

# Cabinet



## Minutes of meeting held on Wednesday, 19 March 2014 at 6.00 pm

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**.

### 84 Minutes of the meeting held on 5 February 2004 (previously circulated).

The minutes of the meeting held on 5 February 2014 were submitted and approved and the Chairman was authorised to sign them as a correct record.

### 85 Declarations of Interests by Members.

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:

- (a) Councillor Tutt declared a personal (and non-prejudicial) interest in matters reported in minute 87 (Housing Futures) as he was a Council appointed non-executive director of Eastbourne Homes Ltd.
- (b) Councillors Bannister and Tutt both declared personal (and non-prejudicial) interests in matters reported in minute 88 (Housing and Economic Development Project) as they were members of the Council's project board for this initiative.

### 86 \* Priority Cycle Routes [KD]

86.1 The following persons addressed the Cabinet on this matter:

Mr Robert Price on behalf of Bespoke  
 Ms Sunny Soleil  
 Ms Scarlett McNally on behalf of Bespoke  
 Councillor Patrick Warner

86.2 Cabinet considered the report of the Senior Head of Development on the outcome of the public consultation undertaken by East Sussex County Council on six cycle routes identified in the adopted cycling strategy (Cabinet, 8 February 2012) and seeking approval to take certain routes forward to detailed design and construction.

86.3 The strategy had identified the following priority routes:

- University to town centre and seafront
- Town centre to seafront

- Seafront (between the Wish Tower and Fisherman's Green)
- Town centre to District General Hospital (DGH)
- Langney to Sovereign Harbour and Sovereign Centre
- Willingdon Drove

86.4 Of the above, the first 4 routes were taken forward to preliminary design and formed the major part of the public consultation. In addition further detailed work was undertaken on the Horsey Way section 1 route (Railway Station to Ringwood Road) and the Horsey Way section 3 route (Lottbridge Drove to Langney roundabout, including the Tollgate School link). Detailed descriptions of the routes were given in the report. These routes also formed part of the public consultation. All these routes were also identified as a priority by Bespoke, the local cycle campaign group. Feasibility work on providing additional cycle routes in the town, for example in Eastbourne Park, would be looked as part of a future year's capital programme.

86.5 Extensive public consultation had taken place last January and copies of the questionnaire and plans were appended to the report along with a summary of the 784 responses received. There was a high level of support for each of the 6 schemes, although concerns had been raised at the impact on residents' parking in relation to the town centre to DGH route.. In view of this it was recommended that more feasibility work should be undertaken to look at possible alternative options for this route. Officers would work with key stakeholders such as Bespoke to seek a consensus on the final route before implementation.

86.6 To facilitate the provision of a cycle route on the seafront it was considered necessary to seek amendment to the local byelaws relating to use of the promenade. This would enable the Council to permit and control cycling, where appropriate, along the whole length of the promenade within the borough, either in an exclusive cycle-lane or on an unsegregated, shared-use basis. It was noted that the function of making and amending byelaws was reserved to Full Council and that the approval of the Secretary of State for Communities would be required.

86.7 The total estimated cost of the construction of the schemes that were being recommended to be taken forward to detailed design for 2014/15 would be £1,040,000. The two Horsey Way schemes would be funded from developer contributions associated with the Sovereign Harbour development. The remaining schemes (except the seafront promenade route) would be funded from the funding awarded to East Sussex County Council in July 2012, from the Government's Local Sustainable Transport Fund (LSTF). This funding had to be spent by March 2015. The construction of the seafront cycle route (along the promenade between the Wish Tower and Fisherman's Green) would take place as part of a future year's capital programme beyond 2014/15 and would be subject to a separate bid pending the outcome of the amendment to the byelaw. Consequently all costs were funded externally with the exception of the work on the byelaw which would be met from within existing service budgets.

**86.8 Resolved (key decision):** (1) That the the following cycle routes be taken forward to detailed design and construction as part of the County Council's 2014/15 capital programme for local transport improvement initiatives:

- University to town centre and seafront
- Town centre to seafront
- Horsey Way section 1

(2) That approval be given in principle, and subject to agreement by the Secretary of State for Communities and Local Government that the byelaw can be amended, that the Seafront cycle route along the promenade between the Wish Tower and Fisherman's Green be taken forward by the County Council to detailed design with construction taking place as part of a future year's capital programme beyond 2014/15.

