cannot produce enough savings by this process alone so it will also need to find new ways to generate income. As a result, the Council will need to take on a more commercial approach to generating income in the District, including property and housing development opportunities.
- 6.4. The 2018/19 Statement of Accounts have still not been finalised. Whilst an unqualified opinion is expected, until the audit process has been completed this cannot be guaranteed. As a result, there is still a risk that the outturn position could change, which in turn would impact on the reserves position outlined in section 5 above. Should the position change, I will review the outcome and impact and report back to Members in due course if necessary.
- 6.5. There are continuing risks associated with the Government Finance Settlement. The provisional settlement announced in December 2019 was for one year only, and as mentioned in section 4, provided no update on the progress of either the move to further business rates retention or the Fair Funding Review.
- 6.6. The Fair Funding Review, Business Rates Review and business rates reset has been deferred by 12 months to 2021/22. In addition, New Homes Bonus grant funding will be phased out after 2022/23.
- 6.7. These factors make forecasting resources in the medium terms extremely difficult. However, to help mitigate against this the projections included in the MTFS have been based on the most pessimistic outcome for the Council.
- 6.8. The economy ended 2018 growing a little less strongly than expected in October. Survey indicators of current activity have weakened materially, in part reflecting heightened uncertainty prior to the General Election related to Brexit. As a result, the OBR has revised their forecast for Gross Domestic Product (GDP) growth this year down to 1.2% – more than reversing the upward revision they made in October in response to the Government's discretionary fiscal loosening in the Budget. They have not altered their assessment of the outlook for potential output, so the medium-term forecast is little changed: GDP growth still settles down to around 1.5% a year.

## **7. Conclusion**

- 7.1. Based on the assessment included in this report I have concluded that the 2020/21 budgets as proposed and the associated systems and processes are sound, although I have acknowledged the challenging income and savings targets being proposed. The level of the General Fund Balance and other

reserves are adequate to meet the Council's medium term financial commitments as I see them today. However, as the risks in section 6 explain I have concerns about the continuing risks to district council finances in the medium term that are, at present, impossible to calculate. I may wish to revisit the level of General Fund Balance during the year as these matters become clearer. My conclusion is subject to no amendments being made to the budget proposals that would impact on this assessment.

Homira Javadi (CPFA, FCCA, ACCA)  
Chief Finance Officer and Section 151 Officer  
Lewes District Council

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# Lewes District Council

## General Fund Revenue Budget

<b>2020/21</b>	<b>2019/20 Original Budget</b>	<b>2019/20 Revised Budget</b>	<b>2020/21 Budget</b>
<b>SUMMARY</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
Corporate Services	5,451	5,337	5,716
Contingency Provision	1,600	0	450
Service Delivery	8,558	9,036	8,916
Regeneration, Planning & Assets	431	950	952
Tourism & Enterprise Services	439	613	669
Housing Revenue Account	(3,235)	(3,535)	(4,035)
<b>Total Service Expenditure</b>	<b>13,244</b>	<b>12,401</b>	<b>12,668</b>
Efficiency Savings	(750)	(720)	(720)
Capital Financing and Interest	0	150	650
Contributions to/(from) Reserves	964	1,627	1,656
<b>Net Expenditure</b>	<b>13,458</b>	<b>13,458</b>	<b>14,254</b>

<b>Financed by:</b>			
Retained Business Rates - Baseline	(2,207)	(2,207)	(2,243)
Retained Business Rates - Growth	(2,568)	(2,568)	(2,497)
Business Rates Pool	0	0	(250)
Business Rates - Newhaven Enterprise Zone	(266)	(266)	(660)
Council Tax	(7,578)	(7,578)	(7,796)
New Homes Bonus	(457)	(457)	(464)
Other Government Grants	(382)	(382)	(344)
<b>Total Financing</b>	<b>(13,458)</b>	<b>(13,458)</b>	<b>(14,254)</b>

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## Appendix 3

Please find below additional information on the parish precept, to support the Council Tax Resolutions report.

### TOWN AND PARISH COUNCILS

2019/20 COUNCIL TAX PRECEPT £	2019/20 BAND D TAX BASE £	2019/20 BAND D COUNCIL TAX £	TOWN/PARISH	2020/21 COUNCIL TAX PRECEPT £	2020/21 BAND D TAX BASE £	2020/21 BAND D COUNCIL TAX £
31,382	633.0	49.58	Barcombe	31,973	637.6	50.15
10,954	186.7	58.67	Beddingham and Glynde	11,283	184.0	61.32
61,169	1,298.8	47.10	Chailey	66,720	1,299.6	51.34
85,275	1,128.4	75.57	Ditchling	98,905	1,122.0	88.15
5,306	192.8	27.52	East Chiltington	6,612	192.9	34.28
493	65.5	7.53	Falmer	500	65.8	7.60
9,657	123.1	78.45	Firle	10,046	124.8	80.50
17,584	258.3	68.08	Hamsey	18,506	271.5	68.16
4,588	91.7	50.03	Iford	1,000	90.7	11.03
49,759	430.8	115.50	Kingston	50,000	428.1	116.80
1,093,813	6,138.8	178.18	Lewes	1,213,829	6,137.9	197.76
493,892	3,739.1	132.09	Newhaven	539,506	3,693.8	146.06
62,861	1,103.3	56.98	Newick	66,000	1,106.3	59.66
536,289	4,717.6	113.68	Peacehaven	644,160	4,800.9	134.17
9,970	125.9	79.19	Piddinghoe	9,970	123.6	80.66
56,985	665.7	85.60	Plumpton	60,953	665.4	91.60
91,466	1,879.5	48.67	Ringmer	128,638	1,876.3	68.56
11,846	210.0	56.41	Rodmell	14,800	208.2	71.09
-	40.3	0.00	St Ann Without	-	39.6	0.00
-	27.2	0.00	St John Without	-	23.6	0.00
767,459	9,544.1	80.41	Seaford	872,023	9,495.7	91.83
-	23.3	0.00	Southease	-	22.8	0.00
11,788	269.8	43.69	South Heighton	12,377	277.6	44.59
3,461	81.1	42.68	Streat	3,600	81.2	44.33
-	9.2	0.00	Tarring Neville	-	8.6	0.00
225,417	2,526.6	89.22	Telscombe	239,943	2,533.6	94.70
7,000	154.9	45.19	Westmeston	13,000	153.2	84.86
80,037	1,094.9	73.10	Wivelsfield	83,787	1,146.2	73.10
<b>3,728,451</b>	<b>36,760.4</b>	<b>101.43</b>		<b>4,198,131</b>	<b>36,811.5</b>	<b>114.04</b>

(Average)

(Average)

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## **Lewes District Council**

## **APPENDIX 4**

<b>Meeting:</b>	<b>Council</b>
<b>Date:</b>	<b>24 February 2020</b>
<b>Subject:</b>	<b>General Fund Revenue Budget 2020/21 and Capital Programme</b>
<b>Report of:</b>	<b>Councillor Zoe Nicholson on behalf of the Cabinet</b>

---

The Council is asked to consider the minute and resolution of the Cabinet meeting held on 10 February 2020 as set out below.

---

### **The Council is recommended to:-**

- (1) Approve the General Fund budget for 2019/20 (Revised) and 2020/21 (original) set out at Appendix 1 to the Cabinet report including growth and savings proposals for 2020/21 as set out at Appendix 3 to the Cabinet report.**
  - (2) To approve an increase in the Council Tax for Lewes District Council of £5 resulting in a Band D charge for general expenses of £192.08 for 2020/21**
  - (3) To approve the revised General Fund capital programme 2020/21 revised as set out at Appendix 5 to the Cabinet report.**
  - (4) To note the section 151 Officer's sign off as outlined in the Cabinet report.**
- 

### **Draft minute extract**

#### **Cabinet – 10 February 2020.**

The Cabinet considered the report of the Chief Finance Officer to agree the updated General Fund budget and updated medium term financial strategy (MTFS), together with the updated capital programme.

Cabinet unanimously agreed to an additional resolution and this was detailed at point 1 below.

#### **Resolved (Key decision):**

- (1) To note the late issue of the Local Government Financial settlement on 6 February 2020 and to authorise the Chief Finance Officer to make the appropriate financial adjustments to inform the budget.**
-

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**Recommended to Full Council (Budget and policy framework):**

- (2) To approve the General Fund budget for 2019/20 (Revised) and 2020/21 (original) set out at Appendix 1 to the report including growth and savings proposals for 2020/21 as set out at Appendix 3 to the report.
- (3) To approve an increase in the Council Tax for Lewes District Council of £5 resulting in a Band D charge for general expenses of £192.08 for 2020/21
- (4) To approve the revised General Fund capital programme 2020/21 revised as set out at Appendix 5 to the report.
- (5) To note the section 151 Officer's sign off as outlined in the report.

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For a copy of the report please contact Democratic Services:

Tel. (01273) 471600.

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## **Lewes District Council**

**Meeting:** Council

**Date:** 24 February 2020

**Subject:** Treasury Management and Prudential Indicators 2020/21,  
Capital Strategy & Investment Strategy

**Report of:** Councillor Zoe Nicholson on behalf of the Cabinet

---

The Council is asked to consider the minute and resolution of the Cabinet meeting held on 10 February 2020 as set out below.

---

### **The Council is recommended to:-**

- (1) Approve the Treasury Management Strategy and Annual Investment Strategy for 2020/21 as set out at Appendix A to the Cabinet report;**
  - (2) To approve the Minimum Revenue Provision Policy Statement 2020/21 as set out at paragraph 8 of the Cabinet report;**
  - (3) To approve the Prudential and Treasury Indicators 2020/21 to 2022/23, as set out at paragraph 6 of the Cabinet report;**
  - (4) To approve the Capital Strategy set out at Appendix E to the Cabinet report.**
- 

### **Draft minute extract**

#### **Cabinet – 10 February 2020.**

The Cabinet considered the report of the Chief Finance Officer seeking their approval to the Council's annual treasury management strategy, capital strategy and investment strategy, together with the treasury and prudential indicators for the next financial year.

Ola Owolabi, Deputy Chief Finance Officer advised that minor corrections to the Strategy would be made in advance of its submission to Full Council in February 2020.

#### **Recommended to Full Council (Budget and policy framework):**

- (1) To approve the Treasury Management Strategy and Annual Investment Strategy for 2020/21 as set out at Appendix A to the report;**
  - (2) To approve the Minimum Revenue Provision Policy Statement 2020/21 as set out at**
-

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paragraph 8 of the report;

(3) To approve the Prudential and Treasury Indicators 2020/21 to 2022/23, as set out at paragraph 6 of the report;

(4) To approve the Capital Strategy set out at Appendix E to the report.

**Reason for decisions:**

It is a requirement of the budget setting process for the Council to review and approve the Prudential and Treasury indicators, Treasury Strategy, Capital Strategy and Investment Strategy.

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## **Lewes District Council**

## **APPENDIX 6**

**Meeting:** Council

**Date:** 24 February 2020

**Subject:** Housing Revenue Account (HRA) Revenue Budget and Rent Setting 2020/21 and HRA Capital Programme 2019-23

**Report of:** Councillor Zoe Nicholson on behalf of the Cabinet

---

The Council is asked to consider the minute and resolution of the Cabinet meeting held on 10 February 2020 as set out below.

---

### **The Council is recommended to:-**

**(1) Agree the HRA budget for 2020/21 and revised 2019/20 budget as set out at Appendix 1 to the Cabinet report.**

**(2) Agree that social and affordable rents (including Shared Ownership) are increased by 2.7% in line with government policy.**

**(3) Agree that private sector leased property rents are increased by 3.4% (RPI+1%).**

**(4) Agree that the revised service charges are implemented.**

**(5) Agree that garage rents are increased by 3.4% (RPI+1%).**

**(6) Agree that the HRA Capital Programme as set out at Appendix 2 to the Cabinet report.**

---

### **Draft minute extract**

#### **Cabinet – 10 February 2020.**

The Cabinet considered the report of the Chief Finance Officer regarding the detailed Housing Revenue Account (HRA) budget proposals, rent levels, service charges for 2020/21, and the HRA Capital Programme 2019-23.

#### **Recommended to Full Council (Budget and policy framework):**

**(1) To agree the HRA budget for 2020/21 and revised 2019/20 budget as set out at Appendix 1 to the report.**

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(2) To agree that social and affordable rents (including Shared Ownership) are increased by 2.7% in line with government policy.

(3) To agree that private sector leased property rents are increased by 3.4% (RPI+1%).

(4) To agree that the revised service charges are implemented.

(5) To agree that garage rents are increased by 3.4% (RPI+1%).

(6) To agree that the HRA Capital Programme as set out at Appendix 2 to the report.

**Reason for decisions:**

The Cabinet has to recommend to Full Council the setting of the HRA revenue and capital budget and the level of social and affordable housing rents for the forthcoming year.

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## **General Budget Amendment Proposals from Councillor Linington**

### **1. CLIFF (Coastal Loss Innovative Funding and Finance) Rapid Scoping Review**

£10,000 – to join this project undertaken by Coastal Partnership East and Marsh to complete the work on considering potential finance or funding mechanisms to incentivise residents to relocate from high risk areas or provide financial protection to those that lose their homes. The first phase identified five potential financial options. The second phase will explore these in more detail and screen them for political sensitivity, financial viability, and social acceptability at different locations around the coast in England and Wales.

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## Lewes District Council

**Meeting:** Council

**Date:** 24 February 2020

**Subject:** Adoption ('making') of the Seaford Neighbourhood Plan

**Report of:** Councillor Emily O'Brien on behalf of the Cabinet

---

The Council is asked to consider the minute and resolution of the Cabinet meeting held on 10 February 2020 as set out below.

---

**The Council is recommended to:-**

**Formally adopt the Seaford Neighbourhood Plan as part of the statutory development plan for the district.**

---

### **Draft minute extract**

#### **Cabinet – 10 February 2020.**

The Cabinet considered the report of the Director of Regeneration and Planning regarding the potential adoption of the Seaford Neighbourhood Plan following the successful referendum on 6 February 2020.

5,566 voted in support of the Neighbourhood Plan, with 673 voting against.

#### **Recommended to Full Council (Budget and policy framework):**

To recommend that the Seaford Neighbourhood Plan is formally adopted/'made' as part of the statutory development plan for the district.

#### **Reason for decision:**

To ensure the Seaford Neighbourhood Plan is 'made' within the timeframe set out by the Neighbourhood Planning (General) Regulations 2012 (as amended).

