

Cabinet

Minutes of meeting held remotely on 4 February 2021 at 2.30 pm.

Present:

Councillor James MacCleary (Chair).
Councillors Zoe Nicholson (Vice-Chair), Matthew Bird, Julie Carr, Chris Collier, Johnny Denis, William Meyer, Emily O'Brien and Ruth O'Keeffe.

Officers in attendance:

Robert Cottrill (Chief Executive), Homira Javadi (Chief Finance Officer), Ian Fitzpatrick (Deputy Chief Executive and Director of Regeneration and Planning), Tim Whelan (Director of Service Delivery), Becky Cooke (Assistant Director for Human Resources and Transformation), Oliver Dixon (Monitoring Officer and Head of Legal Services), Jo Harper (Head of Business Planning and Performance), Oliver Jones (Strategy and Partnership Lead), Helen Knight (Head of Human Resources), Millie McDevitt (Organisational Effectiveness and Performance Lead), Ola Owolabi (Deputy Chief Finance Officer (Corporate Finance)), Kate Richardson (Strategy and Partnership Lead for Sustainability), Simon Russell (Head of Democratic Services) and Nathan Haffenden (Head of Commercial Business Development).

Also in attendance:

Councillor Roy Burman, Councillor Isabelle Linington (Leader of the Opposition) and Councillor Julian Peterson (Chair of Audit and Standards Committee).

33 Minutes of the meeting held on 10 December 2020

The minutes of the meeting held on 10 December 2020 were submitted and approved and the Chair was authorised to sign them as a correct record.

34 Apologies for absence

Apologies for absence were received from visiting members Councillor Miller (Chair of Policy and Performance Advisory Committee) and Councillor Boorman (Vice-Chair of Policy and Performance Advisory Committee). Councillor Burman was in attendance to represent the Policy and Performance Advisory Committee.

35 Declarations of interest

Councillors MacCleary, Meyer and Nicholson declared a prejudicial interest in the second set of officer recommendations for agenda item 11 (General Fund Revenue Budget 2021/22 and Capital Programme) as members of the AHLLP Executive Committee. They withdrew from the meeting whilst this section of the item was discussed and determined. Councillor Collier was nominated to Chair

the meeting for the duration of this section.

Councillor O’Keeffe declared a personal interest in agenda item 18 (Voluntary sector support) as a Trustee of the Citizens Advice Bureau. She remained on the meeting but did not vote on the item.

36 Order of business

Councillor Nicholson had notified the Cabinet that she would be slightly delayed in joining the remote Cabinet meeting. The Chair agreed to re-arrange the order of business, to enable Councillor Nicholson to present and speak on the items under her portfolio.

37 Ward issues raised by councillors at Full Council

The Cabinet considered the report of the Head of Democratic Services, responding to the ward issue that was raised by Councillor Gauntlett at the meeting of the Full Council on 23 November 2020.

Councillor O’Brien presented the report and confirmed that all outstanding actions had taken place, and this was detailed in the report. Cabinet were advised that an update from the developer had been received and they confirmed that they were reviewing the commencement of their works. The Council were awaiting further information and would be following this up in the coming weeks.

In addition to writing to the Secretary of State for Housing, Communities and Local Government, Councillor O’Brien had also written to Maria Caulfield MP (Lewes), and she confirmed that she would be raising the points on Planning Law with ministers on the Council’s behalf.

Resolved (Non-key decision):

To note and agree the officer action detailed in the report.

Reason for decision:

To ensure that appropriate follow up action is taken.

38 Recovery and reset programme

The Cabinet considered the report of the Chief Executive, updating them on progress of the Recovery and Reset Programme.

Policy and Performance Advisory Committee (PPAC), held on 25 January 2021, considered the report and were supportive of the recommendation in full. Councillor Burman, was in attendance to present PPAC’s discussion.

Resolved (Non-key decision):

To note the progress made with the Recovery and Reset Programme.

Reason for decision:

The Recovery and Reset Programme provides a structured and accountable approach for delivering the level of significant organisational change needed to respond to current and future challenges.

