

Published 9 July 2013

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To the Members of the Borough Council

You are summoned to attend an **ordinary meeting** of the **Eastbourne Borough Council to be held at the Town Hall Grove Road Eastbourne, on Wednesday, 17 July 2013 at 6.00 pm** to transact the following business.

Agenda

- 1. Minutes.**
- 2. Mayor's announcements.**
- 3. Apologies for absence.**
- 4. Public right of address.**

The Mayor to report any requests received from a member of the public under council procedure rule 11 in respect of any referred item or motion listed below.

5. Order of business.

The Council may vary the order of business if, in the opinion of the Mayor, a matter should be given precedence by reason of special urgency.

6. Declarations of disclosable pecuniary interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct (please see note at end of agenda).

7. Matters referred from Cabinet or other council bodies.

The following matters are submitted to the Council for decision (council procedure rule 12 refers):-

(a) 2013/14 Corporate plan refresh. (Pages 1 - 4)

Report of Councillor Troy Tester on behalf of the Cabinet.

(b) Scrutiny Committee - annual work programme 2013/14. (Pages 5 - 10)

Report of Councillor Patrick Warner on behalf of the Scrutiny Committee.

(c) Parking at development in Eastbourne and local sustainable accessibility improvement contributions supplementary planning guidance (SPG). (Pages 11 - 12)

Report of Councillor Steve Wallis on behalf of the Cabinet.

(d) Human resources strategy. (Pages 13 - 14)

Report of Councillor Troy Tester on behalf of the Cabinet.

8. Motions.

The following motions have been submitted by members under council procedure rule 13:-

(a) Motion - Drive public house, Victoria Drive.

That this Council enforces the restrictive covenant on the Drive, Victoria Drive and in this way, safeguards the premises - as a potential community hub for Old Town and an enterprise complementary to Albert Parade - until such a time as all possible avenues to achieve this have been exhausted.

(b) Motion - EU Referendum Bill.

That this council urges the town's Member of Parliament to use his vote at the second reading of The EU Referendum Bill to obtain for the people of Eastbourne their own chance to have a direct say on The United Kingdom's continued membership of the European Union - in the form of a referendum.

9. Minutes of council bodies and items for discussion. (Pages 15 - 100)

Members of the Council who wish to raise items for discussion (council procedure rule 14) on any of the minutes of the meetings of formal council bodies listed below must submit their request to the Head of Corporate Development no later than 10.00 am on Wednesday 17 July 2013. A list of such items (if any) will be circulated prior to the start of the meeting.

The following are appended to this agenda:-

Conservation Area Advisory Group	14 May 2013
Planning Committee	21 May 2013
Cabinet	29 May 2013
Scrutiny Committee	3 June 2013
Planning Committee	11 June 2013
Audit and Governance Committee	26 June 2013

The following will be circulated prior to the meeting:-

Planning Committee	9 July 2013
Cabinet	10 July 2013

Note: Referred matters – Paragraphs in minutes of council bodies marked with * in front of the paragraph number refer to matters in which the council's powers are not delegated or not exclusively exercisable by the body concerned. These matters require formal approval by the council and are listed separately on this agenda.

10. Exclusion of the public - Motion that:-

The remainder of the business of the council concerns the consideration of the confidential proceedings of council bodies. As such, discussion is likely to disclose exempt information within the categories specified either beneath the item or within the open summary of the relevant minutes. Furthermore, in relation to paragraph 10 of schedule 12A, it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. The public, therefore, should be excluded from the remainder of the meeting.

11. Discussion on confidential minutes of council bodies.

(See note at item 9 above). A list of items raised by members (if any) will be circulated prior to the start of the meeting.

The following will be circulated prior to the meeting:-

Cabinet*

10 July 2013

*As the meeting has not yet taken place this item is included in case any confidential minutes are produced. At the time of publication none are anticipated.

**Robert Cottrill
Chief Executive**



www.eastbourne.gov.uk

Meeting: Council

Date: Wednesday 17 July 2013

Subject: 2013/14 Corporate Plan refresh

Report of: Councillor Troy Tester on behalf of the Cabinet

The Council is asked to consider the minute and resolution of the Cabinet meeting held on 29 May 2013 as set out below.

Further copies of the report to Cabinet are available on request – please see end of this report. A copy may be seen on the Council’s website at:
<http://www.eastbourne.gov.uk/council/meetings/cabinet/>

The latest version of the corporate plan (as submitted to Cabinet) can also be viewed on the Council’s website as above.

The Council is recommended to:-

To approve the refreshed corporate plan and the delegation arrangements for senior heads of service to agree any outstanding matters of detail on performance indicators and final formatting in consultation with lead Cabinet members.

***6 2013/14 Corporate plan refresh** (Cabinet 12 December 2012, minute 63, page 216, 2012/13 minutes).

- 6.1 Cabinet considered the report of the Head of Corporate Development. Extensive consultation on the corporate plan priorities had been conducted with the community and stakeholders. The results had been reported to Cabinet and Scrutiny in 2012 and would be linked to relevant projects on Covalent to show where the Council was acting on the feedback received. Development of projects and targets had also been influenced by the recent service and financial planning process, reference to the local development framework and the sustainable community strategy.
- 6.2 The refreshed plan built upon previous year’s versions and retained the same four priority chapters – each owned by a senior member of the corporate management team and Cabinet lead member who were responsible for managing the overall delivery of projects in that theme. An overview of the projects for each chapter was as follows:
- 6.3 **Prosperous Economy**

1. Deliver a sustainable events programme – Develop the events programme as a key part of the tourist and community economy.
2. Tourism marketing and development – Deliver and evaluate the marketing campaign for Eastbourne.
3. Employment - Town centre master-plan – Continue to progress the master-plan.
4. Employment - Sovereign Harbour business park – Development of a business park at Sovereign Harbour.
5. Activating Eastbourne – Multi-agency partnership with focus on promoting employment.
6. Eastbourne loyalty – Establish a loyalty scheme for Eastbourne to help sustain local businesses and understand spending needs.
7. Support secondary shopping areas – Continue to progress the Town Centre local plan.

6.4 **Quality Environment**

1. Managing waste responsibly – To procure the services of a waste collection and street cleansing contract in partnership with Wealden, Rother and Hastings councils and continue to divert waste from landfill.
2. Improving the cleanliness of the street and public areas – Work with the neighbourhoods to identify and improve further 'grot spots'; Difficult Properties Group to continue with the success of improving secondary shopping areas and streets near the town centre.
3. Allotment provision – To provide additional allotment plots for the community.
4. Towards a low carbon town – Prepare guidance for existing building and new development on sustainable design; To work with the community and within the Council's own estate and operations to improve the environment and reduce carbon emissions
5. Transport – Progress implementation of the cycling strategy and prepare borough parking strategy
6. Eastbourne Park supplementary planning document (SPD) – Provide a SPD for Eastbourne Park setting out a clear strategy and providing a sustainable framework for the future management of the area.
7. Pride in Our Parks – Enhance and preserve the quality of the town's parks.

6.5 **Thriving Communities**

1. Youth activities – Development and delivery of youth activities – putting on Youth Fair to showcase activities/clubs operating in the town and encourage greater participation, launch of a youth network and delivery of the partnership youth strategy.
2. Improving neighbourhood delivery – Supporting delivery of the £1m Big Local Devonshire West project, launch program of ward walks, handover Langney Community Centre and deliver Healthy Eastbourne Campaign.
3. Maximising our housing assets – Finish decent homes for retirement courts, construction of new council homes in Seaside and Langney, launch E-Switch energy buying and review future housing management options.
4. Support to vulnerable households – Helping households adjust to

changes in welfare benefits, managing and reducing rough sleeping, developing a scheme for council tax support and working with partners to support troubled families.

5. Town Hall community hub – Development of a strategy and plans for future use of the Town Hall as a community hub.

6. Cultural development – Develop networks and opportunities for the sustainable growth of cultural activity in the town.

7. Cultural development - Devonshire Park – Progress the development to provide a quality cultural brand and diverse arts and leisure programme at Devonshire Park.

8. Cultural Development – Sustainable strategy for Eastbourne Theatres – Develop audiences, programming and investment plans for Eastbourne Theatres, including options for revenue generating and alternative governance.

6.6 **Sustainable Performance**

1. Efficiency (Future Model phase 1) – Embed phase 1 of the Future Operating Model.

2. Efficiency (Future Model phase 2) – Deliver phase 2 of the Future Operating Model.

3. Assets – Move towards an asset portfolio that is appropriate for the Council's needs and economically sustainable for the future.

6.7 It was highlighted that a significant majority of consultation respondents (84%) agreed that the priorities listed in the 2012/15 corporate plan were "important" or "very important." This factor, combined with the use of 'Local Futures' statistical evidence, had reinforced the validity of the Council's priority planning. The specific projects that most respondents agreed were top priorities were:

1. Re-development of Town Centre.

2. Transport – public transport and cycling provision.

3. "Activating Eastbourne" – jobs for young people.

4. Street cleaning – including public open spaces and derelict sites.

5. Housing strategy – affordable and decent homes.

All of these projects were continued and developed in the refreshed corporate plan reflecting the feedback received.

*6.8 **Resolved (budget and policy framework)** (1) That the draft 2013/14 refresh of the corporate plan be approved subject to detail on performance indicators and final formatting being agreed by senior heads of service and lead Cabinet members.

(2) That full Council be recommended to approve the refreshed corporate plan at their meeting on 17 July 2013.

For a copy of the report please contact Local Democracy at 1 Grove Road,
Eastbourne, BN21 4TW. Tel. (01323) 415022 or 415021.
E-mail: localdemocracy@eastbourne.gov.uk

For further information please contact William Tompsett, Strategic Performance
Manager, Telephone (01323) 415418.
E-mail: william.tompsett@eastbourne.gov.uk

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Meeting: Council

Date: Wednesday 17 July 2013

Subject: Scrutiny Committee - annual work programme 2013/14

Report of: Councillor Patrick Warner on behalf of the Scrutiny Committee

The Council is asked to consider the minute and resolution of the Scrutiny Committee meeting held on 3 June 2013 as set out below.

Further copies of the report to Scrutiny are available on request – please see end of this report. Copies may be seen on the Council’s website at:
<http://www.eastbourne.gov.uk/council/meetings/scrutiny/>

The Council is recommended to:-

Approve the Scrutiny Committee’s annual work programme for 2013/14.

**Minute Extract
SCRUTINY COMMITTEE 3 June 2013**

***4 Scrutiny Annual Programme 2013/14.**

The Committee considered the Annual Scrutiny programme for 2013/14.

Councillor Warner gave an overview of the additional items that would be added to the programme at a later date. This included a presentation of the future of services at Eastbourne District General Hospital (DGH), where it was proposed to invite senior officials of the DGH, members of the Health Overview and Scrutiny Committee, Primary Care Trust, Liz Walke (EBC’s Hospital Champion), Stephen Lloyd (MP) and the Chairman of the Ambulance Services.

The Committee discussed the DGH presentation, in particular the format. The Committee agreed that suitable planning was required to arrange the appropriate format that all parties would agree to and ensure the correct questions were asked to avoid repetition.

Councillor Warner then advised the Committee over the remaining additional items to the Scrutiny Programme which included a review of Highways. Councillor Warner expressed his thanks to Councillor Belsey, the previous Chairman of the Scrutiny Committee for undertaking a review of the roads and potholes around Eastbourne. He advised the Committee that an update on last year’s presentation

including what has been achieved will be presented at a future meeting.

A seminar would also be organised for the forthcoming European Elections, that would invite the prospective candidates standing in the elections. It was hoped that the seminar would raise more awareness for the general public regarding Britain's European Union membership.

Members approved the attached draft Annual Scrutiny Programme. The final programme was due to be approved by Council on 17 July 2013.

RESOLVED: That the draft Annual Programme of routine work be agreed.

For a copy of the report please contact Local Democracy at 1 Grove Road, Eastbourne, BN21 4TW. Tel. (01323) 415022 or 415023.
E-mail: localdemocracy@eastbourne.gov.uk

For further information please contact Katie Armstrong, Scrutiny Co-ordinator, 1 Grove Road, Eastbourne, BN21 4TW
Tel: (01323) 415023
E-mail: Katie.armstrong@eastbourne.gov.uk

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Annual Scrutiny Programme 2013 - 2014

Date	Item	Type	Lead Officer	Councillor	Purpose
3 June 2013					
	Covalent – Performance Management Qtr 4 and Year End	Performance Review	Will Tompsett	None	Interactive Q&A using the Covalent Performance Management System, Members to submit questions in advance of the meeting.
	Annual Scrutiny Programme	Performance Review	Katie Armstrong	None	To agree annual programme for forth coming year

Date	Item	Type	Lead Officer	Councillor	Purpose
2 September 2013					
	Corporate Performance Qtr 1 Snapshot	Performance Review	Will Tompsett	None	Interactive Q&A using the Covalent Performance Management System, Members to submit questions in advance of the meeting.
	Community Safety Partnership annual report	Performance Monitoring	Bob Gough		Update on year end progress

Annual Scrutiny Programme 2013 - 2014

Date
15 October 2013 – Court Room
Annual Finance Seminar – Alan Osborne – Chief Finance Officer

Date	Item	Type	Lead Officer	Councillor	Purpose
9 December 2013					
	Corporate Performance Quarter 2 Snapshot	Performance Review	Will Tompsett	None	Interactive Q&A using the Covalent Performance Management System, Members to submit questions in advance of the meeting.

Date	Item	Type	Lead Officer	Councillor	Purpose
3 February 2014					
	Budget 2012/13 and Corporate Priorities		Alan Osborne	Cllr Mattock	To consider and comment on Budget for 2012/13
	Corporate Performance Quarter 3 Snapshot Devolved Budgets	Performance Review	Will Tompsett	None	Interactive Q&A using the Covalent Performance Management System, Members to submit questions in advance of the meeting.

Annual Scrutiny Programme 2013 - 2014

Date
12 February 2014 – Court Room
This item has yet to be confirmed.
Corporate Plan Refresh – CMT In future to also include Corporate Plan Consultation results

Items for the Scrutiny Annual Programme in addition to standard items –

- a) DGH – presentation of the future of services at Eastbourne DGH – Update/changes. Invitees to include HOSC, PCT, Liz Walke, MP, Chairman of the Ambulance Service (further may be added) This will be held as a separate meeting in addition to the committee schedule. Date to be confirmed.
- b) Highways – Update on last year’s presentation in September – what has been achieved, quality control etc Likely Sept / Dec meeting depending on availability. Date to be confirmed.
- c) Seminar on forthcoming European Elections invitees to include prospective candidates to raise awareness – April committee. Date to be confirmed.

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Meeting: Council

Date: Wednesday 17 July 2013

Subject: Parking at development in Eastbourne and local sustainable accessibility improvement contributions supplementary planning guidance (SPG)

Report of: Councillor Steve Wallis on behalf of the Cabinet

The Council is asked to consider the minute and resolution of the Cabinet meeting held on 10 July 2013 as set out below.

Further copies of the report to Cabinet are available on request – please see end of this report. A copy may be seen on the Council’s website at (go to meeting date 10 July 2013):
<http://www.eastbourne.gov.uk/council/meetings/cabinet/>

The Council is recommended to:-

Revoke the ‘Parking at Development in Eastbourne and Local Sustainable Accessibility Improvement Contributions’ Supplementary Planning Guidance (2004).

***20 Parking at development in Eastbourne and local sustainable accessibility improvement contributions supplementary planning guidance (SPG)**

- 20.1 Ms Abby McNally (on behalf of Bespoke) addressed the Cabinet welcoming the guidance and seeking improved cycle parking provision. The Senior Head of Development responded that the East Sussex County Council (ESCC) standards for residential cycle provision had increased, however the standards for commercial development had remained at the previous standard. There would however be cycle provision provided in the public areas where demand dictated to supplement on site provision required by the ESCC standards.
- 20.2 Cabinet considered the report of the Senior Head of Development. ESCC as highway authority provided advice to Eastbourne Borough Council on highways issues in planning applications, including the provision of parking at new development. This advice was guided by ESCC’s ‘Parking Standards at Development’ supplementary planning guidance (SPG). The original guidance, dating from 2002 and amended in 2004, had previously been adopted by the borough council but had now been rescinded by ESCC as new guidance had been approved. The new car parking

standards took into account local factors in determining appropriate levels of parking provision, whilst still balancing the need for parking and car use against the need to encourage more sustainable modes of travel. As the original SPG was no longer used by the county council to provide advice on parking at development, it should also be formally revoked by the borough council to avoid confusion.

*20.3 **Resolved (key decision):** (1) That full Council be recommended to revoke the 'Parking at Development in Eastbourne and Local Sustainable Accessibility Improvement Contributions' Supplementary Planning Guidance (2004).

(2) That the Senior Head of Development write to East Sussex County Council seeking improved cycle parking provision standards for commercial developments.

For a copy of the report please contact Local Democracy at 1 Grove Road, Eastbourne, BN21 4TW. Tel: (01323) 415022 or 415021.
E-mail: localdemocracy@eastbourne.gov.uk

For further information please contact Matt Hitchen, Specialist Advisor (Planning), 1 Grove Road, Eastbourne, BN21 4TW Tel: (01323) 415253
E-mail: matt.hitchen@eastbourne.gov.uk

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Meeting: Council
Date: Wednesday 17 July 2013
Subject: Human resources strategy
Report of: Councillor Troy Tester on behalf of the Cabinet

The Council is asked to consider the minute and resolution of the Cabinet meeting held on 10 July 2013 as set out below.

Further copies of the report to Cabinet are available on request – please see end of this report. A copy may be seen on the Council’s website at (go to meeting date 10 July 2013):

<http://www.eastbourne.gov.uk/council/meetings/cabinet/>

The Council is recommended to:-

Adopt the strategy and its application to the Council’s workforce.

***27 Human resources strategy** (Cabinet, 8 July 2009, page no. 65, minute no. 32)

- 27.1 Cabinet considered the report of the Head of Corporate Development. The human resources strategy was the overarching strategic framework by which the Council’s HR team would support the organisation in achieving its long term business goals and outcomes. It was underpinned by a comprehensive suite of HR policies and procedures. The existing strategy was approved in 2009 and now required updating to reflect current corporate plan priorities and, in particular, the objectives in the sustainable performance priority theme relating to the ongoing transformation journey through DRIVE and Future Model.
- 27.2 The revised HR strategy was appended to the report. The key priorities identified for the period 2013 – 2015 were:
- Develop and promote a performance management culture across the Council.
 - Build capacity and capability within the Council.
 - Ensure fit for purpose structures, job designs and reward.
 - Deliver a core HR function with increasing focus on adding and creating value for our customers.
 - Customer service.

*27.3 **Resolved (key decision):** That the new human resources strategy be approved and that full Council be recommended to adopt the strategy and its application to the Council's workforce.

For a copy of the report please contact Local Democracy at 1 Grove Road, Eastbourne, BN21 4TW. Tel: (01323) 415022 or 415021.
E-mail: localdemocracy@eastbourne.gov.uk

For further information please contact Becky Cooke, Human Resources Manager, 1 Grove Road, Eastbourne, BN21 4TW
Tel: (01323) 415106 E-mail: becky.cooke@eastbourne.gov.uk

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Conservation Area Advisory Group

PRESENT:-

Councillor SHUTTLEWORTH (Chairman) and Councillors BELSEY, THOMPSON and WARNER

OFFICERS:

Mr L PALMER – Manager – Case Development
Ms C DALES – Specialist Advisor – Conservation and Design
Ms J SABIN – Caseworker

ADVISORS:

Mr R CROOK - Royal Institute of British Architects
Mr N HOWELL – Eastbourne Society

1. Minutes of the meeting held on 9th April 2013.

The minutes of the meeting held on 9th April was submitted and approved and the Chairman was authorised to sign them as a correct record.

2. Declarations of Disclosable Pecuniary Interests (DPIs)

None were declared.

3. Planning Applications – Determined by the Planning Manager.

The decisions of the Planning Manager on applications within or affecting the setting of Conservation Areas or Listed Buildings were reported.

NOTED.

4. Planning Applications – Decisions of the Borough Council.

The decisions of the Planning Committee on applications in Conservation Areas were reported.

NOTED.

5. Planning Applications for Consideration.

The Specialist Advisor - Conservation and Design reported on planning applications for consideration in the Conservation Areas. The Group's comments were set out in schedule below.

1) EB/2013/0030 (Listed building consent) **2 ALL SAINTS, 22 DARLEY ROAD**

Cons Area: Meads

Proposal: Installation of secondary glazing (retrospective Listed Building consent).

CAAG Comments: The Group recommended that consent be granted retrospectively, subject to a caveat that this would be a one-off approval due to its unique circumstances. The recommendation was made in view of the flat's location that was partially hidden from public view and subject to no adverse comments from English Heritage, following the meeting. The Group also requested a view from Officers at a future meeting over how this scenario could be avoided.

Mrs Killman addressed the Group, in support of the application.