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## Lewes District Council

<b>Meeting:</b>	<b>Council</b>
<b>Date:</b>	<b>24 February 2020</b>
<b>Subject:</b>	<b>Adoption of the Lewes District Local Plan Part 2: Site Allocations and Development Management Policies</b>
<b>Report of:</b>	<b>Councillor Emily O'Brien on behalf of the Cabinet</b>

---

The Council is asked to consider the minute and resolution of the Cabinet meeting held on 10 February 2020 as set out below.

---

### **The Council is recommended to:-**

- (1) Amend the Lewes District Local Plan Part 2, to incorporate the main modifications set out in the Examination Inspector's report, and adopt it as part of the statutory development plan for the district in accordance with Section 23 of the Planning & Compulsory Purchase Act 2004 and Regulation 26 of the Town & Country Planning (Local Planning) (England) Regulations 2012;**
  - (2) Publish the Lewes District Local Plan Part 2, together with the relevant adoption statements, Policies Map, and Sustainability Appraisal in accordance with Regulations 26 and 35 of the Town and Country Planning (Local Planning)(England) Regulations 2012;**
  - (3) Authorise the Director of Regeneration & Planning to agree any minor editorial corrections identified prior to publication of the adopted Lewes District Local Plan Part 2.**
- 

### **Draft minute extract**

#### **Cabinet – 10 February 2020.**

The Cabinet considered the report of the Director of Regeneration and Planning seeking adoption of the Lewes District Local Plan Part 2, incorporating the modifications set out in the Examination Inspector's report, as part of the statutory development plan for the district.

Subject to the adoption of the Seaford Neighbourhood Plan, minor revisions would be made to appendix 2 and 3, prior to any publication of the Plan.

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**Recommended to Full Council (Budget and policy framework):**

(1) To recommend that the Lewes District Local Plan Part 2, amended to incorporate the main modifications set out in the Examination Inspector's report, is adopted as part of the statutory development plan for the district in accordance with Section 23 of the Planning & Compulsory Purchase Act 2004 and Regulation 26 of the Town & Country Planning (Local Planning) (England) Regulations 2012;

(2) To recommend that the Lewes District Local Plan Part 2 is published, together with the relevant adoption statements, Policies Map, and Sustainability Appraisal in accordance with Regulations 26 and 35 of the Town and Country Planning (Local Planning)(England) Regulations 2012;

(3) To recommend that the Director of Regeneration & Planning be authorised to agree any minor editorial corrections identified prior to publication of the adopted Lewes District Local Plan Part 2.

**Reason for decisions:**

To ensure that the Council has an up-to-date and comprehensive statutory development plan to guide decisions on individual planning applications for development in that part of the district outside the South Downs National Park.

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<b>Report to:</b>	<b>Council</b>
<b>Date:</b>	<b>24 February 2020</b>
<b>Title:</b>	<b>Local Council Tax Reduction Scheme 2020/21 and Council Tax Class C Discount</b>
<b>Report of:</b>	<b>Tim Whelan, Director of Service Delivery</b>
<b>Cabinet member:</b>	<b>Councillor Zoe Nicholson, Leader of the Council</b>
<b>Ward(s):</b>	<b>All</b>
<b>Purpose of report:</b>	<b>To gain Council's approval that the 2019/20 Local Council Tax Reduction Scheme is adopted as the 2020/21 scheme and that the Council Tax Class C Discount for empty and unfurnished properties is ended from 1 April 2020.</b>
<b>Decision type:</b>	<b>Key</b>
<b>Officer recommendation(s):</b>	<p><b>(1) That 2019/20 Local Council Tax Reduction Scheme is adopted as the 2020/21 scheme.</b></p> <p><b>(2) That the Council Tax Class C Discount for empty and unfurnished properties is ended from 1 April 2020.</b></p> <p><b>(3) Establish a pilot scheme during 2020/21 to provide additional relief to the self employed on very low income.</b></p> <p><b>(4) To delegate to the Director of Service Delivery authority to end the Council Tax Class C Discount from 1 April 2020.</b></p> <p><b>(5) To delegate to the Director of Service Delivery authority to establish a pilot scheme in 2020/21 to provide additional relief to the self-employed on a very low income.</b></p>
<b>Reasons for recommendations:</b>	<p><b>Ending the Class C discount will encourage property owners to avoid having properties that are not occupied.</b></p> <p><b>The additional monies raised would be used to support those self-employed CTR claimants who are affected by the application of the minimum income floor and during the year of 2020/21 assess the likely impact on the council tax base of removal of minimum income floor.</b></p>
<b>Contact Officer(s):</b>	<p><b>Name: Bill McCafferty</b> <b>Post title: Functional Lead for Thriving Communities</b> <b>E-mail: bill.mccafferty@lewes-eastbourne.gov.uk</b> <b>Telephone number: (01323) 415171</b></p>

## **1 Introduction**

- 1.1 The government abolished the national Council Tax Benefit scheme from April 2013 and required local authorities to develop and adopt their own scheme of support for working age claimants. This change came with a 10% cut in funding.
- 1.2 To protect pensioners from any reduction in support, the government put in place a national scheme that local authorities had to adopt. Therefore, any reduction in support had to come from those of working age.
- 1.3 The Council adopted a revised Local Council Tax Reduction (LCTR) scheme for 2016/17 that:
  - Limited a Council Tax Reduction to 80% of the council tax liability
  - Assumed a minimum income for claimants who have been self-employed for more than 12 months
- 1.4 There have not been any changes to the scheme since 2016/17 so the current 2019/20 scheme takes into account the financial pressures on the Council and the major preceptors.

## **2 Proposal**

- 2.1 Cabinet, in October 2019, recommended that:
  - the 2019/20 Local Council Tax Reduction scheme (LCTR) is adopted for 2020/21. The 2020/21 scheme rules are at Appendix 1;
  - the Class C Council Tax Discount is ended from 1 April 2020. The Class C discount exempts the tax payer from Council Tax for one month if the property is empty and unfurnished; and
  - a pilot scheme is established in 2020/21 to provide additional relief to the self-employed on a very low income.
- 2.2 The Council Tax Class C discount was designed to give landlords a window of opportunity to do whatever may be necessary between lets, as well as a short window to find new tenants. There are other discounts and exemptions available on empty properties. For example, for someone who has moved into a care home or hospital, or on properties that have been repossessed or cannot be lived in by law or if they are derelict. These discounts and exemptions are not affected by this proposal.
- 2.3 Empty unfurnished properties owned by Registered Social Landlords would not be affected as they qualify for a separate 100% discount due to their charitable status.
- 2.4 It is estimated that removal of the discount would raise £28,000 for the Council. The additional monies would be used to support those self-employed CTR

claimants who are affected by the application of the minimum-income floor.

### **3 Outcome expected and performance management**

- 3.1 That the LCTR scheme supports those on low incomes to meet their council tax liabilities.
- 3.2 The cost of the LCTR scheme will be monitored monthly.
- 3.3 The council tax base will increase as a result of ending the Class C Discount.
- 3.4 A benefit to removing the discount is that it would reduce the burden of administration on staff and would simplify the scheme. The process of requesting supporting evidence and subsequent arguments over eligibility are time consuming. On the reverse side it is likely to result in a high volume of customer contact initially and mean that there is more council tax to collect.
- 3.5 It would also end disputes where a new tenant or owner thought they should be entitled to a discount, only to find that the previous occupier had already claimed the full discount period.
- 3.6 To ascertain the impact of the application of the minimum income floor, in terms of both the financial loss and numbers affected, the service are collating data on the numbers of self-employed claimants affected and the amount of CTR they would have received if their entitlement was based on their actual income and the minimum income floor had not been applied. This data has been supplied to Cabinet on a monthly basis since November 2019.
- 3.7 For the self-employed there will be two calculations, one based on the minimum income floor and one based on actual income to see how much Council Tax relief has been lost. During the pilot period, which starts on 1 April 2020, the additional income raised from the Class C discounts and potentially the Exceptional Hardship fund can be utilised to reduce the impact of the minimum income floor.

### **4 Consultation**

- 4.1 There is no requirement to consult on the Local Council Tax Reduction Scheme proposal as no changes to the scheme are being proposed.
- 4.2 A consultation was carried out between 30 October 2019 and 31 December 2019 on the proposal to end the Class C Discount. The Consultation report is at Appendix 2.
- 4.3 There were 177 responses to the consultation. 60% (103) of respondents agreed or strongly agreed with the proposal. 37.5% (65) of respondents disagreed or strongly disagreed with the proposal.
- 4.4 When asked 'Do you have any comments on how the proposal would affect you

either positively or negatively?, the comments included the following:

- The proposals would not affect me – 42 comments
- Unfair to pay council tax when a property is empty – 15 comments
- Need to have a month to repair/refurbish a property and find new tenants – 15 comments
- I am supportive of the proposals – 15 comments
- Good to get properties back on the market – 8 comments

When asked if respondents have any other comments these were the most common themes:

- Agreement with the proposals – 32 comments
- The proposal is unfair – 22 comments
- Will help prevent properties sitting empty – 13 comments
- Exemptions should still be in place in the case of a bereavement/probate circumstances – 11 comments

It should be noted that there is an exemption (Class F) from Council Tax where a property is empty due to the occupier passing away. This exemption applies where the property remains empty and until probate is granted.

## **5 Financial Appraisal**

- 5.1 The cost of the Local Council Tax Reduction Scheme, in terms of a reduction in tax base, of the 2019/20 scheme will be in the region of £6.5m based on the latest budget monitoring information. The cost of the scheme in 2020/21 is likely to increase in line with any rises in council tax.
- 5.2 Council Tax has not yet been set for 2020/21 so no estimates are available for this year in terms of the likely reduction in the tax base for 2020/21.
- 5.3 Removal of the Class C discount has the effect of increasing the tax base. The estimated additional Council Tax that would be raised is £163,666. The Council's share of this would be £24,550, with £117,840 going to County and £21,276 to the Police and East Sussex Fire and Rescue Service.
- 5.4 The removal of the discount will apply to Council owned properties. It is estimated that this will cost in the region of £8,000.

## **6 Legal implications**

- 6.1 Recommendation (1) of this report reflects the duty on the Council under paragraph 5 of Schedule 1A to the Local Government Finance Act 1992 to consider, for each financial year, whether to revise its council tax reduction scheme or to replace it with another scheme. It is open to the Council to decide to make no changes to the scheme from one financial year to the next.
- 6.2 If, despite recommendation (1), the Council is minded to revise or replace the scheme for 2020/21, it must do so no later than 11 March 2020, following



consultation with the major preceptors and other interested parties.

- 6.3 Under section 67 of the 1992 Act, adoption of a Council Tax Reduction Scheme is reserved to full Council. The role of Cabinet is to consider the proposed scheme and make a recommendation to Council, with any amendment to the scheme it considers appropriate.

*Lawyer consulted 04.02.20*

*Legal ref: 008944-LDC-OD*

## **7 Risk management implications**

- 7.1 The main risk to the Council is that the cost of the scheme rises substantially. This could happen if there is an upturn in the number of people who become eligible for, and claim, CTR. This risk has to be accepted as the Council has no mechanism to prevent this happening.
- 7.2 Monthly monitoring will identify any unexpected rise in the amount of CTR being awarded and this will be notified to the relevant Finance officers.

## **8 Equality analysis**

- 8.1 An Equality and Fairness Analysis Screening report was undertaken and as there are no changes to the LCTR scheme being proposed there is no requirement for a full Equality and Fairness Analysis to be carried out, as one was carried out on the 2016/17 scheme.
- 8.2 An Equality Analysis has been undertaken on the proposal to remove the Class C discount. This concluded that;
- 8.3 Generally, a neutral impact is anticipated for groups protected under the Equality Act; however, the Council has a general power under legislation to reduce council tax for an individual or group should it consider it necessary and after taking into account the impact on all council tax payers
- 8.4 If an individual, or organisation, is particularly impacted by this change the Council could mitigate the impact by using the general power.
- 8.5 There are other discounts and exemptions available to tax payers depending on the reasons why the property is unoccupied. For example, if the taxpayer is in hospital or a care home, in prison or the property is unable to be occupied by law, for example if it is derelict.

## **9 Sustainability Implications**

- 9.1 Nothing arising from this report has any detrimental Environmental impact.

## **10 Appendices**

Appendix 1 – Local Council Tax Reduction Scheme 2020/21 **(Circulated as a separate document)**

Appendix 2 - Class C Discount Consultation Report

**11 Background papers**

The background papers used in compiling this report were as follows:  
[Local Council Tax Reduction Scheme 2019/20](#)



Lewes District Council

# **Consultation on proposals to stop the council tax discount for empty and unfurnished homes in Lewes district: consultation report**

*January 2020*

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## Background

Between 30 October and 31 December 2019 Lewes District Council invited comments from residents, landlords, private and council tenants and other stakeholders over proposals to stop providing a 100% council tax discount for the first month that a home is empty and unfurnished. This is known as a 'Class C' discount. The changes would take effect from 1 April 2020.

The benefits of proposing this change were states as:

- property owners would be encouraged to bring empty homes back into use more quickly – the council can help owners find tenants if needed,
- income from council tax would increase,
- the administration costs of processing these discounts would be reduced.

## How we consulted

- We carried out a public consultation from 30 October to 31 December 2020.
- We published a page on the council website which included the proposals and rationale for these.
- We provided an online survey for respondents to structure their feedback and made the offer of providing paper copies of this on request.
- We also offered the consultation information in different languages and formats.
- We publicised the consultation through the local media, our social media channels, via the council's website and by email to the council's consultation mailing list.

## Who responded

- 177 people responded to the consultation.
- 81% of respondents (141) were home owners or private landlords.
- A response was also received by Wivelsfield Parish Council.

## Key findings

- 60% (103) of respondents agreed or strongly agreed with the proposals.
- 37.5% (65) of respondents disagreed or strongly disagreed with the proposals.
- When asked 'Do you have any comments on how the proposal would affect you either positively or negatively?' the comments included the following themes:
  - The proposals would not affect me – 42 comments
  - Unfair fair to pay council tax when a property is empty – 15 comments

- Need to have a month to repair / refurbish a properties and find a new tenant – 15 comments
- I am supportive of the proposals – 15 comments
- Good to get properties back on the market – 8 comments
- When asked if respondents have any other comments, these were the most common themes:
  - Agreement with the proposals – 32 comments
  - The proposal is unfair – 22 comments
  - Will help prevent properties from siting empty – 13 comments
  - Exemptions should still be in place in the case of a bereavement / probate circumstances – 11 comments

A full summary of the consultation feedback is available below.

