

Cabinet

Minutes of meeting held in Ditchling and Telscombe Rooms at Southover House, Southover Road, Lewes, BN7 1AB on 10 November 2022 at 2.30 pm.

Present:

Councillor James MacCleary (Chair).

Councillors Zoe Nicholson (Vice-Chair), Julie Carr, William Meyer and Ruth O'Keeffe.

Officers in attendance:

Robert Cottrill (Chief Executive), Homira Javadi (Director of Finance and Performance (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), Nathan Haffenden (Head of Development, Investment and Delivery), Parmjeet Jassal (Interim Head of Financial Planning), Tracey Pannett (Head of Elections), Elaine Roberts (Committee Officer), Simon Russell (Head of Democratic Services), Kate Slattery (Solicitor), Ross Sutton (Head of Financial Reporting) and Mark Walker (Head of Financial Planning).

Also in attendance:

Councillor Isabelle Linington (Leader of the Opposition).

25 Minutes of the meeting held on 22 September 2022

The minutes of the meeting held on 22 September 2022 were submitted and approved and the Chair was authorised to sign them as a correct record.

26 Apologies for absence

Apologies for absence were reported from Councillors Bird, Collier, Denis and Gauntlett. Apologies were also reported from visiting members, Councillors Boorman and Peterson.

27 Declarations of interest

Councillor O'Keeffe declared a personal interest in agenda item 10 (Climate Change and Sustainability Strategy - Annual update 2022), as Chair of the Friends - The Lewes Civic Society. She remained in the room and voted on the item.

28 Elections Act 2022

The Cabinet considered the report of the Electoral Registration Officer and Returning Officer, providing members with an overview of the Elections Act 2022.

The Head of Electoral Services reported that secondary legislation had now been laid and the Council was awaiting further guidance from the Electoral Commission. The Council would be pro-active in making the public aware of Voter ID and the Act's requirement.

Policy and Performance Advisory Committee (PPAC), held on 3 November 2022 considered the report and were supportive of the officer recommendations in full. Councillor Linington, Vice-Chair of Policy and Performance Advisory Committee, was in attendance to present PPAC's discussion.

Resolved (Non-key decision):

(1) To note the report and the actions taken to date and planned to mitigate the risks involved with late implementation of secondary legislation made underpowers conferred by the Elections Act 2022.

(2) To agree that copies of the report be circulated to all members and parish councils for information to make them aware of the Act and its provisions.

Reason for decisions:

The Elections Act 2022 introduces changes that will affect electors, candidates, and the administration of all elections in England (some other elections in the UK).

29 Interim Medium-Term Financial Strategy 2023/24 - 2026/27

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

The report detailed that the total savings required at this stage for 2023/24 to balance the budget currently amounted to £1.79 million, although it was recognised the figure could change, dependent on central government providing additional resources to the sector in 2023/24, and whether the council faced additional financial pressures, due to demand, loss of income or due to the impact of inflation.

Policy and Performance Advisory Committee (PPAC), held on 3 November 2022 considered the report and were supportive of the officer recommendations in full. Councillor Linington, Vice-Chair of Policy and Performance Advisory Committee, was in attendance to present PPAC's discussion.

Resolved (Non-key decision):

(1) To note the updated MTFs forecasts and the requirement to identify additional savings of £2.2million for the period 2023/24 to 2026/27, but also note that this forecast could change significantly based upon outcome of future

government funding settlements, the ongoing impact of the pandemic, demand for services and inflationary pressures upon the council.

(2) To note that at this stage a forecast £1.8 million of savings are required to balance the 2023/24 budget.

(3) To note the planned review of earmarked reserves and reallocate in line with the emerging risks where possible.

Reason for decisions:

The provide Cabinet with and update and early sighting of key MTFs and budgetary implications in preparation for the setting of a revenue budget and associated Council tax for the forthcoming financial year by law.

30 Climate Change and Sustainability Strategy - Annual update 2022

The Cabinet considered the report of the Deputy Chief Executive and Director of Regeneration and Planning, providing an update on the Climate Change and Sustainability Action Plan and to set out proposals for climate change activities in 2023/24.

Thanks were conveyed to Kate Richardson, Strategy & Partnership Lead – Sustainability for progressing the work and achievements outlined in the report.

Policy and Performance Advisory Committee (PPAC), held on 3 November 2022 considered the report and made the following recommendation to Cabinet:

To support the officer recommendations in the Cabinet report in full, subject to the following amendment to recommendation (3) being considered:

(3) To support the proposed climate change activities for 2023/24, subject to the consideration of any alternative funding sources available.

Councillor Linington, Vice-Chair of Policy and Performance Advisory Committee, was in attendance to present PPAC's discussion.

Cabinet noted that the action plan, detailed at Appendix 1 to the report, covered large sections of the organisation and had been positively welcomed by all staff and community affected.

Following discussions, the Cabinet unanimously agreed to make a revision to officer recommendation (3), to make it clear that proposed climate change activities for 2023/24 were subject to full consideration within the annual business and budget planning process. This was detailed in the resolution below.

Councillor O'Keeffe declared a personal interest in this item as Chair of the

Friends of Lewes – The Lewes Civic Society, who were a beneficiary of one of the projects. She remained in the room and voted on the item.

Resolved (Key decision):

(1) To approve the Climate Change and Sustainability Annual Update (as attached at Appendix 1 to the report) for publication on the Council's website

(2) To note progress to date on the strategy action plan as contained at Appendix 1 to the report.