2) EB/2013/0134 (Advertisement) **68 GROVE ROAD**

Cons Area: Town Centre and Seafront

Proposal: Display of 2.No. externally illuminated fascia signs and 1.No. externally illuminated projecting sign.

CAAG Comments: No objections raised.

3) EB/2013/0141 (Full Plans) **79 SEASIDE**

Cons Area: Town Centre and Seafront

Proposal: Change of Use on retail space to 2 no. of one bedroom self contained flats.

CAAG Comments: The Group raised no objections in principle subject to amendments to the elevations, that would achieve a more domestic appearance and be more in-keeping with the surrounding area.

4) EB/2013/0147 (Householder) **3 DUKES DRIVE**

Cons Area: Meads

Proposal: Demolish existing garage and erection of single storey side/rear extension.

CAAG Comments: No objections raised.

(NB: Councillor Thompson withdrew from the meeting following this application due to having to attend a mayoral engagement.)

5) EB/2013/0149 (Cons Area Consent) **3 DUKES DRIVE**

Cons Area: Meads

Proposal: Demolish existing garage and erection of single storey side/rear extension.

CAAG Comments: No objections raised.

(NB: Councillor Thompson withdrew from the meeting following this application due to having to attend a mayoral engagement.)

6) EB/2013/0158 (Full Plans) 39 UPPERTON LANE

Cons Area: Upperton Gardens

Proposal: Change of use from vehicle repair workshop to a single private dwelling, together with external alterations, including the provision of a pitched roof with dormer to the rear.

CAAG Comments: The Group raised objections to the proposed design and scale of the building, and reiterated concerns expressed at a previous meeting that the principle of creating a dwelling in this location would be totally out of keeping with the character and appearance of the surrounding conservation area.

7) EB/2013/0160 (Full Plans) LLANTHONY, 1 DARLEY ROAD

Cons Area: Meads

Proposal: Conversion of maisonette on upper and lower ground floors into two self-contained one- bedroom flats, together with infilling of undercroft at rear and repositioned entrance at the side.

CAAG Comments: No objections raised.

8) EB/2013/0163 (Householder) FLAT 2 ABBOTSROOD, 1 MILNTHORPE ROAD

Cons Area: Meads

Proposal: Replacement of first floor metal window with fixed painted timber window.

CAAG Comments: No objections raised.

9) EB/2013/0164 (Householder) LYN BANK, 11 MILL GAP ROAD

Cons Area: South Lynn Drive

Proposal: Single storey side extension.

CAAG Comments: The Group raised no objections to the proposal on conservation grounds subject to materials being agreed with the applicant to be more in-keeping with the surrounding area.

10) EB/2013/0165 (Advertisement) TRAVEL LODGE, 20 MARINE PARADE

Cons Area: Town Centre and Seafront

Proposal: Display of three internally illuminated wall signs and one internally illuminated canopy sign.

CAAG Comments: No objections raised.

11) EB/2013/0177 (Householder) 15 RAVENS CROFT

Cons Area: Meads

Proposal: First floor front/side extension.

CAAG Comments: The Group raised objections to the proposal as it would have a detrimental impact on the surrounding conservation area. Given that the building was placed in a prominent position, the character and architectural purity of the area would be compromised by the proposed scale and mass of the extension.

Mr Welham and Mr Henry both addressed the Group, in objection to the proposal.

12) EB/2013/0183 (Advertisement) 95 SEASIDE ROAD

Cons Area: Town Centre and Seafront

Proposal: Display of an internally illuminated sign on panel below fascia.

CAAG Comments: No objections raised.

13) EB/2013/0186 (Full Plans) 6 LUSHINGTON ROAD

Cons Area: Town Centre and Seafront

Proposal: Conversion of dwelling-house to 5.No. self-contained flats with single storey rear and garage extension.

CAAG Comments: The Group raised no objections subject to clarification over the material of the windows.

14) EB/2013/0204 (Full Plans) 109 - 111 PEVENSEY ROAD

Cons Area: Town Centre and Seafront

Proposal: Erection of a first floor extension and a three storey extension at rear to provide two additional flats with separate entrance (amendment to previous permission for 8 flats EB/2012/0010).

CAAG Comments: No objections raised.

15) EB/2013/0219 (Full Plans) BEACHSIDE HOLIDAY FLATS, 52 ROYAL PARADE

Cons Area: Town Centre and Seafront

Proposal: Installation of replacement UPVC windows and balcony doors to front elevation on ground and first floors, retaining existing stained glass panels.

CAAG Comments: The Group raised no objections in principle however the Group suggested that casement windows be used instead of the tilt and turn proposed.

16) TEMP00001914 (Full Plans) HELEN GARDENS BOWLING GREEN, DUKES DRIVE

Cons Area: Meads

Proposal: Extension to bowls locker.

CAAG Comments: No objections raised.

17) PRE-APPLICATION ADVICE, ST BEDE'S SCHOOL, DUKES DRIVE

Cons Area: Meads

Proposal: Installation of vertical sliding sash UPVC windows to rear elevation.

CAAG Comments: The Group raised no objections in principle to the use of UPVC subject to further discussions being carried out between the applicant and officers. They advised that a uniformed design should be avoided and that the original design of the individual windows should be replicated in the various and different parts of the building.

NOTED.

6. The Park Close Conservation Area Appraisal and Management Plan.

The Group considered the report of the Specialist Advisor – Conservation and Design regarding the Park Close Conservation Area Appraisal and Management Plan.

The Council has a duty to review, formulate and publish appraisals and management plans for the preservation and enhancement of the Borough's 12 Conservation Areas.

The Specialist Advisor – Conservation and Design highlighted the Management Plan in Section 6 of the Appraisal, appended to the report that contained proposals that seek to preserve and enhance the character and appearance of the Park Close Conservation Area. This included the proposed introduction of Article 4 directions that would bring under planning control, specified works that would normally be allowed without planning permission.

The Group praised the quality of the document and expressed their thanks to the Specialist Advisor – Conservation and Design. They unanimously supported the document being presented to the Planning Committee.

NOTED.

7. New Listings

The Specialist Advisor - Conservation and Design advised the group that Eastbourne Signal Box had been given a Grade II listing.

NOTED.

8. Future Meeting Dates

Dates were confirmed as follows (all at 6.00pm at the Town Hall)

16 July 2013	7 January 2014
27 August 2013	18 February 2014
8 October 2013	1 April 2014
19 November 2013	13 May 2014

The meeting closed at 8.10 p.m.

**Councillor Alan Shuttleworth
(Chairman)**

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Planning Committee

MEMBERS: Councillor UNGAR (Chairman) Councillor HARRIS (Deputy Chairman)
Councillors JENKINS, HEARN LIDDIARD, MIAH, MURDOCH (as
substitute for Taylor) and MURRAY.

(An apology for absence was reported from Councillor Taylor)

1 Minutes.

The minutes of the meeting held on 16 April 2013 were submitted and approved and the Chairman was authorised to sign them as a correct record.

2 Declaration of Interests.

Councillor Liddiard declared a pecuniary interest in items 2 Land at Kings Drive and 4 NHSBSA Dental Services Temple Grove, Compton Place Road having previously stated his views and therefore pre-determined these applications and stated that he would take no part in the debate and not vote thereon.

3 Additional application.

The committee were asked to consider an additional late application in respect of the Drive PH, Victoria Drive, proposing a regarding of the car park area. The committee agreed that the application should be deferred to a future meeting to allow the committee to consider the item in good time and in detail.

RESOLVED: That consideration of application EB/2013/0118 FP be deferred to future meeting of the Planning committee.

4 Report of Head of Planning on Applications.

1) EB/2012/0816 - 81-83 Seaside Eastbourne - Change of use from A2 (Financial and Professional) to D1 (non residential institution) – **DEVONSHIRE.** 16 letters/emails of objection and 14 letters/emails of support had been received.

The relevant planning history for the site was detailed within the report.

The observations of Planning Policy, East Sussex County Council's Highways department, Councillor Wallis and comments from a public meeting were detailed within the report.

Human Rights implications were detailed within the report.

Councillor Wallis addressed the committee in objection stating that the proposal would increase parking issues and may attract anti-social behaviour to the site impacting on residents in the vicinity. Councillor Wallis also queried the opening times stated within the report and highlighted the 18 objections received.

Colin Povey, Applicant, addressed the committee in response stating that the proposal would benefit the whole of Eastbourne, being in a central location which was easily accessible. Eastbourne was an area of high social deprivation and these services were essential for Eastbourne residents. Sessions would be arranged by invitation and appointment only, with the main aim to help resolve existing problems and provide counselling for issues bereavement, loss and trauma and many more. Mr Povey agreed that he would be willing to condition the opening times as the committee may request.

The committee considered the application and proposed the following opening times for the centre:

Monday, Wednesday, Thursday and Friday 8.00am to 6.00pm
Tuesday 8.00am to 8.00pm
Saturday 8.00am to 1.00pm
Closed on Sundays and Bank Holidays

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Time limit 2) In accordance with Plans & Supporting Statements 3) Opening Times: Monday, Wednesday, Thursday and Friday 8.00am to 6.00pm - Tuesday 8.00am to 8.00pm - Saturday 8.00am to 1.00pm - Closed on Sundays and Public and Bank Holidays

2) EB/2012/0823 - Land at Kings Drive - Variation of Condition 8 (approved layout) of permission EB/2010/0003 for outline application for residential development of the land comprising two options; original scheme (Option A) for 137 dwellings (including 30% affordable), plus associated access and parking, open space, play areas and allotments; alternative scheme (Option B) for 119 dwellings (including 30% affordable), plus associated access and parking, open space, play areas and allotments. Variation proposed: Various alterations to approved layout – **UPPERTON**. 37 letters/emails of objection had been received. Councillor Belsey also submitted a letter of objection which was summarised within the report.

The relevant planning history for the site was detailed within the report.

The observations of Southern Water, Environment Agency, Natural England, County Archaeologist, Highways – East Sussex County Council, Sussex Police, East Sussex Fire & Rescue Service, Senior Planning Policy, Council's Strategic Housing Manager and Bespoke were detailed within the report.

Human Rights implications were detailed within the report.

NB: Councillor Liddiard withdrew from the room whilst this application was considered.

RESOLVED: (Unanimous) That permission be granted to vary Condition 8 attached to EB/2010/0003 and that the outline planning permission be re-issued with the Condition amended and new drawing number added, subject to the prior conclusion of a deed of variation to the previously agreed unilateral undertaking to include reference to the new drawing number and subject to the remaining conditions confirmed by the Inspector at appeal as detailed: 1) Details of the appearance and scale of buildings and landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved. 2) Plans and particulars of the reserved matters referred to in the condition above, relating to the appearance and scale of any buildings to be erected and the landscaping of the site, shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out as approved 3) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of the permission reference EB/2010/0003 4) The development hereby permitted shall be begun either before the expiration of five years from the date of approval of EB/2010/0003, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later 5) No development shall take place until samples of the materials to be used in the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details 6) No earthmoving, site clearance or building operations shall take place except between the hours of 0800 and 1800 on Mondays to Fridays and 0800 and 1300 on Saturdays or at any time on Sundays or Bank/Public Holidays 7) No development shall take place before details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details 8) The development shall not be carried out unless in strict accordance with the approved plan: KDEB/001/Sk-B. 9) No development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved by the Local Planning Authority. These details shall include:-

- proposed finished levels or contours;
- means of enclosure including areas of open space, orchards, allotments, and balancing pond;
- car parking layouts; vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting);
- proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, fire hydrants, pipelines, etc, indicating lines, manholes, supports etc);
- retained historic landscape features and proposals for restoration, where relevant;
- planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment);
- schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;
- implementation timetables;
- lighting and means of control of lighting.

- tree protection plan to include details of any root protection and foundation construction.

All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the recommendations of British Standards. The works shall be carried out in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives written consent to any variation 10) No tree shall be removed unless in accordance with details to be submitted to and approved in writing by the Local Planning Authority. All trees on and immediately adjoining the site shall be protected in accordance with BS5837:1991 for the duration of the works on site. In the event that any tree dies, or is removed without the prior consent of the Local Planning Authority, it shall be replaced not later than the end of the first available planting season with trees of such size, species and in such number and positions as may be agreed with the Authority. 11) All existing trees, shrubs and other natural features not scheduled for removal shall be safeguarded during the course of the site works and building operations in accordance with BS 5837:1991. No work shall commence on site until all trees, shrubs or features to be protected are fenced. No unauthorised access or placement of goods, fuels or chemicals, soils or other materials shall take place inside the fenced area 12) No works shall commence on site until details of the building foundations and layout, service trenches, ditches, drains and other excavation on site, insofar as they may affect trees and hedgerows on or adjoining the site, have been submitted to and approved by the Local Planning Authority. Soil levels within the root spread of trees/hedgerows to be retained shall not be raised or lowered. The works shall be completed in accordance with the approved scheme 13) Details of all works to or affecting trees on or adjoining the site shall be submitted to and approved by the Local Planning Authority, and shall be carried out in accordance with the relevant recommendations of BS 3998: 1989 (Recommendations for Tree Work). The works shall be completed in accordance with the approved scheme 14) A landscape management plan shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development. The management plan shall include a schedule of landscape maintenance for a minimum of a five year period, arrangements for implementation, long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens. No dwelling shall be occupied before the management plan is operative and in effect. Maintenance shall be carried out in accordance with the approved plan 15) No development shall commence until details have been submitted to and approved in writing by the Local Planning Authority of the provision to be made for storing domestic refuse and for access to the stores by the occupiers of the buildings and collection vehicles. The development shall be carried out in accordance with the approved details and the facilities made ready for use prior to the first occupation of each of the units to which they relate 16) No development shall commence before details of the boundary treatment for the building plots hereby approved are submitted to and approved in

writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details 17) No development shall commence until details of the roads, footpaths, cycle routes, street lighting, pedestrian access ramp and associated retaining structures and drainage are submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details 18) All car parking areas and access thereto shall be marked out in accordance with the approved plans and shall be made available for use before the dwellings to which they relate are occupied and shall be retained permanently for the accommodation of vehicles of the occupiers and users of and visitors to the premises and shall not be used for any other purpose 19) No site clearance, building works, earth works, importation or exportation of spoil shall take place until a Construction and Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The traffic management plan shall include a vehicle haulage route, arrangements for loading and unloading, wheel wash facilities, the siting of the storage compound, routing of all services and parking arrangements for construction traffic and site staff. The development shall be carried out in strict accordance with the approved details. 20) The building envelope of the apartments in the northern part of the site shall be constructed so as to provide sound attenuation in habitable rooms against external noise, to attain a maximum daytime level not more than 35dB Laeq 16 hour; and to provide sound attenuation in bedrooms against external noise, night time level not more than 30dB Laeq 8 hour; 45dB Laeq, MAX in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details 21) Details of noise insulation on all residential properties shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Insulation shall thereafter be installed in accordance with the approved details prior to the first occupation of each dwelling 22) No development shall commence until details of a sustainable drainage system have been submitted to and approved in writing by the Local Planning Authority and the work shall be carried out strictly in accordance with such details 23) No development shall commence until details of the new vehicular access off Kings Drive in the form of a priority junction and right turn lane have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be implemented before the commencement of development. 24) The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated December 2007 and Addendum dated December 2009; and no development shall commence before a plan indicating overland flood flow routes for excessive events has been submitted to and agreed in writing with the Local Planning Authority. The following mitigation measures shall be carried out as detailed within the documents:

- Limiting the surface water run-off generated by the 1 in 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site: including appropriate allowances for climate change.
- Details of the capacity and rate of discharge of the proposed balancing pond.
- Finished floor levels to be set no lower than either 2.9 m above Ordnance Datum (AOD) or 300mm above existing ground levels, whichever is the higher.

25) No development shall commence until details of the restoration of the Lottbridge Sewer adjacent to the site boundary (Classified Main River) have been submitted to and approved in writing by the Local Planning Authority. No development shall commence until details of the proposed removal of approximately 20 metres of culverted watercourse to be replaced with an open channel (located on the eastern boundary) have been submitted to and agreed in writing by the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the plans and timetable approved by the Local Planning Authority 26) No development shall commence until a scheme for provision and management of a buffer zone around rivers, watercourses and ditches on and directly adjacent to the site is submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority. The scheme shall include:

- plans showing the extent and layout of the buffer zones
- habitat recommended for retention to be fenced during construction works and then incorporated into the landscaping of the site following construction;
- details of maintenance access routes through the site to the buffer zones, with gates and crossing points provided where necessary;
- details of any planting schemes.
- details demonstrating how the buffer zone will be protected, managed and maintained thereafter.

27) No development shall commence until a bat survey has been carried out in the appropriate survey period, if trees with medium to high potential for bat roosts need to be felled or pruned. The survey shall be carried out by an accredited ecologist. The results, together with details of any works required for mitigation and a timetable for completion, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved timetable 28) Prior to the commencement of any works which may affect slow worms and common lizards or their habitat, a detailed mitigation strategy shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy 29) No development shall take place until an Ecological Mitigation Strategy [EMS] has been submitted to and approved by the Local Planning Authority in writing. The EMS shall include:

- A strategy for the mitigation of the effects of the development and for the maintenance of the ecological value of the site;
- Tree planting and trees to be retained;
- Method statements for carrying out the mitigation works;
- A phasing plan to show what preliminary measures are required to be carried out in advance of the implementation of this planning permission;
- A monitoring and management plan to secure the long term implementation of the ecological measures contained in the EMS.

Development shall not commence until the measures required by the EMS have been completed in accordance with the approved scheme. Monitoring and maintenance shall continue to be implemented in accordance with the EMS so long as any of the dwellings hereby permitted continue to be occupied 30) No development shall take place until the applicant, or their

agents or successors in title, has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority. The details shall include sampling, full and detailed open area excavation, analysis, reporting, public engagement and outreach 31) Before the commencement of development details of bicycle parking shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details 32) No development shall commence until a Stage 1 Safety Audit has been completed, submitted and approved in writing by the Local Planning Authority. The development shall be carried out in compliance with recommendations of the audit 33) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), no buildings, structures, walls or fences of any kind shall be erected within the curtilages of the dwellings hereby permitted without the prior approval in writing of the Local Planning Authority 34) The three storey apartment blocks in the northern part of the site shall be no higher than 9m above finished ground floor levels, unless otherwise agreed in writing by the Local Planning Authority 35) The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of PPS3 or any future guidance that replaces it. The scheme shall include:

- the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 35% of housing units/bed spaces;
- the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- arrangements for the management of the affordable housing;
- arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

3) EB/2013/0026 - 92 Seaside - Change of Use from A2 (Financial and Professional Services) to C3 (Single Private Dwelling) – **DEVONSHIRE.**

NB: Councillor Miah was not in attendance for this application.

RESOLVED: (By 4 votes to 2 with 1 abstention) That permission be granted subject to the following conditions: 1) Time Limit 2) Plan References.

4) EB/2013/0038 - Former NHS Dental Practice Board, Compton Place Road - Change of use of land from office (B1) to mixed use comprising non-residential education (D1) staff residential units (C2) and office (B1) and demolition of existing single-storey prefabricated building and erection of sports hall, three-storey extension and enclosed entrance court with associated landscaping and play and sports space – **UPPERTON.**

The relevant planning history for the site was detailed within the report.

A number of statements and assessments were referred to and detailed within the report.

The observations of Southern Water, Sport England, Wealden District Council, Environment Agency, Natural England, Sussex Police, County Archaeologist, East Sussex County Council's Highway Officer Senior Planning Policy Officer, Council's Arboricultural Officer and Economic Development Officer were detailed within the report

Public Consultation - prior to the submission of the planning application, residents living within the vicinity of the site were invited to a Public Exhibition that took place on 4 February 2013, where the plans were available for viewing. At the event, 27 feedback forms were completed and the overall consensus (96%) was one of support (10 'fully supported' the scheme, 16 'generally supported' the development and 1 did 'not support' the proposals).

Post-submission - Letters were sent to occupiers of surrounding residential properties and notices were posted outside the site. At the time of writing this report, the Council had received 33 letters of support for the proposals and 17 letters of objection.

Human Rights implications were detailed within the report.

Prior to the discussion regarding the application the committee were informed that a former member of the Board had submitted a request to withdraw this item from the agenda. The Litigation and Lawyer advised the committee that this matter was outside of the Planning committee's remit and related to person's named on the application, which had now been resolved with the Education Funding Authority. Therefore the discussions regarding this item could continue. The committee were assured that there would be no legal implications for Members when making a decision on this item.

Roger Storey addressed the committee in support stating that the change of use would be an asset to the town and that it would help reduce class sizes in other schools across Eastbourne.

Councillor Ansell, Ward Councillor, addressed the committee in support stating that there was a great need for additional primary school places, with a new school giving additional choices for residents. 'Through' schools were also becoming increasingly popular across the country.