\* (3) That Full Council be recommended to authorise the officers to take all necessary steps to seek and obtain approval from the Secretary of State for Communities and Local Government to an amendment to the current byelaw to enable the Council to allow, where appropriate, both un-segregated as well as segregated shared use of the seafront promenade by cyclists and pedestrians.

(4) That the Horsey Sewer Route section 3 be taken forward by the County Council to detailed design with construction taking place as part of a future year's capital programme beyond 2014/15.

(5) That in view of the comments received during the consultation on the town centre to District General Hospital route, delegated authority is given to the Senior Head of Development, in consultation with the lead Cabinet member to agree to an adjusted route.

## **87 Housing Futures [KD]**

87.1 Cabinet considered the report of the Senior Head of Community seeking authority to progress development and consult on a preferred option for the ongoing delivery of the Council's housing and landlord role. The Council was responsible for the homes of nearly one in ten of Eastbourne's households, made up of a mixed portfolio of 3,554 residential properties with a programme to add a further 43 properties in 2014-2016. The Council's housing stock was currently managed under an agreement with an arm's length management organisation (ALMO), Eastbourne Homes Limited (EHL). At present the Council pays EHL £6,714,000 per annum to manage and maintain the Council's housing stock. In addition to this fee, capital funding was provided to EHL to carry out improvement works to housing stock. The current management arrangement with EHL had been in place since 2005 and was due to end in March 2015.

87.2 A review of the future of the Council's role as a social landlord was formally launched in May 2013 with a Housing Futures Board (with membership from the Council, EHL and tenants) set up to oversee this important project. The report detailed progress to date in developing

options for the landlord role, including a summary of the options considered. It set out the detail of a preferred option and requested approval from Cabinet to take this option forward for consultation with tenants, leaseholders, relevant organisations and agencies and the wider community, with a view to making a formal recommendation in July 2014 on the future of the Council's housing and landlord role.

87.3 The key aims were to help deliver the Council's housing and wider corporate strategies; make the best of the opportunities created by the introduction of the new self financing housing revenue regime; contribute positively to the sustainable service delivery strategy for the development and delivery of the Council's services; and encourage inward investment in Eastbourne's overall housing market. An extract from the review's terms of reference was appended to the report.

87.4 To date the board had in taken account of:

- Value for money (for tenants and the Council) which had included a financial viability assessment of the various options with supporting work provided by the Chartered Institute of Housing.
- Service risk – the need to ensure continuity of service and to maintain or improve the quality of the service provided.
- Resident engagement – the board listened to residents' views on how to ensure that residents are able to have influence over the provision of future services.
- Strategic influence/fit with the other services provided by the Council including the changing shape of council services, the wider housing market and its role in supporting the wider economy.

87.5 A brief summary of the options was as follows (the options report was appended to the report):

- 1 – Retain current arrangements with EHL.
- 2 – Expansion of EHL to deliver more services for the Council and other enterprises, both housing and non-housing.
- 3 – Return to Council and full integration with 'Future Model'.
- 4 - Large scale voluntary transfer (LSVT).
- 5 – Transfer to mutually owned co-operative.
- 8 – Tenants exercise their right to transfer.
- 6 – Shared service delivery with other social landlords.
- 7 - Out-source/externalise housing management.
- 9 – Tenants exercise their right to manage.
- 10 - Retain EHL with responsibility for housing management but with greater integration with the Council's core services and support structures.

87.6 Having explored the above options, the Housing Futures Board concluded that option 10 would offer the best mix of efficiencies, resilience, customer benefits and governance. Option 10 was a hybrid of options 1, 2 and 3 and emerged during the assessment of all the options as a way of combining the benefits of those options taking into consideration such factors as financial impacts of stock disposal and the

risks around externalisation of services. EHL support the development of this preferred option.

87.7 It was considered that option 10:

- Had the potential to generate savings (up to £1.5m) to the Council split between the general fund and the housing revenue account.
- Retains EHL and tenant focused governance.
- Offers the potential for value for money for EHL and the Council by reducing overheads.
- Creates opportunities to improve customer services.
- Retains a vehicle for securing investment and work from non-Council owned businesses.
- Bigger operational scale creates greater resilience and opportunities for more effective procurement of property related services by combining the purchasing power of the general fund and the housing revenue account.

**87. 8 Resolved (key decision):** (1) That the development of a preferred option to retain Eastbourne Homes Ltd ("EHL") as housing management provider with closer integration with Council services be noted.

(2) That delegated authority be granted to the Senior Head of Community to discuss and agree with the Department of Communities and Local Government ("DCLG") the level and process of the consultation to be undertaken with tenants and leaseholders.

