

## Cabinet

**Minutes of meeting held in Ditchling and Telscombe Rooms at Southover House, Southover Road, Lewes, BN7 1AB on 2 February 2023 at 2.30 pm.**

**Present:**

Councillor James MacCleary (Chair).  
Councillors Zoe Nicholson (Vice-Chair), Matthew Bird, Chris Collier, Johnny Denis, 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), Christopher Bibb (Specialist Advisor Green Consultancy (Projects)), Jane Goodall (Environment Lead), Nathan Haffenden (Head of Development, Investment and Delivery), Jo Harper (Head of Business Planning and Performance), Parmjeet Jassal (Interim Head of Financial Planning), Peter Jenion (Project Manager - Community Wealth Building), Simon Russell (Head of Democratic Services), Kate Slattery (Solicitor) and Mark Walker (Head of Financial Planning).

**Also in attendance:**

Councillor Liz Boorman (Chair of Policy and Performance Advisory Committee).  
John Langley (Tenants' Representative)

**43 Minutes of the meeting held on 8 December 2022**

The minutes of the meeting held on 8 December 2022 were submitted and approved and the Chair was authorised to sign them as a correct record.

**44 Apologies for absence**

Apologies for absence was reported from Cabinet members, Councillors Carr and Gauntlett.

Apologies was also reported from visiting members, Councillors Linington and Peterson.

**45 Declarations of interest**

None were declared.

**46 Portfolio progress and performance report quarter 3 - 2022-2023**

The Cabinet considered the report of the Director of Finance and Performance, considering the council's progress and performance in respect of service areas for the third quarter of the year (October – December 2022), as shown at Appendix 1 to the report.

The Director of Service Delivery reported on the Solution Sprint, detailed in the report, around the launch of the new "Contact Us" form on the council's website. He also added commentary on the work undertaken on decreasing the average number of days to re-let Council homes.

Policy and Performance Advisory Committee (PPAC), held on 26 January 2023 considered the report and were supportive of the officer recommendation in full. Councillor Boorman, Chair of Policy and Performance Advisory Committee, was in attendance to present PPAC's discussion.

**Resolved (Non-key decision):**

To note progress and performance for Quarter 3 2022/23.

**Reason for decision:**

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

**47 General Fund Revenue Budget 2023/24 and Capital Programme**

The Cabinet considered the report of the Director of Finance and Performance, asking them to recommend the General Fund Budget 2023/24 and updated Medium Term Financial Strategy, together with the updated Capital Programme and Treasury Management position to Full Council.

Given the significant challenges facing the Council, as outlined in the report, the Cabinet commended the proposed balanced budget, which had been achieved without needing to make reductions to front-line services.

Policy and Performance Advisory Committee (PPAC), held on 26 January 2023 considered the report and made the following recommendation to Cabinet:

**To support the officer recommendations in the Cabinet report, subject to the following amendment to recommendation 1.3**

**1.3 That the increase in the Council Tax for Lewes District Council of 1% (per annum) resulting in a Band D charge for general expenses of £204.10 (per annum) for 2023/24, be reduced to 0% and that should this be agreed, the Chief Finance Officer identifies other areas of the Budget where the required savings can be made.**

Councillor Boorman, Chair of Policy and Performance Advisory Committee,

was in attendance to present PPAC's discussion. Councillor Boorman advised that prior to submission to Full Council, the reference in fees and charges to an increased fee for the Disclosure and Barring Service (DBS) check for taxi licensing, should be amended to reflect the resolution of the Licensing Committee on 12 January 2023, to keep the fee at £65.

Following discussion, it was agreed to add an additional resolution (8), given the Council was awaiting the final financial settlement from central government and this was detailed below. Whilst being understanding of PPAC's recommendation, the remainder of the budget proposals were voted on as set out in the officer's report, given it reflected a balanced budget.

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

(1) The General Fund Budget 2023/24 (original) and projected MTFS as set out at Appendix 1 to the report.

(2) The General Fund Budget 2022/23 (revised) as set out at Appendix 2 to the report.

(3) An increase in the Council Tax for Lewes District Council of 1% (per annum) resulting in a Band D charge for general expenses of £204.10 (per annum) for 2023/24.

(4) The revised General Fund Capital Programme 2023/24 as set out at Appendix 6 to the report.

(5) The rates of Fees and Charges proposed at Appendix 5 to the report to apply from 1 April 2023 and to implement changes to statutory fees and charges for services shown within Appendix 5 as and when notified by Government.

(6) The Council introduce from 1 April 2024 a new discretionary council tax premium on second homes of up to 100% and apply a premium of up to 100% on homes which have been empty for longer than 1 year following the Levelling Up and Regeneration Bill becoming law.