Councillor Rodohan, County Ward Councillor, addressed the committee in support of the scheme. Councillor Rodohan did however raise concerns about access and egress from the site during 'pick-up' and 'drop-off' times and the use of Borough Lane. Councillor Rodohan suggested that the area be designated a 20mph zone to ease residents concerns and that access to and from the site should direct traffic away from Borough Lane.

Lea Gilbert, Head in Designate, addressed the committee stating that local primary schools were over subscribed and that the school was much needed

in the locality. The site suited requirements perfectly which would be sustainable with minimal redevelopment. A travel plan and parking provision had been considered and the traffic to the site in its former use as offices or potential housing would generate much more traffic which would not be controllable. 60% of the works would be internal reconfiguration and would enable the site to become a community facility.

The committee agreed that to add an informative stating that:

Prior to the school opening, the applicant shall enter into discussions with the Highway Authority to look at the opportunities for implementing a one-way traffic system in Borough Lane.

NB: Councillor Liddiard withdrew from the room whilst this application was considered.

RESOLVED: (Unanimous) That planning permission be granted subject to the prior conclusion of a S.106 Agreement to secure the proposed off-site highway improvements (zebra crossing), a Travel Plan and associated audit fee, local employment initiatives and associated monitoring fee and subject to the following conditions: 1) Commencement of development within three years 2) Drawing Nos. of approved plans 3) Samples of all materials 4) Lighting Strategy 5) Signage Strategy 6) Programme of archaeological works 7) Drainage Strategy (surface water, use of SuDs and foul) 8) Cycle parking 9) Refuse and recycling details 10) Servicing details 11) Demolition details including minimising dust and Method Statement 12) Wheel washing facilities on site 13) Construction Method Statement and Management Plan 14) Opening hours 15) Site contamination 16) Method statement for handling unspecified contamination 17) In accordance with FRA 18) Investigation into public sewer and ensure protection 19) Details of all plant and machinery (e.g. air conditioning, refrigeration units, extraction system) including predicted noise levels 20) Construction access details, and details of location size of any temporary structures 21) Details of directional signage 22) Construction Traffic Management Scheme to include travel routes and number of vehicle movements 23) Foundation design 24) Details of any temporary structures/hoardings 25) Finished floor levels and Details of any changes to site levels to be provided prior to commencement on site 26) Bird deterrent measures 27) Hours of building operations 28) Parking is provided in accordance with submitted details and retained thereafter 29) Cycle parking 30) Submission of Travel Plan prior to commencement of use 31) No burning of waste on site 32) Use shall not commence until reconstruction of access has taken place 33) Erection of tree protection at the edge of the root protection area of all trees to be retained as recommended in the survey (T3 – Trees Protection: Fencing 2.4m hoarding around all retained trees on site to edge of RPA) 34) Approval of utility service runs prior to commencement of development on site including a written method statement 35) Approval of a site access statement and material storage area prior to commencement on site 36) Fencing and enclosure details 37) Further investigation as recommended in the Ecological Appraisal 38) Landscaping details (T10) 39) Phase II investigation to be undertaken as recommended in the Soil Report 40) No building to be occupied until certificate has been issued certifying BREEAM rating of 'Very Good' 41) Submission and approval of Community Use Agreement 42) Recommendations in Noise Report to be adhered to 43) Love Lave not to be used as an access to the site, other than for emergency

access purposes 44) The business units to be used only for B1(a) purposes
45) The residential accommodation to be C2 use only.

RESOLVED (B): That In the event that the S.106 is not concluded to the satisfaction of the Local Planning Authority by 30 November 2013 that delegated authority be given to the Head of Planning to refuse planning permission for the following reason, or if discussions are ongoing, to agree a reasonable extension of time for the S.106 to be signed.

5) EB/2013/0062 - Land at the corner of Firle Road and Beltring Terrace - Demolition of house and garage at No. 60 Firle Road and garage adjacent to 12 Beltring Terrace. Erection of 7 No. one bedroom flats with one parking space – **DEVONSHIRE**. 16 objections were received, and 25 representations were collected on a petition against the scheme

The relevant planning history for the site was detailed within the report.

The observations of Cleaning Contracts Team, Environment Agency, Highways and Planning Policy were detailed within the report.

Human Rights implications were detailed within the report.

Jannine Howe addressed the committee in objection stating that there would be insufficient parking for the site, exacerbated by new double yellow lines in Firle Road, previous planning applications had been refused and that Beltring Terrace was an 'unmade road'.

Mike Nolan addressed the committee in objection stating that the design of the building was inappropriate and that he would not have any room to carry out repairs to his property due to the close proximity of the proposed building. Mr Nolan also raised concerns with subsidence following any building works on the site.

Mr Dowding, applicant addressed the committee in response stating that parking problems had been addressed, the design had been considered carefully to compliment the surrounding properties. Mr Dowding stated that the road would be 'made' to the front of the development which would improve the area and finally that there was a great need for 1 bedroom flats within the area.

RESOLVED: (Unanimous) That permission be refused on the grounds that 1) by reason of the overbearing impact with no. 64 Firle Road and no. 12 Beltring Terrace and the loss of privacy to no. 64 Firle Road the development is considered to be an overdevelopment of the site. 2) The design of the scheme is inconsistent with the character and appearance of the surrounding residential area, and the proposal lacks a suitable amount of private amenity space for the number of households on-site As outlined within the National Planning Policy Framework (2012), in order for development to be supported it must first comply with local plans. The proposal conflicts with policies UHT1, UHT2, UHT4, HO7, HO20 and TR11 of the Eastbourne Borough Plan (Saved policies, 2007).

Appeal: Should the applicant appeal the decision the appropriate procedure to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

6) EB/2013/0082 - Formerly 'The Pabb', 24 Mountfield Road -

Redevelopment of site comprising demolition of public house and erection of 14 affordable units with associated parking, comprising 7 no.1 bed flats, 2 no.3 bed houses, 4 no.2 bed houses and 1 no.2 bed wheelchair-accessible flat – **HAMPDEN PARK**. 6 letters of objection were received, along with 1 letter of support.

The observations of Cleansing Contracts Team, Economic Development, Highways, Planning Policy, the Environment Agency and the Archaeological Team were detailed within the report.

Human Rights implications were detailed within the report.

The committee discussed this application in particular the access during busy times (which are many throughout the day due to the level crossing and volumes of traffic) and rubbish storage facilities. The Committee asked that 'wash down' facilities for such schemes be added as a standard condition.

The committee agreed that to add an informative stating that:

Prior to the completion of the development, the applicant shall enter into discussions with the Highway Authority to look at the opportunities for implementing a suitable traffic management scheme to assist with access to the development site.

NB: Councillor Miah was not in attendance for this application.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Time limit 2) Facing materials to be submitted 3) Hard and soft landscaping in accordance with approved scheme 4) Reconstruction of access prior to occupation 5) Creation of turning circle 6) Stopping up of existing access onto Mountfield Roundabout 7) Installation of high level kerbing at bus stop 8) Submission of a construction traffic management scheme 9) Car parking 10) Cycle parking 11) Storage and refuse facilities prior to occupation in accordance with approved layout 12) Boundary treatment (taking into account wildlife on-site) 13) Demolition method and waste removal statement 14) Construction times 15) Construction method statement 16) Vehicle washing equipment during construction 17) Foul and surface water details to be submitted 18) Discharging of surface water statement 19) Implementation of a programme of archaeological work 20) Completion of archaeological site investigation and post investigation assessment 21) In accordance with approved plans

7) EB/2013/0090 - 1-6 The Courtyard, Wharf Road - Variation of condition 4 of permission EB/1999/0124 to permit the installation of gates across the entrance to the courtyard – **UPPERTON**. Two letters of objections had been received.

The relevant planning history for the site was detailed within the report.

The observations of the Highway Authority were detailed within the report.

NB: Councillors Hearn and Miah were not in attendance for this application.

RESOLVED: (By 3 votes to 2 with 1 abstention) That permission be refused on the grounds that The proposed gates, by reason of their position and method of opening, would be a hindrance to residents or visiting pedestrians with disabilities or similar difficulties.

Appeal: Should the applicant appeal the decision the appropriate procedure to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

8) EB/2013/0099 - 28 Grange Road - Demolition of existing building and erection of nine two-bedroom flats with five parking spaces, as approved under EB/2009/0705/(FP) with amended building design and vehicular access. (Renewal Of Planning Application EB/2009/0705(FP) – **MEADS.** 162 letters of objections had been received.

The relevant planning history for the site was detailed within the report.

The observations of the Conservation Officer, Borough Arboriculturalist and Highways Manager were detailed within the report.

Human Rights implications were detailed within the report.

NB: Councillor Miah was not in attendance for this application.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions:1) Time Limit 2) Materials 3) Car Parking Hardstanding 4) Scheme for Surface Water Drainage Works 5) No Uncontaminated Material deposited at the site 6) Hours of Restriction For Building Operations 7) Covered Cycle 8) Protection Of Trees 9) Safeguarding Of Natural Features During Building Works 10) Design 11) Materials for Private Drive 12) In Accordance with Drawings 13) Transport Report 14) New Bus Stop 15) Tree Protection (No 26 Grange Road)

9 & 10) EB/2013/0108 & EB/2013/0109(LB) (CONS AREA) - Elm Park Hotel, 20-14 Cavendish Place - Removal and replacement of the roof to provide additional residential accommodation in the roofspace (1 one bedroom flat and 4 studio flats), reconfiguration of previously approved residential accommodation under EB/2012/0398 to provide 7 additional residential units and a three storey extension above 97-99 Seaside Road to provide 6 studio flats (18 additional units in total) – **DEVONSHIRE.** One letter of objection and two letters of support had been received. One further letter of support and a petition of 111 signatures was reported at the meeting.

The relevant planning history for the site was detailed within the report.

The observations of the Council's Strategic Housing Officer and Conservation Officer were detailed within the report.

At its meeting on 9 April 2013, the Conservation Area Advisory Group considered at length the impact of the mass of the extension on the streetscene and longer views along Seaside Road; it was considered that the proposal would enhance both the corner and views from both directions.

RESOLVED: (By 5 votes to 2 with 1 abstention) That permission be granted subject to the following conditions and the completion of a S106 agreement 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission 2) The proposed development shall be carried out in strict accordance with drawings ELM-PL(20)01B, ELM-PL(20)02, ELM-PL(20)03, ELM-PL(20)04, ELM-PL(20)05B, ELM-PL(20)06 AND ELM-PL(20)07 received on 11 May 2012. 3) That no demolition, site clearance or building operations shall take place except between the hours of 8.00 a.m. and 6.00 p.m. on Mondays to Fridays and 8.00 a.m. and 1.00 p.m. on Saturdays and that no works in connection with the development shall take place on Sundays or Bank/Public Holidays 4) No development shall be commenced until detailed drawings at a scale of 1:10 of all external joinery, doors [to the shop and the residential flats] and the railings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance approved details. ++ 5) No development shall be commenced until detailed drawings at a scale of 1:20 of the proposed canopies for the front elevation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. ++ 6) No development shall be commenced until details of any replacement guttering or downpipes have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. ++ 7) No development shall be commenced until a methodology statement setting out the means of opening up new doors/openings in the historic fabric of the building, blocking up existing openings, and details of sound proofing and fire proofing methods has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. ++ 8) No development shall be commenced until detailed joinery drawings at a scale of 1:20 for the internal parts of the building showing staircases, doors, architraves and skirtings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. ++ 9) There shall be no vents or flues or drainage pipes located on the elevations facing Cavendish Place and Seaside Road whatsoever. No development shall be commenced until details of vents/flues/pipes have been submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details. ++ 10) No development shall be commenced until samples of the materials to be used in the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. ++ 11) No development shall be commenced until details of the rooflights have been submitted to and approved in writing by the Local Planning Authority. The roof lights shall be either timber or metal, and appropriate in design for a listed building (with vertical glazing bars). The development shall be carried out in accordance with the approved details. ++ 12) Notwithstanding the elevations shown on drawing ELM-PL(20)05B, details of the proposed shopfronts on the Seaside Road and Cavendish Place

frontages shall be submitted to and approved by the Local Planning Authority. The shopfronts shall have a unified appearance to identify the separate nature and use of the single storey element of the building. The development shall be carried out in accordance with the approved details.
++

INFORMATIVE: Your attention is specifically drawn to the conditions above marked ++. These conditions require the submission of details, information, drawings, etc. to the Local Planning Authority PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT ON THE SITE or, require works to be carried out PRIOR TO THE COMMENCEMENT OF THE DEVELOPMENT OR USE. Failure to observe these requirements will result in a contravention of the terms of the permission and the Local Planning Authority may take appropriate enforcement action to secure compliance. You are advised that sufficient time for the Authority to consider the details needs to be given when submitting an application to discharge conditions. A period of between five and twelve weeks should be allowed. A fee of £85 is payable for each submission to discharge conditions (details for one or more conditions may be submitted in any one submission).

11) EB/2013/0119 - The Drive Pub, 153 Victoria Drive - Demolition of conservatory and infilling side elevation – OLD TOWN.

The relevant planning history for the site was detailed within the report.

NB: Councillors Hearn and Miah were not in attendance for this application.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Details – Development timescale 2) Details – Materials 3) Details – Compliance with all plans 4) Details – Construction hours

12) EB/2013/0120 - 1 Chatham Green (Sovereign Harbour) - Two Storey Extension to the side of property and re-positioning of entrance on front elevation – SOVEREIGN. Five letters of objection had been received.

The observations of Highways regarding were detailed within the report.

NB: Councillor Miah was not in attendance for this application.

RESOLVED: (By 6 votes to 1) That permission be granted subject to the following conditions 1) Time limit - Development to commence within 3 years 2) Materials to match existing 3) In accordance with approved plans

13) EB/2013/0139 - The Drive Pub, 153 Victoria Drive - Exterior alterations and modifications – OLD TOWN.

The relevant planning history for the site was detailed within the report.

NB: Councillors Hearn and Miah were not in attendance for this application.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Development timescale 2) Materials 3) In accordance with all plans 4) Construction hours

14) EB/2013/0140 - The Drive Pub, 153 Victoria Drive - Installation of ventilation and extraction units – OLD TOWN.

The relevant planning history for the site was detailed within the report.

Environmental Health raised no objections.

NB: Councillors Hearn and Miah were not in attendance for this application.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Details – Development timescale 2) Details – Materials 3) Details – Compliance with all plans 4) Prior to the installation of the ventilation and extraction equipment hereby approved details of screening to be erected around the equipment shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented at the site within 1 month of the equipment becoming operational and be retained in situ for the life of the equipment.

15) EB/2013/0158 (CONS AREA) - 39 Upperton Lane - Change of use from vehicle repair workshop to a single private dwelling, together with external alterations, including the provision of a pitched roof with dormer to the rear – UPPERTON. Eight letters of objections had been received.

The relevant planning history for the site was detailed within the report.

The observations of Planning Policy and Council's Arboriculturist were detailed within the report.

The Conservation Area Advisory Group objected to scheme (verbal update)

Mr Sommerville addressed the committee in objection stating that the proposal would be detrimental to the surrounding properties.

The committee discussed the application and agreed that the road was a busy service road and that access to a property would be dangerous because of this. The buildings were originally intended for use as garden buildings by the main dwellings and not for redevelopment.

RESOLVED: (Unanimous) That permission be refused on the grounds that the proposed development would result in an undesirable form of backland development, which would by reason of its scale, siting and design, result in a cramped, visually dominant and intrusive form of development that would fail to preserve or enhance the character and appearance of the conservation area. In addition given the access to/from the property is direct onto the carriage it is likely to result in highway and pedestrian safety issues. As such, it would conflict with the policies UHT1, UHT4 and UHT15 of the Eastbourne Borough Plan 2001-2011, the Core Strategy and the National Planning Policy Framework.

Appeal: Should the applicant appeal the decision the appropriate procedure to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

5 South Downs National Park Authority Planning Applications.

None reported.

6 Edmond Evangelical Church Site – Appeal Decision.

The committee were advised of the appeal decision in respect of the above application.

The applications for planning and conservation area consent (EB/2012/0472 /3) for the development of the Edmond Church site at 39-41 Church Street were refused at the meeting of the Planning Committee on 2nd October 2012 contrary to the officer's recommendation.

The scheme comprised the change of use of the site from a church to accommodation for 24 people with learning disabilities, with community/activity centre, tearoom and retail shop, involving the demolition of the rear hall extension and the construction of a part two and part three storey extension.

The appeals against the refusal of both applications were dealt with at a Hearing on 13th March 2013. The decision was issued on 26th April. The Inspector allowed both appeals, granted planning permission and conservation area consent and also granted the appellant's application for a full award of costs against the Council.

NOTED.

7 Tree Preservation Order - Land at 23 The Goffs, Eastbourne, East Sussex No. 158 (2013).

The Committee considered the report of the Senior Head of Development and Environment and Lawyer to the Council seeking confirmation of a tree preservation order on the above land. One objection had been received and the officer's response was detailed within the report.

RESOLVED: That the Eastbourne Borough Council Tree Preservation Order - Land at 23 The Goffs, Eastbourne, East Sussex No. 158 (2013) be confirmed without modification.

8 The Park Close Conservation Area Appraisal and Management Plan.

The committee considered the report of the Specialist Advisor – Conservation and Design regarding the Park Close Conservation Area Appraisal and Management Plan.

The Council has a duty to review, formulate and publish appraisals and management plans for the preservation and enhancement of the Borough's 12 Conservation Areas.

The Specialist Advisor – Conservation and Design highlighted the Management Plan in Section 6 of the Appraisal, appended to the report that

contained proposals that seek to preserve and enhance the character and appearance of the Park Close Conservation Area. This included the proposed introduction of Article 4 directions that would bring under planning control, specified works that would normally be allowed without planning permission.

The appraisal and Management Plan would be made available to the public for a period of not less than 6 weeks following the presentation on 21 May 2013.

After this date, any representation will be reviewed and considered, following guidelines set out in the adopted Guidance Manual for Designation and Review of Conservation Areas and in line with guidance from English Heritage.

RESOLVED: That Planning committee endorse the appraisal and management plan and support its submission for public consultation for the period stated above.

9 Amendment to the Town and Country General Permitted Development Order – Residential Extensions / Change of Use.

The committee were advised that on 9th May 2013 the Government announced that extensive amendments to the General Permitted Development Order were being laid before Parliament. The amendments will come into force on 30th May.

The provisions cover several significant areas of Permitted Development such as house extensions and changes of use. The main changes in each category were set out below and further detailed within the report.

- Changes of use- office to residential
- Flexibility within use classes
- Change of use- industrial to storage/distribution
- Building extensions
- Schools

The potential staffing financial and resource implications for the Council were likely to be:

- A reduction in applications and associated fee income
- An increase in enquiries for information on the new provisions
- An increase in administrative work from implementing the new prior notification procedures

The overall effect would become clearer later in the year once the provisions had been in place for 3-4 months. The significant relaxation of the limits on House Extensions could give rise to the additional engagement of Article 1 of Protocol 1 (Peaceful Enjoyment of Possessions) and Article 8 (Right of Privacy) of the Human Rights Convention.

The meeting closed at 10.25 pm.

**Councillor UNGAR
(Chairman)**

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Minutes of meeting held on Wednesday 29 May 2013 at 6.00pm

Present:-

Councillors **David Tutt** (Chairman and Leader of the Council), **Gill Mattock** (Deputy Chairman and Deputy Leader of the Council), **Margaret Bannister**, **Carolyn Heaps**, **Troy Tester** and **Steve Wallis**.

1 Minutes

The minutes of the meeting held on 20 March 2013 were submitted and approved and the Chairman was authorised to sign them as a correct record.

2 Members' interests

Declarations of disclosable pecuniary interests (DPIs) by members as required under Section 31 of the Localism Act and other interests as required by the Code of Conduct and regulation 12(2)(d) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012:

- Councillor Tutt declared a personal interest in minute 5 (Devonshire Park review – procurement strategy and phasing) in view of his role as a board member of iESE (the Improvement and Efficiency Social Enterprise) who were assisting in respect of the procurement arrangements for this project. He did not however consider this to be a prejudicial interest and he remained and participated in the proceedings.

3 Princes Park development plan

- 3.1 Councillor Murdoch addressed the Cabinet and raised questions about the level of investment being proposed for the café and park. He noted that the re-opened café was trading successfully and queried whether further investment was necessarily a priority. He also noted that there had only been 21 responses to the questionnaire.
- 3.2 Cabinet considered the report of the Senior Head of Development. The Council had been working closely with the Friends of Princes Park since 2005 to improve the park and during this time, the park had benefitted from two newly equipped play areas and a splash pad, in addition to many other enhancements. The sale of the coach and lorry park at Wartling Road had resulted in a capital sum being assigned for further improvements to the park. A development plan for the park had been prepared last year in

consultation with the Friends and subject to wider consultation with the public and stakeholders.