## Next steps

These findings will be included alongside a report making recommendations to Lewes District Council Full Council on 24 February 2020. The agenda and papers for this meeting will be available here: [democracy.lewes-eastbourne.gov.uk/ieListDocuments.aspx?CId=431&MId=2967&Ver=4](http://democracy.lewes-eastbourne.gov.uk/ieListDocuments.aspx?CId=431&MId=2967&Ver=4)

## Summary of survey responses

1. Which of the following best describes you				
			Response Percent	Response Total
1	A partner organisation of Lewes District Council		0.57%	1
2	A home owner or private landlord		81.03%	141
3	A tenant renting privately		5.17%	9
4	Housing Association tenant		0.00%	0
5	Council tenant		4.02%	7
6	Other (please specify):		9.20%	16
			answered	174
			skipped	3
Other (please specify): (16)				
1	A home owner and letting agent			
2	Resident in Lewes District			
3	Private houseowner			

### 1. Which of the following best describes you

		Response Percent	Response Total
4	Home owner - not a landlord in any way		
5	Lodger		
6	Home owner		
7	Homeowner in another district		
8	Town Councillor - and resident/home owner		
9	Almshouse Trustee, Chair of local Community Land Trust		
10	Citizen concerned about vulnerable people		
11	Individual resident with keen interest in homelessness		
12	A tenant in the house-buying process		
13	Householder		
14	Letting agent		
15	Agent acting for a provider of private rented housing		

### 2. We are proposing, from 1 April 2020, to stop providing a 100% council tax discount for the first month that a home is empty and unfurnished. How much do you agree or disagree with this proposal?

		Response Percent	Response Total
1	Strongly agree	45.09%	78
2	Agree	14.45%	25
3	Disagree	6.36%	11
4	Strongly disagree	31.21%	54
5	Don't know	2.89%	5
		answered	173
		skipped	4

### 3. Do you have any comments on how the proposal would affect you either positively or negatively?

#### Comment themes and frequency

The proposals would not affect me - **42**

Unfair fair to pay council tax when a property is empty - **15**

Need to have a month to repair / refurbish a properties and find a new tenant - **15**

### 3. Do you have any comments on how the proposal would affect you either positively or negatively?

I am supportive of the proposals – 15
Good to get properties back on the market – 8
Benefit to the public purse – 7
It may mean I would increase the charge to tenants - 6
Unfair or distressing in the case of a bereavement – 6
Discount should be offered to private owners (not landlords) - 6
No period for repairs could negatively impact the standard of housing - 6
The proposals could cause hardship for some - 3
Other comments - 19

#### The following comment was also received from Wivelsfield parish Council:

*“Wivelsfield Parish Council strongly objects to this proposal. Councillors noted that the policy makes no distinction between the reasons for which a property may be empty. It was felt that if the owner is making an effort to let the property, sell it, or if the owner has just died, you should not be forced to pay council tax. If the property is empty, no-one is using services to be charged council tax on, therefore it would be more appropriate to have a six month grace period in which no council tax is charged.”*

### 4. Do you have any other comments about this proposal?

#### Comment theme and frequency

Agreement with the proposals - 32
The proposal is unfair – 22
Will help prevent properties from sitting empty - 13
Exemptions should still be in place in the case of a bereavement / probate circumstances – 11
One month is a fair amount of time to carry out repairs and find a new tenant – 7
Exemption should apply to people redecorating or renovating - 4
There should be penalties for properties left empty for long periods – 4
This won't bring properties back on the market more quickly - 4
The proposal would discourage landlords from redecorating - 4
Exemptions should apply to people buying and selling their own home – 4
Remove the discount for second / holiday homes – 3
Need to consider the impact on vulnerable people - 3

#### 4. Do you have any other comments about this proposal?

Other comments - **26**

#### 5. Where in Lewes district do you currently live?

			Response Percent	Response Total
1	Lewes		24.56%	42
2	Newhaven		12.87%	22
3	Peacehaven		6.43%	11
4	Telscombe Cliffs		3.51%	6
5	Saltdean		1.75%	3
6	Seaford		25.73%	44
7	Barcombe		0.00%	0
8	Bishopstone		0.00%	0
9	Chailey		2.34%	4
10	Denton		0.58%	1
11	Ditchling		1.75%	3
12	East Chiltington		0.00%	0
13	Falmer		0.58%	1
14	Firle		0.58%	1
15	Glynde		0.58%	1
16	Hamsey		0.58%	1
17	Iford		0.58%	1
18	Kingston		1.75%	3
19	Newick		1.17%	2
20	Offham		0.58%	1
21	Piddinghoe		0.00%	0
22	Plumpton		1.75%	3
23	Ringmer		6.43%	11
24	Rodmell		0.00%	0
25	Southease		0.00%	0
26	South Highton		0.00%	0
27	Streat		0.00%	0
28	Tarring Neville		0.00%	0
29	Telscombe Village		0.00%	0



5. Where in Lewes district do you currently live?				
			Response Percent	Response Total
30	Westmeston		1.17%	2
31	Wivelsfield		1.75%	3
32	Somewhere else (please specify):		2.92%	5
			answered	171
			skipped	6
Somewhere else (please specify): (5)				
	1	Uckfield		
	2	Seaford		
	3	Aldwick in Arun District.		
	4	France		
	5	Burgess hill		

All respondents skipped the equality monitoring questions.

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## **Lewes District Council**

**Meeting: Council**

**Date: 28 October 2019**

**Subject: Local Council Tax Reduction Scheme and Council Tax Class C Discount**

**Report of: Councillor Zoe Nicholson on behalf of the Cabinet**

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The Council is asked to consider the minute and resolution of the Cabinet meeting held on 28 October 2019 as set out below.

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### **The Council is recommended:-**

**(1) To adopt the 2019/20 Local Council Tax Reduction Scheme as the 2020/21 scheme.**

**(2) To end the Council Tax Class C Discount for empty and unfurnished properties from 1 April 2020.**

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### **Minute extract Cabinet – 28 October 2019**

The Cabinet considered the report of the Director of Service Delivery regarding the Local Council Tax Reduction (CTR) Scheme 2020/21 and Council Tax Class C Discount.

It was clarified that the removal of the discount would raise an estimated £28,000 for the Council. The additional monies would be used to support those self-employed CTR claimants who were affected by the application of the minimum-income floor. Further details were contained in the report.

In response to points raised by visiting member, Councillor Linington, it was clarified that officers would be undertaking significant checks to ensure the scheme would not be exploited.

Ms Debbie Twitchen, Tenants Representative addressed the Cabinet in support of the recommendations.

The Cabinet welcomed the pilot scheme that would give more assistance to the most vulnerable residents.

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**Recommended to Council (Budget and policy framework):**

(1) To recommend to Full Council that the 2019/20 Local Council Tax Reduction Scheme be adopted as the 2020/21 scheme.

(2) To recommend to Full Council that the Council Tax Class C Discount for empty and unfurnished properties be ended from 1 April 2020.

**(Key decision):**

(3) To establish a pilot scheme during 2020/21 to provide additional relief to the self-employed on very low income.

**Reason for decision:**

(1) Ending the Class C discount will encourage property owners to try to avoid having properties that are not occupied.

(2) The additional monies raised would be used to support those self-employed CTR claimants who are affected by the application of the minimum income floor and during the year of 2020/21 assess the likely impact on the council tax base of removal of minimum income floor.

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For a copy of the report please contact Democratic Services:

Tel. (01273) 471600.

E-mail: [committees@lewes-eastbourne.gov.uk](mailto:committees@lewes-eastbourne.gov.uk)

A copy may be downloaded on the Council's website by following the link below:

<https://democracy.lewes-eastbourne.gov.uk/mgGeneric.aspx?MD=CommitteesLanding&bcr=1>

<b>Report to:</b>	<b>Full Council</b>
<b>Date:</b>	<b>24 February 2020</b>
<b>Title:</b>	<b>Appointment of Returning Officer and Electoral Registration Officer</b>
<b>Report of:</b>	<b>Assistant Director – Legal and Democratic Services</b>
<b>Ward(s):</b>	<b>All</b>
<b>Purpose of report:</b>	<b>To recommend that Council appoints Ian Fitzpatrick, Deputy Chief Executive, as Returning Officer and Electoral Registration Officer for Lewes District Council</b>
<b>Officer recommendation(s):</b>	<b>(1) That Ian Fitzpatrick, Deputy Chief Executive, be appointed as the Returning Officer for District, Town and Parish elections, and for polls and referendums within the Lewes District, The Acting Returning Officer for UK Parliamentary Elections and Referendums and the Electoral Registration Officer for the Lewes District.</b>
<b>Reasons for recommendations:</b>	<b>The Returning Officer and Electoral Registration Officer has overall responsibility for the conduct of elections and registration. The existing position where one individual (the Council's Chief Executive) is responsible across both councils is onerous, and unnecessary.</b>
<b>Contact Officer(s):</b>	<b>Name:</b> Catherine Knight <b>Post title:</b> Assistant Director – Legal & Democratic Services <b>E-mail:</b> Catherine.knight@lewes-eastbourne.gov.uk <b>Telephone number:</b> 01323 415864

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## **1 Introduction**

- 1.1 The current appointment of Returning Officer (RO) and Electoral Registration Officer (ERO) for Lewes District Council is Robert Cottrill, Chief Executive. He has also been the designated RO and ERO for Eastbourne Borough Council for some years.
- 1.2 Whilst it is lawfully possible for there to be a single RO / ERO across both authorities, it is onerous. Eastbourne Borough Council and Lewes District Council together comprise a total of 30 wards (Eastbourne 9; Lewes 21). A part of the RO's duties includes checking that polling arrangements operate satisfactorily on the day of poll. Whilst the geography of Eastbourne Borough is relatively compact, Lewes District covers a wide and largely rural area with a significantly greater number of polling stations. In addition, combining the RO / ERO role in a single officer means that the RO / ERO is not able to be present

for the full duration of Counts within Lewes District as he / she must divide his / her time on the day of the Count between Lewes and Eastbourne.

- 1.3 Ian Fitzpatrick, Deputy Chief Executive, is an experienced Deputy Returning Officer and a solution is to appoint him as the designated RO and ERO for elections, polls and referendums within Lewes District.

## **2 Roles and Responsibility**

- 2.1 The Returning Officer (RO) is the person who has overall responsibility for the conduct of elections in Lewes District. Section 35 of the Representation of the People Act 1983 requires the Council to appoint an officer of the Council to be the Returning Officer in local elections. It is the Returning Officer's duty to organise and conduct elections.
- 2.2 The Returning Officer is an officer of the Council but the role is a personal responsibility, independent and separate from his/her duties as an employee of the Council. The Returning Officer may appoint one or more persons, (Deputy Returning Officer), to discharge all or any of his/her functions.
- 2.3 The Electoral Registration Officer (ERO) is the person with the statutory responsibility for the creation and maintenance of the register of electors and the absent voters lists. This person takes responsibility for publishing a revised electoral register and issuing monthly alterations notices. The ERO is also the Acting Returning Officer for Parliamentary elections. The High Sheriff of East Sussex is the Returning Officer at Parliamentary elections as an honorary position.
- 2.4 The Electoral Registration Officer (ERO) is an officer of the Council but the role of Electoral Registration is a personal responsibility, independent and separate from his/her duties as an employee of the council. The roles of Returning Officer and Electoral Registration Officer are typically combined and performed by a single person and appointed by Full Council

## **3 Financial appraisal**

- 3.1 The Representation of the People Act 1983 makes provision for a scale of expenses to be fixed for the purpose of determining the RO expenditure.
- 3.2 Elections are categorised as either "local" (i.e. parish, district, county or unitary) or 'Parliamentary' (i.e Westminster). Parliamentary elections and Referenda have their own fees and charges set by the Cabinet Office and appropriate expenditure on these elections is reclaimed from central government.
- 3.3 In respect of town, parish, district and county elections the RO is paid an allowance and these are set out in an East Sussex Scale of Fees document that is approved each year by the East Sussex Chief Executives group. Town, Parish and County councils election costs are recoverable. There is no change to the existing financial arrangements in place as a result of this report.

## **4 Legal implications**

- 4.1 The Representation of the People Act 1983 (s.35) requires the Council to appoint an Officer of the Council to be the Returning Officer in local elections.
- 4.2 It is a requirement of Section 8 of the Representation of the People Act 1983 that the Council appoints an Electoral Registration Officer. By virtue of s. 28(1) of the Act the Electoral Registration Officer may act as Acting Returning Officer in Parliamentary elections.

## **5 Risk management implications**

- 5.1 If Council fails to appoint a Returning Officer/Electoral Registration Officer then it fails to meet its statutory duty.

## **6 Equality analysis**

- 6.1 A detailed Equality Analysis is not required for this report.

## **7 Sustainability implications**

- 7.1 No implications arising from this report.

## **8 Appendices**

- None

## **9 Background papers**

- None

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<b>Report to:</b>	<b>Council</b>
<b>Date:</b>	<b>24 February 2020</b>
<b>Title:</b>	<b>Lewes District Council Governance Review</b>
<b>Report of:</b>	<b>Monitoring Officer and Assistant Director of Corporate Governance</b>
<b>Ward(s):</b>	<b>All</b>
<b>Purpose of report:</b>	<b>To review the Democratic Governance structure of Lewes District Council in accordance with approved Council motions</b>
<b>Officer recommendation(s):</b>	<p><b>(1) That Council approves the deletion of the Scrutiny Committee and the creation of a new Policy and Performance Advisory Committee as summarised in paragraphs 4.2 to 4.4 below and in accordance with the articles, procedure rules and membership set out in Appendices 4, 5 and 6.</b></p> <p><b>(2) That Council approves the definitions for scrutiny call-in of Cabinet decisions as set out in paragraph 16.4 of the proposed Policy and Performance Advisory Committee procedure rules in Appendix 5.</b></p> <p><b>(3) That Council approves the adoption of revised debating rules in respect of motions as summarised in paragraph 5.6 below and set out in Appendix 7.</b></p> <p><b>(4) That the Monitoring Officer be authorised to make the necessary substantive changes along with any other technical changes to the Constitution in order to give effect to the above decisions.</b></p> <p><b>(5) That the democratic governance changes agreed above all come into force from the start of the 2020/21 municipal year (May 2020) and be reviewed after a full municipal year in operation.</b></p>
<b>Reasons for recommendations:</b>	<b>Members of Lewes District Council have expressed a desire to review the Democratic Governance arrangements in order to enable a broader cross section of members to have meaningful input into key decisions to be made by the Executive. The proposals in this report are designed to achieve that objective without the need for additional costs and resources, and whilst maintaining necessary decision-making transparency, efficiency and accountability.</b>

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## **1        Introduction**

- 1.1        As a result of two motions approved by Full Council in February and November 2018, officers were asked to bring an options paper to a future Council meeting to propose a revised governance structure which best provides transparency, openness and democracy, having regard to associated costs and benefits. Further, a cross-party member working group was created to assist and strengthen this work.
- 1.2        The Local Government Act 2000 mandated authorities with populations in excess of 85,000 to move to alternative ‘executive style’ democratic structures, traditional committee structures being considered by the Audit Commission and Department of Environment to be complicated, non-strategic, encouraging micro management, and slow to make decisions. However, the Localism Act 2011 introduced flexibility to allow a return to committee structures or the creation of ‘hybrid’ models.