(3) To support the proposed climate change activities for 2023/24, subject to full consideration within the annual business and budget planning process.

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.

31 Housing Development Update

The Cabinet considered the report of the Deputy Chief Executive and Director of Regeneration and Planning, providing an update on the progress of the housing delivery programme and key projects.

Since publication of the report, Cabinet had reflected on the current political and economic circumstances.

Policy and Performance Advisory Committee (PPAC), held on 3 November 2022 considered the report and resolved to not support the officer recommendations in the Cabinet report. Policy and Performance Advisory Committee did not feel that, in view of the spend involved, the business case could be supported, or sufficient alternatives had been presented. Councillor Linington, Vice-Chair of Policy and Performance Advisory Committee, was in attendance to present PPAC's discussion.

The Head of Development, Investment and Delivery reported on the impact that the current financial climate was having on the housing market, making it more difficult for councils to viably build affordable housing, and potentially having an impact on the condition and sustainability features of those houses.

A revised set of recommendations were proposed by Cabinet. Whilst finding merit in the original officer proposals, Cabinet agreed that it would not be sensible to proceed with the proposed business case, given the current financial uncertainty. Instead, the Council would proceed with the purchase of the public sector brownfield site, revisit its existing funding for housing development, in addition to exploring external funding opportunities, that may arise in the coming months.

Following initial discussions, Cabinet resolved to exclude the public whilst discussing the exempt appendix, as otherwise there was a likelihood of disclosure to them of exempt information as defined in schedule 12A of the Local Government Act 1972, paragraph 3 – Information relating to the financial and business affairs of any particular person (including the authority holding that information).

Following the exempt discussion, the public meeting resumed. Cabinet unanimously agreed to a revised set of recommendations as set out below. Cabinet wanted to emphasise a strong statement of intent to provide housing on the brownfield site.

Resolved (Key decision):

- (1) Not to proceed on the basis of the business case (Appendix 1 - Exempt) for the project known as the Former Newhaven Fire Station.
- (2) To use the existing delegations (as per the February 2020 Cabinet decision) to proceed with the purchase of that site.
- (3) To hold the site and further review its optimum use and business case
- (4) To authorise the Director of Regeneration and Planning, in consultation with the Portfolio Holder for Housing, Portfolio Holder for Finance and Assets, and Chief Finance Officer, to carry out all necessary actions in relation to the review of the site's future use on the basis that any future proposed housing development will come back to Cabinet for approval.

Reason for decisions:

To enable the Council to purchase redundant public sector brownfield land and to ensure the business case is sufficiently robust in the current economic climate to meet the Council's intentions to develop the site for housing.

Notes: (1) Appendix 1 remained exempt. (2) Exempt information reason 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).

32 Property and Asset Management Update

The Cabinet considered the report of the Deputy Chief Executive and Director of Regeneration and Planning, providing an update and seeking decisions on key properties and assets.

Policy and Performance Advisory Committee (PPAC), held on 3 November 2022 considered the report and were supportive of the officer recommendations in full. Councillor Linington, Vice-Chair of Policy and Performance Advisory Committee, was in attendance to present PPAC's discussion.

Thanks were conveyed to the officers for their work, in particular around leases at Stanley Turner Recreation Ground.

Resolved (Key decision):

(1) To note the progress of the Newhaven waste and recycling depot development plans and the focus on re-utilising the existing site at Robinson Road, subject to a detailed business case to follow in the future.

(2) To delegate authority to take all necessary steps to conclude lease arrangements with Boutique Modern at 9/10 Avis Way, Newhaven in line with the key terms outlined in section 2 of the exempt Appendix, subject to such variations that may be agreed in the course of negotiations.

(3) To delegate authority to take all necessary steps to conclude a 30-year lease with Ringmer Parish Council at Fingerpost Field, Ringmer.

(4) To delegate authority to take all necessary steps to conclude leases at the Marine Workshops, Newhaven for a period of longer than 10 years and at an annual rental of more than £25,000.

(5) For Cabinet to recommend to Full Council:

- the grant of a 25- year lease to Lewes Sports Club for the Clubhouse at the Stanley Turner Ground on existing lease terms, subject to such variations that may be agreed in the course of negotiations; and
- the grant of a 25-year lease to Lewes Priory Cricket Club at the Stanley Turner Ground on terms to be finalised.

For this purpose, the Council will be sitting in its capacity as the sole charitable trustee of the Stanley Turner Recreation Ground (charity no 305275).

(6) Notwithstanding the fact that it is not a corporate asset of the Council, to approve the capital budget allocation set out in section 6 of the exempt Appendix and delegate authority to take all necessary steps to undertake remedial action in respect of the retaining wall in New Road & Castle Rise – Lewes.

(7) The delegated authority referred to in paragraphs (2),(3), (4) and (6) are delegations to the Director of Regeneration and Planning, in consultation with the Lead Member for Finance and Assets and the Chief Finance Officer. The delegations include authorisation to carry out all necessary steps including financing, negotiation and determining the terms of, and authorising the execution of, all necessary documentation.

(8) In respect of the proposed grant of a lease to Boutique Modern and the leases at the Marine Workshops, Cabinet waives compliance with the Council's Contract Procedure Rules in the event that the agreed rent exceeds £25,000 per annum, for the reasons set out in this report.

Reason for decisions:

To enable decisions to progress key property and assets as part of the Council's capital programme.

Notes: (1) Appendix 1 remained exempt. (2) Exempt information reason 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).

The meeting ended at 3.44 pm

Councillor James MacCleary (Chair)