3.3 In response to Councillor Murdoch's comments, it was pointed out that although the interior of the café had recently been refurbished, extensive work was required to the exterior along with the removal of the outside toilets and provision of internal toilets. It was considered that the approval of an overall plan for the park along with the recent designation of the park as a Queen Elizabeth II field should improve the chances of securing external funding. It was also considered important that improvements continue to be made to the park for the benefit of residents and visitors and to contribute to the enhancement of the eastern seafront area as a whole.

3.4 The outcome of the stakeholder consultation identified some key issues within Princes Park, and the consultants identified improvement proposals within the draft plan to deal with them. These were:

- That the priority was to improve the café.
- That a hub was created around the café as a meeting place, and the landscaping and viewing areas would be improved.
- That the disused land where the bowling greens were located was used to create an entrance directly from the seafront.
- That the Dotto Train was able to enter Princes Park via this new entrance but that non authorised vehicles were prevented from doing so.
- That there are improvements to the lake edge and opportunities for introducing more wildlife interest are investigated.

The response to the public consultation indicated good support for the above priorities with the exception of the Dotto Train proposal where support was less strong.

3.5 The capital budget available to commence work on the key areas, such as the café and hub, was £183,000, however, the estimated costs to improve the café was £331,000 and the creation of the hub was a further £494,000. The cost for completing all the proposals within the development plan totalled £1,805,050. Given the funding shortfall, there would be a need to secure external funding to commence works for improvements to the café as the first priority. The services a professional fund raiser would be required, who would be tasked with securing external funding on the proviso that their fees would only be paid for a successful bid. They would be initially appointed for a year and reviewed thereafter.

3.6 **Resolved (key decision):** (1) That the Princes Park development plan be approved and published.

(2) That the existing capital allocated to Princes Park be used for the purposes of attracting further funding if possible.

(3) That a professional fund raiser be appointed to secure additional funding.

4 Environment and natural resources strategies (Cabinet, 18 April 2012, minute 115, page 365 (2011/12 minutes)).

4.1 Cabinet considered the report of the Senior Head of Development providing an update on the action plans of the above named strategies and outlining the future development of a 2020 carbon reduction pathway. The environment strategy was an overarching strategy for the town as a whole and the natural resources strategy addressed environmental issues within the Council's own operations and estate. Cabinet had previously considered an update report in April 2012. This report also gave an outline of the future work still required if Eastbourne was to address climate change and move towards a sustainable future. The 2020 carbon reduction pathway set out aims and objectives for neighbourhood-wide clean energy programmes, locally grown food and resilience to extreme weather events.

4.2 The report listed the key areas of activity and achievements within both strategies. To address the future challenges it was proposed to develop a 2020 carbon reduction pathway. This would be a 7-year action plan and would build on the framework of the environment strategy to achieve the 2020 target of reducing carbon emissions by 40%. It would:

- Give a clear vision to the community.
- Enable the Council and the town to create a planned programme of investment over the next seven years.
- Give stability and control over work that needed to be done.
- Help to create a green economy with the establishment of local companies who assist delivery of energy efficiency and clean energy technology.

The draft objectives for the pathway had been developed in conjunction with CEPE (the Community Environment Partnership for Eastbourne) and were set out in an appendix to the report.

4.3 It was proposed that the existing strategies be incorporated into a single action plan for the 2020 carbon reduction pathway and for the plan to be finalised by the end of 2013. The draft objectives would be used as the platform to consult with the wider community and to develop specific actions to achieve the 2020 target. This would assist the Council in engaging with the community and assessing the level of support for initiatives and partnership delivery. The consultation would be done interactively and carried out with community groups and residents over a 12-week period.

4.4 **Resolved (key decision):** (1) That progress made with the environment and natural resources strategies and the proposed 2020 carbon reduction pathway objectives be noted and endorsed.

(2) That the Senior Head of Infrastructure, in consultation with the Carbon

Reduction Board, be given delegated authority to approve the action plan for the 2020 carbon reduction pathway.

5 Devonshire Park review – procurement strategy and phasing
(Cabinet 12 December 2012, minute 65, page 220 and 20 March 2013, minute 102, page 321, 2012/13 minutes).

- 5.1 Councillors Ede, Jenkins and Warner addressed the Cabinet. Councillor Ede asked about the source of the funding for the repairs to the Congress Theatre and whether the £850,000 allocation would be the final amount. He was advised that the funds were available within the Council's capital reserves and that the sum was an estimate at this stage; the final amount would depend on the outcome of the procurement process. A question regarding the total cost of the scaffolding which had been erected to cover the front and side elevation of the theatre would be answered in writing. Councillor Jenkins suggested that there should be lead member involvement in the matter of further decision making in respect of the first stage priority works. The Chairman pointed out that the project board, with cross party membership, already allowed for the necessary member oversight of this project. The Chairman responded to questions from Councillor Warner who had asked why repairs had not been carried out sooner and why the works now proposed did not deal with the ground floor frontage of the theatre by explaining the reasons for the Council's approach which were set out in the report.
- 5.2 Cabinet considered the report of the Senior Head of Tourism and Leisure and the Senior Head of Development updating Cabinet on the work so far on the procurement strategy for the project, seeking agreement to an amended governance structure for the initiative and approval to the works to the upper façade of the Congress Theatre being carried out. Cabinet had previously agreed to review the procurement routes for the master-plan for Devonshire Park to RIBA Stage C and commission from David Clark Associates (DCA) more detailed work on the business plan, financing models, organisational and governance structure for the Devonshire Park complex.
- 5.3 Since December, work had been undertaken on the practicalities of realising the Council's ambitions for Devonshire Park. Detailed consideration had continued on how best to bring about the significant development and the most favourable way to phase the construction works with the minimum impact on business continuity. The review of the optimum procurement route was not yet complete, however, there was sufficient confidence to prioritise essential works and timetable the start of these by way of a separate specialist contract for the restoration and replacement of the upper façade of the Congress Theatre.
- 5.4 The key information that had informed the recommendation before Cabinet was as follows:-
- Retention of the original structure was the more viable option, with

refurbishment and repurposing of the interiors being key to the long term sustainability.

- The existing façade had a design fault which has caused the water ingress to corrode the internal re-enforcement which had led to the failure of the façade fixings. The design solution needed specialist consideration.
- As the Congress Theatre was a listed building any changes to the façade required discussion with English Heritage. They said that they would prefer the façade to remain in the current alignment but had accepted the need for a solution to the design fault.
- The upper floors could be authentically redesigned and restored, while dealing with the inherent flaws of the original façade, without compromising the master-plan that proposes putting in place a new public realm and box office service at ground level. The future work to remodel the entrance, box office and public realm to the front of the Congress and create integrated links with the new build were therefore not compromised.

5.5 Once the procurement strategy had been finalised, a set of briefs would be issued for the services required to fulfil the ambition for the whole site. Cabinet would then be presented with a further business case outlining the programming implications of the contracts and financial model for the development alongside future operational management and governance recommendations for the long term viability of the scheme.

5.6 At this stage the business case was predicated on all the buildings to the south of the park being of equally high quality, operationally efficient, fit for purpose and attractive to the contemporary market demands of visitors, touring theatre, audiences, conference agent and delegate needs. Therefore the programme, which included intensive restoration of the historic buildings; relocation of box office services; introduction of full disabled and technical access needs and circulation space; new bars, cafes and retail areas; new conference exhibition spaces and new public realm was considered to be part of a single phase of works, albeit subject to a programme that allowed for operational continuity.

5.7 Works to enhance the overall visibility of the park, landscaping and configuration of the tennis courts alongside refurbishment of the International Lawn Tennis Centre, player facilities, stadia seating and car parking, to allow for future requirements could also be considered as a single phase; the timetable of which would be governed by the tennis season and continued discussions with the Lawn Tennis Association around investment options as well as detailed consideration of the most economic and practical phasing of the construction works.

5.8 The current governance arrangements had worked well. The technical project team had been undertaking work for the project board, consisting of stakeholders and partners, to be engaged in the process. This had assisted the member board to make informed recommendations. It was now

proposed that one board be established with the role of a capital project board.

5.9 Extensive consultation had taken place with stakeholders, business and community groups as the programme had progressed, with several presentations and public events inviting feedback on the plans throughout their iterations. Further consultation on the results had also been instigated with conference agents and exhibition designers; potential funders; sports and leisure; theatre and audience; catering and retail bodies and display boards were on permanent display in the foyer of the Congress. The project as a whole was subject to an equalities and fairness assessment and dialogue was underway with the Council's Disability Involvement Group.

5.10 **Resolved (key decision):** (1) That the governance of the Devonshire Park review work is arranged as shown in appendix 1 to the report, including a single project board.

(2) That the decision on the final procurement strategy for the overall development of Devonshire Park is delegated to the Senior Head of Development in consultation with the relevant lead Cabinet members.

(3) That up to £850,000 is released from capital reserves to enable the re-design and restoration of the upper levels of the Congress Theatre façade, as a priority first stage in the development.

(4) That all matters to complete this first stage of the development are delegated to the Senior Head of Development in consultation with the Senior Head of Tourism and Leisure.

Note: See minute 2 above as to disclosure of a personal (and non-prejudicial) interest by Councillor Tutt.

***6 2013/14 Corporate plan refresh** (Cabinet 12 December 2012, minute 63, page 216, 2012/13 minutes).

6.1 Cabinet considered the report of the Head of Corporate Development. Extensive consultation on the corporate plan priorities had been conducted with the community and stakeholders. The results had been reported to Cabinet and Scrutiny in 2012 and would be linked to relevant projects on Covalent to show where the Council was acting on the feedback received. Development of projects and targets had also been influenced by the recent service and financial planning process, reference to the local development framework and the sustainable community strategy.

6.2 The refreshed plan built upon previous year's versions and retained the same four priority chapters – each owned by a senior member of the corporate management team and Cabinet lead member who were responsible for managing the overall delivery of projects in that theme. An overview of the projects for each chapter was as follows:

6.3 **Prosperous Economy**

1. Deliver a sustainable events programme – Develop the events programme as a key part of the tourist and community economy.
2. Tourism marketing and development – Deliver and evaluate the marketing campaign for Eastbourne.
3. Employment - Town centre master-plan – Continue to progress the master-plan.
4. Employment - Sovereign Harbour business park – Development of a business park at Sovereign Harbour.
5. Activating Eastbourne – Multi-agency partnership with focus on promoting employment.
6. Eastbourne loyalty – Establish a loyalty scheme for Eastbourne to help sustain local businesses and understand spending needs.
7. Support secondary shopping areas – Continue to progress the Town Centre local plan.

6.4 **Quality Environment**

1. Managing waste responsibly – To procure the services of a waste collection and street cleansing contract in partnership with Wealden, Rother and Hastings councils and continue to divert waste from landfill.
2. Improving the cleanliness of the street and public areas – Work with the neighbourhoods to identify and improve further 'grot spots'; Difficult Properties Group to continue with the success of improving secondary shopping areas and streets near the town centre.
3. Allotment provision – To provide additional allotment plots for the community.
4. Towards a low carbon town – Prepare guidance for existing building and new development on sustainable design; To work with the community and within the Council's own estate and operations to improve the environment and reduce carbon emissions
5. Transport – Progress implementation of the cycling strategy and prepare borough parking strategy
6. Eastbourne Park supplementary planning document (SPD) – Provide a SPD for Eastbourne Park setting out a clear strategy and providing a sustainable framework for the future management of the area.
7. Pride in Our Parks – Enhance and preserve the quality of the town's parks.

6.5 **Thriving Communities**

1. Youth activities – Development and delivery of youth activities – putting on Youth Fair to showcase activities/clubs operating in the town and encourage greater participation, launch of a youth network and delivery of the partnership youth strategy.
2. Improving neighbourhood delivery – Supporting delivery of the £1m Big Local Devonshire West project, launch program of ward walks, handover Langney Community Centre and deliver Healthy Eastbourne Campaign.
3. Maximising our housing assets – Finish decent homes for retirement courts, construction of new council homes in Seaside and Langney, launch E-Switch energy buying and review future housing management options.
4. Support to vulnerable households – Helping households adjust to changes in welfare benefits, managing and reducing rough sleeping, developing a scheme for council tax support and working with partners to support troubled families.
5. Town Hall community hub – Development of a strategy and plans for future use of the Town Hall as a community hub.
6. Cultural development – Develop networks and opportunities for the sustainable growth of cultural activity in the town.
7. Cultural development - Devonshire Park – Progress the development to provide a quality cultural brand and diverse arts and leisure programme at Devonshire Park.
8. Cultural Development – Sustainable strategy for Eastbourne Theatres – Develop audiences, programming and investment plans for Eastbourne Theatres, including options for revenue generating and alternative governance.

6.6 **Sustainable Performance**

1. Efficiency (Future Model phase 1) – Embed phase 1 of the Future Operating Model.
2. Efficiency (Future Model phase 2) – Deliver phase 2 of the Future Operating Model.
3. Assets – Move towards an asset portfolio that is appropriate for the Council's needs and economically sustainable for the future.

6.7 It was highlighted that a significant majority of consultation respondents (84%) agreed that the priorities listed in the 2012/15 corporate plan were "important" or "very important." This factor, combined with the use of 'Local Futures' statistical evidence, had reinforced the validity of the Council's priority planning. The specific projects that most respondents agreed were top priorities were:

1. Re-development of Town Centre.
2. Transport – public transport and cycling provision.
3. "Activating Eastbourne" – jobs for young people.
4. Street cleaning – including public open spaces and derelict sites.
5. Housing strategy – affordable and decent homes.

All of these projects were continued and developed in the refreshed corporate plan reflecting the feedback received.

- *6.8 **Resolved (budget and policy framework)** (1) That the draft 2013/14 refresh of the corporate plan be approved subject to detail on performance indicators and final formatting being agreed by senior heads of service and lead Cabinet members.
- (2) That full Council be recommended to approve the refreshed corporate plan at their meeting on 17 July 2013.

7 Corporate performance - Quarter 4/year-end 2012/13 (Cabinet, 6 February 2013, page 269, minute 85).

- 7.1 Cabinet considered the report of the Deputy Chief Executive reviewing the Council's performance against corporate plan priority indicators and action targets; financial performance of general fund revenue expenditure, housing revenue account and capital programme; and treasury management activities for the fourth quarter of 2012/13 and giving the provisional financial outturn for the year. The final outturn figures would be reported to Cabinet and the Audit and Governance Committee in July.
- 7.2 Progress against key projects and indicators was updated on the online Covalent system on a regular basis and provided a "live" view of the Council's performance accessible at any time. It was noted that the capability now existed within Covalent to analyse performance data via dashboard reporting. This allowed looking beyond green – amber – red performance reporting and 'drilling down' into the data. This showed best performing indicators and those demonstrating the best relative improvement in performance. The success of the 2012/13 devolved ward budget programme comprising 68 projects was also highlighted.
- 7.3 **Resolved (key decision):** (1) That performance against national and local performance indicators and actions from the 2010/15 corporate plan (2012 refresh) be agreed.
- (2) That the provisional general fund outturn on services expenditure for 2012/13 of £16.2m, a net under-spend of £57,000 against the revised budget be agreed.
- (3) That the transfers to and from reserves as set out at appendix 3 to the report be agreed.
- (4) That the provisional balances on non-earmarked revenue reserves as at 31 March 2013, as shown in paragraph 5.1 of the report, be agreed.
- (5) That the provisional housing revenue account surplus for 2012/13 of £177,000 be agreed.

(6) That the final capital programmed and outturn for 2012/13 of £12.5m, a variance of 0.6% against the final programme, be agreed.

8 Strategic asset management (Cabinet, 24 October 2012, page 165, minute 51).

- 8.1 Councillors Jenkins and Warner addressed the Cabinet. Councillor Jenkins queried the value of the proposed work noting that a sum of £90,000 had been included in the recommendation and a sum of £75,000 mentioned in the financial implications section for the cost of the asset challenge scoping exercise. The Chairman confirmed that the latter sum was included within the overall budget allocation of £90,000. Councillor Warner challenged the use of consultants for this work and generally for other work undertaken by the Council in the past. The Chairman explained that a district council of Eastbourne's size and resources could not be expected to retain the services of a wide range of experts and that buying in such professional advice as and when required was necessary and appropriate.
- 8.2 Cabinet considered the report of the Senior Head of Infrastructure. The Council had identified asset management as a corporate plan priority in 2010 and set a goal to make the council's asset portfolio sustainable and self-financing. Recommendations from a CIPFA (Chartered Institute of Public Finance and Accountancy) review had been implemented including the establishment of the Strategic Property Board, condition surveys on all core operational premises and the allocation of additional resources to ensure completion of the programme on track. 'Asset challenge' was a key recommendation of the CIPFA review and was a fundamental process necessary to assist the Council in reaching the goal of a sustainable asset base. Adopting a 'corporate landlord' model on the retained asset base would enable the Council to drive out further savings, ensure assets were properly managed and mitigate risk.
- 8.3 The scale of the asset challenge facing the Council had been the subject of presentations to the Strategic Property Board and a full member briefing. Key elements were as follows:
- Average annual expenditure on the Council's property assets was approximately £4.5m per annum with a net cost (after deducting income directly from the asset base) of £3.2m per annum.
 - The Council's portfolio was a combination of operational and non operational buildings and land. Both sectors needed to be included in the asset challenge process.
 - Unless challenged, addressing the backlog of maintenance and introducing an effective planned and term maintenance programme could see total expenditure on property assets reach approximately £50m over the next 5 years, excluding development proposals.
 - Over 40% of the Council's property asset expenditure was required to support leisure and heritage assets.
 - Unless challenged, the total budget for property assets would exceed

- the total combined budget for all services across the Council over the next 5 years.
- Undertaking a scoping study on the potential for disposal or transfer of assets to trust would establish the options for asset challenge.
 - Undertaking a scoping study on the on the optimum model and savings achievable through adopting a 'corporate landlord' model would inform the sustainable asset base strategy on the retained estate.
- 8.4 'Asset challenge' and the adoption of a 'corporate landlord' approach were consistent with and linked to the ongoing initiatives at Devonshire Park and the Town Hall community hub initiative. The scoping studies proposed related to general fund properties only. Separate initiatives to assess the future potential and management of housing revenue account assets were being undertaken concurrently.
- 8.5 Certain of the Council's operational assets generated significant revenue. In addition various current initiatives sought to improve the yield and enhance the cultural and community offering. However the true cost of property related expenditure was not fully reflected in revenue forecasts; this was evidenced by the backlog of maintenance, the lack of effective planned and term maintenance, little or no notional rent liability and the lack of allocated 'asset specific' staff costs. Maintaining all of the Council's existing buildings (excluding housing revenue account) was not sustainable, even allowing for best case potential savings from the corporate landlord approach. The Council therefore needed to explore either the disposal or transfer of assets to reduce revenue cost and/or realise capital receipts to support future investment in retained assets. It was recognised that the sale or transfer of heritage/community assets would be both sensitive and a challenge, however the case for a comprehensive asset transfer strategy was compelling given the scale of the asset challenge. The report detailed a range of options for achieving the Council's objectives.
- 8.6 Implementation of a full corporate landlord model on the retained asset base (i.e. post asset challenge/transfer) would be a substantial cultural change for the Council; full corporate support would be necessary for the centralisation of budgets, together with re-profiling of staff roles where there was previously a building function and the transfer of risks and responsibilities to a single corporate entity. Prioritisation of investment on assets or the transfer of assets to the third sector to support the wider corporate objectives might also have an impact on existing service delivery. A limited corporate landlord model, where for example only risks were transferred centrally and existing processes enhanced to take advantage of savings through procurement, planned and term maintenance etc., might be a preferred route, provided the objectives of the asset challenge could be met. In order to establish the best option for the Council to pursue it was recommended that a scoping exercise be undertaken.
- 8.7 The outcomes of both studies were expected to be reported back to Cabinet

in the autumn of this year and would lead to a recommendation on the optimum route to achieve a sustainable asset base and how best to manage the retained asset base thereafter. Consultation with community groups and stakeholders would be crucial in forming recommendations, particularly in respect of the conditions upon which the transfer of community/heritage assets becomes viable. In the meantime, and in order to be able to assist in funding the backlog of maintenance whilst these initiatives are ongoing, capital receipts would be targeted from the non operational portfolio. A disposal programme would be submitted to the Strategic Property Board with the intention of realising capital receipts to fund expenditure in the short term. The Chairman also thanked the Eastbourne Society for their continuing interest in this initiative and productive dialogue with the Council.

8.8 **Resolved (key decision):** (1) That the recommended approach to asset challenge, including the scoping exercise to establish the viability and programme for transfer of assets to trust, be agreed.

(2) That the scoping exercise to establish the savings and improvements to quality of service by transferring the retained asset base into a corporate landlord model be agreed.

(3) That the release funds, as the asset challenge programme progresses and upon reaching key milestones, of up to £90,000, from the strategic change fund, be agreed.

(4) That an exemption to the Council's contract procedure rules be agreed for resolutions (1) and (2) above to benefit from efficiencies in cost and programme.

9 Housing strategy 'At Home in Eastbourne' and 'Housing Futures' review (Cabinet, 24 October 2012, minute 54, page 167, 2012/13 minutes).

