

Cabinet

Minutes of meeting held in Lewes Leisure Centre, Mountfield Road, Lewes, BN7 2XG on 8 July 2021 at 2.30 pm.

Present:

Councillor James MacCleary (Chair).
Councillors Zoe Nicholson (Vice-Chair), Matthew Bird, Chris Collier, Johnny Denis, William Meyer, Emily O'Brien and Ruth O'Keeffe.

Officers in attendance:

Tim Whelan (Director of Service Delivery), Becky Cooke (Assistant Director for Human Resources and Transformation), Andrew Clarke (Deputy Chief Finance Officer (Financial Planning)), Oliver Dixon (Head of Legal Services), Nathan Haffenden (Head of Commercial Business Development), Ola Owolabi (Deputy Chief Finance Officer (Corporate Finance)), Kate Richardson (Strategy and Partnership Lead for Sustainability), Simon Russell (Head of Democratic Services), Peter Sharp (Head of Regeneration) and Seanne Sweeney (Strategy and Commissioning Lead for Community and Partnerships).

Also in attendance:

Councillor Liz Boorman and Councillor Joe Miller (Chair of Policy and Performance Advisory Committee).

11 Minutes of the meeting held on 10 June 2021

The minutes of the meeting held on 10 June 2021 were submitted and approved and the Chair was authorised to sign them as a correct record.

12 Apologies for absence

Apologies for absence were reported from Councillor Carr and visiting members, Councillors Linington (Leader of the Opposition) and Peterson (Chair of Audit and Standards Committee).

13 Declarations of interest

Councillor O'Keeffe declared a personal interest in agenda item 13 (Community Grants Policy) as a Trustee of Lewes Citizens' Advice Bureau. She remained in the room but did not vote on the item.

14 Order of business

The Chair agreed to re-arrange the order of business, due to a requirement to go into exempt session to discuss the recommendation from Policy and

Performance Advisory Committee for agenda item 11 (Investing in green energy initiatives- update).

15 Portfolio progress and performance report 2020/21 - quarter 4 and end of year summary

The Cabinet considered the report of the Deputy Chief Executive and Director of Regeneration and Planning, concerning the Council's progress and performance in respect of key projects and targets for the fourth quarter of the year, as detailed at Appendix 1 to the report.

Staff were commended for their professionalism and dedicated service during the challenging periods of the Covid-19 pandemic. In many areas over the last 12 months, service levels had exceeded targets and days taken to process new claims for council tax and housing benefits and changes in circumstances had peaked at its strongest performance in 20 years.

The Policy and Performance Advisory Committee (PPAC) at its meeting on 30 June 2021, made the following recommendation to Cabinet:

To support the officer recommendations in the Cabinet report subject to the following additional recommendation being considered by the Cabinet:

That the Cabinet request that officers look into providing more information on volumes of waste going to landfill/incineration, including historical trends and benchmarking information, and that a communication strategy/campaign on waste reduction alongside recycling be developed'.

Councillor Miller, Chair of PPAC, was in attendance to present PPAC's discussion. The Director of Service Delivery suggested an additional resolution to Cabinet to address PPAC's recommendation. This was unanimously agreed by Cabinet and detailed below. Separate to the resolution, engagement work with the Portfolio Holder for Recycling, Waste and Open Spaces would take place on strengthening the communications around reuse and recycling.

Resolved (Non-key decision):

(1) To note progress and performance for Quarter 4 and 2020- 21 performance.

(2) To note the targets for 2021-22.

(3) To request that officers provide more analysis on waste and recycling in the narrative of the existing key performance indicators in the performance report and provide a waste report for a future Policy and Performance Advisory Committee, with an explanation of data, trend analysis and benchmarking against other authorities.

Reason for decisions:

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

16 Provisional Revenue and Capital Outturn 2020/21

The Cabinet considered the report of Chief Finance Officer, updating them on the provisional outturn for 2020/21.

The 2020/21 financial year saw significant challenges with the impact of Covid-19 pandemic and associated lockdown. Through the measures set out in the report, the Council was able to mitigate the unprecedented risk to its finances and key services, ending the year in a balanced position.

Policy and Performance Advisory Committee (PPAC), held on 30 June 2021, considered the report and were supportive of the officer recommendations in full. Councillor Miller, Chair of PPAC, was in attendance to present PPAC's discussion.

Resolved (Key decision):

(1) To endorse the provisional outturn for 2020/21.

(2) To approve the transfers from/to reserves as set out in section 3.2 of the report.

Reason for decision:

To enable Cabinet members to consider specific aspects of the Council's financial performance for 2020/21.

17 Treasury management annual report 2020/21 and latest TM monitoring

The Cabinet considered the report of the Chief Finance Officer, presenting the Annual Treasury Management Report for 2020/21 and the latest monitoring report.

Policy and Performance Advisory Committee (PPAC), held on 30 June 2021, considered the report and were supportive of the officer recommendations in full. Councillor Miller, Chair of PPAC, was in attendance to present PPAC's discussion.

