

Cabinet

Minutes of meeting held in Room 209/210 on the Second Floor, The Marine Workshops, Railway Quay, Newhaven, East Sussex, BN9 0ER on 13 July 2023 at 2.30 pm.

Present:

Councillor Zoe Nicholson (Chair).
Councillors Christine Robinson (Deputy-Chair), Chris Collier, Johnny Denis, Wendy Maples, Laurence O'Connor and Mark Slater.

Officers in attendance:

Robert Cottrill (Chief Executive), Homira Javadi (Director of Finance and Performance (Section 151 Officer)), Tim Whelan (Director of Service Delivery), Becky Cooke (Director of Tourism, Culture and Organisational Development), Luke Dreeling (Performance Lead), Nathan Haffenden (Head of Development, Investment and Delivery), Jo Harper (Head of Business Planning and Performance), Steven Houchin (Interim Deputy Chief Finance Officer (Corporate Finance)), Mark Langridge Kemp (Head of Property and Asset Management), Parmjeet Jassal (Interim Head of Financial Planning), Simon Russell (Head of Democratic Services and Monitoring Officer), Kate Slattery (Head of Legal Services) and Rebecca Wynn (Regulatory Services Lead (Operational Lead - Emergency Planning)).

Also in attendance:

Councillor Stephen Gauntlett (Chair of Audit and Governance Committee).

David Nicholson (Tenants' Representative)

1 Minutes of the meeting held on 23 March 2023

The minutes of the meeting held on 23 March 2023 were submitted and approved and the Chair was authorised to sign them as a correct record.

2 Apologies for absence

Apologies for absence were reported from Cabinet member, Councillor Emily O'Brien and visiting members, Councillors Christine Brett and James MacCleary.

3 Declarations of interest

None were declared.

4 Public question time

The Cabinet received three written questions from Mary Campbell, in relation

to housing need in Peacehaven and biodiversity/ecological value of the Valley Road area of North Peacehaven ahead of the referendum on the Peacehaven and Telscombe Neighbourhood Plan. In accordance with Cabinet Procedure Rules, supplementary questions were asked to the Cabinet. All questions were verbally responded to at the meeting between Councillor Nicholson and Councillor O'Connor, except for the last supplementary question. It was agreed that a written response to this would be submitted following the meeting.

The Cabinet then received a written question from Frank Flood in relation to the Peacehaven & Telscombe Library service, following planning permission being granted for the redevelopment of the Meridian Centre in Peacehaven. In accordance with Cabinet Procedure Rules, a supplementary question was asked to the Cabinet. The questions were verbally responded to at the meeting by Councillor Nicholson.

5 Appointment to Outside Bodies

In accordance with Council procedure rule, the Cabinet formally approved the following changes in appointments to outside bodies:

- Councillor Emily O'Brien to be appointed as the Council's representative to sit on Lewes District Food Partnership's Steering Group.
- Councillor Mark Slater to replace Councillor Lucy Agace as the Council's representative on the Upper Ouse Flood Protection and Water Retention Works Working Group.

In addition to the above, Cabinet formally approved the following changes, that had been made under delegated authority since the agenda had been published.

- Councillor Isobel Sharkey to replace Councillor Christine Robinson as a representative on CIL Management Board.
- Councillor Lesley Boniface to replace Councillor Christine Brett as a representative on CIL Management Board.

6 LGA Peer Challenge

The Cabinet considered the report of the Chief Executive, asking them to consider the report of the Local Government Association (LGA), following completion of its Corporate Peer Challenge for Lewes and Eastbourne Councils, that took place in September 2022, and the council's response to the recommendations.

Thanks were expressed to the LGA and all who engaged in the process. This included officers and external stakeholders, officers who arranged the Challenge, the previous administration and Councillor MacCleary for his political leadership as Leader of the Council at the time.

Policy and Performance Advisory Committee (PPAC), held on 11 July 2023 considered the report and were supportive of the officer recommendation in full.

Resolved (Non-key decision):

To note the Local Government Association report and the council's response to its recommendations.

Reason for recommendations:

The LGA report is intended to provide the council with suggestions and advice that may help support future improvement.

7 Portfolio progress and performance report quarter 4 - 2022-2023

The Cabinet considered the report of the Director of Finance and Performance, asking them to consider the council's progress and performance in respect of service areas for the fourth quarter of the year (January-March 2023), as shown at Appendix 1 to the report.