9.1 Cabinet considered the report of the Senior Head of Community updating Cabinet on progress in developing the Council's housing strategy for the period 2013 through to 2020, entitled 'At Home in Eastbourne', and including a summary of priorities and an action plan. One of the tasks arising from the development of the strategy was a need to consider the future of the Council's role as a landlord. The Council was responsible for the homes of nearly one in ten of Eastbourne's households and the current management agreement with Eastbourne Homes Ltd was due to end in March 2015. The Council had also now completed its first year of being a landlord within the parameters of the self financing housing revenue account system.

9.2 The report outlined the challenges that would need to be tackled effectively if people were to be able to find, keep and enjoy a home in the town and detailed the development work and consultation undertaken to date. The

strategy (which was available as a draft to view on the Council's website) comprised 4 main themes:

Providing homes that support prosperity and choice.

Actions focused on encouraging developers and investors to provide more homes, with particular attention being paid to making sure those homes provided stability and security to households, at costs that allowed people to participate fully in the wider economy of the town. This included supporting the development of affordable homes to rent and buy by the Council itself and other investors and providers and working closely with new investors to make the most of development and housing opportunities arising in the town from the economic development of areas such as the Town Centre.

Finding and keeping a home.

This would embrace helping people secure the finance they need to buy a home, the support they may need to rent a home in the private sector and encouraging all types of landlord to offer high levels of tenure security. It also included helping people who faced losing their home. Particular attention would be paid to meeting the needs of rough sleepers, disabled people and those faced with the problems arising from domestic violence.

Improving the quality of homes

Actions to encourage property owners to invest in homes, with a particular emphasis on improving energy efficiency and reducing fuel poverty. Encouraging the design and development of new homes that had low maintenance requirements and a robust and pro-active approach to enforcing standards amongst the private rented sector and maintaining the decent homes standard in the Council's own homes.

Enjoying homes and neighbourhoods

Helping people enjoy where they lived and being able to take part in community life.

- 9.3 The 'Housing Futures' review would consider the future of the Council's role as a social landlord. The Council currently owned a mixed portfolio of 3,713 residential properties with a programme to add a further 23 properties to that total in 2013-2015. All Council-owned homes would by the middle of 2013 meet the decent homes standard and within current projected rent income could be kept to the standard over the next 30 years. This meant that there was no need for the Council to secure additional income over and above that which it currently earned from its landlord role if it wished to maintain the current position.
- 9.4 The current debt assigned to the Council's housing stock was £37,039,000 which equated to £9,976 per property. It was this amount that the Council would need to generate from any large scale stock transfer if it were to consider bringing to an end its role as a direct provider of social housing. The Council currently had £5,921,000 of unassigned borrowing capacity in the housing revenue account. This meant that it had capacity for a small

but significant programme of additional investment either in new homes or improvements. Demand for all types of Council-owned homes was extremely strong, far in excess of the 220 or so lettings the Council made each year. Future housing market projections suggested that demand for affordable, secure rented accommodation, of the type provided by the Council, would remain strong for the foreseeable future. Eastbourne Homes Ltd. (an 'arms length management organisation' wholly owned by the Council) would receive a management fee from the Council of £6,804,000 in 2013-2014 for managing and undertaking day-to-day and cyclical repairs to the housing stock.

9.5 As a first step, a project board would be established to oversee the overall review. Membership of the board would need to include a high level of housing knowledge and expertise, clear political authority and democratic accountability to the wider community, organisational independence and a clear role for tenants in determining the future of their homes. Membership of the board was proposed as follows:

- Cabinet lead member for community/housing (chair)
- Cabinet lead member for finance
- Opposition group lead member for community/housing
- Tenants' representatives
- Senior Head of Community
- The Council's Chief Finance Officer

It was emphasised that the above membership should be seen as indicative at this stage. Knowledge and expertise from Eastbourne Homes Ltd would be fully used to input and contribute to the review process.

9.6 Additional funds would be needed for the specialist financial and/or consultation work arising from the review. It was not yet possible to quantify this as the end cost would be dependent on the direction of the review but was not expected to exceed £20,000. These funds were available within the housing revenue account reserves.

9.7 **Resolved (key decision):** (1) That the Senior Head of Community, in consultation with the lead Cabinet member for Community, is given delegated authority to give approve the strategy following review of final consultation comments received.

(2) That the establishment of a project board to oversee the 'Housing Futures' review and the drawing down of funds from the housing revenue account of up to and not exceeding £20,000 to support this work be approved.

10 Housing investment in Eastbourne (Cabinet, 6 February 2013, page 281, minute 90).

10.1 Cabinet considered the report of the Senior Head of Community. The

Council's housing team had, over the last year, been identifying sites within the ownership of the Council that might provide an opportunity to develop additional affordable homes. To date, three sites had been identified and agreed for up to 23 affordable Council owned homes (at Hawkhurst Road/Faversham Road, Chilham Close and the site of garages at Faversham Road (all in Langney) to Raglan Housing Association.

10.2 Further work had taken place in Langney with Raglan Housing Association and the Council's housing specialists, and following consultation with representatives of the local community and planners, the following additional sites had been identified (and shown on the appendix to the report):

- Pensford Drive
- Foxglove Road
- Freshford Close
- Hever Close
- Wayford Close
- Barming Close

Taken together, these six sites had the potential to provide between 12 and 15 additional affordable homes.

10.3 Including these sites into the overall programme for Langney would allow the programme to be delivered more effectively, allow greater coherence of design and speed up delivery of a total of between 16 and 19 new homes. Working with Raglan Housing Association would allow for work already undertaken by the association on design and feasibility to be used effectively and would make the project more effective to manage and support developing a clear and focused vision and partnership for the local community.

10.4 The 6 sites had an estimated value of approximately £375,000 if sold on the open market. By leasing them for a peppercorn rent to a housing association, the Council would be foregoing a capital receipt. However, the transfer proposal would secure up to 15 new rented affordable homes. The estimated development cost of 15 family homes was in the region of £1,950,000. As such by transferring the sites at an average estimated net value of £25,000 per unit, the Council was able to cost effectively facilitate the provision of new affordable housing.

10.5 **Resolved (key decision):** (1) That approval is given to the transfer of the six pieces of land referred to in the report and indicated above by means of a 125 year lease to Raglan Housing Association at a peppercorn rent for the development of affordable housing and subject to the following conditions:

- That the sites are used exclusively for the provision of affordable housing, of a type and tenure approved by the lead member for Community and the Council's Strategic Housing Manager.
- That the properties are let on an introductory tenancy for a period of one year, followed by conversion, subject to the tenant complying with the terms of their introductory tenancy, to an

assured periodic tenancy.

(2) That the Senior Head of Community in consultation with the Chief Finance Officer and lead Cabinet member for Community be given delegated authority to agree the final arrangements for the land disposals to Raglan Housing Association.

11 Armed forces community covenant

11.1 Councillor Ansell addressed the Cabinet in support of this initiative.

11.2 Cabinet considered the report of the Senior Head of Community. The community covenant scheme was launched by the government in 2011 following a high profile British Legion campaign. Community covenants were voluntary statements of mutual support between civilian communities and their local armed forces community.

11.3 Community covenants aimed to :

- Encourage local communities to support the Armed Forces community in their areas.
- Nurture public understanding and awareness of the issues affecting the Armed Forces community.
- Recognise and remember the sacrifice made by the Armed Forces community.
- Encourage activities which help to integrate the Armed Forces community into local life.
- Encourage the Armed Forces community to help and support the wider community, whether through participation in events and joint projects, or other forms of engagement.

11.4 A joint community covenant for East Sussex had been agreed in principle by council leaders and chief executives. The full text of the covenant was attached as appendix 1 to the report. The local measures were to:

- Support the work of the Sussex Armed Forces Health Network in relation to the provision of housing and health services to the Armed Forces.
- Continue to use a person-centered approach to service provision that ensured veterans' issues were recognised and picked up as part of assessment processes.
- Ensure that information on the community covenant grant and how to bid was easily available to charities, community and voluntary organisations.

East Sussex Strategic Partnership (ESSP) would provide overall direction and oversight of the work under the covenant. A 'virtual' civilian-military partnership board would be established, comprising members of the ESSP and military personnel.

11.5 **Resolved (key decision):** That Cabinet notes the joint community covenant and work undertaken to date and that Eastbourne Borough Council has signed the joint covenant.

12 Discretionary housing payments policy (Cabinet, 2 July 2001, page 68, minute 24, 2011/12 minutes).

- 12.1 Cabinet considered the report of the Senior Head of Community. Discretionary housing payments (DHP) were introduced in July 2001 to replace the legislation providing for exceptional hardship payments in housing benefit and council tax benefit. The Council adopted a DHP policy in July 2001 (a copy was appended to the report). The government awarded the Council a sum of money each year to be used for DHPs. Any money unspent had to be returned. The Council could, if it wished, add to this sum. In past years the Council had decided not to add any additional funds and demand had been managed within the allocation.
- 12.2 Council tax benefit had now been abolished and replaced with a local scheme of support and there were also many changes to housing benefit, which would lead to a reduction in benefit for some people. These changes were likely to lead to a great demand on the DHP budget and a revised policy (also appended to the report) was necessary to take account of these changes.
- 12.3 The government grant for 2013/14 was £256,602 (an increase of c.£115,000 on the 2011/12 grant). However, the annual loss in income to benefit claimants affected by the spare room subsidy and the benefit cap was estimated to be in the region of £400k and £170k respectively. Other changes, such as the under 35 rule and restrictions to local housing allowance claims, would mean a loss in benefit of over £300k.
- 12.4 In 2012/13 there were 849 applications for a DHP. 547 awards were made totalling £142,319. So far this year, from 1 to 30 April 2013, 136 applications had been received and awards made in 100 cases (equivalent to 15% of the annual budget).
- 12.5 The main changes to the existing policy were:
- To remove awards to cover a shortfall in council tax benefit as this benefit had been abolished.
 - To identify those type of circumstances that would be prioritised when making an award.
 - To give more detail on the circumstances in which awards might be made.
 - To make it more explicit that awards of DHP might be tapered and were for fixed periods.
 - To make it more explicit that once the budget had been reached no further awards would be made irrespective of the circumstances of the claimant.
- The cases considered as a priority would be those that affected by the

recent changes to benefit, specifically those affected by the spare room subsidy removal and the benefit cap, allowing time for households to adjust to their new entitlement where appropriate.

- 12.6 Consultation on the revised policy had taken place with the voluntary sector. The only comments received were around the time limits on making decision (a one month time limit had been proposed), however, every effort would be made to reach a decision within a week. Decision times would be monitored at six monthly intervals. An equality and fairness analysis had been undertaken. Members expressed concern at the potential impact of the government's welfare changes and the Chairman asked that Cabinet be kept updated on the operation of the DHP fund.
- 12.7 **Resolved (key decision):** That the revised discretionary housing payments policy is adopted.

13 Write-off of irrecoverable debts

- 13.1 Councillor Ede sought further detail regarding the steps previously taken to recover these debts. Information was provided in the Cabinet's private session on this matter.
- 13.2 Cabinet considered the report of the Chief Finance Officer seeking approval to the write-off of debts in excess of £5,000 as required by financial procedure rule 4.26. Full details were given in a separately circulated appendix covered under exempt information reason 3 of Schedule 12A to the Local Government Act 1972 (information relating to the financial or business affairs of any particular person, including the authority holding that information).
- 13.3 **Resolved:** That the write off of irrecoverable debts detailed in the exempt appendix, totalling £124,831, be approved.

14 Exclusion of the public

Resolved: That the public be excluded from the remainder of the meeting as otherwise there was a likelihood of disclosure to them of exempt information as defined in schedule 12A of the Local Government Act 1972. The relevant paragraphs of schedule 12A and descriptions of the exempt information are shown in the above minute or beneath the item below. *(The requisite notices were given under regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.)*

15 Alternative employment procedure (AEP)

- 15.1 Cabinet considered the report of the Human Resources Manager. Nine employees were currently within the scope of the procedure. The Human Resources team was working with the Corporate Management Team to

identify suitable vacancies within the Council and otherwise provide support to those under threat of redundancy.

- 15.2 **Resolved:** That action taken to support, redeploy and assist with self-marketing under the AEP and the use of the AEP in managing the change resulting from implementation of phase one of future model be noted.

*Notes: (1) Exempt information reasons 1 and 2 – information relating to an individual or likely to reveal the identity of an individual.
(2) The minute was declared open, but the report and discussions thereon remain confidential.*

The meeting closed at 8.05pm.

Councillor David Tutt
Chairman

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Scrutiny Committee

MEMBERSHIP:-

Councillor WARNER (Chairman) Councillors SHUTTLEWORTH (Deputy Chairman)
Councillors BELSEY, COOKE, MURRAY, and UNGAR.

(Apologies for absence were reported from Councillor Coles)

1 Minutes.

The minutes of the meeting held on 4 February 2013 were submitted and approved and the Chairman was authorised to sign them as a correct record.

2 Declarations of Disclosable Pecuniary Interests.

None were received.

3 Corporate Performance – Quarter 4 /Year End 2012/13.

Members considered the report of the Deputy Chief Executive and Chief Finance Officer updating the Members of the Council's performance against Corporate Plan Priority actions, indicators and milestones for 2012/13.

Members were advised that Appendix 1 was a detailed report on the Quarter 4 activities and outturns of the performance indicators listed within the Corporate Plan. The report showed the latest available outturns for the Local Performance Indicators featured in the 2010/15 Corporate Plan broken down into themed areas.

Members were advised that each project had been allocated a number of in-year actions and milestones to be completed in order to progress the project efficiently. Some projects may be completed within the year whereas larger scale priorities would be delivered over a longer period. The first section of Appendix 1 listed those Corporate Plan priorities actions whose in year milestones had been completed in full this year.

The second section of Appendix 1 listed those not completed this year along with commentary to explain the context behind them. The majority of milestones that were outstanding would be carried forward into the refreshed Corporate Plan for 2013/14. Chapter summary text had also been supplied from the relevant Heads of Service to provide added context for the performance reported in each section.

The Strategic Performance Manager advised Members' that of the 46 Key Performance Indicators reported in the Corporate Plan this year, only 6 were showing as red (performing off target), 28 were showing as green (performing on target), 7 were showing as amber (near misses) and 7 were

"data only" or contextual Performance Indicators. Further details were contained in the report.

The Committee was also informed that the Covalent Performance Management system now had the capability to identify those performance indicators that were performing best, demonstrated the best relative improvement in performance and also those that were deteriorating in performance.

The Strategic Performance Manager advised Members that they were currently trialling a Scrutiny log in that would allow Members to access a graphic view of the performance indicators and highlight those likely to change.

The Council's Devolved Budget spend was also appended to the report which listed the projects supported and their cost, sorted by ward.

The report also provided Scrutiny Committee with the provisional outturn results for the general fund, the housing revenue account (HRA) and capital programme for 2012/13. Members' noted that a provision outturn variance of £57,000 which showed a reduction of £175,000 when compared the position to the end of December that showed a monitoring variance of £118,000.

Service expenditure had a variance of £44,000 mainly as a result of redundancy costs funded by future savings, increased expenditure by Theatres, Tourism and Events and a short fall in their income. These were however offset by favourable variances such as the final outturn from the Housing Subsidy and Benefits overpayment recovery, receipt of additional in year grant support, unused balance on the contingency fund and additional income from sport and leisure and bereavements. Further details were contained within Appendix 2 of the report.

The General Fund Summary figures included transfers to and from reserves were contained in Appendix 3 of the report, that in many cases reflected transfers previously agreed or in the very least where the principle of the transfer had been previously established.

The following useable revenue reserves came as a result of the under spend in the outturn and the application of reserves to fund expenditure.

Reserve	as at 31 March 2013 £'000
General Fund	4,425
Earmarked Reserve	242
Strategic Change Reserve	339
Repairs and Maintenance (Capital Programme) Reserve	659
Regeneration Reserve	389

The Housing Revenue Account (HRA) performance for 2012/13 was set out in Appendix 4 of the report and showed a surplus of £177,000 that represented a variance of £161,000 against the revised budgeted of £16,000. The principle reasons for this variance were the delay in property disposals and demolitions resulting in additional rental income, a reduction in

provision for bad debts required and the rent rebate contribution to the general fund no longer being required. The balance of the HRA at 31 March 2013 was £2,178,000.

A summary of capital expenditure for the year was shown at Appendix 5 of the report. The revised capital programme for 2012/13 was £12.4 million and the outturn was £12.5 million, which represented a variance of £79,000 or 0.6%. An updated version of the programme reflected the re-profiling change required as a result of the 2012/13 outturn.

NOTED.

4 Scrutiny Annual Programme 2013/14.

The Committee considered the Annual Scrutiny programme for 2013/14.

Councillor Warner gave an overview of the additional items that would be added to the programme at a later date. This included a presentation of the future of services at Eastbourne District General Hospital (DGH), where it was proposed to invite senior officials of the DGH, members of the Health Overview and Scrutiny Committee, Primary Care Trust, Liz Walke (EBC's Hospital Champion), Stephen Lloyd (MP) and the Chairman of the Ambulance Services.

The Committee discussed the DGH presentation, in particular the format. The Committee agreed that suitable planning was required to arrange the appropriate format that all parties would agree to and ensure the correct questions were asked to avoid repetition.

Councillor Warner then advised the Committee over the remaining additional items to the Scrutiny Programme which included a review of Highways. Councillor Warner expressed his thanks to Councillor Belsey, the previous Chairman of the Scrutiny Committee for undertaking a review of the roads and potholes around Eastbourne. He advised the Committee that an update on last year's presentation including what had been achieved would be presented at a future meeting.

A seminar would also be organised for the forthcoming European Elections, that would invite the prospective candidates standing in the elections. It was hoped that the seminar would raise more awareness for the general public regarding Britain's European Union membership.

Members approved the attached draft Annual Scrutiny Programme. The final programme was due to be approved by Council on 17 July 2013.

RESOLVED: That the draft Annual Programme of routine work be agreed.

The meeting closed at 6.45 p.m.

Councillor Warner
Chairman

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Tuesday, 11 June 2013
at 6.00 pm

Planning Committee

Present:-

Members: Councillor Ungar (Chairman) Councillors Hearn, Jenkins, Liddiard, Miah, Murray and Taylor.

1 Minutes.

The Committee was advised that the minutes of the meeting held on 21 May 2013 would be submitted to the next meeting of the Committee for approval.

2 Apologies for absence.

An apology for absence was reported from Councillor Harris.

3 Declarations of Disclosable Pecuniary Interests (DPIs).

Councillor Liddiard declared a prejudicial interest in Item 4, 15 Ravenscroft on the grounds of his employer's interest in a neighbouring property and withdrew from the room whilst this item was considered.

4 Report of Development Manager on Applications.

(1 & 2) EB/2013/0103(FP) & EB/2013/0104(CA) 51 Upperton Lane, Demolition of existing building and erection of a two-storey dwellinghouse – **UPPERTON.**

Twelve letters of objection were reported from local residents. The Highway Authority raised objections to the proposal on the grounds that it does not adequately ensure that there is satisfactory parking on site and would add to demand for on street parking in the area.

The Conservation Officer and the Conservation Area Advisory Group at its meeting on 9 April 2013 raised objections to the scale, height and design of the proposal which is out of keeping with the character and appearance of the Conservation area. The observations of the Council's Arboricultural Officer and the County Archaeologist were set out in the report.

Some Members of the Committee considered that although the existing building is not considered to make a positive contribution to the appearance of the Conservation Area, the loss of the building without an acceptable replacement scheme should be not permitted and conservation area consent for its demolition should be refused.

NB: Councillor Murray was not in attendance for this application.

RESOLVED: (1) (Unanimous) Permission refused on the grounds that the proposed development would result in an undesirable form of backland development, which would by reason of its scale, siting and design, result in a cramped, visually dominant and intrusive form of development that would fail to preserve or enhance the character and appearance of the conservation area and would be detrimental to the amenities of adjoining residential occupiers through loss of privacy and outlook. As such, it would conflict with policies UHT1, UHT4, UHT15 and HO20 of the Eastbourne Borough Plan 2001-2011, policies B2, C2, D1, D10 and D10A of the Eastbourne Core Strategy Local Plan, and the National Planning Policy Framework.

INFORMATIVE:

For the avoidance of doubt, the plans hereby refused are:

p.20 Proposed (Block Plan), p.30 Proposed (Elevations), p.31 Proposed (Elevations), p.31 Proposed (Elevations), p.32 Proposed (Elevations), p.33 Aerial View (proposed) and p.34 Proposed (floor plans) received on 1 March 2013.

(2) (By 5 votes to 1) Conservation area consent refused on the grounds that: The demolition of the existing building would, in the absence of an approved replacement scheme, be detrimental to the character and appearance of this part of the Upperton Conservation Area, and would therefore conflict with policies UHT4 and UHT15 of the Eastbourne Borough Plan 2001-2011, policies D10 and D10A of the Eastbourne Core Strategy Local Plan, and the National Planning Policy Framework.