## **2        The Working Group Membership and Objectives**

- 2.1        The cross-party working group initially set up comprised Councillors Catlin, Davy, Denis, Enever and Osborne. Following the 2019 local elections, the membership changed to be Councillors Banks, Burman, Collier, Davy and O’Brien. The officer project lead has been Peter Finnis (Assistant Director, Corporate Governance), with input from Catherine Knight (Monitoring Officer), Simon Russell (Committee and Member Services Manager), and Sarah Lawrence (Senior Committee Officer).
- 2.2        At the outset, the original working group agreed three objectives for this project and these were reaffirmed by the new membership following the 2019 elections. These agreed objectives were:
- a.        To ensure that the governance structure enables all elected members to have sufficient opportunity to input into the Council’s democratic decision making process.
  - b.        To ensure that the governance structure enables LDC to function with democratic transparency, efficiency and accountability.
  - c.        To ensure that the governance structure can be properly supported within realistic resource levels.

### **3 Structure Options and Considerations**

3.1 In arriving at the recommended proposals in this report, a considerable amount of detailed research was undertaken by the working group into all the various structure options (executives, committees and hybrids) and as part of that research, information was gleaned from 15 local authorities who had departed from executive structures and changed to committee or hybrid structures. Members were extremely mindful of the need to gather information from others whilst retaining focus on the specific needs of Lewes District Council having regard to the particular culture of this Council and its communities.

3.2 As part of the information and knowledge gathering, the working group invited Mr Ed Hammond from the Centre for Public Scrutiny and an acknowledged expert on local government governance, to attend one of their earlier meetings. The key points of advice conveyed by Mr Hammond were:

- The importance of looking at governance ‘in the round’ and accepting that it does not exist in isolation but needs to be linked to the delivery of services, priorities and vision of the Council.
- The working group was cautioned to think very carefully about the implications of a complete change of governance structure.
- The need to understand that leadership takes many forms including decision making, challenge, championing and representation.
- Attitudes and behaviours are more important than governance structure. The structure should reflect and serve the culture.
- Choices are unique to the Council that creates them. It is not possible to transpose a governance structure that has been perceived to be successful elsewhere and expect the same measure of success in a different environment.
- Whilst the flexibilities enabled by the Localism Act has encouraged consideration of ‘hybrid’ systems, these are still, in effect, executive models but with additions or variations connected to the scrutiny process.

3.3 The working group then went on to consider potential structure options for Lewes District Council which included cost implications as well as the democratic pros and cons. In total, 8 structural options (including executive, committee and hybrid models) were considered in detail and tested against the three objectives that the working group had agreed for this project. As a result, a shortlist of 3 final options were chosen to take forward and discuss in detail with party groups on the Council. The final structure proposal being proposed here emerged as the preferred option across all groups on the Council.

## 4 Structure Proposal

- 4.1 After much detailed deliberation the consensus of the working group was that the objectives of this project could be achieved whilst retaining the Executive system but by re-designing the non-executive element of the structure currently covered by the Scrutiny Committee. It was felt that the culture and intent of Scrutiny was too focused on retrospective performance review rather than input into policy and key decisions yet to be considered by the Executive.
- 4.2 Consequently, it is proposed that the current Scrutiny Committee be deleted, and be replaced by a new Policy and Performance Advisory Committee. For statutory purposes, this committee would still retain the call-in powers of scrutiny and the opportunity for retrospective performance review, but would be distinctly more focused on policy and key decision input. To enable this, it would meet more frequently and be calendared in alignment with Cabinet so as to have the opportunity to input into any selected matters at all Cabinet meetings. This would normally be seven meetings a year (rather than the current four).
- 4.3 The new Policy and Performance Advisory Committee would be chaired by a member of an opposition group on the Council and, whilst it would have a fixed and politically proportioned membership, all Members other than executive members would be 'de facto' substitutes enabling fluidity of attendance depending on subject matters being considered.
- 4.4 Proposed articles, procedure rules and membership for the new Committee are appended to this report at **Appendices 4, 5 and 6**. For comparison, the articles, procedure rules and membership of the current Scrutiny Committee are shown at **Appendices 1, 2 and 3**. The constitution makes a number of references to the current Scrutiny Committee in other sections but these would just need to be amended as technical changes to reflect the new arrangements. The key aspects of operation for the new Policy and Performance Advisory Committee would be:
- A membership made up of non-executive members, chaired by an opposition group and balanced to political proportions. All other non-executive members would be able to act as substitutes for other members of their own groups.
  - Meeting agendas will be split into two distinct parts, firstly covering policy input/development and secondly covering performance review.
  - The committee will input into all/any key matters due for decision by Cabinet and committee meetings will be programmed to meet in each cycle and in close proximity to Cabinet to maximise this opportunity.
  - At each meeting, the Committee will identify key decision matters on the Forward Plan for consideration at the following meeting.
  - Performance Review will be primarily focused on the quarterly performance reports submitted to the relevant scheduled meetings.
  - The statutory call-in powers of scrutiny are retained.
  - The ability to create Review Panels for detailed work is retained.
  - The ability to invite and/or require the attendance of Executive Members and Senior Officers is retained.

- Intended work in respect of Review Panels and any other identified matter for consideration over and above the core policy and performance work will be identified on the annual work programme.

4.5 All other elements of the physical structure would remain as at present. However, it will be important to monitor whether the change being made here achieves the objectives that are desired and that the structure should be reviewed at the end of its first municipal year of operation. The working group was also favourably disposed towards the option of creating two new advisory committees with one focused on policy development and the other specialising in performance review. This would be worth revisiting should the structural change proposed here fail to meet the set objectives.

## **5 Other Matters**

5.1 During the course of this work, other matters relevant to the democratic governance structure arose as follows.

5.2 Firstly, there is no current specific guidance in the Lewes District Council constitution as to what constitutes the legitimate call-in of an item that has been the subject of Cabinet decision. Following research into best practice elsewhere, a suggested set of definitions have been incorporated at paragraph 16.4 in the proposed Policy and Performance Advisory Committee procedure rules at **Appendix 5**.

5.3 Secondly, there was discussion around the issue of meeting days and times for Cabinet and other bodies. There was no particular conclusion to this and it is not something that has to be enshrined into the Council's formal constitution. However, work is currently being done on next year's calendar of meetings and, as well as factoring in dates for the new committee being proposed (if approved), leaders will be consulted on any desired changes to current timings of Cabinet and other Committees.

5.4 The other issue to mention is something which was raised outside of this specific review. A previous project undertook a modernisation review of how Full Council meetings operate. One of the elements agreed by previous group leaders was to require proposed amendments to motions to be submitted by a deadline in advance of the meeting. It is apparent that this has not been entirely welcomed and that some Members would prefer that the Council reverts back to being able to table amendments during motion debates at the meeting. Therefore, Council has the following options for change specifically in respect of motions submitted to full Council by individual Members.

- (a) To maintain current arrangements – Amendments to Council motions must be submitted in advance by the prescribed deadline;
- (b) Amendments on motions can be submitted at the meeting but must be tabled at the start of the debate; or
- (c) Amendments on motions can be submitted at the meeting at any point during the debate.

5.5 Options (a) and (b) both enable a single debate on the issue in hand as all

potential decisions are on the table before the debate commences, but do not allow for potential amendments that emerge during debate to be tabled.

5.6 Option (c) Enables the tabling of amendments during debate and require a fresh debate and vote on each amendment as and when they are tabled, meaning that any Members who have already contributed to the substantive debate can make a further contribution on the amendment debate. This would require a specific set of debating rules to be approved and, in anticipation that this is the favoured option, these are proposed as set out in **Appendix 7**.

5.7 The above options are being suggested specifically for motions tabled by individual Members only. The current debating rules (as reflected in option (a) above) would be maintained for dealing with all other reports and decision matters to Council. This is in recognition of the fact that reports are fully formed and sufficient detail in respect of legitimate options are apparent, thus allowing members the opportunity to make suggested changes in advance and enable a clean single debate. In respect of motions, potential options can emerge during the process of debate and enabling amendments to be tabled during the debate allows members to exercise flexibility in arriving at a desired outcome.

## **6 Consultation**

6.1 As referred to in section 3 above, the working group consulted with the Centre for Public Scrutiny on this project. In addition, there has been ongoing and regular communication with group leaders on emerging proposals. This finalised report has also been the subject of consultation with all Party Groups, Corporate Management Team and Senior Managers across the authority.

6.2 As a result of the above consultations, no objections to the structural change proposals in this report have been received. Also, from feedback received, there appears to be a majority consensus in favour of adopting the more traditional debating procedure for motions at Council set out in paragraph 5.6 (option (c)) above and **Appendix 7** and this is reflected in the recommendations in this report. I have also received broad consensus in respect of call-in definitions as referred to in paragraph 5.2 above and have incorporated these into the new procedure rules in **Appendix 5**.

## **7 Financial Appraisal**

7.1 The proposed new governance structure results in just a small additional number of meetings which should be containable within existing officer support levels. Further, there are no anticipated increases in the number of special responsibility allowances arising from these proposals, though it is noted that Council have yet to consider the report of the Independent Remuneration Panel and may choose to adopt revised allowance levels. As such, there are no likely additional financial implications directly arising from the proposals in this report. However, it will be important to monitor the extent of any requirement for additional meetings and/or review work. Should this become onerous, it will be necessary to review resource levels in future.

## **8 Legal Implications**

- 8.1 The proposed revised governance structure retains the necessary statutory requirements of an executive-style structure and fully complies with current legislation.

## **9 Risk management implications**

- 9.1 The proposed new structure does carry the risk of generating additional work and the potential for slower decision-making. However, these risks can be mitigated by appropriate structure of the calendar of meetings to ensure that the disruption to the timelines of reporting and decision making are minimised. Conversely, these risks are offset by the greater opportunities for wider input into the decision making process, leading to better informed and more inclusive decision making. Fundamental to testing this will be to keep the structure under review.

## **10 Equality analysis**

- 10.1 There are no equality implications directly arising from this report. However, if the structure delivers the intended objectives of wider input into matters under consideration, it can only enhance the opportunity for the broadest possible implications to be deliberated and taken into account in arriving at informed quality decisions to the benefit of the wider community.

## **11 Environmental sustainability implications**

- 11.1 There are no environmental sustainability implications arising from the proposals in this report.

## **12 Appendices**

- Appendix 1 – Current Scrutiny Committee Articles
- Appendix 2 – Current Scrutiny Committee Procedure Rules
- Appendix 3 – Current Scrutiny Committee Membership
- Appendix 4 – Proposed Policy and Performance Advisory Committee Articles
- Appendix 5 – Proposed Policy and Performance Advisory Committee Procedure Rules
- Appendix 6 – Proposed Policy and Performance Advisory Committee Membership
- Appendix 7 – Proposed new debating rules for Motions at Council

## **13 Background papers**

There are no background papers used in compiling this report.

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## **APPENDIX 1**

### **PART 2**

#### **EXTRACTED ARTICLE OF THE CONSTITUTION**

##### **Article 6 – Overview and Scrutiny**

The Council will appoint a Scrutiny Committee to undertake the role and discharge the functions conferred by section 21 of the Local Government Act 2000.

In addition the Scrutiny Committee will undertake the role and discharge the functions conferred by sections 19 and 20 of the Police and Justice Act 2006, as amended by section 126 of the Local Government and Public Involvement in Health Act 2007, relating to scrutiny of the crime and disorder functions exercised by the Crime Reduction Partnership.

##### **6.1 General Principles**

The general principles of Scrutiny shall be that it will:

- (a) provide critical friend challenge to the Cabinet and/or other external partner organisations;
- (b) reflect the voice and concerns of the public and its communities;
- (c) take the lead and own the scrutiny process on behalf of the public;
- (d) make an impact on the delivery of public services.

##### **6.2 General Role of Scrutiny Committee**

The Scrutiny Committee will:

- (a) hold the Cabinet and Cabinet Members to account by examining decisions about to be taken; taken but not yet implemented (call-in); and those that have been implemented (post-hoc review);
- (b) review general policies (especially those in the Policy Framework) and make suggestions for improving them;
- (c) contribute to continuous improvement in service delivery (through consideration of service delivery performance, participation in value for money reviews and investigation of budgets);
- (d) review and make recommendations relating to the discharge of non-executive (regulatory) functions;

- (e) consider and make recommendations to the Cabinet and/or Council (and relevant partner organisations) on any matters having a direct bearing on the economic; social or environmental well-being of the district's residents.

### **6.3 Specific Functions of the Scrutiny Committee**

#### **(a) Policy development and review**

The Scrutiny Committee may:

- (i) assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;
- (ii) conduct research with the community on policy issues and possible options available to the Council;
- (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (iv) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working;
- (v) consult (or question) Cabinet Members, committee members, Chief Officers and/or Heads of Service about their views on issues and proposals affecting the area.

#### **(b) Scrutiny generally**

The Scrutiny Committee may:

- (i) review and scrutinise the decisions made by the Cabinet, Cabinet Members, committees, and/or officers both in relation to individual decisions and over time;
- (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (iii) question Cabinet Members and/or committees, ward members, Chief Officers and/or Heads of Service about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- (iv) review and scrutinise the performance of other public bodies in the area or whose work impinges on the area and invite reports from them by requesting them to address the Scrutiny Committee and local people about their activities and performance;

- (v) gather evidence from any person outside the Council (with their consent).

(c) **Key areas for Scrutiny**

The Scrutiny Committee:

- (i) may review and/or scrutinise the work of the Community Safety Partnership and the partners who comprise it insofar as their activities relate to their crime and disorder functions and make reports or recommendations to the Cabinet and/or Council and/or Community Safety partners as appropriate;
- (ii) shall consider Councillor Calls for Action which are referred to it and which relate to local government and/or crime and disorder matters.

#### **6.4 Work Programme**

The Scrutiny Committee shall:

- (a) prepare for approval by the Council an annual programme of scrutiny work so as to ensure that the Committee's time is effectively and efficiently utilised.

The annual programme may include in its work programme a list of issues relating to crime and disorder matters providing these are first agreed with the relevant partners on the community safety partnership.