Recommend to Full Council (Budget and policy framework):

(1) To agree the Annual Treasury Management report for 2020/21.

(2) To approve the 2020/21 Prudential and Treasury Indicators included in the report.

(3) To note that the Treasury Management activities for the period starting from 1 March to 31 March 2021 has been in accordance with the approved Treasury Strategies for that period.

Reason for decisions:

Requirement of CIPFA Treasury Management in the Public Sector Code of Practice (the Code) and this has to be reported to Full Council.

18 Re-imagining Newhaven

The Cabinet considered the report of the Deputy Chief Executive and the Director of Regeneration and Planning, providing an update on the Future High Streets Fund project.

The Policy and Performance Advisory Committee (PPAC) at its meeting on 30 June 2021, made the following recommendation to Cabinet:

To support the officer recommendations in the Cabinet report subject to the following additional recommendation being considered by the Cabinet:

That the Cabinet write a letter of thanks to the Ministry of Housing Communities and Local Government, for the Future High Streets Fund grant and thank those officers at the Council who have worked towards the Re-imagining Newhaven programme.

Councillor Miller, Chair of PPAC, was in attendance to present PPAC's discussion. The Cabinet agreed unanimously to incorporate PPAC's recommendation into their resolution detailed below.

In response to a question from Councillor Meyer, Councillor MacCleary confirmed that the Council had put in place funding if necessary to address any shortfall for the regeneration work but would hope not to need it. The Council was structuring funds to ensure any money it spent was money it had. The Council would continue to apply for further funding and write to regional bodies for support.

Resolved (Non-key decision):

(1) To note the Future High Streets Fund capital grant award from MHCLG and that this represents a considerable achievement for the Council.

(2) To note the timescales to deliver the Re-imagining Newhaven programme.

(3) To delegate authority to the Director of Regeneration and Planning, in consultation with the Lead Member for Regeneration and Prosperity, to:

(a) enter, or authorise entry into, all necessary documentation with MHCLG to receive the Future High Street Fund grant;

(b) carry out all necessary actions to deliver the Re-imagining Newhaven programme including undertaking feasibility work, procurement and appointment of the professional team, development and determining the terms of, and authorising the execution of, all necessary documentation, including the procurement and appointment of an operator.

(4) To delegate authority to the Director of Regeneration and Planning, in consultation with the Lead Member for Finance and Chief Finance Officer, to make an allocation within the General Fund Capital Programme for the co-funding part of the Re-imagining Newhaven programme, subject to further finance and legal advice, also subject to a sound business case.

(5) To write a letter of thanks to the Ministry of Housing Communities and Local Government, for the Future High Streets Fund grant and thank those officers at the Council who have worked towards the Re-imagining Newhaven programme.

Reason for decisions:

1) A grant offer letter has been received from MHCLG on 03/06/21 confirming the funding award.

(2) Newhaven remains a regeneration priority for the Council, building upon Enterprise Zone designation and investment from a range of partners, and the formation of the Newhaven Town Deal.

(3) The Re-imagining Newhaven programme strongly aligns with the Council's Community Wealth Building Pillars.

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

19 Community Grants Policy

The Cabinet considered the report of the Deputy Chief Executive and Director of Regeneration and Planning, asking them to adopt the new Community Grants Policy and to agree the proposed funding allocations set out in the prospectus. The proposed increase in funding would recognise the contribution of the voluntary sector across Lewes District.

Thanks were conveyed to the cross-party Grants Working Group, for their work and support as part of the process.

Policy and Performance Advisory Committee (PPAC), held on 30 June 2021, considered the report and were supportive of the officer recommendations in full. Councillor Miller, Chair of PPAC, was in attendance to present PPAC's discussion.

Visiting member and Deputy Leader of the Opposition, Councillor Boorman addressed the Cabinet and welcomed the recommendations in the report.

Councillor O'Keeffe declared a personal interest in this item as a Trustee of Lewes Citizens' Advice Bureau. She remained in the room but did not vote on the item.

Resolved (Key decision):

(1) To adopt the new Community Grants policy at appendix 1 to the report.

(2) To agree the proposed funding allocations set out in the prospectus at appendix 2 to the report.

Reason for recommendations:

The new Community Grants policy will enable the council to be more transparent and flexible in how local voluntary organisations are supported, with the 2022/23 programme ensuring a focus on local areas of need.

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

20 Housing development update

The Cabinet considered the report of the Deputy Chief Executive and Director of Regeneration and Planning, updating them on the progress of new housing developments.

The Council had developed a pipeline of new affordable homes and there were currently 129 Council properties either moving through the planning process, under construction or completed with local families living in them. The Council had also undertaken a competitive procurement exercise to appoint a modular housing specialist to a framework agreement. This would speed up the process for appointing a contractor and saved significant costs by not having to repeatedly go through a lengthy tendering process. The framework would also contribute to the Community Wealth Building agenda, with a specific emphasis on skills, training and employment.