(A named vote was taken as follows)

In favour: Councillors Jenkins, Liddiard, Miah, Taylor and Ungar
Against: Councillor Hearn.

Appeal: should the applicant appeal the decision the appropriate procedure to be followed, taking into account the criteria set by the planning inspectorate, is considered to be written representations.

3) EB/2013/0118(FP) - The Drive Pub, 153 Victoria Drive - Re-grading of existing car park and redesign of layout, remodelling of existing ramp to front entrance, and remodelling of access steps and wall to rear - OLD TOWN.

Amended plans had been submitted to address concerns in respect of vehicular turning points and drainage. The Local Highway Manager raised no objections to the proposal subject to a condition in respect of surface water drainage. The Highways Agency raised no objections to the proposal.

Forty-nine letters of objection were reported from local residents. A further letter of objection was reported from Stephen Lloyd MP. Councillor C Heaps addressed the Committee against the proposal and raised concerns regarding the impact on street parking and the potential to increase traffic in an already busy and congested area. The change of use would result in cars parked for shorter times resulting in an increase in

vehicular activity to and from the site. The proposed exit from the car park is immediately adjacent to the pedestrian crossing posing a hazard for pedestrians and vehicles. She stated that East Sussex County Council should undertake a proper traffic risk assessment for the area.

Councillor J Coles addressed the Committee and raised concerns regarding the safety implications of increased traffic volumes on an already busy junction at Victoria Drive particularly given the number of schools in close proximity to the site. Concerns were also raised regarding the noise and pollution which would be caused by delivery lorries accessing the site.

Mr D Onions addressed the Committee on behalf of the applicant and responded to the concerns raised. The use of the building as a retail outlet is permitted development and the current application related to the redesign of the parking layout to create 11 parking spaces with 2 disabled spaces and to allow for safe turning and manoeuvring of vehicles. With reference to the change of use, the Committee was advised that a small convenience store was proposed with the creation of a community café. It was not anticipated that additional traffic would be generated as trade would consist of passing vehicular trade already on the highway and walk up trade. The applicant had worked closely with the Council and East Sussex County Council to submit an acceptable design and layout to provide the optimum number of spaces and the effective operation of unloading at the site. He advised that the site could operate with the current parking arrangements.

The Committee supported the objections raised by local residents and ward councillors. The potential for a rise in the volume of traffic and the noise and pollution generated by heavy lorries servicing the site raised concerns. The surrounding roads are narrow and any increase in traffic flow would exacerbate the existing congestion problems. The proximity of the pedestrian crossing to the proposed exit from the car park and the additional build up of traffic and congestion in Victoria Drive, a main route to and from schools in the area was also of concern.

In response to a question regarding the number of existing car parking spaces, the Committee was advised that 9 marked spaces were available with the potential for use of the fenced area to accommodate a further 2.

Members were advised of the material considerations which could be taken into account in relation to the application. Traffic congestion already exists at peak times, and if the Committee was minded to refuse the application, this would not prevent the change of use operating with a less safe car park with potential conflict for vehicles turning in and out of the site and unloading operating from the highway. Members were advised of the requirement to provide reasonable planning grounds for refusal.

The Committee, with reference to the advice given discussed their concerns regarding the future use of this site and the determination of the current application. In the opinion of the Committee the concerns raised by residents and ward councillors in respect of public safety and parking concerns were sufficient and justified refusing the application on these grounds contrary to the advice of the Officers.

RESOLVED: (Unanimous) Permission refused on the grounds that particularly by reason of its design and layout, the scheme for parking and manoeuvring indicated on the submitted plans are likely to have a seriously detrimental impact upon highway and pedestrian safety. The development would therefore not comply with Policy UHT1 (b), (d) on New Development and Policy TR11 on Car Parking from the Eastbourne Core Strategy Local Plan 2007-2027.

Appeal: Should the applicant appeal the decision the appropriate procedure to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

4) EB/2013/0177(HH) - 15 Ravens Croft - First floor front/side extension – MEADS.

The Conservation Advisory Group at its meeting on 14 May 2013 raised objections in respect of the initial drawings on the grounds of the impact on the character of the area by the proposed scale and mass of the extension. The Historic Buildings Advisor raised no objections to the initial application and the revised drawings submitted.

Sixteen letters of objection and two of support were reported from local residents.

In response to concerns raised amended drawings had been submitted removing the sun-tubes from the roof and introducing a balcony inset on the end elevation improving the aesthetic quality of this façade.

In respect of the amended drawings, five letters of objection and five in support of the application were reported from local residents.

Mr S Welham addressed the Committee in objection to the proposal which he stated was contrary to Council Policy UHT1 in terms of its bulk and mass which would upset the balance and conformity of the current setting and the staggered effect of the properties in the area. The unattractiveness of the extension would be detrimental to the street scene of the wider community.

Mr R Henry addressed the Committee and raised concerns in respect of the impact of the proposed development on visual amenity contrary to Council Policy's UHT4 and H020. The extension was considered overbearing, in close proximity to two roads and near to the garden space of no.14 Ravens Court. The design was considered poor and the development would have an impact on the visual amenity for a considerable number of residents and visitors to the Hydro Hotel. The current vista which forms part of the residents' enjoyment of their homes would be obscured.

Mr C Darracott addressed the Committee and considered the development to be contrary to Council Policy's UHT10 and UHT15. He stated that areas should be protected from inappropriate change and displayed a number of photographs showing the current outlook from the Hydro Hotel and various properties in the area. He supported the concerns raised by the Conservation Areas Advisory Group that the proposal would have a detrimental effect on the conservation area and in such a prominent

position the scale and mass of the extension compromised the character of the area. The extension was also considered to be out of alignment with the neighbouring property.

Mr G Stanbridge responded on behalf of the applicant to the concerns raised. He advised that the extension had been sensitively designed in terms of the layout and materials to match the host dwelling. It was subservient to the host dwelling, with no enlargement of the existing footprint. The nearest property being 16 meters away from the development, it was considered that the extension would have a minimal impact on the surrounding dwellings. He referred to the previously approved planning application in the area for 22 Ravens Croft which forms an end terrace on the opposite side of the application site larger in scale, bulk and mass than the current application and on the same row of houses.

The Committee raised a number of concerns relating to the design, height, scale, massing and siting of the development which was considered out of character with the surrounding area.

(NB: Councillor Liddiard withdrew from the room whilst this item was considered).

RESOLVED: (Unanimous) Permission refused on the grounds that the proposed development, by reason of its design, height, scale, massing and siting would result in the creation of an incompatible form of development, which would fail to respect the character and appearance of the subject site and its surroundings, would fail to fall in keeping with the existing pattern of development throughout Ravens Croft. As such the proposed development is contrary to Policy UHT1 (a), (b) Policy UHT2; Policy UHT4; Policy H06 from the Eastbourne Borough Plan 2007.

Appeal: should the applicant appeal the decision the appropriate procedure to be followed, taking into account the criteria set by the planning inspectorate, is considered to be written representations.

5 South Downs National Park Authority Planning Applications - verbal report.

None were reported.

The meeting closed at 8.19 pm

Councillor Ungar (Chairman)

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Audit & Governance Committee

MEMBERS: Councillor UNGAR (Chairman), Councillor MATTOCK (Deputy Chairman), BELSEY, COOKE, HARRIS, Mrs HEAPS, TAYLOR and TESTER.

1 Minutes.

The minutes of the meeting held on 13 March 2013 were submitted and approved and the Chairman was authorised to sign them as a correct record.

2 Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests under the Code of Conduct.

None were received.

3 Update – Members and Standards

The Committee considered the report of the Monitoring Officer in relation to Member Standards.

The Monitoring Officer advised the Committee that three formal complaints regarding member conduct had been received: the first to be received by the authority under the new standards regime. One of the complaints had been considered by the Monitoring Officer in consultation with one of the Independent Persons and the Committee was advised that the complaint would now be formally investigated. With regard the second, a decision had been taken by the Monitoring Officer not to refer the complaint for investigation and the complainant (and the subject member) had been notified.

The Committee was informed that the third complaint had been referred to the Standards Panel for determination, following formal investigation. The Panel had convened for this purpose on 19 June 2013 and had determined that the conduct complained of did amount to a breach of the Code of Conduct. An appropriate sanction involving member training on the Code of Conduct and Member/Officer protocols was imposed. The training would involve all members but would be mandatory for the member who had been the subject of the complaint. The Monitoring Officer advised that a record of the decision made by the Standards Panel had been published on the authority's website.

At the Audit and Governance Committee in December 2012 it had been approved that the Monitoring Officer would provide occasional email updates and briefings to all members of the Council on matters relating to the Standards regime. The Committee noted that although no briefings to all

members had been circulated since the last meeting, advice had been supplied to individual members when necessary.

The Monitoring Officer then gave an overview of the Cabinet report of 20 March 2013, which was appended to this report. The Cabinet report provided an update regarding the authority's recourse to its statutory powers to conduct covert surveillance protected by the Regulation of Investigatory Powers Act (RIPA). The Committee was advised that best practice required quarterly reports to Members as a standing item and this proposal was supported by the Committee. Following this, the Committee noted that there had been no applications pursuant to RIPA between 1 March and 1 June 2013.

The Committee was also advised that an external inspection of the Council had been undertaken in June by the Office of Surveillance Commissioners. The Monitoring Officer advised that the feedback from the inspection had been favourable and would be reported in full at a future meeting. This was supported by the Committee.

RESOLVED: (1) That the three formal complaints received in relation to Members' Code of Conduct be noted.

(2) That the information regarding advice that had been given to Members' be noted.

(3) The Committee agreed to consider quarterly reports on the authority's recourse to the powers available to it under the Regulation of Investigatory Powers Act, and to receive a report on the recent OSC inspection at a future meeting.

4 Welfare Reforms.

The Committee received a presentation from the Revenues and Benefits Manager on the recent Government Welfare Reforms.

The Revenues and Benefits Manager gave an overview of the Government Welfare Reforms that had been described as "The biggest change to the Welfare system in a generation". The initial reforms in 2012 had included a cap to the Local Housing Allowance and restriction to the 30th percentile, having previously been the 50th percentile. The 30th percentile is a mathematical value which represents the level of rent where around 3 in 10 properties are let at or below the Local Housing Allowance. Other changes included the housing benefit under 35 rule, changes to tax credit, an increase in non-dependent deductions and the phasing out of incapacity benefit.

Further reforms in 2013 had localised support for Council Tax, introduced Spare Room Subsidy (Bedroom Tax), Universal Credit, Personal Independence Payments which had replaced the Disability Living Allowance, and a cap on benefits. The Committee was advised that further details were contained on the East Sussex County Council website.

The localising support for Council Tax had resulted in a £1 million loss in funding and would affect 470 taxpayers in Eastbourne with a potential loss of £60,000. The Revenues and Benefits Manager had advised that the

Council had taken advantage of a transitional grant that the Government had provided.

The Spare Room Subsidy would affect 325 tenants with a 25% reduction, 78 of which were Eastbourne Homes Ltd tenants. 535 tenants would be affected by a 14% reduction, 111 of which were Eastbourne Homes Ltd tenants.

The cap on benefits, which would begin on 15 July would restrict the out of work benefits of working age households to a maximum of £500 per week for couples/lone parents and a maximum of £350 per week for single people. This would result in a total loss of £110,000 per year.

The Revenues and Benefits Manager then gave an overview of Eastbourne Borough Council's response to these reforms. The Committee was informed that the Council had contacted all those residents that would be affected by the Spare Room Subsidy and Benefits Cap and had assisted households to downsize. The Council had also revised their discretionary housing payments policy that would help residents to pay their rent.

Other responses included an action plan being produced by the Council and Eastbourne Homes Ltd in close partnership, the Council working closely with Job Centre+ and a Welfare Reform package being placed on the OLLIE (On Line Learning in Eastbourne) training system. The Committee was advised that this package would be going live shortly and would be mandatory for all Eastbourne Borough Council staff and Councillors. East Sussex County Council had also produced a YouTube video on their website that explained the changes to residents in East Sussex.

The Committee queried whether there had been an increase in the public using the local food bank. The Revenues and Benefits advised that although they did not have a specific figure at this time, they would email the Committee with a figure following the meeting.

In a response to a question on whether residents were being trained to manage budgets, the Revenues and Benefits Manager advised that East Sussex County Council were currently working with Third Sector that would see residents being referred to them for advice.

The Committee expressed their thanks to the Revenues and Benefits Manager and the Benefits Team for their hard work during this period.

NOTED

5 Internal Audit Report to 31st March 2013.

The Committee considered the report of the Internal Audit Manager regarding a summary of the activities of Internal Audit for the fourth quarter of the financial year 2012/13.

Audit work carried out to date against the audit plan for 2012/13 was set out in appendix A. A list of all audit reports issued in final from the 1st April to 31st March 2013 and the level of assurance attained were detailed in the report. The Committee were pleased that 25 out of the 29 reports carried out were performing well or excellently.

A list of all reports issued in final during the year was set out in Appendix B, with any issues highlighted. The Internal Audit Manager reported that specific attention should be paid to the review of Use of Council Vehicles,

which acquired an inadequate level of assurance. It was explained that the level was due to the draft policy omitting important issues such as use, recording journeys, security of keys and carrying out checks on driving licences. Without these in the policy and being in draft form, meant that the controls around the system were weak. The Internal Audit Manager advised that it had been agreed by the Corporate Management Team that it would not be included in the Annual Governance Statement due to the overall risk to the Council being low.

The Committee enquired the issue with Creditors and no specific checks being carried out to identify duplicate creditors. The Financial Services Manager advised that regular reports are produced that would identify any duplicate payments and at the time of the report, no duplicate payments had been made.

The Committee also raised concerns of safety issues regarding Food Safety and Hygiene, specifically the out of date policies and delay in carrying out inspections. The Internal Audit Manager responded that the delay in carrying out inspections was due to a lack of resources at the time. The Internal Audit Manager continued that the policies out of date were flagged up even if the contents of them were correct.

A brief explanation for a number of outstanding high and medium priority recommendations from audits, reasons why they had not been implemented along with the month when the next follow up date was due were set out in appendix C. Where the column "priority" showed "High", the outstanding recommendations and client comments from that audit had been listed in appendix D. The Committee noted that the recommendations listed were outstanding at the time of the last follow up review. The Internal Audit Manager advised that only Daily Cash Reconciliations had shown as high priority. The comments made by the Corporate Management Team following consideration of outstanding high risks were also set out in appendix D. The Committee was advised that since writing the report, the recommendations for Daily Cash Reconciliations had been addressed.

The Committee considered the list of frauds over £10k which was reported to the authority's external auditors on a quarterly basis. The Committee noted that no frauds had been reported in the final quarter of the year.

At the last meeting, the Committee enquired over several issues on the topic of frauds. Those questions and answers had been included at Appendix E.

The internal audit work had been used as the basis for the opinion of the overall effectiveness and adequacy of the internal control environment along with other ad hoc work undertaken by the auditors. A self assessment of the work of the audit function against the CIPFA Code of Practice for Internal Audit was set out at appendix F to the report and had shown a compliance rating of 99.73%.

The Internal Audit Manager also reported that as of April 2013, there are new standards for the Internal Audit Service, the Public Sector Internal Audit Standards. The Committee was advised that the end of year report next June would report on the compliance with the new standards.

RESOLVED: That the report be noted.

(NB: Councillor Belsey withdrew from the meeting following this item due to having to attend a meeting at East Sussex County Council)

6 Annual Governance Statement.

The Committee considered the report of the Internal Audit Manager regarding the Annual Governance Statement which detailed the key elements of the systems and processes of the Council's governance arrangements.

The Annual Governance Statement is a report produced at the end of the year on the control environment of the Council and is a statutory document that accompanies that statutory Statement of Accounts once adopted.

Appendix 1 of the report detailed the framework for gathering the assurances and how that affects the relationship with partners, stakeholders and the community. Following the framework should ensure that the Council meets the six principles of corporate governance.

A timetable for the gathering of assurances to produce the Annual Governance Statement was set out in Appendix 2 of the report.

Appendix 3 shows the Manager's Assurance Statement which included coverage of the Bribery Act, Safeguarding, Regulation of Investigatory Powers Act 2000 (RIPA) and frauds over £10,000. The statement is intended to cover the operational, project and partnership responsibilities of the Heads of Service. It could also be used to highlight any concerns and subsequent actions required to improve governance throughout the Council. The Committee was advised that no concerns had been raised. Once these statements had been completed by the relevant Heads of Service they are passed onto through the Chief Executive and Deputy Chief Executive. The comments made on the statements are considered for inclusion in the Annual Governance Statement.

In December 2012, an addendum to the Chartered Institute of Public Finance and Accountancy (CIPFA) was published. While none of the changes materially affected the overall annual governance statement, eight key elements to the section "The Governance Framework" had been added and text had been moved and adjusted under "Review of Effectiveness" and "Significant Governance Issues".

The governance issues and subsequent action plan had been compiled from a number of sources including reports of internal and external audit, the Corporate Management Team (CMT), Scrutiny and Standards reports, external review bodies, managers assurance statements, evidence from the Council's Monitoring Officer and review by the Chief Finance Officer, Deputy Chief Executive and Internal Audit Manager.

The Internal Audit Manager advised that after consultation with the CMT, they had concluded that there was one area of internal governance that met the criteria to report as an issue requiring disclosure. The area of significant governance issues was Theatres Reconciliations and the issue of monthly reconciliations not being carried out. The Internal Audit Manager advised

that work was being carried out to ensure that reconciliations for the year were carried out retrospectively and any variances were investigated. The Committee was also informed that reconciliations were now being carried out on a monthly basis, therefore would not be appearing on the list next year.

Once the Statement had been approved by the Audit & Governance Statement, it would be given to the Chief Executive and Leader of the Council to sign before it is published alongside the Statement of Accounts.

Mr Allen Gale, one of the Council's appointed Independent Persons, addressed the Committee and queried whether the training arranged for all Members following the Standards Panel on the 19th June should be included as part of member development in the Annual Governance Statement.

The Committee considered the matter for inclusion in the Annual Governance Statement; however it was felt that the matter had arisen from an isolated incident, therefore was not deemed an issue to be recorded. The Chief Finance clarified that although the Audit & Governance Committee had agreed that the matter not be recorded, the Annual Governance Statement is signed by the Leader of the Council and Chief Executive and the decision to record the incident would be down to them.

RESOLVED: (Unanimous) That the Annual Governance Statement for 2012/13 as appended to the report be approved.

7 Annual Accounts 2012/2013.

The Financial Services Manager presented the draft annual accounts for 2012/13.

The Accounts and Audit Regulations 2011 require the Council to formally approve and publish the Statement of Accounts for financial year ending 31 March 2013 by 30 September 2013.

It is the responsibility of the authority's Chief Finance Officer to certify that the accounts represent a true and fair view of the authority's financial position by 30 June in addition to ensuring the preparation of the statement is in accordance with the CIPFA/LASAAC Code of Practice on Local Authority Accounting in the United Kingdom (The Code).

The Financial Services Manager reported that there had been no major changes to the Code this year however there were a few minor changes that had been included in the 2012/13 final accounts preparation. Further details were contained in the report.

The provisional financial outturn for the general fund, housing revenue account and capital expenditure had been reported to Cabinet at its meeting on 29 May 2013. An analysis of the Council's financial activity for 2012/13 was set out in the Forward of the Statement of Accounts, and an overview of the key issues, was attached at appendix 1 to the report.

The draft Statement of Accounts 2012/13 were circulated separately prior to the meeting.

The external auditors' (BDO LLP) are required to report back to the Committee by the 30 September 2013 with their independent opinion of the accounts. The Committee was advised that BDO were due to start their work on 8 July 2013.

The Committee thanked the Chief Finance Officer, the Financial Services Manager, and their team for the significant efforts in preparing the accounts ahead of schedule.

RESOLVED: That the draft annual accounts for 2012/13 be noted.

The meeting closed at 7.17 p.m.

J Ungar
Chairman

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Planning Committee

MEMBERS: Councillor UNGAR (Chairman) Councillors COLES (as substitute for Harris) JENKINS, HEARN, LIDDIARD, MIAH, MURRAY and TAYLOR.

(An apology for absence was reported from Councillor Harri)

15 Minutes.

The minutes of the meeting held on 21 May and 11 June 2013 were submitted and approved and the Chairman was authorised to sign them as a correct record.

16 Declaration of Interests.

Councillor Miah declared a personal interest in item 4, 15-19 Prideaux Road as the applicant was the Leader of his local Mosque and as Councillor Miah was a member of the Mosque committee. Councillor Miah was also a personal friend of the applicant and as such withdrew from the room whilst the application was considered.

Councillors Jenkins declared a personal interest in item 4, 15-19 Prideaux Road as a friend of the applicant and withdrew from the room whilst the application was considered.