Policy and Performance Advisory Committee (PPAC), held on 11 July 2023 considered the report and were supportive of the officer recommendation in full.

Resolved (Non-key decision):

(1) To note progress and performance across council services for quarter 4 and for the 2022/23 year as a whole.

(2) To note delivery of corporate plan priorities to date.

(3) To agree arrangements for the establishment of a new Corporate Plan to run from 2024 to 2028.

(4) To agree the suite of performance indicators to be reported in 2023/24 (set out at Appendix 2 to the report).

Reason for decisions:

To enable Cabinet members to consider specific aspects of the council's progress and performance and to initiate the preparation of a new Corporate Plan.

8 Provisional Revenue and Capital Outturn 2022/23

The Cabinet considered the report of the Director of Finance and Performance, updating them on the provisional outturn for 2022/23.

The report provided information and analysis on the Council's financial

performance and use of resources in the 2022/23 financial year in comparison to the revised budget set by Council in February 2023. The report preceded the production of the Council's formal Statement of Accounts and although it was not expected that any further material adjustments would be needed that will alter the final outturn position, it was possible that this could be the case.

Resolved (Key decision):

(1) To note and approve the revenue and capital provisional outturn for 2022/23 subject to final accounting adjustments;

(2) To approve the funding of revenue provisional outturn 2022/23 of £110k from general fund balances;

(3) To note and approve the housing revenue account provisional outturn for 2022/23 subject to final accounting adjustments; and

(4) To give delegated authority to Leader of the Council and Cabinet member for finance, assets and community wealth building in consultation with Chief Finance Officer to make final accounting adjustments.

Reason for decisions:

To enable Cabinet members to consider specific aspects of the Council's financial performance for 2022/23.

9 Treasury Management Annual Report 2022/23

The Cabinet considered the report of the Director of Finance and performance, presenting them with the Annual Treasury Management Report for 2022/23.

The report was also considered by Audit and Governance Committee at its meeting on 3 July 2023.

Recommended to Full Council (Budget and policy framework):

(1) To approve the Annual Treasury Management report 2022/23.

(2) To approve the 2022/23 Prudential and Treasury Indicators included in the report (set out at Section 9.1).

Reason for decisions:

It is the requirement of CIPFA Treasury Management in the Public Sector Code of Practice (the Code).

10 Private Housing Financial Assistance Policy 2023-25

The Cabinet considered the report of the Director of Service Delivery, introducing an updated Financial Assistance Policy for Disabled Facilities

Grants, Housing Renewal Grants and loans.

The Private Housing Financial Assistance Policy set out the financial tools for providing assistance to households across Lewes District Council for adaptations for the disabled and housing renewal initiatives.

Policy and Performance Advisory Committee (PPAC), held on 11 July 2023 considered the report and were supportive of the officer recommendation in full.

Resolved (Key decision):

(1) To seek Cabinet endorsement of the Private Sector Housing Financial Assistance Policy for Disabled Facilities Grants, Housing Renewal Grants and Loans 2023-2025 ('The Policy') as set out at Appendix 1 to the report.

(2) That delegated authority is given to the Director of Service Delivery, in consultation with the Cabinet Member for Tenants and Those in Housing Need to make minor changes within the Policy where necessary.

Reason for decisions:

(1) Whilst Disabled Facilities Grants remain a statutory requirement, additional funding through the Better Care Fund provides a continued opportunity to support innovative measures to improve the housing in the District and enable residents to remain at home safely for longer.

(2) To ensure that the Policy can be kept up to date without needing to bring minor amendments back to Cabinet.

11 Property and Assets Update

The Cabinet considered the report of the Deputy Chief Executive and Director of Regeneration and Planning, providing an update on various properties and assets across the District, including The Marine Workshops (Newhaven), West Beach Promenade (Newhaven), Westgate Car Park Wall (Lewes) and Castle Rise Wall (Lewes).

Policy and Performance Advisory Committee (PPAC), held on 11 July 2023 considered the report and were supportive of the officer recommendation in full.