- (b) make in-year adjustments and additions to the annual programme in light of changing circumstances, subject to:
  - (i) there being no substantial addition to any resources to be called upon to undertake the programme;
  - (ii) the relevant Head of Service agreeing to any additional call upon staffing support; and
  - (iii) no additional costs arising which cannot be met from existing budgets unless approved by the virement procedures in the Financial Procedure Rules.

Any change to the programme not within the provisions of (i) to (iii) inclusive above will require the approval of Council.

- (c) In determining the work programme the Committee shall have regard first and foremost to the following:
  - (i) Council priorities;
  - (ii) areas of improvement identified from the Council's corporate governance, performance management and/or data quality arrangements;
  - (iii) issues of public concern; and
  - (iv) issues of concern raised by councillors.

## **6.5 Proceedings of Scrutiny Committee**

- (a) The Scrutiny Committee may establish "task-finish" panels to undertake any of its activities. It will determine their size and membership and approve their terms of reference.  
  
The Scrutiny Committee may suggest the names of individuals that could become co-opted members of any panel and/or organisations that might be invited to nominate representatives as possible co-opted members.
- (b) The Scrutiny Committee and Panels will conduct their proceedings in accordance with the Scrutiny Procedure Rules set out in Part 4 of this Constitution.
- (c) When carrying out work relating to crime and disorder matters the Scrutiny Committee shall ensure the involvement of the police authority by
  - (i) inviting it to send a police authority member or the clerk or another officer of the police authority as an "expert adviser"; or
  - (ii) by co-opting a police authority member onto the Scrutiny Committee or Panel as appropriate;
- (d) The Scrutiny Committee may require information relating to local improvement targets from its relevant partner authorities in accordance with regulations made by the Secretary of State.

For this purpose, relevant partner authorities are those set out in the attached Appendix.

- (e) The Scrutiny Committee must consider community safety matters at least annually and may make reports or recommendations to the Cabinet, the Council or any Committee relating to the discharge of crime and disorder functions by:
  - (i) the district council
  - (ii) the county council
  - (iii) the chief officer of police.

Any report or recommendation made by the Scrutiny Committee acting in this capacity must be circulated to the county council and chief officer of police, together with the police authority, probation committee, health authority and such other person or body as may be prescribed by order by the Secretary of State.

- (f) The Scrutiny Committee may make reports and recommendations arising from its work to the Cabinet, the Council, any Committee and/or any relevant partner authority.

## **APPENDIX 2**

### **PART 4**

#### **Rules of Procedure**

#### **Scrutiny Procedure Rules**

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## **Scrutiny Procedure Rules**

### **1 What will be the Number and Arrangements for Scrutiny Committees?**

- (a) The Council will have one Scrutiny Committee as set out in Article 6 and will appoint to it as it considers appropriate from time to time. The Scrutiny Committee may appoint Panels as appropriate to undertake any of its activities.
- (b) The Scrutiny Committee has a duty to scrutinise the discharge of the Cabinet functions of the Council and other related functions of the Council and to make reports and recommendations thereon. The Scrutiny Committee should be the key mechanism for enabling Councillors to represent the views of their constituents and other organisations and hence to ensure that those views are taken into account in policy development. The Committee should take a cross-cutting rather than a narrow service-based view of the conduct of the Council's affairs. The Committee should consider different approaches and formats for their meetings.
- (c) The scrutiny process is different from the traditional committee approach in at least four ways:
  - Members must take a lead role and set the agenda (within limits set by the Council);
  - The Scrutiny Committee is not a decision-making body.
  - Officers supporting the scrutiny function should be allowed to do so without constraint from the Cabinet (subject to agreed resource limits).
  - The reports of the Scrutiny Committee are prepared in an entirely different way after hearing and debating written and oral evidence.
- (d) Councillors serving on the Scrutiny Committee should strive to be independent. They should seek consensus on outcomes whilst recognising political balance. They should be constructive and not judgmental. They should be open and transparent in their approach.

### **2 Who may sit on the Scrutiny Committee?**

All Councillors except members of the Cabinet may be members of the Scrutiny Committee. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.



### **3 Co-optees**

- (a) The Scrutiny Committee or Panel shall be entitled to appoint up to two people as non-voting co-optees.
- (b) The Scrutiny Committee, or Panel, when dealing with any housing matter relating to the Council's management of its housing stock, shall include two notified representatives of the Lewes District Organisation of Tenant and Residents Groups who shall be entitled to speak but not vote on any such matter. The organisation's representatives shall not be entitled to be present when any matter is discussed which is designated as an exempt item.

### **4 Meetings of the Scrutiny Committee**

There shall be at least two ordinary meetings of the Scrutiny Committee each year, one to review the Committee's work programme and one to consider any particular issues as the Council enters the budget process for the following year. One meeting shall also consider crime and disorder scrutiny matters. In addition, extraordinary meetings may be called from time to time as and when appropriate. A Scrutiny Committee may be called by the Chair of the Committee, by any three members of the Committee or by the Council's senior legal officer if he/she considers it necessary or appropriate.

### **5 Quorum**

The quorum for the Scrutiny Committee shall be three.

### **6 Who Chairs Scrutiny Committee Meetings?**

The Chair of the Scrutiny Committee shall be appointed by the Council and shall be a member of the Opposition Group. In the absence of the Chair, the Scrutiny Committee shall be chaired by another member of the Opposition Group wherever possible.

### **7 Work Programme**

- (a) The Scrutiny Committee will be responsible for setting its own work programme and in doing so it shall take into account the wishes of members on that Committee who are not members of the largest political group on the Council. The programme will be reviewed on an annual basis in liaison between the Scrutiny Committee, the Cabinet and the Corporate Management Team before being submitted to Council for approval. The programme will have full regard to the availability of resources and, in particular, Officer support required
- (b) When putting forward the proposed programme, the Scrutiny Committee shall ensure that the following matters are clearly stated:

- Subject matter
- Specific details as to what issues are to be covered
- An initial indication of the groups and organisations to be invited to contribute and the persons to be invited to attend.
- Time limit
- Officer involvement

Those putting forward suggestions for items for inclusion in the programme should therefore keep the above requirements in mind.

- (c) In-year variations of the programme may be made in accordance with the provisions set out in the Committee's terms of reference in Part 2 of this Constitution.

## **8 Agenda items**

- (a) Any member of the Council may give written notice to the Committee and Civic Services Manager that they wish an item to be included on the agenda of the Scrutiny Committee. If the Committee and Civic Services Manager receives such a notification, then he/she will include the item on the first available agenda of the Scrutiny Committee for consideration by the Committee. If the matter is urgent and cannot await the next ordinary meeting of the Committee, an extraordinary meeting of the Committee shall be called by the Chair of the Committee or the Council's senior legal officer if at least three members of the Committee are in agreement with that course of action.
- (b) The Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council and, if it considers it appropriate, the Cabinet to review particular areas of Council activity. Where they do so, the Scrutiny Committee shall report its findings and any recommendations back to the Cabinet and/or Council. The Council and/or the Cabinet shall consider the report of the Scrutiny Committee at their next available meeting.

## **9 Policy Review and Development**

- (a) The role of the Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Scrutiny Committee may make proposals to the Cabinet for

developments in so far as they relate to matters within its terms of reference.

- (c) The Scrutiny Committee may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so out of the budget allocated to them by the Council.
- (d) The members of the Scrutiny Committee should have regard to the forward plan of key decisions including the timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the Scrutiny Committee following consultation on possible policy/service developments, the Committee will at least have the opportunity of responding in the course of the Cabinet's consultation process in relation to any key decision. If at least five members of the Committee are in agreement that consideration should be given to a matter contained in the forward plan and so inform the Committee and Civic Services Manager, the Chair of the Committee will call a meeting of a Panel of the Scrutiny Committee. The number of councillors to serve on such a Panel (which shall be politically proportionate except that the Leader of a political group may decide to offer one of their Group's places to another political group or an Independent member) shall be determined by the Chair with the councillors being nominated by the respective Group Leaders.

## **10 Means of Conducting Scrutiny and Best Value Reviews and Other Activities**

- (a) The Scrutiny Committee should normally set up Panels of three or five councillors to undertake scrutiny and best value reviews as they arise on a task and finish basis and may similarly set up Panels to undertake other activities which the Committee wishes to delegate to them. The Panels will report their conclusions direct to Cabinet/Council as appropriate. The Panels will not have decision making powers.
- (b) The number of councillors to serve on a Panel shall be determined by the Scrutiny Committee with the councillors being nominated by the respective Group Leaders. The Panels shall be politically proportionate except that the Leader of a political

group may decide to offer one of their Group's places to another group or an Independent member. Should the leader of a political group decline to nominate councillors to serve on a panel or to offer one of their Group's places to another Group or an Independent Member, the matter shall be referred back to the Committee.

- (c) The Scrutiny Committee will set the Panels' terms of reference and time-scale for completing each review or activity. Should pressure on officer resources be such that the agreed timescale might become unrealistic, the matter shall be referred back to the Committee.
- (d) The quorum of a Panel shall be a majority of the number of members of the Panel.
- (e) Each Panel shall appoint a Chair from within its membership.
- (f) No more than four Panels shall be in existence at any one time (excluding those convened to consider call-in requests or matters identified in the forward plan of key decisions).

## **11 Reports from the Scrutiny Committee**

- (a) Once it has formed recommendations on proposals for development, the Scrutiny Committee or Panel will prepare a formal report and submit it to the Council's senior legal officer for consideration by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (eg if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- (b) If the Scrutiny Committee or Panel cannot agree on one single final report to the Council or Cabinet as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council with the majority report.
- (c) The Council or Cabinet shall consider the report of the Scrutiny Committee or Panel at their next available meeting and in any event within three months of it being submitted to the Council's senior legal officer.

## **12 Making sure that Scrutiny Committee Reports are considered by Council or Cabinet**

- (a) Once the Scrutiny Committee or Panel has completed its deliberations on any matter it will forward a copy of its final report to the Council's senior legal officer who will allocate it to either or both the Cabinet and the Council for consideration, according to whether the contents of the report would have implications for the Council's budget and policy

framework. If the Council's senior legal officer refers the matter to Council, he/she will also serve a copy on the Leader with notice that the matter is to be referred to Council. The Cabinet will at its next available meeting respond to the Scrutiny Committee or Panel report, and the Council shall not consider it within that period. When the Council does meet to consider any referral from the Scrutiny Committee or a Panel on a matter which would impact on the budget and policy framework, it shall also consider the response of the Cabinet to the Scrutiny Committee proposals.

### **13 Rights of Scrutiny Committee Members to Documents**

- (a) In addition to their rights as Councillors, members of the Scrutiny Committee or Panels have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Scrutiny Committee as appropriate depending on the particular matter under consideration.

### **14 Members and Officers Giving Account**

- (a) The Scrutiny Committee or a Panel may scrutinise and review decisions made or actions taken in connection with the discharge of any Council function. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Cabinet, the head of paid service and/or any senior officer to attend before it to explain in relation to matters within their remit:

- (i) any particular decision or series of decisions;
- (ii) the extent to which the actions taken implement Council policy; and/or
- (iii) their performance.

and it is the duty of those persons to attend if so required.

- (b) Where any councillor or officer is required to attend the Scrutiny Committee or Panel under this provision, the Chair of that Committee or Panel will inform the Council's senior legal officer. The Council's senior legal officer shall inform the councillor or officer in writing giving at least five working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee or Panel. Where the account to be given to the Committee or Panel will require the production

of a report, then the councillor or officer concerned will be given sufficient notice to allow for preparation of that documentation.

- (c) Where, in exceptional circumstances agreed by the relevant Director/Head of Service in respect of their staff or the Chief Executive in the case of Directors/Heads of Service and Group Leaders in the case of councillors, the councillor or officer is unable to attend on the required date, then the Scrutiny Committee or Panel shall, in consultation with the councillor or officer, arrange an alternative date for attendance.

## **15 Attendance by Others**

The Scrutiny Committee or Panel may invite people other than those people referred to in paragraph 14 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector in the area or whose work impinges upon the area and shall invite such people to attend.

## **16 Call-in**

- 16.1** The draft decisions of the Cabinet will be e-mailed to councillors normally within three working days of the close of the meeting or the date of the draft decision as appropriate. In this rule and in rule 17 below "Cabinet" shall be read as including any committee of the Cabinet or a decision made by a Cabinet Member or a key decision made by an officer with delegated authority from the Cabinet or under joint arrangements.
- 16.2** For non-urgent draft decisions made by the Leader or by a Cabinet Member, a copy of the officer report and decision-making proforma shall be sent to the Leader/Cabinet Member and relevant Ward Councillor(s) three working days prior to the decision being made. In the case of urgent decisions made by the Leader or by a Cabinet Member, a copy of the report and proforma shall be sent to the relevant Ward Councillor(s) at the same time as it is sent to the Leader/Lead Councillor.
- 16.3** Any councillor is entitled to submit a request by email or fax setting out the reason why she/he wishes any such decision to be called in by the Scrutiny Committee for consideration by a Scrutiny Panel. The request must be submitted to the Committee and Civic Services Manager within three working days of the date of the email.
- 16.4** The Committee and Civic Services Manager will transmit by email to all members of the Scrutiny Committee a copy of the reason for requesting a review submitted by the councillor.

- 16.5** Members of the Scrutiny Committee must decide within two working days whether they support the request for the decision to be reviewed and if they do so they should email a response to the Committee and Civic Services Manager accordingly. If at least six members of the Committee are in favour of calling in the decision the Chair of the 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.
- 16.6** The decision of the Cabinet will not be implemented until:
- (i) The time period in paragraph 16.5 has expired and six members of the Scrutiny Committee have not stated they are in favour of calling in the decision; or
  - (ii) A Panel of the Scrutiny Committee considers the matter and resolves not to intervene in the decision of Cabinet; or
  - (iii) 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
  - (iv) 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).
- 16.7** 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.

## **17 Call-in and Urgency**

- (a) The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent.  
Definition of Urgency: A decision will be urgent if, in the view of the decision-maker, any delay likely to be caused by the call in process would, for example, seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

- (b) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

## **18 The Party Whip**

- (a) When considering any matter in respect of which a member of the Scrutiny Committee or Panel is subject to a party whip the member must declare the existence of the whip, and the nature of it before the commencement of the Committee's or Panel's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

## **19 Procedure at Scrutiny Committee Meetings**

- (a) The Scrutiny Committee and their Panels (if any) shall consider the following business:
  - (i) minutes of the last meeting;
  - (ii) declarations of interest (including whipping declarations);
  - (iii) responses of the Cabinet to reports of the Committee or its Scrutiny Panels; and
  - (iv) the business otherwise set out on the agenda for the meeting.
- (b) Where the Scrutiny Committee conducts investigations (eg with a view to policy development), the Committee may also ask people to attend to give evidence at Scrutiny Committee meetings which are to be conducted in accordance with the following principles:
  - (i) that the investigation be conducted fairly and all members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
  - (ii) that those assisting the committee by giving evidence be treated with respect and courtesy; and
  - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) Following any investigation or review, the Scrutiny Committee shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.