Councillors Liddiard declared a personal interest in item 4, 15-19 Prideaux Road as a former employee and close personal friend of the applicant and withdrew from the room whilst the application was considered.

Councillor Taylor declared a personal interest in item 4, 15-19 Prideaux Road as the owner of a care home and also being acquainted with the applicant and withdrew from the room whilst the application was considered.

Councillor Hearn declared a pecuniary interest in item 3, 24 Vine Square having previously stated her views and therefore pre-determined this application and withdrew from the room whilst the application was considered.

Councillor Coles declared a pecuniary interest in item 1,153 Victoria Drive having previously stated her views and therefore pre-determined this application and withdrew from the room whilst the application was considered.

17 Report of Head of Planning on Applications.

1) EB/2013/0268 - The Drive Pub, 153 Victoria Drive - Fascia signs – OLD TOWN.

The relevant planning history for the site was detailed within the report.

The observations of the Highways department were detailed within the report.

Members queried the illumination levels, their impact on the adjacent highway and the comparison with the lighting in the Co-Op opposite the site. Members also requested a site visit.

The committee felt it important to highlight that they had not given permission to the exit sign towards the zebra crossing on Victoria Drive and that the responsibility for ensuring the safety of visitors would be held by the owner of the building.

(NB: Councillor Coles withdrew from the room whilst this application was considered)

RESOLVED: (By 4 votes to 1 with 2 abstentions) That the decision on this application be deferred to a future meeting pending further information regarding illumination levels and comparisons with neighbouring sites.

2) EB/2013/0123 – (LIDL) 520 Seaside, Eastbourne - Single storey front extension - ST ANTHONYS. 12 representations had been received.

The relevant planning history for the site was detailed within the report.

The observations of the Highways department were detailed within the report. The highways department had requested an additional condition added to any subsequent permission, which had been detailed within the report.

Mr Vokes addressed the committee in objection stating that neighbouring residents had experienced considerable impact as a result of LIDL customers parking outside of their properties.

Mr Clugstone, addressed the committee on behalf of the applicant stating that a parking comparison had been completed with other LIDL stores of comparable size the results of which showed that the proposed 65 spaces was sufficient. Mr Clugstone stated that LIDL's allowed non-customers to use their site which eased parking issues for the surrounding area. Mr Clugstone also stated that LIDL were prepared to accept the additional condition proposed by the Highway Authority.

The Committee discussed the application and advised that neighbouring residents should contact their County Councillor regarding Highways issues in the first instance as the road referred to was not the responsibility of LIDL.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Time Limit 2) Matching materials 3) Plan No.s 4) Within 3 months of the proposed extension opening, parking surveys will be carried out following discussion with the Highway Authority, to determine if a Car Park Management System needs to be implemented. This decision will be made by Eastbourne Borough Council in consultation with the Highway Authority and if deemed necessary the Car Park Management System strategy will be agreed by the same

3) EB/2013/0136 - 24 Vine Square, Eastbourne - Erection of 3 Aviaries on Side/Rear Elevation – **DEVONSHIRE**. One letter of objection had been received.

The observations of Environmental Health were detailed within the report.

(NB: Councillor Hearn withdrew from the room whilst this application was considered)

RESOLVED: (By 4 votes with 3 abstentions) That permission be granted, subject to the following conditions: 1) Restricted use (non-commercial) 2) Within two months of no longer being used as an aviary, the structure should be removed.

4) EB/2013/0230 - 13 Prideaux Road - Proposed change of use of number 13 Prideaux Road from use class C3(a) to C2, including a single storey extension at the side and rear, along with a first floor glazed link extension in order to extend the existing Palm Court Nursing Home at Number 15-19 Prideaux Road – **UPPERTON**. Neighbourhood representations were detailed within the report.

The relevant planning history for the site was detailed within the report.

The observations of the Environment Agency, Planning Policy Manager and Downland, Trees and Woodland Manager were detailed within the report.

Mr Lucas addressed the committee in objection stating that the parking provision would be inadequate, the extension would be an overdevelopment resulting in a loss of privacy and finally there would be a considerable environmental impact due to noise and pollution etc.

Mr Durghee, applicant, addressed the committee in response stating that 17 and 19 Prideaux Road had been redeveloped some 30years ago and required updating to modern standards which the new conversion and extension would achieve. Mr Durghee stated that he had discussed the application with Mr Lucas and understood that they had reached a compromise. Mr Durghee stated that he would ensure that there would be a minimal impact on neighbouring properties during construction should permission be granted.

The committee discussed the application and noted that parking issues only arose during school start and finish times.

(NB: Councillors Liddiard, Miah and Taylor withdrew from the room whilst this application was considered)

RESOLVED: (By 3 votes to 1 with 1 abstention) That permission be granted subject to the following conditions: 1) Time Limit 2) Tree Protection 3) Restriction of bonfires – trees 4) Foundation details – trees 5) Soil Levels – trees 6) Location details of site office and access – trees 7) Restriction of no. of residents to 61 8) Plan Nos.

5) EB/2013/0014 - Silverdale Garages, 33 Silverdale Road -

Provision of a 5-6 bedroom single private dwelling with garage, staff quarters, swimming pool and roof-top garden – **MEADS**. The original submission attracted 23 objections, which were summarised in the report. Following amendments to the scheme (once the architect had established that the access was not in the ownership of the applicant) to remove the gates from the plans and improve the turning radius into the garage, neighbours were re-notified. Three objections were received and detailed within the report.

The relevant planning history for the site was detailed within the report.

The observations of the Conservation Officer, Planning Policy and Highway Authority were detailed within the report.

RESOLVED: (Unanimous) That permission be granted subject to the following conditions: 1) Commencement within three years 2) Approved plan reference numbers 3) Hours of operation 4) Details of drainage 5) Details of refuse storage 6) Details of glazing 7) Obscure glazing in south elevation 8) Protection of boundary walls during construction 9) No windows/openings in outside walls/roof slopes

18 South Downs National Park Authority Planning Applications.

The Borough Council had now formally submitted the application for the mast at Butts Brow to the South Downs National Park Planning Authority. Members would be kept updated.

NOTED.

19 Review of Local Information Requirements for the Validation of Planning Applications.

The committee considered the report of the Senior Planner informing members of the implications of the requirements for reviewing the Local Validation List.

NOTED.

20 Eastbourne Community Infrastructure Levy (CIL) – Preliminary Draft Charging Schedule,

The Committee had been presented with late appendices to the report and, in light of this, asked to defer their comments until they had been given the opportunity to consider the information in full. Comments would be reported to a future meeting.

RESOLVED: That this item be deferred pending consideration of the additional appendix.

21 Parking at Development in Eastbourne and Local Sustainable Accessibility Improvement Contributions' Supplementary Planning Guidance (SPG)

The committee considered the report of the Senior Head of Development seeking members views before its consideration by Cabinet on 10 July 2013.

The Cabinet report recommends the revocation of the 'Parking at Development in Eastbourne and Local Sustainable Accessibility Improvement Contributions' Supplementary Planning Guidance (SPG) at Full Council. Planning committee members were asked to consider the attached report and any comments would be reported verbally to Cabinet on 10 July 2013.

RESOLVED: That Cabinet be advised that Planning committee note the report.

The meeting closed at 8.10 pm.

**Councillor UNGAR
(Chairman)**

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Minutes of meeting held on Wednesday 10 July 2013 at 6.00pm

Present:-

Councillors **David Tutt** (Chairman and Leader of the Council), **Gill Mattock** (Deputy Chairman and Deputy Leader of the Council), **Margaret Bannister**, **Carolyn Heaps**, **Troy Tester** and **Steve Wallis**.

16 Minutes

The minutes of the meeting held on 29 May 2013 were submitted and approved and the Chairman was authorised to sign them as a correct record.

17 Members' interests

Declarations of disclosable pecuniary interests (DPIs) by members as required under Section 31 of the Localism Act and other interests as required by the Code of Conduct and regulation 12(2)(d) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012:

- Councillor Tutt declared personal (non-prejudicial) interests in minute 23 (sustainable service delivery strategy programme – implementation of the Future Model phase 2) as he was an Eastbourne Borough Council appointed non-executive director of Eastbourne Homes. He withdrew from the meeting while the item was being considered.
- Councillor Tester declared a disclosable pecuniary interest in minute 25 (Save the Pub Group council survey) as an employee of a company owning businesses in the near vicinity of The Drive public house. He withdrew from the meeting while the item was being considered.

18 Provision of skate park in Hampden Park (Council, 14 September 2011, page no. 130, minute no. 36)

- 18.1 The following persons addressed the Cabinet on this matter:
- Ms Sandy Boyce-Sharpe (Chairman of the Friends of the Hampden Park)
 - Mr Gregory Willcocks (local resident)
 - Ms Lisa Smart (local resident)
 - Mr Bryan Renn (local resident)
 - Mr Robert Price (on behalf of Bespoke)
 - Mr Richard Armstrong (on behalf of local BMX riders and skateboarders)
 - Mr Tom Gaudoin (on behalf of local BMX riders and skateboarders)

Councillor Ansell

The Chairman expressed his thanks to the Friends of the Hampden Park (FotHP), skateboarders and others for the involvement in the consultations and discussions which had taken place on this matter.

- 18.2 Cabinet considered the report of the Senior Head of Development. A budget of £120,000 had previously been approved to provide a skate park in Hampden Park. Initially, there had been an expectation that it would be located on the existing BMX ramp site near Cross Levels Way. At meeting with representatives of the skate park users' community very strong reservations and concerns had been raised in relation to the Cross Levels Way site being used. These were mainly in relation to the close proximity of the hospice which they considered inconsiderate and disrespectful, the isolation of the site, the cost of the build and the exclusion of skate park users from the wider parks community.
- 18.3 Other potential sites had been examined and discounted for various reasons (as detailed in the report). One further site, the site of the former rifle range club within Hampden Park, near to the indoor and outdoor bowls club, was considered to have some advantages as a potential skate park and was supported by the skaters. However the FotHP had expressed opposition to the use of any of the area of the disused rifle club as a skate park as they were developing other ideas about how to best use the site that would attract a broader age range. In view of the very conflicting views on where the skate park should be located, a consultation questionnaire was designed to determine the preferred site and the Council undertook this work. The questionnaire provided a choice of two sites, site A (off Cross Levels Way) and site B (the disused rifle range). Currently, the Cross Levels Way site was owned by East Sussex County Council. The transfer of the freehold for the site to the Council was put on hold, pending the outcome of the consultation. The Cross Levels Way site had well established BMX earth ramps and was well used and the only such facility in any of Eastbourne's parks. The skate park users had suggested this could be enhanced as a built BMX "pump track" so that BMX users could still use it. Officers confirmed at the Cabinet meeting that there would be insufficient space at this site to accommodate both a skate ramp facility and a BMX pump track. Both sites were the subject of investigation to determine likely build costs and noise mitigation measures that might be required and details were given in the report. The outcome of these investigations indicated that the rifle range site would be cheaper to construct.
- 18.4 The questionnaire (appended to the report) had been open for comment between 22 February and 15 March 2013 and had been distributed to local schools, sports centres and colleges within a one mile radius of the site and also to specialist shops in Eastbourne. To ensure that the questionnaire reached all parts of the community it was advertised in the local newspaper, on the Council's website and a consultation plan was created. Posters were distributed and questionnaires were available in public venues such as the Hampden Park café. Officers also carried out some one to one

questionnaire surveys within Hampden Park itself. A public consultation event was held in the Hampden Park Community Centre. The results showed a preference for the Cross Levels Way site, however, among potential users, only about a quarter of the preferences were for this site. The nearest neighbour to the Cross Levels Way Site was St Wilfrid's Hospice who had expressed no concern about the skate park being located close to their facility. The police had expressed no preference for either site but commented that both would require some resource input to ensure that they did not attract anti social behaviour issues.

- 18.5 Cabinet members and ward councillors undertook direct consultation with representatives of both the skate park users and the FotHP at both of the potential skate park locations to hear the issues first hand. Visits took place on two separate occasions in June 2013, firstly with the representatives of the skaters, and secondly with the representatives of the FotHP. Discussions had also take place with the Hampden Park Outdoor Bowls Club. Full details of all these discussions were given in the report.
- 18.6 Cabinet members, having considered the representations made, believed that there was a good case for either of the sites. They considered, however, that on balance, locating the skate ramp facility at the site of the former rifle range was their preferred option. This site was centrally located within the park, closer to other park facilities such as the café and toilets and had good access from residential areas in Hampden Park. Members, in particular, noted the desire of the skateboarders to be part of the wider park community in an open and visible location which would encourage participation and spectators. Members also noted that the skateboarders had expressed a strong preference for this location and given the scale of the Council's proposed investment believed it was essential that a site be chosen that would be well used. This choice would allow the BMX pump track to be retained at Cross Levels Way and, potentially, for this to be enhanced. Members believed that the park as a whole could accommodate a wide range of uses and that the aspirations expressed by the FotHP for the future development and enhancement of the park should not necessarily be compromised by the construction of the a skate facility covering approximately one quarter of the area of the former rifle range.
- 18.7 **Resolved (key decision):** (1) That the skate park be located within the parameters of the disused rifle range.
- (2) That a capital bid be agreed to cover any additional noise mitigation measures that may be required.
- (3) That a capital bid be agreed for the additional build cost to develop the site into a skate park, estimated up to a sum of £7,000.
- (4) That consideration be given to a capital bid being made to provide a BMX pump track at the Cross Levels Way site as part of the 2014/15 service and financial planning process.

(5) That planning permission be sought to develop a skate park at the disused rifle range site.

19 Eastbourne community infrastructure levy (CIL) – preliminary draft charging schedule

- 19.1 Ms Scarlett McNally (on behalf of Bespoke) addressed the Cabinet seeking changes to the draft charging schedule that would highlight the need for investment in cycling infrastructure. Councillor Jenkins raised a number of queries including why certain developments such as hotels were exempted from the proposed levy and having regard to the levy amounts proposed by nearby councils, whether the amounts were too low. The Senior Head of Development explained that levy amounts had to take account of the viability of any proposed development and should not in themselves inhibit development taking place. A factor was that Eastbourne had a higher concentration of brownfield sites as compared with other nearby districts.
- 19.2 Cabinet considered the report of the Senior Head of Development. Part 11 of the Planning Act 2008 provided for the imposition of a charge known as the community infrastructure levy (CIL). Local authorities in England and Wales were allowed to raise funds from developers undertaking new building projects. The levy system would, for the main part, replace much of the existing process of planning obligations commonly known as 'Section 106' agreements. There would, however, be occasions when S106 agreements would still be needed for certain developments in order to satisfy local needs. The primary use of CIL was to gain financial contributions from certain types of viable development to help fund new or improved strategic infrastructure required to support the growth identified in a local authority's core strategy. CIL placed a charge per square metre on development. It would not be the sole funding source for all infrastructure delivered, but would supplement other public sector revenue streams.
- 19.3 CIL had a number of significant advantages over the current system of Section 106 agreements, including:
- Payment was non-negotiable, which would help speed up the planning process.
 - The CIL charge was transparent and predictable, meaning that applicants would know their CIL liability prior to submitting planning application.
 - All liable developments would contribute to the cost of infrastructure provision, not just large scale development.
 - In the longer term the intention is that a proportion of CIL will be available to spend on local infrastructure priorities.
 - From 6 April 2014, CIL would be the main mechanism for securing developer contributions for infrastructure to support growth. Section 106 planning agreements would be significantly scaled back after this date.

- 19.4 A CIL preliminary draft charging schedule (PDCS) had been drafted. This provided the first step in setting the CIL rates for Eastbourne, and allowed stakeholders to comment on the proposed rates, which were supported by evidence on development viability. The PDCS set out the general explanation of CIL, the background to its preparation and the methodology used to determine the proposed CIL rates. It was considered that the proposed CIL rates would be resistant to market and policy changes, as they were set at an appropriate amount that was viable with the current economic climate. CIL monies could be spent on any community infrastructure required to support growth, provided the infrastructure was on a council published 'Regulation 123' list. The draft list would be available for comment alongside the PDCS. The proposed CIL charging rates were as follows:

	CIL rate £/sq. m.
Residential uses:	
<i>Brownfield sites:</i>	
Low value area	0
High value area	45
<i>Greenfield sites:</i>	
Low value area	45
High value area	75
Non-residential use	
Retail (A1-A3)	100
All other non-residential uses	0

- 19.5 A plan showing the CIL charging area and residential charging zone boundaries was appended to the report. The Council was required to undertake a 6 week consultation. As this was considered to be a technical consultation it would be targeted at specific stakeholders and infrastructure providers. The consultation was timetabled for 19 July to 30 August 2013. It was planned to bring the final draft PDCS back to Cabinet later this autumn. Following approval, the document would be submitted to an independent examiner for consideration. It was anticipated that a public examination could take place in early 2014.

- 19.6 **Resolved (key decision):** (1) That the CIL preliminary draft charging schedule be approved subject to amendments to highlight cycling infrastructure needs and clarify certain wording in relation when the levy would be payable (paragraphs 2.5 and 2.6 of the draft).

(2) That the Senior Head of Development be authorised to finalise the wording of the CIL preliminary draft charging schedule and, in consultation with the lead Cabinet member, undertake targeted consultation for a 6 week period.

***20 Parking at development in Eastbourne and local sustainable accessibility improvement contributions supplementary planning guidance (SPG)**

- 20.1 Ms Abby McNally (on behalf of Bespoke) addressed the Cabinet welcoming the guidance and seeking improved cycle parking provision. The Senior Head of Development responded that the East Sussex County Council (ESCC) standards for residential cycle provision had increased, however the standards for commercial development had remained at the previous standard. There would however be cycle provision provided in the public areas where demand dictated to supplement on site provision required by the ESCC standards.
- 20.2 Cabinet considered the report of the Senior Head of Development. ESCC as highway authority provided advice to Eastbourne Borough Council on highways issues in planning applications, including the provision of parking at new development. This advice was guided by ESCC's 'Parking Standards at Development' supplementary planning guidance (SPG). The original guidance, dating from 2002 and amended in 2004, had previously been adopted by the borough council but had now been rescinded by ESCC as new guidance had been approved. The new car parking standards took into account local factors in determining appropriate levels of parking provision, whilst still balancing the need for parking and car use against the need to encourage more sustainable modes of travel. As the original SPG was no longer used by the county council to provide advice on parking at development, it should also be formally revoked by the borough council to avoid confusion.
- *20.3 **Resolved (key decision):** (1) That full Council be recommended to revoke the 'Parking at Development in Eastbourne and Local Sustainable Accessibility Improvement Contributions' Supplementary Planning Guidance (2004).
- (2) That the Senior Head of Development write to East Sussex County Council seeking improved cycle parking provision standards for commercial developments.

21 Annual accounts 2012/13 (Cabinet, 11 July 2013, page no. 75, minute no. 24)

- 21.1 Cabinet considered the report of the Financial Services Manager presenting the annual accounts and final budget outturn figures for 2012/13 for the information of the Cabinet. Under the Accounts and Audit Regulations 2011 the deadline for the Council to approve the annual account was 30 September, after the external audit had been completed. The responsibility for this approval had been delegated to the Audit and Governance Committee. Councillor Mattock expressed her appreciation for the work undertaken by the Financial Services Manager and her team for their work in presenting the annual accounts.

- 21.2 A report to the Cabinet meeting on 29 May 2013 had set out the provisional outturn for 2012/13. The forecast was for a credit variance of £57,000 on service expenditure. Since that time the work on closing the accounts had been completed and the final outturn confirmed. The outturn formed part of the statement of accounts presented to the Audit Committee for approval on behalf of the Council on 26 June 2013. The general fund final outturn was a credit variance of £54,759 and was closely in-line with the provisional outturn forecast.
- 21.3 There had been no change to the figure previously reported to the Cabinet in respect to the housing revenue account outturn. The final net expenditure for the year was £178,000 a variance against budget of £16,000. The general fund balance at 31 March 2013 was £3,919,004. Details of other reserves were included in the accounts. In addition to the transfers to and from reserves as approved by Cabinet on the 29 May 2013 a transfer of £643,721 was made to the capital programme reserve in line with the budget strategy representing the variance on capital financing costs. This included savings on external interest payable due to the continued use of internal balances and the actual timing of capital spending incurred compared to the expected cash flow profile. A provision of £78,000 was set up to cover the potential future liability relating to mesothelioma claims.
- 21.4 The housing revenue account balance as at 31 March 2013 was £2,178,762. In addition to the transfers to and from reserves approved by Cabinet on 29 May 2013 a transfer of £298,020 had been made to the housing regeneration and investment reserve in line with the budget strategy and the 30 year housing business plan. This represented the variance between the budgeted and actual depreciation allowance. The final capital expenditure for the year was £12.3m compared to a revised budget of £12.4m; a variance of £127,000 or 1%.
- 21.5 **Resolved (key decision):** (1) That final outturn for 2012/13 be noted.
(2) That the transfer to reserves and provisions summarised above (and as set out in paragraphs 2.3, 2.4 and 3.2 of the report) be approved.