(7) To note the Section 151 Officer's sign off as outlined in the report.

**Resolved (Key decision):**

(8) To give delegated authority to the Section 151 Officer, in consultation with the Cabinet member for finance and assets to make any late adjustments necessary following the announcement of final financial settlement, prior to Full Council submission.

**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.

**48 Treasury Management and Prudential Indicators 2023/24, Capital Strategy & Investment Strategy**

The Cabinet considered the report of the Director of Finance and Performance, asking them to recommend to Full Council, the Council's Annual Treasury Management Strategy, Capital Strategy and Investment Strategy, together with the Treasury and Prudential Indicators.

The Cabinet welcomed the continued thread of work in relation to ethical investments detailed in the report, despite the difficulty associated with local authority investment.

The Cabinet drew attention to section 1.5 of the report, which detailed that the Department for Levelling Up, Housing and Communities (DLUHC) was proposing a tightening up of regulations around local authorities financing capital expenditure on investments in commercial projects for yield. This would add further challenges to the council's financial position.

Policy and Performance Advisory Committee (PPAC), held on 26 January 2023 considered the report and were supportive of the officer recommendation in full. Councillor Boorman, Chair of Policy and Performance Advisory Committee, was in attendance to present PPAC's discussion. Following comments raised, it was agreed that a report from Lendology CIC in relation to the Retrofit Loan Scheme, would be circulated to Councillor Boorman for information.

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

(1) To approve the Treasury Management Strategy and Annual Investment Strategy for 2023/24 as set out at Appendix A to the report.

(2) To approve the Minimum Revenue Provision Policy Statement 2023/24 as set out at paragraph 8 in the report.

(3) To approve the Prudential and Treasury Indicators 2023/24 to 2025/26, 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 within the budget setting process for the Council to review and approve the Prudential and Treasury indicators, Treasury Strategy, Capital Strategy, and Investment Strategy.

**49 Housing Revenue Account (HRA) Revenue Budget and Rent Setting 2023/24 and HRA Capital Programme 2022-26**

The Cabinet considered the report of the Director of Finance and Performance, seeking their recommendation to Full Council for the detailed Housing Revenue Account budget proposals, rent levels and service charges for

2023/24 and the HRA Capital Programme 2022-26.

Thanks were expressed to representatives from the Tenants of Lewes District (TOLD), who had been consulted on the report.

The Cabinet commented on the impact that rent rises were having on the Council's tenants. An extension the 100% Council Tax Reduction Scheme in 2023/24 had been proposed by Cabinet to Full Council, which would benefit the most vulnerable residents. As most tenants on Housing Benefit or Universal Credit would see their benefit increase in line with the 7% rent increase, the Council would need to target support at those who just missed out. The Cabinet had identified a support package of £350k that could be used to support the Council's most vulnerable residents. The Council would be sending out details through specific letters providing further information and guidance on how to get that support.

Policy and Performance Advisory Committee (PPAC), held on 26 January 2023 considered the report and made the following recommendation to Cabinet:

**To support the officer recommendations in the Cabinet report, subject to the Cabinet considering the following amendment to recommendation v)**

**v) That garage rents are not increased in 2023/2024**

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

During the discussion, the Director of Regeneration and Planning advised that the Council was continuing to identify as many opportunities as possible for housing delivery, despite inflationary pressures.

The Cabinet rejected the proposal from PPAC, due to its financial impact on tenants and therefore voted on the officer proposals as originally set out in the report.

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

(1) The Housing Revenue Account budget for 2023/24 and revised 2022/23 budget as set out at Appendix 1 to the report.

(2) That social and affordable rents (including Shared Ownership) are increased by 7% in line with government policy issued in December 2022.

(3) That private sector leased property rents are increased by 7% (mirroring the approach to social and affordable rents).

(4) That the revised service charges are implemented.

(5) That garage rents are increased by 7%.

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

**Reason for decisions:**

The Cabinet must 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.

**50 Purchase of land at Landport Brooks**

The Cabinet considered the report of the Director of Service Delivery, seeking their approval to buy land at Landport Brooks.

Thanks were expressed to officers for their work in putting together the report and proposals.

Policy and Performance Advisory Committee (PPAC), held on 26 January 2023 considered the report and made the following recommendation to Cabinet:

**To support the officer recommendations in the Cabinet report, subject to the following amendment to recommendation 1a)**

**a. To purchase the Land at Landport Brooks, subject to a production of a satisfactory business case, to put Lewes District Council in a position to deliver a range of environmental, ecological, flood mitigation and health and wellbeing outcomes subject to valuation, legal advice and the usual due diligence.**

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

Following discussion, the Cabinet agreed that the land represented an exciting opportunity to act quickly and deliver on nature-based solutions, build climate resilience and enhance and increase biodiversity and nature across Lewes District. They unanimously agreed to proceed with the purchase without delay.