39 Portfolio progress and performance report quarter 3 - 2020-2021

The Cabinet considered the report of the Deputy Chief Executive and Director of Regeneration and Planning, detailing the Council's progress and performance in respect of key projects and targets for the third quarter of the year (October to December 2020), as shown at appendix 1 to the report.

Policy and Performance Advisory Committee (PPAC), held on 25 January 2021, considered the report and were supportive of the recommendation in full. Councillor Burman, was in attendance to present PPAC's discussion.

In response to a point raised at the PPAC meeting around the decline in recycling numbers, Councillor Carr clarified that this may be due to an increase in residual waste during this quarter as households' decluttered. Updated performance figures had been received since publication of the report and the key performance indicator for recycling was now marginally below the target (40.65%).

Visiting member and Leader of the Opposition, Councillor Linington praised the performance of staff during a very difficult period. This was unanimously supported by the Cabinet.

Helen Knight, Head of Human Resources addressed the Cabinet and detailed the various measures implemented during this period to support staff and contribute to the high attendance figures. This included extending the flexi-scheme for staff to work during the period of 7 am -10 pm, personal risk assessments, staff surveys, availability of mental health first aiders and extensive guidance on the Council's intranet page for mental health, wellbeing and home schooling.

Resolved (Non-key decision):

To note progress and performance for Quarter 3.

Reason for decision:

To enable Cabinet members to consider specific aspects of the Council's progress and performance.

40 Climate change and sustainability strategy

The Cabinet considered the report of the Deputy Chief Executive and Director of Regeneration and Planning, seeking their agreement of the strategy and action plan, to deliver against the Council's climate emergency declaration and net zero targets agreed in 2019.

Thanks were conveyed to Councillor Bird, Kate Richardson, Strategy & Partnership Lead for Sustainability, other officers involved and the Scrutiny Emergency Climate Change Panel for their work towards finalising the strategy.

The strategy provided a comprehensive evidence base for carbon emissions in both the council and the district and underpinned the many actions laid out in the action plan and set out the pathway to a Climate resilient future in the district.

Policy and Performance Advisory Committee (PPAC), held on 25 January 2021, considered the report and were supportive of the recommendations in full. Councillor Burman was in attendance to present PPAC's discussion.

Visiting member and Leader of the Opposition, Councillor Linington praised the work undertaken in producing the report and welcomed an easily digestible communications strategy, highlighting key threads from the strategy to assist engagement with the public and partners.

Councillor Nicholson joined the meeting during discussion and determination of this item.

Resolved (Key decision):

(1) To approve the Climate Change and Sustainability Strategy 2021 and Action Plan set out at appendix 1 and 2 to the report.

(2) To require the Deputy Chief Executive and Director of Planning and Regeneration to produce an annual progress report detailing the council and district carbon footprints, and progress against the action plan in September each year.

(3) To note the 'Summary of Engagement Responses' report at appendix 3 to the report.

Reason for decisions:

To progress the aims of the Council's Climate Emergency Declaration (2019) to make the Council Net Zero Carbon by 2030 and to assist the same aim to be achieved within the wider district.

41 Finance update - performance quarter 3 - 2020-2021

The Cabinet considered the report of the Chief Finance Officer, updating them on the Council's financial performance in the quarter 3 period for 2020/21.

The current deficit detailed in the report factored in the Government's emergency Covid-19 grant and income compensation scheme. Councillor Nicholson reiterated that the income compensation scheme only covered less than 50% of the Council's overall income loss.

The Cabinet expressed their thanks to the work and efforts of the senior management team, to cover the shortfall from government.

Resolved (Non-key decision):

(1) To note the General Fund, HRA and Collection Fund financial performance for the quarter ended December 2020.

(2) To agree the amended capital programme as set out at appendix 2 to the report.

Reason for decisions:

To enable Cabinet members to consider specific aspects of the Council's financial performance.