22 Medium term financial strategy 2013/17 (Cabinet, 11 July 2012, page no. 77, minute no. 25)

- 22.1 Councillor Ansell address the Cabinet seeking an assurance that council tax amounts would not rise in future. The Chairman responded that no decision had been made regarding future levels of council tax.
- 22.2 Cabinet considered the report of the Chief Finance Officer setting out the overarching financial strategy to support the Council's strategic priorities and plans over a four year period. The medium term financial strategy informed the Council of the challenges ahead and took note of how on-going

Council strategies were delivering necessary savings. The strategy was updated annually on a rolling basis. The main risks arising from the strategy and actions to manage them were given in appendix 1 to the report together with a summary of the strategy in appendix 2. Over the life of the current parliament the coalition government would have effectively reduced the general support to the Council by some 40% in cash terms which equated to 50% in real terms.

22.3

The strategy:

- Took into account further reductions in government support of 12%.
- Assumed no real terms increase in council tax.
- Assumed a flat council tax base over the cycle
- Assumed growth in retained business rates of 1% per annum.
- Targeted recurring savings rising to £2.1m over the next 3 years.
- Modelled further benefits realisation from the DRIVE programme of £1.2m per annum.
- Assumed savings in procurement rising to £0.3m per annum.
- Followed a priority based budget system to preserve front line services.
- Targeted further efficiency savings to be realised of £0.6m per annum from services and/or new income streams.
- Allowed for £0.6m of annual growth in the capital programme.
- Preserved reserves above the minimum levels.
- Continued to zero base reward grants, to allow investment as and when received.
- Provided resources to honour nationally agreed pay awards.
- Made allowances for increases in national insurance contributions and increased costs due to pension auto-enrolment.
- Allowed funding for unavoidable growth in service costs of £200k per annum.
- Maintained a strategic change fund (c£1m) to support DRIVE and invest to save.
- Maintained an economic development reserve (c£0.5m) to recycle new homes bonus allocations into the local economy.
- Maintained a repairs and maintenance reserve to support asset management (c£1m).
- Kept a revenue contingency to meet unforeseen expenditure/loss of income at around 2% of the net budget (£300k).

Full details and analysis were given in the report.

22.4

Resolved (key decision): (1) That the updated medium term financial strategy 2013-17 as summarised in appendix 2 to the report be approved.

(2) That the balance of assumptions made in the strategy be agreed and that the strategy be brought back to Cabinet if there are material changes to the balance of assumptions prior to the 2014/15 budget setting.

(3) That the emerging budget proposals for 2014/15 be brought to Cabinet in December prior to detailed consultation.

(4) That the principal risks of the strategy in appendix1 to the report be agreed.

23 Sustainable service delivery strategy programme – implementation of the Future Model phase 2 (Cabinet, 6 February 2013, page no. 286, minute no. 94)

(Councillor Mattock in the Chair for this item)

23.1 Cabinet considered the report of the Deputy Chief Executive reviewing the implementation of phase 1 of the Future Model and seeking approval to the business case and implementation of phase 2. The report gave a summary of the purpose of the strategy and steps taken to date and the decision to proceed with phase 1 of the programme taken in April 2002.

23.2 Phase 1 had now largely been successfully delivered. The programme had over performed in terms of delivering benefits (c£560,000 against £538,000 estimated) and was within the approved cost envelope. It had also been hailed as a success with the new Customer First structure proving to be an effective and popular innovation. Lessons learnt in phase 1 were highlighted and would be taken into account in delivering the second phase. The processes and/or teams that were considered to be in scope of the business case for phase 2 were:

- Corporate management team/senior management
- Housing
- Revenues
- Benefits
- Fraud
- Strategic performance
- Democratic/civic services
- Electoral services and local land charges
- Community development, involvement and crime reduction
- Tourism development marketing
- Sports and leisure
- Finance – payments and income
- Finance – procurement
- Digital mail room
- Customer contact activity currently carried out by Capita for revenues and benefits
- Asset management

This was a bigger list than previously envisaged and would mean that all material parts of the organisation that interacted directly with residents, visitors and customers would have been moved into the Future Model by the end of phase 2. The only notable exception to this were services where either there were other change related plans already in place (e.g. Devonshire Park) or where the Council might want to make alternative plans within the Future Model architecture. In addition work had been undertaken to examine the case for inclusion of Eastbourne Homes Limited (EHL) within

phase 2.

- 23.3 The detailed analysis for phase 2 had now indicated annual efficiency savings of £1.5m. This figure could be split into staff related savings of £1.2m with a further £0.3m in property and ICT related savings. Further details of the breakdown of these efficiencies were given in appendix 1 to the report. In order to deliver these efficiencies there was a need to continue investment in both technology and support. The total budget proposed for the implementation of phase 2 was £2.89m. This cost was also broken down in detail in the appendix. In addition, a contingency/ miscellaneous budget within the programme for items such as uniforms and unforeseen developments would take the total budget to £2.99m.
- 23.4 A summary table showing the net present value of the project using the Treasury's 'Green Book' principles was shown in Appendix 2 to the report. In cash flow terms the project paid back in less than two years. The programme would be largely financed via the capital programme, with non capital items being funded from revenue. The revenue financing would come from the strategic change fund, and the housing revenue account, apportioned based on activity. The medium term financial strategy allowed for schemes returning a saving in excess of the cost of capital to be included in the capital programme based on a business case. The net present value of the scheme over 5 years shows a return on investment of £2.2m.
- 23.5 The detailed business case for phase 2 showed an anticipated staffing reduction in overall FTE (full time equivalent) of c.19%. This was consistent with the c.21% reduction in phase 1. Implementation of phase 2 was expected to be over a minimum of 18 months in order to take account of the enlarged scale. It was proposed to continue with the same governance arrangements as for phase 1.
- 23.6 The selection of key strategic delivery partners was a crucial feature of the programme's success to date. The Council had identified Civica (along with their partner Ignite) as its preferred delivery partner, subject to appropriate procurement processes. A large proportion of the programme costs consisted of new technologies to support multi-skilled staff, both in and outside the office, along with the services to implement these tools. The implementation services included business process re-engineering support to define how the technology needed to be configured to support the new processes. Other services included programme management, change management and organisational design, to ensure the right structures were put in place to support the new processes.
- 23.7 Extensive consultation with UNISON and staff internally and with external stakeholders had been carried out around both the SSDS generally and phase 1 specifically. This would continue under phase 2 and would become more detailed as the new organisational design was developed.
- 23.8 **Resolved (key decision):** (1) That the success of phase 1 Future Model

programme be noted.

(2) That the business case and outline implementation plan for phase 2 of the Future Model be approved.

(3) That Cabinet acknowledge the customer and economic value of aligning the activities of Eastbourne Borough Council and Eastbourne Homes Limited (EHL) and approve the commencement of discussions to facilitate this outcome, while retaining EHL as a viable arms length management organisation.

(4) That the programme, resources and budgets outlined in the report be approved.

(5) That the procurement approach outlined in the report, including the exceptions to contract procedure rules, be approved.

(6) That the Deputy Chief Executive be given delegated authority in consultation with the DRIVE Programme Board to run the programme within the allocated resources, reporting to Cabinet quarterly on progress, or for exceptions.

(7) That the Chief Finance Officer be given delegated authority to determine the appropriate allocation of costs against revenue and capital funds.

Note: See minute 17 above as to disclosure of personal (and non-prejudicial) interest by Councillor Tutt.

24 Towner - transfer to charitable trust (Cabinet, 14 December 2011, page no. 222, minute no.79)

24.1 Councillor Warner asked the Cabinet about the maintenance arrangements for the Towner following transfer to charitable trust status. The Senior Head of Tourism and Leisure replied saying that the future repair and maintenance of the building would be a matter for further discussions with the trust board, however, given the fact that as a charity, the trust would no longer be able to reclaim VAT, there would be an advantage in the Council retaining this responsibility with a compensating reduction in the level of financial grant support that the trust might receive from the Council in the future.

24.2 Cabinet considered the report of the Senior Head of Tourism and Leisure. A review of the funding and governance model for the long term sustainability of the Towner had commenced in 2011. With funding made available by the Arts Council, Susan J Royce and Dawn Langley, had been appointed to undertake an independent '360 degree' review of the Towner, to assess its management and sustainability. The results confirmed the need to develop a strategic business plan and put in place governance and senior management to enable the gallery to operate as an independent entity.

- 24.3 Three options were considered as part of that review:
- Status quo – Towner operating as a department of Eastbourne Borough Council.
 - Independent trust - a charitable company limited by guarantee or a charitable incorporated organisation.
 - Independent Trust - part of Devonshire Park/Eastbourne Arts Trust.
- The review concluded that the appropriate solution both for the Towner and Eastbourne Borough Council was that the gallery become an independent charity with strengthened links to its funders and other cultural organisations within the locality. The model was believed to offer the best foundation for success in achieving local priorities, delivering social impact and increasing sustainability long term. The links into operational and governance partnerships with the Devonshire Park Project would be considered at a future stage.

- 24.4 In December 2011 the Cabinet recommended that Towner proceed to trust status. Further research had since demonstrated that this approach remained the most viable and sustainable. Other options had also been considered and discounted as explained below:
- Philanthropic Model - a donor-based, underpinned operation, unlikely, in the current economic climate. Towner did not yet have a sufficiently high profile or pipeline of appropriate donors and Trustees.
 - Transfer to a commercial operator – A complex option which would destroy the current funding streams in support of community gallery / activities model. Gallery space was also limited and commercial income streams were not as yet established.

To further validate the approach, artistic organisations operating as trusts had been interviewed in January/February 2013. Each institution contacted, indicated a business growth in market led decision making, higher performance management and support for the trust model. These views were further underpinned by the proposed strategic plan for Devonshire Park.

- 24.5 The report detailed the necessary corporate structure, governance arrangements and board structure. It was proposed that the Towner would be established as a charitable trust with a separate trading company limited by guarantee. This was a recognised corporate charitable model, owned by its stakeholders, controlled by trustees and would be a legal entity with full financial and contractual capabilities offering limited liability protection. To maximise the opportunities within the current tax and VAT regulations, the trust would establish a separate trading company for its income generation activities. All profits derived from the commercial trading subsidiary would be 'gifted' for the purposes of tax efficiency, to the charity to support the activities of the organisation. The trust will be managed by an independent board of trustees, some of whom would be directors of the trading company. External advisors would be required to set up the trust and trading company and provide independent advice to both parties on the

- legal, finance, VAT and pension implications. The creation of a shadow board would enable the Council to enter into negotiations prior to the establishment of the charity, in order for the various agreements around funding, lease, back office and licenses to be finalised. The main trust board of between 7 and 9 members would be structured with a chair, Council nominated trustees and other independent trustees. The trustees would be expected to include representatives with skills and specialist knowledge in the arts, commercial, finance and fundraising sectors. Recruitment for the key position of chair was in progress and would be undertaken through an open and transparent advertising and appointment process. A fundraising and audit committee would be set up as sub committee reporting to the main board.
- 24.6 In the short to medium term, Council funding for the Towner was budgeted at £676,000 for 2014/15. Whilst it was anticipated that the Council would enter into a fixed term funding agreement with the trust to provide certainty of funding and therefore the optimum environment for successful transition to independence, the intention was for this subsidy to reduce over time, to a sustainable figure reflecting the challenges faced by the Council and the increased commercial viability of the gallery. The impact of transfer to a charitable trust on non domestic rates, value added tax and potential lease arrangements was highlighted.
- 24.7 The current Towner collection would remain the property of the Council, but be loaned on a long term lease/licence – in line with the building (20 years) to the trust. The collection had recently been re-valued for transfer and insurance purposes, at £23 million. The trust would own future acquisitions.
- 24.8 At this stage, it had been concluded that the services of human resources, accountancy, payroll and IT would be best obtained independently by the trust from commercial organisations. A full time finance manager would be employed in-house for the day to day financial management and the arrangement would be reviewed with the Devonshire Park project to take advantage of economies of scale and joint commissioning if the adjacent venues also transferred to independence. The greater emphasis on cost reduction and income generation required the roles of finance and fundraising to be prioritised. Unison would be consulted as part of the TUPE consultation process subject to Cabinet approval. Currently, there were 14 employees at the Towner in the local government pension scheme (LGPS) (just over half the core staff). The trust must provide transferring council staff with access to either the LGPS or other approved comparable scheme. The full cost implications had yet to be determined.
- 24.9 In consideration of the report's recommendations, 3 options were identified:
- Operate within the existing funding model – would conflict with current Arts Council England (ACE) funded business practice and jeopardise future funding from this source.
 - Continue with the existing model until completion of the Devonshire Park review and recommendations. However, timing was not clearly

defined and a risk of previous ACE grants to facilitate the transfer to trust being reclaimed.

- Transfer to trust 1 April 2014. Eastbourne Borough Council to maintain funding levels as outlined in the business plan, whilst additional funding streams were identified and captured.

24.10 The factors which had influenced the report's recommendations were:

- Continued government cuts to the arts and the need to seek philanthropic donors not attracted to local authority funded organisations.
- The need to enhance the creative, business executive functions and skills of the gallery to enable it to flourish in the voluntary sector.
- Artistic and financial imperatives to enhance reputations and profit for funding opportunities.
- Borough Council requirement to enhance the community experience and assist in developing the wider Devonshire Park and cultural tourism strategy.
- Demand for funded organisation to have a vision and objectives which are clear, measurable, robust and sustainable.
- The Towner would provide a guide/blueprint for lessons learnt to inform the Devonshire Park project. It was proposed to liaise closely with the consultants working on the Devonshire Park to ensure potential synergies etc. were optimised.

24.11 **Resolved (key decision):** (1) That the Senior Head of Tourism and Leisure be authorised, in consultation with human resources, finance and legal, to establish the protocols and structures to enable the staff and gallery to transfer to the management and governance of an independent charitable trust.

(2) That the date of transfer to charitable trust status is effective from 1st April 2014.

25 Save the Pub Group council survey

25.1 Councillors West and Jenkins addressed the Cabinet supporting the all party group's campaign and urging the local member of parliament to lobby government. The Chairman confirmed that he had raised this matter with the MP who was already taking action to support the campaign.

25.2 Cabinet considered the report of the Senior Head of Development. The All Party Parliamentary Save the Pub Group sought to preserve and protect the British pub. The group is an all party group of MPs and peers all committed to protecting and promoting pubs which it believed were vital community institutions and were part of the country's national heritage.

25.3 The group was campaigning at a national level for the government to close current loopholes that left councils powerless to support pubs in some

cases. For example, pubs could be demolished or have their use changed to A1 (shops), A2 (professional and financial services) and A3 (restaurants and cafes) without planning permission. A recent survey by CAMRA (Campaign for Real Ale) found that over 200 pubs had been converted to supermarkets since January 2010. The group was calling for pubs to be made 'sui generis' (to have their own use class category), removing permitted development rights, so that any change of use of a pub would require planning permission.

- 25.4 'Saved' policy LCF24 of the Eastbourne Borough Plan, 'Redevelopment of Public Houses', acknowledged that in many communities the local public house had an important role to play as a meeting place and venue for community events. It was therefore appropriate, that proposals for the loss of a public house to other uses (other than A1, A2 or A3 uses for which the Council had no control), should be carefully assessed to ascertain their impact on the wider community. Policy LCF24 therefore required any proposal for the loss of a public house to demonstrate that it was not financially viable and that compensatory provision would be made within the immediate area for continued community use. If members wished to retain this policy approach to protecting public houses, then a policy would need to be included in the Development Management Local Plan that was scheduled for preparation later this year.
- 25.6 Following the recent plans by Sainsbury to convert The Drive public house in Old Town into a supermarket, the Council had considered making an Article 4 direction. Such directions might be made in exceptional circumstances where a clear justification existed for restricting permitted development rights and the situation was one where it was considered necessary to protect the local amenity or well-being of an area. A direction would not prevent development from taking place but rather would require planning permission to be sought for it. In addition, if permission was refused for a development that would normally be acceptable under permitted development rights were it not for the direction then the council might be liable to pay compensation. Following legal advice, it had not been considered appropriate to pursue an Article 4 direction in respect of The Drive pub. It was however considered appropriate to support the Save the Pub Campaign's proposal to make pubs 'sui generis' which would remove permitted development rights so that any change of use of a pub would require planning permission. Cabinet was therefore asked to support the campaign and agree that the responses contained in the survey form appended to the report should comprise the Council's formal response to the Campaign's consultation to protect and support local community pubs.
- 25.7 Members were advised that the premises had a covenant in favour of the Council. The covenant required the Council's consent – consent which could not unreasonably be withheld - for the site to be used to trade as anything other than a hotel or public house. Consequently the Council had recently written to Sainsbury to make them aware of the covenant and pointing out the requirement for them to have the Council's approval to the variation in

user before they could trade.

25.8 **Resolved:** (1) That Cabinet supports the All Party Parliamentary Save the Pub Group's efforts to preserve and protect the British pub and approves the response to the survey that is attached to the report.

(2) That in relation to The Drive public house, the Council take all possible steps, subject to legal and financial constraints, to ensure that the covenant in favour of the Borough Council is adhered to.

Note: See minute 17 above as to disclosure of disclosable pecuniary interest by Councillor Tester.

26 Welfare reform initiatives

26.1 Councillor West addressed the Cabinet in support of this initiative.

26.2 Cabinet considered the report of the Senior Head of Community seeking agreement to a joint project with Lewes District Council to develop initiatives that mitigate the impact of the government's welfare reform changes. Lewes District Council had commissioned FutureGov, a specialist consultancy, to undertake a project in autumn 2012 to work with local residents and stakeholders to build a picture of how people were coping financially. From that research, FutureGov had identified a number of projects Lewes District Council could deliver, either on their own or with partners, to help residents during a time of financial pressure. Lewes District Council had offered Eastbourne and other East Sussex councils the opportunity to participate in future project developments. Details of a number of potential projects and initiatives were given in the report and included collaborative work with the East Sussex Credit Union and Citizens Advice Bureaux.

26.3 FutureGov had already secured £50,000 funding to run one project (Popcash) and a further £60,000 match funding to run other projects. Lewes District Council had agreed to fund £20,000 and Eastbourne and East Sussex County Council had been offered the opportunity to participate on the basis that each contribute £20,000. Other organisations such as CAB and Brighton Housing Trust would contribute staff time.

26.4 **Resolved:** (1) That the project development be noted.

(2) That funding of £20,000 be agreed to deliver the specific projects as contained within the report.

*27 Human resources strategy (Cabinet, 8 July 2009, page no. 65, minute no. 32)

27.1 Cabinet considered the report of the Head of Corporate Development. The human resources strategy was the overarching strategic framework by

which the Council's HR team would support the organisation in achieving its long term business goals and outcomes. It was underpinned by a comprehensive suite of HR policies and procedures. The existing strategy was approved in 2009 and now required updating to reflect current corporate plan priorities and, in particular, the objectives in the sustainable performance priority theme relating to the ongoing transformation journey through DRIVE and Future Model.

- 27.2 The revised HR strategy was appended to the report. The key priorities identified for the period 2013 – 2015 were:
- Develop and promote a performance management culture across the Council.
 - Build capacity and capability within the Council.
 - Ensure fit for purpose structures, job designs and reward.
 - Deliver a core HR function with increasing focus on adding and creating value for our customers.
 - Customer service.

- *27.3 **Resolved (key decision):** That the new human resources strategy be approved and that full Council be recommended to adopt the strategy and its application to the Council's workforce.

28 Calendar of meetings – May 2014

- 28.1 Cabinet was asked to change the date of their meeting in May 2014 to ensure avoid half-term. It was proposed that the date be moved back 2 weeks to 14 May 2014 (instead of 28 May).
- 28.2 **Resolved:** That the Cabinet meeting be held on 14 May 2014 (instead of 28 May).

29 Exclusion of the public

Resolved: That the public be excluded from the remainder of the meeting as otherwise there was a likelihood of disclosure to them of exempt information as defined in schedule 12A of the Local Government Act 1972. The relevant paragraphs of schedule 12A and descriptions of the exempt information are shown in the above minute or beneath the item below.
(The requisite notices were given under regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.)

30 Alternative employment procedure (AEP)

- 30.1 Cabinet considered the report of the Human Resources Manager. As at the time of the meeting 5 employees were currently within the scope of the procedure. The Human Resources team was working with the Corporate Management Team to identify suitable vacancies within the Council and otherwise provide support to those under threat of redundancy.

- 30.2 **Resolved:** That action taken to support, redeploy and assist with self-marketing under the AEP and the use of the AEP in managing the change resulting from implementation of phase one of future model be noted.

*Notes: (1) Exempt information reasons 1 and 2 – information relating to an individual or likely to reveal the identity of an individual.
(2) The minute was declared open, but the report and discussions thereon remain confidential.*

The meeting closed at 8.34 pm.

Councillor David Tutt
Chairman

(der\P:\cabinet\minutes\13.07.10)