## **20 Procedure at a Scrutiny Panel**

- 20.1** A preliminary meeting will be held attended by the Councillors appointed to the Panel and any relevant Officers for the purposes of:
- (a) Determining the overall content and scope of the issue, subject to any terms of reference already established by the Scrutiny Committee;
  - (b) Agreeing the persons to be invited to answer questions and/or give evidence;
  - (c) Setting the approach to be taken (eg workshops, interviews, presentations, etc); and
  - (d) Scheduling sessions (eg full day, one or two half days).
- 20.2** A Scrutiny Panel shall meet in public and public notice of its meetings shall be given in accordance with the Council's Access to Information Procedure Rules.
- 20.3** Scrutiny Panel sessions shall normally include:
- (a) Interviews, discussions, representations involving councillors, officers and external invitees as appropriate, followed by:
  - (b) Councillors debating the matter and making decisions upon their findings and recommendations.
- 20.4** Paragraphs 19(a)(ii), 19(b) and 19(c) above shall apply to a Scrutiny Panel.
- 20.5** References to the rights of the Scrutiny Committee to request councillors and officers to attend and to invite persons from outside the Council to attend (paragraphs 14 and 15 above) shall apply in respect of the proceedings of a Scrutiny Panel.
- 20.6** The relevant lead officer will be responsible for preparing the report and findings on behalf of the Panel.
- 20.7** The reports, findings and recommendations of a Scrutiny Panel shall be made public except where disclosure of information would be classed as either exempt or confidential.
- 20.8** In view of the short time scale for a Scrutiny Panel to consider decisions of Cabinet which are 'called-in' the Panel may choose not to follow the procedure set down in this paragraph with the exception of sub-paragraph 20.4.

## **21 Officer Support for the Scrutiny Committee and Scrutiny Panels**

- 21.1** Committee Officers have a role in ensuring the efficient and effective operation of the scrutiny process. So far as is practical (within a small team of committee staff) the roles of the Committee Officer attending scrutiny and officer attending Cabinet will be kept separate and not be undertaken at any one time by the same person.
- 21.2** The Committee Officer attending Scrutiny will maintain an overview of the progress of scrutiny work. Where recommendations of the Scrutiny Committee are approved (either in full or in part) by either the Cabinet or the Council, the Committee Officer attending Scrutiny Committee shall monitor implementation of those recommendations and draw the Scrutiny Committee's attention to any failures to "follow through" in line with agreed action plans.
- 21.3** The Committee Officer attending Scrutiny Committee will not be expected to undertake detailed research or investigation on behalf of the Scrutiny Committee or Panel and such support will be drawn from the Council's resources as a whole. It is accepted that for a small Council like Lewes it is not feasible to provide the Scrutiny Committee or a Panel of the Committee with a separate team of officer support. Officers must be able to provide impartial advice and support and feel free to do so without fear of any discrimination as a result.
- 21.4** With respect to the proceedings of a Scrutiny Panel, the Committee Officer attending Scrutiny Committee shall co-ordinate invitations, venue and facilities. Appropriate Officers shall produce research and background documentation.
- 21.5** The arrangements for preparing the agenda for meetings of the Scrutiny Committee will be as follows:
- The Committee Officer attending Scrutiny Committee will draw up a menu of items drawing upon the work programme, outstanding issues or requests by the Committee and items referred by Cabinet or other Council bodies.
  - The menu will be the subject of informal discussion between the Chair and the relevant Director prior to issue of the formal agenda.

## **APPENDIX 3**

### **Part 11**

#### **Section 2**

#### **Membership of the Scrutiny Committee**

##### **1 Membership**

- 1.1** There shall be one Scrutiny Committee consisting of eleven councillors appointed by Council. The quorum shall be three.
- 1.2** Any councillor who is not a member of the Committee may attend a meeting of the Committee, but may only speak at the meeting at the invitation of the Chair.
- 1.3** The Committee may invite any person to attend and take part in a review being conducted by the Committee but such person shall not have voting powers.
- 1.4** The Committee, when dealing with any housing matter relating to the Council's management of its housing stock shall include two representatives of the Lewes District Organisation of Tenant and Residents Groups who shall be entitled to speak but not vote on any such matter. The tenants' representatives shall not be entitled to be present when any matter is discussed which is designated as an exempt item.

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## **APPENDIX 4**

### **PART 2**

#### **ARTICLES OF THE CONSTITUTION**

##### **Article 6 – Policy and Performance Advisory**

The Council will appoint a Policy and Performance Advisory Committee to undertake the dual roles of providing advisory input into key decisions to be made by the Cabinet and reviewing performance of services and projects against objectives.

In doing so, this Committee will discharge the overview and scrutiny functions conferred by section 21 of the Local Government Act 2000. In addition this Committee will undertake the role and discharge the functions conferred by sections 19 and 20 of the Police and Justice Act 2006, as amended by section 126 of the Local Government and Public Involvement in Health Act 2007, relating to scrutiny of the crime and disorder functions exercised by the Crime Reduction Partnership.

##### **6.1 General Principles**

The general principles of the Policy and Performance Advisory Committee shall be that it will:

- (a) provide meaningful input into the Cabinet's consideration of key matters for decision;
- (b) provide critical friend challenge to the Cabinet and/or other external partner organisations;
- (c) reflect the voice and concerns of the public and its communities;
- (d) take the lead and own the performance review process on behalf of the public;
- (e) make an impact on the delivery of public services.

##### **6.2 General Role of Policy and Performance Advisory Committee**

The Committee will:

- (a) provide commentary, advice and recommendations to the Cabinet on key matters due for decision;
- (b) hold the Cabinet and Cabinet Members to account by examining decisions about to be taken, taken but not yet implemented (call-in), and those that have been implemented (post-hoc review);
- (c) review general policies (especially those in the Policy Framework) and make suggestions for improving them;

- (d) contribute to continuous improvement in service delivery (through consideration of service delivery performance, participation in value for money reviews and investigation of budgets);
- (e) review and make recommendations relating to the discharge of non-executive (regulatory) functions;
- (f) consider and make recommendations to the Cabinet and/or Council (and relevant partner organisations) on any matters having a direct bearing on the economic, social or environmental well-being of the District's residents.

### **6.3 Specific Functions of the Policy and Performance Advisory Committee**

#### **(a) Policy Development**

The Committee may:

- (i) assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;
- (ii) conduct research with the community on policy issues and possible options available to the Council;
- (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (iv) assist the Cabinet in providing direct consultative input into individual matters due for decision;
- (v) consult (or question) Cabinet Members, Committee members, Chief Officers and/or Heads of Service about their views on issues and proposals affecting the area.

#### **(b) Performance Review**

The Committee may:

- (i) review and scrutinise the decisions made by the Cabinet, Cabinet Members, Committees, and/or officers both in relation to individual decisions and over time;
- (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (iii) question Cabinet Members and/or Committees, ward members, Chief Officers and/or Heads of Service abc

their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;

- (iv) review and scrutinise the performance of other public bodies in the area or whose work impinges on the area and invite reports from them by requesting them to address the Committee and local people about their activities and performance;
- (v) gather evidence from any person outside the Council (with their consent).

(c) **Other Key areas**

The Committee:

- (i) may review and/or scrutinise the work of the Community Safety Partnership and the partners who comprise it insofar as their activities relate to their crime and disorder functions and make reports or recommendations to the Cabinet and/or Council and/or Community Safety partners as appropriate;
- (ii) shall consider Councillor Calls for Action which are referred to it and which relate to local government and/or crime and disorder matters.

## **6.4 Work Programme**

The Committee shall:

- (a) prepare an annual programme of work so as to ensure that the Committee's time is effectively and efficiently utilised.

The annual programme may include in its work programme a list of issues relating to crime and disorder matters providing these are first agreed with the relevant partners on the community safety partnership.

- (b) make in-year adjustments and additions to the annual programme in light of changing circumstances, subject to:
  - (i) there being no substantial addition to any resources to be called upon to undertake the programme;
  - (ii) the relevant Head of Service agreeing to any additional call upon staffing support; and
  - (iii) no additional costs arising which cannot be met from existing budgets unless approved by the virement procedures in the Financial Procedure Rules.

- (c) In determining the work programme the Committee shall have regard first and foremost to the following:
  - (i) Council priorities;
  - (ii) areas of improvement identified from the Council's corporate governance, performance management and/or data quality arrangements;
  - (iii) issues of public concern; and
  - (iv) issues of concern raised by Councillors.

## **6.5 Proceedings of Policy and Performance Advisory Committee**

- (a) The Committee may establish "task-finish" panels to undertake any of its activities. It will determine their size and membership and approve their terms of reference.

The Committee may suggest the names of individuals that could become co-opted members of any panel and/or organisations that might be invited to nominate representatives as possible co-opted members.

- (b) The Committee and Panels will conduct their proceedings in accordance with the Policy and Performance Advisory Procedure Rules set out in Part 4 of this Constitution.
- (c) When carrying out work relating to crime and disorder matters the Committee shall ensure the involvement of the police authority by
  - (i) inviting it to send a police authority member or the clerk or another officer of the police authority as an "expert adviser"; or
  - (ii) by co-opting a police authority member onto the Committee or Panel as appropriate;
- (d) The Committee may require information relating to local improvement targets from its relevant partner authorities in accordance with regulations made by the Secretary of State.
- (e) The Committee must consider community safety matters at least annually and may make reports or recommendations to the Cabinet, the Council or any Committee relating to the discharge of crime and disorder functions by:
  - (i) the District Council
  - (ii) the County Council
  - (iii) the Chief Officer of Police.



Any report or recommendation made by the Committee acting in this capacity must be circulated to the County Council and Chief Officer of Police, together with the Police Authority, Probation Committee, Health Authority and such other person or body as may be prescribed by order by the Secretary of State.

- (f) The Committee may make reports and recommendations arising from its work to the Cabinet, the Council, any Committee and/or any relevant partner authority.

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## **APPENDIX 5**

### **PART 4**

#### **Rules of Procedure**

##### **Policy and Performance Advisory Procedure Rules**

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4 Meetings of the Committee	H2
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## **1 What will be the Number and Arrangements for Policy and Performance Committee?**

- (a) The Council will have one Policy and Performance Advisory Committee as set out in Article 6 and will appoint to it as it considers appropriate from time to time. The Committee may appoint Panels as appropriate to undertake any of its activities.
- (b) The Committee has a duty to input and review the discharge of the Cabinet functions of the Council and other related functions of the Council and to make reports and recommendations thereon. The Committee should be the key mechanism for enabling Councillors to represent the views of their constituents and other organisations and hence to ensure that those views are taken into account in key decisions and policy development. The Committee should take a cross-cutting rather than a narrow service-based view of the conduct of the Council's affairs. The Committee should consider different approaches and formats for their meetings.
- (c) The Policy and Performance Advisory process is different from the traditional committee approach in at least four ways:
  - Members must take a lead role and set the agenda (within limits set by the Council);
  - The Committee is not a decision-making body;
  - Officers supporting this function should be allowed to do so without constraint from the Cabinet (subject to agreed resource limits); and
  - The reports of the Committee are prepared in a different way after hearing and debating written and oral evidence.
- (d) Councillors serving on the Policy and Performance Advisory Committee should strive to be independent. They should seek consensus on outcomes whilst recognising political balance. They should be constructive and not judgmental. They should be open and transparent in their approach.

## **2 Who may sit on the Policy and Performance Advisory Committee?**

All Councillors except members of the Cabinet may be members of the Policy and Performance Advisory Committee. However, no member may be involved in reviewing a decision in which he/she has been directly involved.

## **3 Co-optees**

- (a) The Policy and Performance Advisory Committee or Panel shall be entitled to appoint up to two people as non-voting co-optees.
- (b) The Committee, or Panel, when dealing with any housing matter relating to the Council's management of its housing stock, shall include two notified representatives of the Lewes District Organisation of Tenant and Residents Groups who shall be entitled to speak but not vote on any such matter. The organisation's representatives shall not be entitled to be present when any matter is discussed which is designated as an exempt item.

#### **4 Meetings of the Policy and Performance Advisory Committee**

The Policy and Performance Advisory Committee shall meet in every 'Cabinet cycle' each year, to ensure that the committee has an opportunity to input on any matter due for decision by Cabinet. In addition, as part of the scheduled meetings, the Committee will consider quarterly performance reports, annual budget proposals for the following year, and annual crime and disorder review matters together with Panel reports and any other matters previously earmarked in the work programme. In addition, extraordinary meetings may be called from time to time as and when appropriate. A Committee may be called by the Chair of the Committee, by any three members of the Committee or by the Council's senior legal officer if he/she considers it necessary or appropriate.

#### **5 Quorum**

The quorum for the Policy and Performance Advisory Committee shall be three.

#### **6 Who Chairs Policy and Performance Advisory Committee Meetings?**

The Chair of the Policy and Performance Advisory Committee shall be appointed by the Council and shall be a member of the largest Opposition Group. In the absence of the Chair, the Policy and Performance Committee shall be chaired by another member of an Opposition Group wherever possible.

#### **7 Work Programme**

- (a) The Policy and Performance Advisory Committee will be responsible for setting its own work programme and in doing so it shall take into account the wishes of members on that Committee who are not members of the 'Administration'. The programme will be reviewed on an annual basis in liaison between this Committee, the Cabinet and the Corporate Management Team. The programme will have full regard to the

availability of resources and, in particular, Officer support required

- (b) Certain elements of the work programme for scheduled meetings will be fixed as core items. These include:
- Consideration of previously identified key matters for decision by Cabinet (every meeting)
  - Identification from the Forward Plan of key matters to be considered at the next meeting (every meeting)
  - Performance Monitoring Reports (quarterly)
  - Budget Proposals (Annual)
  - Community Safety Partnership work review (Annual)

In addition to the above core items, proposed policy and/or performance reviews and other identified work will make up the rest of the work programme

- (c) When putting forward potential reviews in the proposed programme, the Committee shall ensure that the following matters are clearly stated:
- Subject Matter
  - Specific details as to what issues are to be covered
  - An initial indication of the groups and organisations to be invited to contribute and the persons to be invited to attend.
  - Time limit
  - Officer involvement

Those putting forward suggestions for items for inclusion in the programme should therefore keep the above requirements in mind.

- (c) In-year variations of the programme may be made in accordance with the provisions set out in the Committee's terms of reference in Part 2 of this Constitution.