42 General Fund Revenue Budget 2021/22 and Capital Programme

The Cabinet considered the report of the Chief Finance Officer, regarding the updated General Fund budget and updated Medium Term Financial Strategy, together with the updated Capital Programme position.

Despite the significant challenges of Covid-19, set out in the report, efficiencies, savings, and the limited use of reserves had made it possible for the Council to deliver a balanced budget for 2021/22.

The report also confirmed a major capital programme that focused on using the council's financial power to stimulate the local economy and tackle the climate emergency.

As part of her presentation and addressing the future recovery and conclusion of the furlough scheme, Councillor Nicholson proposed two additional resolutions, to support those in financial distress. This was unanimously agreed by Cabinet and detailed at resolutions (6) and (7) below.

The Policy and Performance Advisory Committee, at its meeting on 25 January 2021, made the following recommendation to Cabinet:

To support the recommendations in the report subject to the following amendment being considered by the Cabinet:

Recommendation ii) in the Cabinet report be amended to read.... 'Zero increase in the Council Tax for Lewes District Council for 2021/22'.

The recommendation from the Policy and Performance Advisory Committee (PPAC), was presented by Councillor Burman, member of PPAC and considered by Cabinet during their discussions. Visiting member and Leader of the Opposition, Councillor Linington also spoke in support of the PPAC recommendation.

The report proposed a 9.6p a week increase in Council Tax for 2021/22, which equated to £5 a year in the council's share of the bill. The Cabinet advised that this ensured that the council could continue to deliver essential services to residents, support local businesses and help the wider community to recover from the economic impact of Covid-19.

Councillors MacCleary, Meyer and Nicholson declared a prejudicial interest in the second set of officer recommendations for this item as members of the Aspiration Homes LLP Executive Committee. They withdrew from the meeting whilst this section of the item was discussed. Councillor Collier was nominated to Chair the meeting for the duration of this section.

Recommended to Full Council (Budget and policy framework):

Members recommended the following proposals to Full Council:

- (1) The General Fund budget for 2020/21 (Revised) and 2021/22 (original).
- (2) An increase in the Council Tax for Lewes District Council of £5 (per annum) resulting in a Band D charge for general expenses of £197.08 (per annum) for 2021/22.
- (3) The revised General Fund capital programme 2021/22 as set out at appendix 3 to the report.
- (4) That Cabinet endorses the continuation of the Flexible use of Capital Receipts and refers on to Council for approval.
- (5) To note the section 151 Officer's sign off as outlined in the report.

Resolved (Key decision):

- (6) That as soon as practicable officers bring to Cabinet a report on the statutory process for amending the Council Tax Reduction Scheme for 2022/23 and which sets out the financial and other implications of providing a 100% discount to qualifying persons.
- (7) That, in order to maximise the assistance to working age residents in financial distress, officers combine the remaining Council Tax Hardship Scheme funds (as previously agreed at Cabinet on 10 December 2020) with

the council tax relief grant made available under the recent Spending Review, to provide a lump sum payment in 2021/22 to qualifying persons, which in certain cases would – taking into account the council tax reduction awarded – equal 100% of their council tax liability.

(8) To approve, as a Restricted Matter under the LLP Agreement with Eastbourne Borough Council, the making of a loan facility of up to £10m by Eastbourne Borough Council (pursuant to an Eastbourne Borough Council Cabinet decision of February 2021) to AHLLP for the purpose of enabling the partnership to purchase and develop residential accommodation and other property. Also, to delegate authority to the Chief Finance Officer in consultation with the Lead Member for Finance to agree the terms of that loan facility and any associated documentation and to authorise the execution of any related documentation.

(9) To authorise the Chief Finance Officer to ensure that a new “Deed of Entrustment” and the appropriate Funding Agreements are entered into by AHLLP with Eastbourne Borough Council to ensure that:

(a) loans and other funding follow the new Subsidy Control regime which applies from 1 January 2021; and

(b) Right to Buy receipts are appropriated in accordance with legislative requirements and the retention agreement with Government in relation to “social housing”.