(3) That delegated authority be granted to the Senior Head of Community to finalise the consultation document and consultation plan and to start the consultation process with tenants and leaseholders on the Council's preferred option.

## **88 Housing and Economic Development Project [KD]**

88.1 Cabinet considered the report of the Senior Head of Community providing an update on the Eastbourne 2013-2015 local authority new build programme and the supporting housing and economic progress initiative. The report considered a range of inter-linked housing and economic development projects and opportunities. All were related to the Housing and Economic Development Partnership (HEDP), a joint project set up in February 2013 by the Council and Eastbourne Homes Limited (EHL). The HEDP had a small team of officers working exclusively on projects for the initiative but also being used, as required, by the housing services team to help the wider strategic housing work of the Council as a whole.

88.2 The HEDP team had been tasked with delivering a number of strategic projects for the Council, including the programme to develop new council-owned homes. There had now arisen an opportunity to further expand this programme. This report requested approval for the appropriate resources and policy decisions to be in place to be able to

take advantage of these new development and funding opportunities. In taking forward its work over the past year, the HEDP team had increasingly found itself needing to be able make use of both housing revenue account and general fund resources. Current delegations agreed last September needed to be revised to allow the project to operate more effectively as there was a risk that opportunities might be lost if this flexibility was not available for use when it was most needed.

**88.3 Resolved (key decision):** (1) That a capital allocation totalling no more than £350,000 from the £18m housing regeneration capital allocation be approved for the purchase and refurbishment of retail and commercial elements of properties being purchased for the SHEP initiative, subject to the application of the conditions and procedures previously agreed for SHEP funding delegations (and as set out in paragraph 2.5 of the officer's report).

(2) That a revised budget for the Eastbourne 2013-2015 LANB, of £4,758,000 be agreed, to include:

- 23 affordable rented homes made up of 16 at Coventry Court, 3 at Tenterden Close and 4 at Belmore Road.
- An additional 6 houses for shared ownership as part of the Coventry Court scheme, made up of 3 three-bedroom houses and 3 two-bedroom houses.
- An additional 4 homes for market sale as part of the Belmore Road scheme made up of 4 two-bedroom homes.

(3) That Senior Head of Community, in liaison with the lead Cabinet member for finance and the Chief Finance Officer, be given delegated authority to the purchase of a site adjacent to Belmore Road (Longstone Road) subject to final risk/financial appraisal.

(4) That up to £850,000 be allocated as a loan facility in the Council's capital programme to support economic development initiatives at Sovereign Harbour.

## **89 \* Corporate Plan 2014/15 refresh [BPF]**

89.1 Councillor Patrick Warner and Philip Ede addressed the Cabinet on aspects of this matter.

89.2 Cabinet considered the report of the Head of Corporate Development. The refreshed corporate plan contained updates on the Local Futures data and included references to data from other more timely sources (such as East Sussex in Figures) where available in order to give an overall picture of Eastbourne which was as up-to-date as possible.

89.3 Extensive consultation on the corporate plan priorities had been conducted with the community and stakeholders each year since the new format and priorities were adopted. This being the final year of the current strategy, the results of the annual consultations had been brought together with recent community feedback such as the Youth

Fair, the new ward walk initiative, and the 'Big Local' project in west Devonshire ward and presented to Cabinet in December 2013. The full consultation report would be made publicly available alongside to the corporate plan once published online. 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.

89.4 A year-end report summarising the 2013/14 actions and related performance indicator outturns was being reported to Scrutiny and Cabinet and would be made available to the public alongside the refreshed plan on the Council's website. Feedback received as part of reviews from GOSE, iESE and the LGA Peer Challenge were very positive regarding the format and content of the plan.

89.5 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:

#### 89.6 Prosperous Economy

Tourism marketing and brand development:

- New tourism and economic development strategy.
- New brand development and marketing campaign.
- New walking festival.
- Grow the Beer and Cider by the Sea event into a regional food and drink festival.

Employment - town centre:

- Process new planning application.
- Assist with land assembly.
- Assist developers to crystallise development on other sites.
- Specify and tender plans for the environmental improvement to Terminus Road.
- Review the existing ring road.

Business support scheme:

- Use of technology to promote local services including procurement.
- Maximise Business Rate Relief giving £800k back to small businesses.
- Revised Eastbourne Loyalty Scheme.