Resolved (Key decision):

(1) To note the defective boundary wall at Westgate Car Park and approve the capital budget allocation of £150,000 for initial remedial investigations and surveys;

(2) To note the progress update regarding remedial work being undertaken at Castle Rise Wall, notwithstanding that it is not a corporate asset;

(3) To note the progress update regarding recommissioning of the Marine Workshops and approve the capital budget allocation of £400k to support phase 2 improvements at the property;

(4) (a) To note the progress update regarding West Beach Promenade;

(b) To purchase the West Beach Promenade from Newhaven Port and Properties Ltd subject to contract, valuation and full due diligence;

(c) To construct a new restaurant and destination facilities on West Beach Promenade;

(d) To invite expressions of interest for the grant of a lease of the restaurant and leisure facilities, and to enter into that lease; and

(e) To authorise the Deputy Chief Executive and Director of Regeneration and Planning, in consultation with the Lead Member for Finance, Assets and Community Wealth Building and the Chief Finance (S151) Officer to take all necessary actions to progress the proposals set out in (4) above including the approval and implementation of all processes and procedures, the negotiation of terms, authorising the execution of all necessary documentation and any ancillary matters.

Reasons for decisions:

(1) Westgate Car Park wall: the wall has become structurally defective, and a capital budget is required in order to support initial investigations and surveys. A further report will be brought back to Cabinet requesting additional capital budget once investigations are complete and design work has been undertaken on a remedial solution;

(2) Castle Rise Wall: to update on progress;

(3) Marine Workshops: the first phase of works to recommission the building is nearing completion, this report sets out a second phase of works to complete this multi-use business/community facility;

(4) West Beach Promenade: to enable delivery of this part of the Levelling Up Fund project.

12 Housing Development & Asset Update

The Cabinet considered the report of the Deputy Chief Executive and Director of Regeneration and Planning, providing an update on the housing development and delivery programme across Lewes District.

Policy and Performance Advisory Committee (PPAC), held on 11 July 2023 considered the report and were supportive of the officer recommendation in full.

Resolved (Key decision):

(1) To note the progress of the housing development and delivery programme as set out at Appendix 1 to the report.

(2) To approve the purchase and development of land and assets at Peacehaven Golf and Fitness to deliver new Council homes in accordance at Appendix 2 (Exempt) to the report including making an allocation within the HRA Capital Programme 2023/24 of up to £3.1m, subject to contract, valuation, and full due diligence.

(3) To approve a waiver to the Council's Contract Procedural Rules (CPR) to allow the direct selection of the contractor(s) associated with the Peacehaven Golf & Fitness proposals for the reasons as set out in the report.

(4) To approve and implement a new Revolving Loan Fund within the capacity of the existing General Fund Capital Programme 2023/24 to support further sustainable community-led housing developments within the district.

(5) To approve the criteria for HRA rationalisation as set out and to dispose of assets in order to further the capacity of the Capital Programme to deliver more Council homes across the district.

(6) To authorise the Director of Regeneration and Planning, in consultation with the Chief Finance (S151) Officer and Lead Member for Finance, Assets and Community Wealth Building, to progress recommendations 2, 3, and 4 in this report and to conclude them including the approval and implementation of all processes and procedures, negotiation and agreement of terms, award of contract(s), and authorising the execution of all related documentation.

(7) To authorise the Director of Service Delivery, in consultation with the Chief Finance (S151) Officer, Lead Member for Finance, Assets and Community Wealth Building, Lead Member for Tenants and those in Housing Need, and the Tenants of Lewes District (TOLD) to progress recommendation 5 to dispose of identified HRA assets including negotiation and agreement of terms and authorising the execution of all related documentation, subject to any or all of the agreed criteria as follows:

- The cost of any repair work is prohibitive compared to the market value of the property
- The cost of running the property is unaffordable being of sub-standard quality / efficiency
- The sales receipt generated is capable of delivering an overall net gain in new homes
- The capital receipt generated from the sale is ring-fenced to support the HRA Capital Programme.

Reasons for decisions:

(1) To provide Cabinet with an update on the growing housing development and delivery programme, specifically in the context of the 'Reimagining Lewes District' Corporate Plan 2020-2024.

(2) To further community-led housing development opportunities within the district underpinned by a secure financial instrument.

(3) To support HRA finances in the context of current pressures and further the Council's objectives to build and maintain quality, affordable, and sustainable homes.

Notes: (1) Appendix 2 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 3.42 pm

Councillor Zoe Nicholson (Chair)