(10) To delegate authority to the Chief Finance Officer to determine the terms of such agreements.

Reason for decisions:

The Cabinet has to recommend to Full Council the setting of a revenue budget and associated council tax for the forthcoming financial year by law.

43 Housing Revenue Account (HRA) Revenue Budget and Rent Setting 2021/22 and HRA Capital Programme 2020-24

The Cabinet considered the report of the Chief Finance Officer, regarding the detailed Housing Revenue Account (HRA) budget proposals, rent levels, service charges for 2021/22, and the HRA Capital Programme for 2020-2024.

Ian Fitzpatrick, Deputy Chief Executive advised that continued engagement would take place over the coming year with Tenants of Lewes District (TOLD) about how to spend the funds available, as set out in the report.

Policy and Performance Advisory Committee (PPAC), held on 25 January 2021, considered the report and were supportive of the recommendations in full. Councillor Burman was in attendance to present PPAC’s discussion.

In response to a point raised by PPAC around the garage rents, Councillor

Meyer advised that the Council was reviewing its garage stock and future potential.

Councillor Nicholson reported that prior to consideration by Full Council, any changes arising from current conversations with TOLD would be built into the final report.

Recommended to Full Council (Budget and policy framework):

(1) The HRA budget for 2021/22 and revised 2020/21 budget as set out at appendix 1 to the report.

(2) That social and affordable rents (including Shared Ownership) are increased by 1.5% in line with government policy.

(3) That private sector leased property rents are increased by 2.1% (RPI+1%).

(4) That the revised service charges are implemented.

(5) That garage rents are increased by 2.1% (RPI+1%).

(6) 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.

44 Treasury Management and Prudential Indicators 2021/22, Capital Strategy & Investment Strategy

The Cabinet considered the report of the Chief Finance Officer, seeking approval of the Council's Annual Treasury Management Strategy, Capital Strategy, and Investment Strategy, together with the Treasury and Prudential Indicators for the next financial year.

Councillor Nicholson reported that work had been undertaken to revise the strategy to reflect the administration's environmental and sustainability objectives. Thanks, were conveyed to Ola Owolabi, Deputy Chief Finance Officer for his work in producing the report.

Policy and Performance Advisory Committee (PPAC), held on 25 January 2021, considered the report and were supportive of the recommendations in full. Councillor Burman, was in attendance to present PPAC's discussion. Visiting member, Councillor Peterson also addressed the Cabinet and expressed thanks to officers.

Recommended to Full Council (Budget and policy framework):

(1) To approve the Treasury Management Strategy and Annual Investment Strategy for 2021/22 as set out at appendix A to the report.

(2) To approve the Minimum Revenue Provision Policy Statement 2021/22 as set out at paragraph 8 in the report.

(3) To approve the Prudential and Treasury Indicators 2021/22 to 2023/24, as set out at paragraph 6 in 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.

45 Annual review of fees and charges

The Cabinet considered the report of the Chief Finance Officer, proposing the schedule of Fees and Charges to apply from 1 April 2021.

Policy and Performance Advisory Committee (PPAC), held on 25 January 2021, considered the report and were supportive of the recommendations in full. Councillor Burman, was in attendance to present PPAC's discussion.

Resolved (Key decision):

(1) To approve the scale of Fees and Charges proposed within appendix 1 of the report, to apply from 1 April 2021.

(2) To implement changes to statutory fees and charges for services shown within appendix 1 of the report, as and when notified by Government.

Reason for decisions:

The Council's Constitution requires that all fees and charges, including nil charges, be reviewed at least annually and agreed by Cabinet.

46 Eastbourne and Lewes Community Safety Partnership - Annual Report (Lewes)

The Cabinet considered the report of the Deputy Chief Executive and Director of Regeneration and Planning, covering the 2020/21 performance of the Eastbourne and Lewes Community Safety Partnership.

Policy and Performance Advisory Committee (PPAC), held on 25 January 2021, considered the report and were supportive of the recommendation in full.

Councillor Burman, was in attendance to present PPAC's discussion.