Employment - Sovereign Harbour:

- Process planning applications by Sovereign Harbour Ltd and SeaChange Sussex.
- Progress the provision of the Community Centre.
- Deliver the Harbour Innovation Mall.

#### 89.7 Quality Environment

Managing waste responsibly:

- Improve Recycling rates

Improving the cleanliness of the street and public areas:

- Prevention campaigns to reduce environmental crime.
- Renovation of public conveniences.

Allotment provision:

- Continue to build extra allotment in phases throughout the year.

Towards a low carbon town:

- Continue to implement environment strategy action plan.
- Implement actions to reduce the carbon use of the Council's own buildings.

Transport – cycling provision:

- Implement cycle strategy – revise proposed cycle routes following consultation.
- Complete 3 new routes and next phase of Horsey Sewer cycle route.

Eastbourne Park:

- Form a land owners group and stakeholders group to implement action plan for the Park.
- Carry out feasibility work for new flood mitigation measures.

Pride in Our Parks:

- Finalise design, apply for planning permission and build Hampden Park Skate Park.
- Biodiversity report on Hampden Park Lake.
- Hampden Park management plan.
- Old Town Recreation ground management plan.
- Publish the Princes Park development plan.

## **89.8 Thriving Communities**

Develop youth services and activities:

- Deliver new youth strategy to be implemented in 2015.
- Deliver Youth Fair 2014 for young people to showcase their skills and achievement.
- Deliver Youth Network meeting for service and activity providers
- Implement current youth strategy.

Improving neighbourhood delivery:

- Deliver improvements to health and wellbeing.
- Develop Shinewater Park project.
- Deliver grants to community and voluntary organisations.

Best use of housing resources:

- Housing Futures – Agree how to best deliver housing management arrangements to start April 2015.
- Work with Eastbourne Homes to identify options for housing repairs contract and begin procurement.
- Deliver New Homes programme, Empty Homes programme and Driving Devonshire Forward.
  - Coventry Court
  - Tenterton
  - Belmore/Longstone

Support to vulnerable households:

- Deliver welfare reform action plan.
- Develop community resources for tackling economic hardship.
- Tackle rough sleeping.



- Housing benefit and council tax system migration
- Cultural provision:
- Establish new charitable company.
  - Transfer Towner to trust.
  - Progress work with English Heritage to secure funding for the development of the Redoubt as an accessible, living museum.
- Tennis development:
- Refurbish courts at Hampden Park and Old Town recreation ground with new free membership scheme launched.
- Active Eastbourne:
- Complete and implement the first priorities of the Active Eastbourne strategy
- Devonshire Park
- Complete the concept design stage for the whole complex.
  - Undertake next iteration of the business case.
  - Complete Phase 1 – new façade to Congress Theatre.

### 89.9 Sustainable Performance

- Asset management:
- Restructure service to create a corporate landlord team.
  - Market test the Wish Tower site for a restaurant.
- Sustainable service delivery strategy (SSDS):
- Implementation of Future Model phase 2.
  - Exploring a range of partnerships to achieve further efficiencies.

\*89.10 **Resolved (budget and policy framework):** (1) That the draft 2014/15 refresh of the Corporate Plan be approved subject to detail on performance indicators, actions and final formatting being agreed by senior heads of service and lead Cabinet members.

(2) That full Council be recommended to give the plan final approval.

## 90 East Sussex Joint Waste Strategy 2014 - 2025 [KD]

90.1 Cabinet considered the report of the Senior Head of Infrastructure. In 2006 the East Sussex Waste Resource Partnership (the borough, district and county councils working together) published a Joint Waste Strategy for 2006 – 2020, to set out how the county's waste would be managed in a sustainable way. The targets that were set in 2006 had already been exceeded, which had led to a review of the original waste strategy, looking at the potential for managing waste more sustainably, reducing costs, and maximising the value of waste materials.

90.2 The revised strategy for East Sussex summarised the waste management arrangements and set out new aims, objectives and targets from 2014 to 2025. The strategy reiterated the continued focus on the government's waste hierarchy and gave an overview of achievements since 2006. The waste hierarchy was as follows:

- Reduce (produce less waste in the first place, the preferred option).
- Reuse (without re-processing).

- Recycle (re-processing into the same type of product or something new).
- Energy recovery (waste converted to energy, as at Newhaven).
- Disposal (to landfill and incineration, being the least preferred option).

Travelling down the hierarchy, the options had a greater environmental impact and were generally more expensive.