Policy and Performance Advisory Committee (PPAC), held on 30 June 2021, considered the report and were supportive of the officer recommendations in full. Councillor Miller, Chair of PPAC, was in attendance to present PPAC's discussion.

Visiting member and Deputy Leader of the Opposition Group, Councillor Liz Boorman, addressed the Cabinet on this item. She welcomed the development of affordable homes and requested that the Cabinet look into supplying affordable homes in towns and villages not included in the proposals, such as Seaford. The Cabinet acknowledged the need of investment across the District

and confirmed that officers were continuing to explore opportunities to do so.

The Cabinet were also given an update on the Council's acquisition programme. The Housing Revenue Account (HRA) capital programme contained a budget for acquisitions and individuals who had bought properties through the Right To Buy scheme in the last 10 years were required to offer it back to the Council at the first instance.

Following the general discussion amongst Cabinet members, Cabinet resolved to exclude the public whilst clarifying a question from Councillor O'Brien on the exempt appendix, as otherwise there was a likelihood of disclosure to them of exempt information as defined in schedule 12A of the Local Government Act 1972, paragraph 3 – Information relating to the financial and business affairs of any particular person (including the authority holding that information)

Following discussion of the exempt appendix, the public meeting resumed.

Cabinet unanimously agreed to an amendment to resolution 6, to include consultation with the Portfolio Holder for Finance and Assets and this was detailed below.

Resolved (Key decision):

(1) To note the progress of the Housing Revenue Account (HRA) Capital Programme, alongside other schemes for housing delivery. This is set out at Exempt Appendix 1 to the report.

(2) To authorise the acquisition of a single garage unit adjacent to land already owned by LDC, the subsequent development of land, and disposal of the garage site at Mill Road, Ringmer including to allocate a budget within the capacity of the HRA Capital Programme.

(3) To approve the new projects as detailed in Appendix 1 (Exempt) through to the planning and tender stage, subject to further Cabinet approval prior to the award of a contract and the commencement of any works.

(4) To authorise entering into a land agreement to facilitate the development of a Neighbourhood Plan identified site at Long Park Corner, Ditchling, subject to further legal, finance, and market advice.

(5) To authorise entering into a framework for a contractor offering an off-site manufactured house building solution, through an advertised open competition, to aid in the delivery of the Capital Programme alongside other procurement routes.

(6) To authorise the Director of Regeneration and Planning, in consultation with the Portfolio Holder for Housing, Portfolio Holder for Finance and Assets and Chief Finance Officer, to carry out all necessary actions to facilitate these proposals including feasibility, development and determining the terms of, and authorising the execution of, all necessary documentation.

Reasons for decisions:

To provide progress updates and secure the necessary approvals to bring forward ongoing key housing development projects within the district.

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

21 Investing in green energy initiatives- update

The Cabinet considered the report of the Deputy Chief Executive and the Director of Regeneration and Planning, providing an update to the work initiated by the report considered at Cabinet on 25 March 2021.

The Policy and Performance Advisory Committee (PPAC) at its meeting on 30 June 2021, made the following recommendation to Cabinet:

To support the officer recommendations in the Cabinet report subject to the following amended recommendation (1) being considered by the Cabinet:

- (1) To delegate authority to the Deputy Chief Executive, in consultation with the Chief Finance Officer and Cabinet member for finance and assets, to increase the loan provision to OVESCO up to a maximum of £155,000 for development funding to take the solar farm proposal set out in section 2 and Appendix 1 of this report to planning submission, *subject to the loan agreement being made directly with OVESCO Ltd, and* subject to further due diligence being carried out, satisfactory loan terms and milestones being agreed**

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

Following discussion of the PPAC recommendation and exempt appendix, the public meeting resumed, and Cabinet unanimously agreed the officer recommendations as set out in the report.

Resolved (Key decision):

- (1) To delegate authority to the Deputy Chief Executive, in consultation with the Chief Finance Officer and Cabinet member for finance and assets, to increase the loan provision to OVESCO up to a maximum of £155,000 for development funding to take the solar farm proposal set out in section 2 and Appendix 1 of

the report to planning submission, subject to further due diligence being carried out, satisfactory loan terms and milestones being agreed.

(2) To request that the Climate Change Scrutiny Panel provide oversight to the project.

Reason for decisions:

(1) Investigating the opportunities to develop and enable solar energy production directly supports the aims of the Council detailed within the Corporate Plan 2020-2024 to lead the community to net zero carbon and engage with the community energy sector.

(2) Supporting community energy generation could enable community investment and assist with community wealth building objectives.

(3) Development finance is the most difficult finance to gain for a community energy company when delivering a project of this scale.

(4) Maintaining Council input into the development of the project financially de-risks it and enables project oversight to hopefully ensure delivery.

(5) Developing solar generation within the district will help meet goals and targets detailed within the Climate Change & Sustainability Strategy including the overarching net zero carbon by 2030 targets.

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

The meeting ended at 3.46 pm

Councillor James MacCleary (Chair)