In response to a point made by PPAC in relation to online fraud, it was confirmed that this had been picked up by the Partnership and Sussex Police. Work was ongoing to provide the correct education to potential victims of online fraud.

Resolved (Non-key decision):

To note the achievements and activities of the Eastbourne & Lewes Community Safety Partnership in 2020/21.

Reason for decision:

For Cabinet to consider progress on delivery of the current Community Safety Plan.

47 Voluntary sector support

The Cabinet considered the report of the Deputy Chief Executive and Director of Regeneration and Planning, asking them to note response of the consultation exercise, give consideration to the method of awarding future grants and agree any changes to the council's voluntary sector grants policy.

The Policy and Performance Advisory Committee, at its meeting on 25 January 2021, made the following recommendation to Cabinet:

To support the recommendations in the report subject to the following amendment being considered by the Cabinet:

That Cabinet consider the option of agreeing to award a combination of core grants (without a bidding process) alongside competitive grants on a tri-annual basis to be implemented from 2021/22'.

The recommendation from the Policy and Performance Advisory Committee (PPAC), was presented by Councillor Burman, and considered by Cabinet during their discussions. Councillor Denis thanked PPAC for the recommendation and confirmed that this had been considered previously. Councillor Denis concluded that he believed that what was proposed in the report was the best approach to supporting local organisations.

Resolved (Key decision):

(1) To agree the grant allocations for 2021/22, to be allocated in line with the existing voluntary sector grants policy, as set out in paragraph 1.4 of the report.

(2) To note the consultation responses.

(3) To agree to award all grants tri-annually from 2022/23 onwards and introduce a competitive bidding process to be implemented in 2021/22.

(4) That a further report making recommendations for future funding priorities, in the form of a 'prospectus' against which organisations can bid, be considered at a future meeting of the Cabinet.

(5) An amended grants policy be prepared in line with the recommendations above for adoption at a future meeting of the Cabinet.

(6) That a Grants Working Group of three members be established, as set out at paragraph 2.4 of the report.

Reason for decisions:

The introduction of these changes to the voluntary sector grants policy will enable the council to be more transparent and flexible in how local voluntary organisations are supported and will ensure a focus on priority areas of need.

48 Planning Technical Advice Notes

The Cabinet considered the report of the Deputy Chief Executive and Director of Regeneration and Planning, seeking their approval for the publication and use of three Planning Technical Advice Notes, that addressed sustainability issues.

Policy and Performance Advisory Committee (PPAC), held on 25 January 2021, considered the report and were supportive of the recommendations in full. Councillor Burman was in attendance to present PPAC's discussion. Visiting member, Councillor Peterson, also addressed the Cabinet in support of the recommendations.

Thanks, were conveyed to officers for their work in pulling the Advice Notes together.

Councillor O'Brien confirmed that officers had worked closely with wildlife groups, builders, and developers to ensure that the Notes would not penalise local small businesses. A two-tiered approach was built into the guidance, dependent on the size of the proposed development.

Councillor O'Brien concluded that the Notes may need to be brought back to Cabinet in the future, once new Government legislation (Environment Bill) is implemented.

Resolved (Key decision):

(1) To agree the publication and use of the Sustainability in Development Technical Advice Note contained at appendix 2 to the report.

(2) To agree the publication and use of the Circular Economy Technical Advice Note contained at appendix 3 to the report.

(3) To agree the publication and use of the Biodiversity Net Gain Technical Advice Note contained at appendix 4 to the report.

(4) To provide delegated authority to the Director of Regeneration and Planning, in consultation with the Portfolio Holder for Planning and Infrastructure, to make minor or technical amendments to the Technical Advice Notes prior to their publication or as otherwise required following publication.

Reasons for decisions:

(1) To publicise the Council's expectations for the incorporation of sustainability issues, circular economy principles and biodiversity net gain in planning applications.

(2) To make minor amendments to address technical or drafting issues.

The meeting ended at 4.40 pm

Councillor James MacCleary (Chair)