## **8 Agenda items**

- (a) Any member of the Council may give written notice to the Committee and Civic Services Manager that they wish an item to be included on the agenda of the Committee. If the Committee and Civic Services Manager receives such a notification, then they will include the item on the first available agenda of the Policy and Performance Advisory Committee for consideration by the Committee. If the matter is urgent and cannot await the

next ordinary meeting of the Committee, an extraordinary meeting of the Committee shall be called by the Chair of the Committee or the Council's senior legal officer if at least three members of the Committee are in agreement with that course of action.

- (b) The Committee shall also respond, as soon as its work programme permits, to requests from the Council and, if it considers it appropriate, the Cabinet to review particular areas of Council activity. Where they do so, the Committee shall report its findings and any recommendations back to the Cabinet and/or Council. The Council and/or the Cabinet shall consider the report of the Committee at their next available meeting.

## **9 Policy Review and Development**

- (a) The role of the Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Committee may make proposals to the Cabinet for developments in so far as they relate to matters within its terms of reference.
- (c) The Committee may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so out of the budget allocated to them by the Council.

## **10 Means of Conducting Reviews and Other Activities**

- (a) The Committee should normally set up Panels of three or five Councillors to undertake detailed reviews as they arise on a task and finish basis and may similarly set up Panels to undertake other activities which the Committee wishes to delegate to them. The Panels will report their conclusions directly to Cabinet/Council as appropriate. The Panels will not have decision-making powers.
- (b) The number of Councillors to serve on a Panel shall be determined by the Committee with the Councillors being determined by the Committee or nominated by the respective Group Leaders. The Panels shall be politically proportionate

except that the Leader of a political group may decide to offer one of their Group's places to another group or an Independent member. Should the leader of a political group decline to nominate councillors to serve on a panel or to offer one of their Group's places to another Group or an Independent Member, the matter shall be referred back to the Committee. Panels cannot include Cabinet members.

- (c) The Committee will set the Panels' terms of reference and time-scale for completing each review or activity. Should pressure on officer resources be such that the agreed timescale might become unrealistic, the matter shall be referred back to the Committee.
- (d) The quorum of a Panel shall be a majority of the number of members of the Panel.
- (e) Each Panel shall appoint a Chair from within its membership.
- (f) No more than four Panels shall be in existence at any one time (excluding those convened to consider call-in requests or matters identified in the forward plan of key decisions).

## **11 Reports from the Policy and Performance Advisory Committee**

- (a) Once it has formed recommendations on proposals for development, the Committee or Panel will prepare a formal report and submit it to the Council's senior legal officer for consideration by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (eg if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- (b) If the Committee or Panel cannot agree on one single final report to the Council or Cabinet as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.
- (c) The Council or Cabinet shall consider the report of the Committee or Panel at their next available meeting and in any event within three months of it being submitted to the Council's senior legal officer.

## **12 Making sure that Policy and Performance Advisory Committee Reports are considered by Council or Cabinet**

- (a) Once the Committee or Panel has completed its deliberations on any matter it will forward a copy of its final report to the Council's senior legal officer who will allocate it to either or both the



Cabinet and the Council for consideration, according to whether the contents of the report would have implications for the Council's budget and policy framework. If the Council's senior legal officer refers the matter to Council, he/she will also serve a copy on the Leader with notice that the matter is to be referred to Council. The Cabinet will at its next available meeting respond to the Committee or Panel report, and the Council shall not consider it within that period. When the Council does meet to consider any referral from the Committee or a Panel on a matter which would impact on the budget and policy framework, it shall also consider the response of the Cabinet to the Committee proposals.

- (b) In respect of core items such as input into forthcoming key decisions of Cabinet, the Committee Officer will ensure that commentary and recommendations on the matter in hand are agreed and submitted to the Cabinet meeting to be taken into consideration when the subject is debated.

### **13 Rights of Policy and Performance Advisory Committee Members to Documents**

- (a) In addition to their rights as Councillors, members of the Committee or Panels have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Committee as appropriate depending on the particular matter under consideration.

### **14 Members and Officers Giving Account**

- (a) The Committee or a Panel may scrutinise and review decisions made or actions taken in connection with the discharge of any Council function. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Cabinet, the Head of Paid Service and/or any senior officer to attend before it to explain in relation to matters within their remit:
  - (i) any particular decision or series of decisions;
  - (ii) the extent to which the actions taken implement Council policy; and/or
  - (iii) their performance,.

and it is the duty of those persons to attend if so required.

- (b) Where any Councillor or Officer is required to attend the Committee or Panel under this provision, the Chair of that Committee or Panel will inform the Council's senior legal officer. The Council's senior legal officer shall inform the Councillor or

Officer in writing giving at least five working days' notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee or Panel. Where the account to be given to the Committee or Panel will require the production of a report, then the councillor or officer concerned will be given sufficient notice to allow for preparation of that documentation.

- (c) Where, in exceptional circumstances agreed by the relevant Director/Head of Service in respect of their staff or the Chief Executive in the case of Directors/Heads of Service and Group Leaders in the case of Councillors, the Councillor or Officer is unable to attend on the required date, then the Committee or Panel shall, in consultation with the Councillor or Officer, arrange an alternative date for attendance.

## **15 Attendance by Others**

The Committee or Panel may invite people other than those people referred to in paragraph 14 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector in the area or whose work impinges upon the area and shall invite such people to attend.

## **16 Call-in**

- 16.1** The draft decisions of the Cabinet will be e-mailed to Councillors normally within three working days of the close of the meeting or the date of the draft decision as appropriate. In this rule and in rule 17 below "Cabinet" shall be read as including any Committee of the Cabinet or a decision made by a Cabinet Member or a key decision made by an officer with delegated authority from the Cabinet or under joint arrangements.
- 16.2** For non-urgent draft decisions made by the Leader or by a Cabinet Member, a copy of the officer report and decision-making proforma shall normally be emailed to the Leader/Cabinet Member and relevant Ward Councillor(s) three working days prior to the decision being made. In the case of urgent decisions made by the Leader or by a Cabinet Member, a copy of the report and proforma shall normally be emailed to the relevant Ward Councillor(s) at the same time as it is sent to the Leader/Lead Councillor.
- 16.3** Any Councillor is entitled to submit a request by email or fax setting out the reason why she/he wishes any such decision to be called in by the Policy and Performance Advisory Committee for consideration by a Panel (known as a 'Call-In Panel'). The request must be submitted to the Committee and Civic Services Manager within three working days of the date of the email.

**16.4** The Committee and Civic Services Manager will transmit by email to all members of the Policy and Performance Advisory Committee a copy of the reason for requesting a review submitted by the Councillor. A notice invoking the call-in procedure must meet at least one of the following grounds in support of the request for call-in of a decision:

- Inadequate consultation with stakeholders prior to decision;
- Absence of adequate evidence on which to base a decision;
- Decision would require a departure from or a change to, the agreed budget and policy framework;
- Action decided upon would not be proportionate to the desired outcome;
- Decision would be open to a human rights challenge;
- Insufficient consideration of legal and financial advice; or
- Decision is not within Cabinet's powers or terms of reference or within the portfolio of the Leader or Portfolio Holder or member or Officer with delegated executive powers who took it.

**16.5** Members of the Committee must decide within two working days whether they support the request for the decision to be reviewed and if they do so they should email a response to the Committee and Civic Services Manager accordingly. If at least six members of the Committee are in favour of calling in the decision, the Chair of the Committee will call a meeting of a 'Call-In' Panel of the 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 normally be five members unless otherwise determined by the Chair, with the Councillors being nominated by the respective Group Leaders.

**16.6** The decision of the Cabinet will not be implemented until:

- (i) The time period in paragraph 16.5 has expired and six members of the Committee have not stated they are in favour of calling in the decision; or
- (ii) A Panel of the Committee considers the matter and resolves not to intervene in the decision of Cabinet; or
- (iii) A Panel of the 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
- (iv) In the case of any question relating to the budget or policy framework, the Panel of the 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).

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

## **17 Call-in and Urgency**

- (a) The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent.  
Definition of Urgency: A decision will be urgent if, in the view of the decision-maker, any delay likely to be caused by the call in process would, for example, seriously prejudice the Council's or the public's interests. The record of the decision and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- (b) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

## **18 The Party Whip**

- (a) When considering any matter in respect of which a member of the Committee or Panel is subject to a party whip the member must declare the existence of the whip and the nature of it before the commencement of the Committee's or Panel's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

## **19 Procedure at Policy and Performance Advisory Committee Meetings**

- (a) The Committee and its Panels (if any) shall consider the following business:
- (i) minutes of the last meeting;
  - (ii) declarations of interest (including whipping declarations);
  - (iii) responses of the Cabinet to reports of the Committee or its Panels; and
  - (iv) the business otherwise set out on the agenda for the meeting.
- (b) Where the Committee conducts investigations (eg with a view to policy development), the Committee may also ask people to

attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:

- (i) that the investigation be conducted fairly and all members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
  - (ii) that those assisting the Committee by giving evidence be treated with respect and courtesy; and
  - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) Following any investigation or review, the Committee shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

## **20 Procedure at a Panel (excluding a 'Call-in' Panel)**

**20.1** A preliminary meeting will be held attended by the Councillors appointed to the Panel and any relevant Officers for the purposes of:

- (a) Determining the overall content and scope of the issue, subject to any terms of reference already established by the Policy and Performance Advisory Committee;
- (b) Agreeing the persons to be invited to answer questions and/or give evidence;
- (c) Setting the approach to be taken (eg workshops, interviews, presentations, etc); and
- (d) Scheduling sessions (eg full day, one or two half days).

**20.2** A Panel shall normally meet as an internal working group.

**20.3** Panel sessions shall normally include:

- (a) Interviews, discussions, representations involving councillors, officers and external invitees as appropriate, followed by:
- (b) Councillors debating the matter and making their findings and recommendations.

**20.4** Paragraphs 19(a)(ii), 19(b) and 19(c) above shall apply to a Panel.

**20.5** References to the rights of the Policy and Performance Advisory Committee to request councillors and officers to attend and to invite persons from outside the Council to attend (paragraphs 14 and 15 above) shall apply in respect of the proceedings of a Panel.

- 20.6** The relevant lead officer will be responsible for preparing the report and findings on behalf of the Panel.
- 20.7** The reports, findings and recommendations of a Panel shall be made public except where disclosure of information would be classed as either exempt or confidential.
- 20.8** In view of the short time scale for a Panel to consider decisions of Cabinet which are 'called-in' the Panel may choose not to follow the procedure set down in this paragraph with the exception of sub-paragraph 20.4.

## **21 Officer Support for the Policy and Performance Advisory Committee and Panels**

- 21.1** Committee Officers have a role in ensuring the efficient and effective operation of the process. So far as is practical (within a small team of committee staff) the roles of the Committee Officer attending this committee and the officer attending Cabinet will be kept separate and not be undertaken at any one time by the same person.
- 21.2** The Committee Officer attending this Committee will maintain an overview of the progress of its work, including whether recommendations of the Committee are approved (either in full or in part) by either the Cabinet or the Council.
- 21.3** The Committee Officer attending this Committee will not be expected to undertake detailed research or investigation on behalf of the Committee or Panel and such support will be drawn from the Council's resources as a whole. It is accepted that for a small Council like Lewes it is not feasible to provide the Committee or a Panel with a separate team of officer support. Officers must be able to provide impartial advice and support and feel free to do so without fear of any discrimination as a result.
- 21.4** With respect to the proceedings of a Panel, the Committee Officer attending the Committee shall co-ordinate invitations, venue and facilities. Other appropriate officers shall produce research and background documentation.
- 21.5** The arrangements for preparing the agenda for meetings of the Policy and Performance Advisory Committee will be as follows:
- The Committee Officer attending Committee will draw up a menu of items drawing upon the work programme, outstanding issues or requests by the Committee and items referred by Cabinet or other Council bodies.
  - The menu will be the subject of informal discussion between the Chair and the relevant Director prior to issue of the formal agenda.

## **APPENDIX 6**

### **Part 11**

#### **Section 2**

#### **Membership of the Policy and Performance Advisory Committee**

##### **1 Membership**

- 1.1** There shall be one Policy and Performance Advisory Committee consisting of eleven councillors appointed by Council. The quorum shall be three.
- 1.2** Committee membership will be balanced to political proportions and cannot include Cabinet members. It will be chaired by a member from an opposition group.
- 1.3** All non-executive members on the Council can act as substitutes for the standing membership but can only substitute for a member from the same group.
- 1.4** Any councillor who is not a member of the Committee may attend a meeting of the Committee, but may only speak at the meeting at the invitation of the Chair.
- 1.5** The Committee may invite any person to attend and take part in a review being conducted by the Committee but such person shall not have voting powers.
- 1.6** The Committee, when dealing with any housing matter relating to the Council's management of its housing stock shall include two representatives of the Lewes District Organisation of Tenant and Residents Groups who shall be entitled to speak but not vote on any such matter. The tenants' representatives shall not be entitled to be present when any matter is discussed which is designated as an exempt item.

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## **APPENDIX 7**

### **Council Procedure Rules**

#### **Proposed Revised Debating Rules for Motions at Council**

- (a) The Chair will call upon the relevant member to put the motion
- (b) The Chair will call for a seconder. A member seconding a motion may reserve his/her right to speak later in the debate.
- (c) If there is no seconder, the motion falls without debate and the Council proceeds to the next item of business
- (d) The Chair will invite the proposer of the motion to make his/her speech
- (e) The Chair will call in turn other members who have indicated a wish to speak on the motion
- (f) At any point in the debate, a member may propose an amendment to the motion. At this point, the Chair will call for a seconder. If there is no seconder, the amendment is not debated.
- (g) Once an amendment is proposed and seconded, the Council will specifically debate the amendment starting with the proposer of the amendment. The seconder may reserve his/her right to speak later.
- (h) The Chair will call in turn other members who have indicated a wish to speak on the amendment. Members who have already spoken on the original motion may speak again on the amendment.
- (i) At the end of the debate on the amendment, the Chair will put it to the vote. If carried, the effect of the amendment will be added to the original motion and Council will return to debating the motion as now amended. If it is not carried, the Council will return to the debate on the motion as originally proposed.
- (j) Any subsequent amendments will then be managed in the same way as that set out in (f) to (i) above. If a previous amendment has been carried, subsequent amendments must be on the motion as amended.
- (k) Once all amendments have been considered the Chair will Return to the debate on the substantive motion. Any member who has already spoken to the motion may not speak again except for under the general rights set out in paragraph 16.6 below. Any member who has only spoken to amendments or has yet to speak at all may speak at this point.
- (i) At the conclusion of the debate, the Chair will invite the proposer of the original motion to respond before the vote is taken.