90.3 The strategy set five main targets for 2020:

- Work to limit the total amount of household waste generated to 995kg per household per year.
- Reuse 15% of the household waste generated.
- Recycle and compost 50% of the household waste generated.
- Recover energy from at least 95% of the rubbish that wasn't reused, recycled or composted.
- Divert at least 95% of waste from landfill.

There was one target for 2025:

- Recycle and compost 60% of the household waste generated.

90.4 As well as these targets, the strategy aimed to recover more value from waste; deliver waste services that offered value for money and were accessible to everyone; review and continuously improve waste services to ensure they remained environmentally sustainable and affordable; and manage waste as close as possible to its source, ideally within the County.

90.5 Public consultation on the draft strategy had taken place between 30 October and 11 December 2013 and a summary of the responses received was given in the report.

90.6 Eastbourne had entered into a new waste contract with Kier Environmental Services Ltd on 1 April 2013, alongside Wealden District Council. Hastings Borough Council joined the contract in July 2013, and Rother District Council would join it in April 2014. The local indicator in Eastbourne measuring performance relating to reuse, recycling and composting showed performance of 35.77% (as at end September 2013) against the 2013/14 target which was 33%. It was expected that performance would continue to improve and that the targets of 50% of household waste being recycled by 2020 and 60% by 2025 across the county were achievable. However this would require intervention and work would need to be done in terms of educating and influencing residents.

**90.7 Resolved (key decision):** That the East Sussex Joint Waste Strategy 2014 – 2025 be adopted.

## **91 Regulation of Investigatory Powers Act (RIPA) [KD]**

91.1 Cabinet considered the report of the Deputy Chief Executive informing members of the extent of the authority's recourse to surveillance activities regulated by RIPA and associated legislation during the 2013 calendar year and seeking approval to the adoption of a policy

on the acquisition and use of communications data to bring the authority's approach in line with that on covert surveillance.

91.2 RIPA supplied a statutory framework within which certain types of covert investigative tools might be lawfully used by public authorities for the purposes of enforcement as long as rigorous criteria were met and a set process followed. The latter included amongst other things obtaining both internal approval at a senior level and also judicial approval before the measures were used. It was noted that no applications were made by the Council or partner organisations in 2013 for activities controlled by RIPA.

91.3 RIPA also regulated the interception of some types of communications data (the 'who', 'when' and 'where' of a communication, as opposed to the 'what' i.e. the content of what was said or written). Whilst the interception of communications data was also covered by RIPA, it was subject to a separate overview and inspection regime by an entirely separate office: that of the Interception of Communications Commissioner. Although the Council had not had recent recourse to its communications data powers, approval of a formal policy (as appended to the report) on the acquisition and use of communications data would clarify matters. It was considered that a policy of 'last resort', which made provision for use of said powers only exceptionally and where stringent criteria were met, would be consistent with this authority's approach to the other powers available to it under RIPA.

**91.4 Resolved (key decision)** (1) That the results of the yearly RIPA review, and of the authority's recourse to RIPA regulated surveillance during the 2013 calendar year be noted.

(2) That the policy on communications data bringing this authority's approach to those powers in line with the 'last resort' approach to all types of covert surveillance be agreed.

(3) That delegated authority is given to the Lawyer to the Council to (a) incorporate such amendments to the policies of this authority on both surveillance and communications data which are necessary to ensure that it is up to date and accords with the law; and (b) to continue to review the authority's procedures, policies and training on RIPA related matters on an annual basis in consultation with the SRO for RIPA and the Cabinet portfolio holder.

## **92 \* Pay Policy Statement - update [BPF]**

92.1 Cabinet considered the report of the Deputy Chief Executive. The Localism Act 2011 required the Council to adopt and publish a pay policy statement annually and otherwise re-publish whenever amended. The original statement had been approved for publication by full Council on 22 February 2012 and an updated version approved 20 February 2013. A copy of the revised statement was appended to the report.

92.2 There had been a number of minor changes to reflect the current staffing arrangements. Other key changes were a significant reduction in the length and breadth of the statement involving the removal of some background and out of date information not statutorily required. It was expected that the shortened statement would offer greater transparency and provide a concise and factual document for public reference. This was in line with the approach adopted by the majority of other local authorities.

**\*92.3 Resolved (budget and policy framework):** (1) That the rationale for changes to the content of the Pay Policy Statement be agreed and Full Council be recommended to adopt the Statement.

(2) That the Statement be published on the Council's website once it has been approved by Council.

The meeting closed at 7.00 pm

**Councillor David Tutt**  
**Chairman**