**Resolved (Key decision):**

(1) That Cabinet approves the strategic approach presented and agrees as follows:

- a. To purchase the Land at Landport Brooks to put Lewes District Council in a position to deliver a range of environmental, ecological, flood mitigation and health and wellbeing outcomes subject to valuation, legal advice and the usual due diligence.
- b. To develop the business case to reflect that this is a long-term investment with environmental and potential commercial opportunities for LDC.

(2) That officers work with stakeholders and the community to deliver the best outcomes for the site, to achieve biodiversity gains, improving floodplain storage capacity and other environmental benefits.

(3) To authorise the Director of Service Delivery, in consultation with the Portfolio Holder for Sustainability to carry out all necessary actions to facilitate the project including negotiating the purchase of the land and determining the terms of, and authorising the execution of, all necessary documentation.

**Reason for decisions:**

As a public authority in England LDC has a duty to have regard to conserving biodiversity as part of policy or decision-making. Conserving biodiversity can include restoring or enhancing a population or habitat.

**51 Reimagining Newhaven Programme - Project 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 Reimagining Newhaven Programme, including proposals for new health, leisure, and wellbeing services.

Policy and Performance Advisory Committee (PPAC), held on 26 January 2023 considered the report and made the following recommendation to Cabinet:

**To support the officer recommendations in the Cabinet report subject to amendments to the following recommendations:**

- (2) **To approve a new budget of up to £2.5m, subject to production of a detailed business case, to develop the proposals for 5-8 Newhaven Square as set out in Appendix 1 (Exempt);**
- (3) **To approve a new budget of up to £4m, additional to the existing co-funding and also subject to production of a detailed business case, to develop the extended proposals for 10 Newhaven Square as set out in Appendix 1 (Exempt);**

**and removal of the following recommendation;**

- (4)
- to make investment(s) of up to £250k in new renewable energy solutions, within existing approved sustainability budgets, to support the programme, also the wider objectives of the Council, including any opportunities for the acquisition of third party company shares, subject to a business case, further legal advice, and full due diligence;**

Councillor Boorman, Chair of Policy and Performance Advisory Committee, was in attendance to present PPAC's discussion. It was agreed that where appropriate, PPAC would be updated on the proposed £250k investment in new renewable energy solutions, which would support the programme.

Following discussion, the Cabinet rejected the recommendations made by PPAC but agreed to make revisions to resolution (2) and (3) to reflect that the recommended budgets would be subject to Full Council approval in February 2023. The remaining recommendations were voted on as set out in the officer's report.

**Resolved (Key decision):**

(1) To note the progress of the Reimagining Newhaven Programme.

(2) To recommend a new budget of up to £2.5m to develop the proposals for 5-8 Newhaven Square as set out at Appendix 1 to the report (Exempt), subject to Full Council approval.

(3) To recommend a new budget of up to £4m, additional to the existing co-funding, to develop the extended proposals for 10 Newhaven Square as set out at Appendix 1 to the report (Exempt), subject to Full Council approval.

(4) To delegate authority to the Director of Regeneration and Planning, in consultation with the Lead Member for Finance & Assets, Lead Member for Regeneration & Prosperity, and the Chief Finance Officer, to further the programme as follows including determining the terms of, and authorising the execution of, all related documentation:

- to make allocations within the General Fund Capital Programme, subject to agreed terms, leases, and business cases;
- to acquire vacant / under-utilised commercial property up to £1m within Newhaven town centre using existing approved budgets, including negotiating terms, subject to a business case;
- to progress programme delivery including feasibility, procurement, professional appointments, development, and award of contracts;
- to make investment(s) of up to £250k in new renewable energy solutions, within existing approved sustainability budgets, to support the programme, also the wider objectives of the Council, including any opportunities for the acquisition of third party company shares, subject to a business case, further legal advice, and full due diligence;
- to take all necessary steps to conclude leases, including financing and negotiation.

(5) To waive compliance with the Council's Contract Procedure Rules in the event that the agreed rent for those leases exceeds £25,000 per annum for the reasons set out in this report.



**Reasons for recommendations:**

(1) To drive forward the Reimagining Newhaven Programme in delivering interventions that continue to best serve the town and the wider community, in the context of the changing landscape and current operating environment. This includes the opportunity to incorporate health services and an enhanced leisure and wellbeing offer in the town centre.

(2) To further the programme proposals through the re-use of vacant land and property assets within Newhaven town centre.

(3) To accelerate the delivery of renewable energy solutions within the district, supporting local training and upskilling opportunities, in-line with the Council's Climate Change and Sustainability Strategy.

*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 3.32 pm

Councillor James MacCleary (Chair)