(m) The Council will vote on the substantive motion. This will either be the original motion if there have been no carried amendments or as amended by any amendments that have been carried.

(n) Where a decision is required to be relayed to an external agency, this will be undertaken on the Council's behalf by the Council Secretary and any responses to such decisions shall be circulated to all Councillors.

**NOTES:**

1. The above procedure relates to Motions submitted by Councillors only
2. Current procedure rules remain in respect of reports to Council for decision or information
3. General procedure rules as currently set out in the constitution apply to both

# Calendar of Meetings

## May 2020 - June 2021

MEETING:	Day	Time	2020								2021				
			May	Jun	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Bank Holidays			8(F), 25			31				25,28	1			2, 5	3, 31
Elections+			7(PCC)												6(ESCC)
Council	M	6pm	18		20		17(Th)		23			22			20(Th)
Cabinet	Th	2.30pm		11	9		24		12	10		4	25		
Policy and Performance Advisory Committee (replaces Scrutiny)	M	3.30pm		2(T),29			15(T)		3(T), 30		25		15		
Planning Applications Committee	W	5pm	20	10	1, 22	12	2, 23	14	4, 25	16	20	17	10, 31	21	26
Audit and Standards Committee	M	10am			6		14		16		18		8		
Joint Staff Advisory Committee** (replaces Employment)	M (L) / W (E)	2.30pm		15(M)			9(W)			7(M)			3(W)		
Licensing Committee	Th	10am			23		24				28		11		
Devolution Committee*	Ad hoc														
Other				LGA Ann Conf 30	LGA Ann Conf 1-2										

### Notes:

\*The dates of other Committees, Sub-Committees and Panels which do not meet regularly will be announced as and when.

\*\*Meetings of Joint Staff Advisory Committee will alternate venues and days between Lewes (L) and Eastbourne (E).

+ Scheduled Elections during 2020/21 – Police and Crime Commissioner (PPC) May 2020, East Sussex County Council (ESCC) May 2021.

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# Executive decision taken by Leader/Cabinet portfolio holder

*Pro-forma for completion in respect of executive decisions taken by Leader of the Council or by an individual Cabinet portfolio holder.*

**Decision taken by:**

Councillor Zoe Nicholson, Leader of the Council, in consultation with other Cabinet members

**Date of decision:**

18 December 2019

**Subject of report:**

Provision of IT Services to the Council

**Exempt matter (if any as given under Schedule 12A of the Local Government Act 1972):**

This report contains exempt information as defined in Schedule 12A of the Local Government Act 1972.

Paragraph 4 – (Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relating matters arising between the authority or a Minister of the Crown and employees of, or office-holders under the authority.

The public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**Key decision?:**

Yes

***Open summary of decision made:***

To agree to an early and mutually agreed termination of the current contract for the 31<sup>st</sup> December for both parties. This will result in no penalties for either party.

In accordance with section 17 of the Council's Scrutiny Procedure Rules, the call-in procedure shall not apply to this decision given its urgency. A decision is urgent if, in the view of the decision maker, any delay likely to be caused by the call-in process would, for example, seriously prejudice the Council's or the public's interests.

In accordance with this section, it is the opinion of the decision maker that this decision is an urgent one and therefore exempt from call-in

***Reason(s) for decision:***

Early termination for the mutually beneficial convenience of both parties with a termination date of 31<sup>st</sup> December 2019.

***Alternative options considered:***

Maintaining the status quo with the current contractor was considered as an alternative option, however this would have a considerable impact on the council's budget as we would need to engage the contractor for future project work that would have substantial costs associated due to their current contract terms.

***Was an executive councillor(s) consulted before decision was taken? If so, what was the result of this consultation?***

Cabinet members were consulted and approved

***Does the proposal involve any unplanned expenditure? If so, please confirm that you have consulted with the Chief Finance officer and include the date of consultation***

No

***Signed:***

Cllr Zoe Nicholson

***Leader of the Council***

## Non-Executive functions:

## Record of decision



**Lewes District Council**

### (a) Record of decision:

<b>Name and title of officer making decision:</b>	Ian Fitzpatrick, Deputy Chief Executive & Director for Planning and Regeneration
<b>Service/division/department:</b>	Planning and Regeneration
<b>Date decision made:</b>	27 <sup>th</sup> November 2019
<b>Subject matter :</b>	Adoption ('making') of the Newhaven Neighbourhood Plan
<b>Decision taken:</b>  The decision was taken to 'make' and formally adopt the Newhaven Neighbourhood Plan as part of the statutory development plan for Lewes District.	

### (b) Reasons for decision:

To ensure the Newhaven Neighbourhood Plan is 'made' within the timeframe set out by the Neighbourhood Planning (General) Regulations 2012 (as amended). This is 8 weeks from the day after a successful referendum. Newhaven Neighbourhood Plan (NNP) referendum was held on 10<sup>th</sup> October 2019 and so the NNP must be made by the 5<sup>th</sup> December 2019.

### (c) Details of any alternative options considered and rejected when making decision:

Potential to hold a special meeting of the Full Council before 5<sup>th</sup> December – rejected for the following reasons:

- It is not appropriate for Full Council to be voting on a planning policy matter during the election period because of the purdah rules on council publicity.
- There is a significant risk that even if a meeting of Full Council were convened, it might not be quorate, as many members may have prior commitments relating to the election.
- Officer resource needed to prepare for and administer a Full Council meeting is not available

during the election period. Removing them from election duties could undermine the election process.

**(d) Details of any consultations undertaken:**

Consultation with the Council's Deputy Monitoring Officer, the Planning Lawyer and the Chief Executive.

Consultation with Cllr Joe Miller, the Chair of Scrutiny, to seek agreement that the decision is a matter of urgency.

**(e) Source of authority to make decision:**

**LDC's Scheme of delegations/ Cabinet decision date/ authority delegated by (delete as appropriate and add detail)**

The Council's Budget and Policy Framework Procedure Rules (part 4 of the Constitution)

**(f) Record of any conflict of interest declared by any Cabinet member who was consulted which relates to the decision (if none, state "none"):**

N/A

**(g) In respect of any declared conflict of interest recorded above, a note of the dispensation granted by the Monitoring Officer (if none, state "none").**

N/A

**Record of decision compiled by Ian Fitzpatrick on date 27 November 2019**



## Notice of Motion - A Local Town Connection Policy

### Motion from Councillor Sharon Davy

#### Preamble:

I hope that colleagues feel able to support a fairer, more localised housing allocation policy for our *towns* throughout the Lewes District. A new Town Local Connection Policy that can be included in the forthcoming Housing Policy Consultation.

Fair and flexible: statutory guidance on social housing allocations for local authorities in England was published in December 2009. The document sets out more clearly the freedoms and flexibilities that local authorities should use when developing allocation policies in their area. It's all about localism.

We have a Local Connection criteria and Allocation of Rural Properties policy that gives preference for those who live within the *rural area* - have permanent employment within the rural area - have close relatives who have resided in the rural area for a minimum of five years. A policy that is imperative to keep our villages alive and help the younger generation find homes, as well as bringing up their children and attending our first class schools.

The vast majority of people on the housing register ideally would like a home in their town of choice where they were born, or brought up. Often, with local and sustainable family and friends support. Or, they are in permanent employment within the town and a valuable asset to the community.

At Planning Committee Meetings, we constantly speak of localism – local housing for local people. Our Housing Department does not currently have a policy to give preference to applicants and families living in our towns. Insofar as the law permits, our policy should do so – just as it does for our rural villages.

This is an opportune moment for elected Councillors to have input and put forward a new policy that will benefit residents living in our towns and the District as a whole, I welcome your support.

#### Proposed Motion:

#### **I call upon Full Council:**

“To incorporate in the forthcoming Housing Allocation Policy Review a Local Connection criteria for towns, so far as is lawfully possible”.

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## Updates for Outside Bodies – Reports from Councillors

The following updates have been received from Councillors in relation to the outside bodies to which they have been appointed by Full Council.

<b>1</b>	<b>Team East Sussex (TES)</b> (South East LEP)	<b>Councillor Nicholson</b>
	<p><i>Date of meeting:</i> 27/01/2020</p> <p><i>Business discussed:</i> Progress on Local Industrial Strategy and update from ESCC on strategic infrastructure projects.</p> <p><i>Decisions made:</i> Focus on ensuring East Sussex needs are fully represented in the Local Industrial Strategy.</p>	
<b>2</b>	<b>Community Safety Partnership</b>	<b>Councillor Denis</b>
	<p><i>Date of meeting:</i> 20<sup>th</sup> January</p> <p><i>Business discussed:</i></p> <ul style="list-style-type: none"> <li>• Budget</li> <li>• Annual Report – to go to scrutiny</li> <li>• Review Priorities</li> </ul>	
<b>3</b>	<b>Sussex Police and Crime Panel</b>	<b>Councillor Denis</b>
	<p><i>Date of meeting:</i> 31<sup>st</sup> January, 2020 at County Hall, St Anne's Crescent, Lewes</p> <p><i>Business discussed:</i></p> <ul style="list-style-type: none"> <li>• Budget for the Police and Crime Commissioner/Sussex Police</li> <li>• Questions for the Commissioner</li> <li>• Estates Strategy</li> </ul> <p><i>Decisions made:</i></p> <ul style="list-style-type: none"> <li>• To support the proposed increase of £10. Band D precept will now be £199.91pa.</li> </ul>	
<b>4</b>	<b>Safer Communities Partnership Board</b>	<b>Councillor Denis</b>
	<p><i>Date of meeting:</i> 29<sup>th</sup> January, 2020 at Eastbourne Town Hall</p> <p><i>Business discussed:</i></p> <ul style="list-style-type: none"> <li>• Violent crime strategy</li> <li>• Safer Communities Plan</li> </ul> <p>East Sussex County Council has unilaterally removed reference to safer roads from the Partnership plan.</p> <p><i>Decisions made:</i> Non- decision making</p>	

5	Wave Leisure Trust Ltd	Councillor Saunders
	<p><b>Purpose:</b> <i>"Inspiring Active Lifestyles"</i></p> <p><b>Vision:</b> <i>"To be at the heart of the improvement of health and wellbeing in the community"</i></p> <p><b>Values:</b> <i>"Respect, Communication, Pride, Teamwork, Honesty, Enthusiasm."</i></p> <p><b>Introduction</b>  Formed in 2006, Wave was born out of Lewes District Council (LDC) Leisure Services and was then responsible for operating 6 leisure facilities within the Lewes District, turning over £3,495,247 and receiving a service fee from LDC of £1,108,175 per annum.</p> <p>Today, Wave is recognised as an award-winning Trust, managing sixteen leisure facilities, along with Newhaven Fort - across Lewes District, Eastbourne Borough and East Grinstead. Wave now generates circa £8,000,000 annually, with a significantly reduced service fee of £100,000 which is set to decrease to zero on 31<sup>st</sup> March 2020.</p> <p>Wave should rightly be commended for this feat, faced by the financial pressures both the private and public sectors have endured in recent years.</p> <p><b>Challenge</b>  In recent years, the principal challenge for Wave has been supporting the Council with the ambition to drive the Service Fee down to zero by 1<sup>st</sup> April 2020. This, along with the pressures of cost increases, through materials, wages and utility cost rises, whilst remaining true to their Purpose, Vision and Charitable Objectives.</p> <p>Recognising the need to meet those challenges head on, Wave has taken opportunities to expand the range of facilities and geographical reach which has meant scaling up the business by investing in people, systems and software.</p> <p>The Chief Executive, Duncan Kerr and his team, have been proactive in their approach to the expansion of the business. They continue to actively explore further opportunities within and outside the District, as well as innovative arrangements with other organisations locally, to maximise their influence and provision of healthy living, to as many residents and organisations as possible.</p> <p>New facilities include:</p> <ul style="list-style-type: none"> <li>• <b>East Grinstead Sports Club</b>  In 2017/18 Wave successfully procured the contract to operate East Grinstead Sports Club, the first contract outside of the Lewes District.</li> <li>• <b>Sky High Trampoline Park</b>  In February 2019 Wave welcomed Sky High Trampoline Park to the portfolio. Located on Meridian Industrial Estate in Peacehaven, comprising trampoline arena, a café, viewing gallery and two themed party rooms.</li> <li>• <b>Eastbourne Borough Council</b>  Wave was delighted when, in 2019, Eastbourne Borough Council (EBC) offered Wave a grant to operate seven facilities to support a long-term (10 years) project to provide improved leisure, sports and community services and support</li> </ul>	

healthcare and wellbeing in Eastbourne.

### **Community and Health Improvement**

Whilst maintaining a commitment to mainstream membership activities, e.g. gym, swim and classes, Wave continues to expand the range of health focused activities including their first NHS Procured Contract called ESCAPE Pain, a lower limb pain management programme, along with other projects such as Strength and Balance (Falls Prevention), Postural Stability Exercise (PSI), Carers' Respite Sessions, Weight Management Programmes and Satellite Clubs for those with Special Educational Needs and Disabilities (SEND). Wave has also expanded walking sports to include Netball, a welcome addition to our Health Walks and Walking Football, both of which remain very popular across a number of sites. Wave also continues to host the annual Para Games, which grows in popularity every year.

### **Recognition**

During the 2018/19 period, Wave was delighted to secure entry into "The Parliamentary Review" - a Westminster Publication which aims to raise standards through showcasing best practice to numerous government-related industries, highlighting excellence and providing examples of best practise to fellow peers. The publication combines political content with stories from a wide range of organisations we're proud to be included within the 2019 copy.

Wave's story was presented within the "Highlighting Best Practice" Section and focuses on their approach and activities aligned to the primary care sector.

In addition, Wave was thrilled to be invited by Baroness Tanni Grey-Thomson to be included in this year's NHS England National Expo for Health and Care Innovation for work aligned to Public Health. The Expo was held on 4th Sept 2019 and Wave presented on a project as a case study and leading example of how others in the leisure sector should be working to support the NHS.

Wave was also finalists in the Not For Profit category, of the 2019 Sussex Business Awards.

### **Way Forward Beyond 2021**

Wave is proud of its successful partnership with LDC, but the contract is due to end on 31<sup>st</sup> March 2021. As such, during 2020/21, there is a requirement to define and secure a new long-term agreement with LDC.

Wave has grown out of the District Council's commitment to the residents of the community and it is looking to take that ethos to new heights, with a bold and positive vision for the future. The investment made by LDC in Wave has been put to good use by the Trust and returned a lasting legacy of healthy living and access for a large cross section of the community, to sport and exercise. There is recognition by the current Management and Board, that there is still more that is possible to achieve for our district and its surrounding communities.

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