

## **Cabinet**

**Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 13 July 2022 at 6.00 pm.**

### **Present:**

Councillor David Tutt (Chair).

Councillors Stephen Holt (Deputy-Chair), Margaret Bannister, Helen Burton, Alan Shuttleworth, Colin Swansborough and Rebecca Whippy.

### **Officers in attendance:**

Robert Cottrill (Chief Executive), Homira Javadi (Chief Finance Officer), Ian Fitzpatrick (Deputy Chief Executive and Director of Regeneration and Planning), Tim Whelan (Director of Service Delivery), Becky Cooke (Assistant Director for Human Resources and Transformation), Sian Hedger (Interim Deputy Chief Finance Officer), Ola Owolabi (Deputy Chief Finance Officer (Corporate Finance)), Simon Russell (Head of Democratic Services) and Kate Slattery (Solicitor).

### **Also in attendance:**

Councillor Penny di Cara (Opposition Deputy Leader), Councillor Jane Lamb (Shadow Cabinet member), Councillor Kshama Shore OBE (Chair of Scrutiny Committee) and Councillor Robert Smart (Opposition Leader).

## **5 Welcome**

Councillor Tutt welcomed Councillor Burton to her first meeting of the Cabinet, following her appointment. Councillor Burton portfolio title was property assets, heritage assets and communications.

## **6 Minutes of the meeting held on 1 June 2022**

The minutes of the meeting held on 1 June 2022 were submitted and approved and the Chair was authorised to sign them as a correct record.

## **7 Apologies for absence**

None were reported.

## **8 Declaration of members' interests**

Councillor Burton declared a personal and non-pecuniary interest in agenda item 8 (Cost of Living Crisis) as she manages the Volunteers Network, which runs one of the community larders that may apply for funding. She remained in the room and voted on the item.

Councillor Holt declared a personal and non-pecuniary interest in agenda item 12 (Eastbourne Borough Council Homelessness & Rough Sleeping Strategy 2022-2027) as his employer (Your Eastbourne BID) work in partnership with the Rough Sleeping Initiative and Housing Team. He remained in the room and voted on the item.

## **9 Recovery and Stabilisation Programme**

The Cabinet considered the report of the Chief Executive, updating them on progress of the Recovery and Stabilisation Programme.

Scrutiny Committee at its meeting on 11 July 2022, supported the officer recommendations to Cabinet. They also requested the following additional information, which was noted by the Cabinet:

**(1) That further analysis is provided on the £936,800 delivered on Homes First reshaping; and**

**(2) That an item-by-item comparison on the CIPFA pro-forma, highlighting the status of each item and in particular those items with a six-month time frame that have not yet been enacted, is provided.**

Part (1) of the requested information had been circulated to the Scrutiny Committee and Cabinet, following their meeting. Part (2) of Scrutiny Committee's request would be circulated in due course.

It was further clarified that prior to the pandemic there had been an expediential increase in homelessness in the town. Council officers had worked to provide accommodation for many of those cases. The subsequent work with partners and the Rough Sleeper Initiative had led to greater access to temporary accommodation and less reliance on emergency accommodation, which was financially beneficial to the Council. This was reflected in the subsidy savings on Homes First reshaping.

The Leader commended Cabinet colleagues and officers for their work in securing the achievements as set out in the report.

Visiting member, Councillor Shore addressed the Cabinet on this item.

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

(1) To note the progress made with the Recovery and Stabilisation Programme

(2) To note the Recovery and Stabilisation savings set out at Appendix A to the report.

(3) To note and endorse the assurance review update set out at Appendix B to the report.

(4) To note the information requested by the Scrutiny Committee, at its meeting on the 11 July 2022 and detailed above.

**Reason for decisions:**

The Recovery and Stabilisation programme provides a structured and accountable approach for delivering the level of significant organisational change needed to respond to current and future challenges.

**10 Cost of Living Crisis**

The Cabinet considered the report of the Deputy Chief Executive and Director of Regeneration and Planning, asking them to agree a range of measures to support local people struggling due to the cost-of-living crisis.

Councillor Holt identified a couple of errors in the published report. Section 1.2 should reflect that Full Council at its meeting in May 2022 agreed broader actions in response to the pandemic and it was the Leader of the Council, rather than Full Council, who established a cost-of-living emergency fund, following that meeting, which had led to the proposals set out in the report. The two figures in Section 5.1 also should read £250,000. Officers agreed to update and republish the report following the meeting.

Visiting member, Councillor Lamb, addressed the Cabinet on this item. The Cabinet agreed that work was needed to target those individuals who weren't necessarily willing or able to come forward for the available support.

To reflect the Leader's recent appointment of Councillor Babarinde to the Council's newly created Cost of Living Champion post, the Cabinet unanimously agreed to amend resolution (2) to include the Champion as part of the consultation and this was reflected below.

Councillor Burton declared a personal and non-pecuniary interest in this item and remained in the room and voted on the item.

**Resolved (Key decision):**

(1) To agree that £250k be allocated from the newly created Cost of Living Support Reserve to establish a cost-of-living crisis fund.

(2) To agree that the Deputy Chief Executive, in consultation with the Grants Task Group and Council's Cost of Living Champion, be given delegated authority to allocate the cost-of-living crisis fund.

**Reason for decisions:**

To help tackle those worst affected by the cost-of-living crisis.

**11 Corporate performance - quarter 4 - 2021/22**

The Cabinet considered the report of the Deputy Chief Executive and Director of Regeneration and Planning, updating them on the Council's performance against Corporate Plan priority actions, performance indicators and targets for the fourth quarter of the year 2021-2022.

Thanks were conveyed to staff, particularly those in the Customer Contact Centre for their performance during an incredibly challenging year.

Following points raised around chasing outstanding arrears, the Chief Finance Officer reported that nationally on average, billing authorities had £21 million outstanding arrears.

Visiting members, Councillor Di Cara and Shore addressed the Cabinet on this item.

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

To note progress and performance for quarter 4.

**Reason for decision:**

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

**12 Revenue & Capital Outturn - 2021/22**

The Cabinet considered the report of the Chief Finance Officer, updating them on the provisional outturn for 2021/22.

**Resolved (Key decision):**

(1) To note the provisional outturn for 2021/22.

(2) To approve the transfers from/to reserves as set out in section 3.

**Reason for decisions:**

To enable Cabinet members to consider specific aspects of the Council's financial performance for 2021/22.

**13 Treasury management annual report 2021/22**

The Cabinet considered the report of the Chief Finance Officer, reporting on the activities and performance of the Treasury Management services during 2021/22.

The Deputy Chief Finance Officer commented that the report fully complied with all regulations as required by Chartered Institute of Public Finance and

Accountancy (CIPFA).

Scrutiny Committee at its meeting on 11 July 2022, supported the officer recommendations to Cabinet. They also requested the following additional information which was noted by the Cabinet:

**(1) That a full analysis of the movement of debt from 1 April 2021 – 31 March 2022 be provided.**

The information requested had been circulated to the Scrutiny Committee and Cabinet, following their meeting.

The Audit and Governance Committee, at its meeting on 12 July 2022 also considered the report and were supportive of the officer recommendations.

Visiting member, Councillor Smart, addressed the Cabinet on this item.

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

To note the information requested by the Scrutiny Committee, at its meeting on the 11 July 2022 and detailed above.

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

(1) To agree the annual Treasury Management report for 2021/22.

(2) To approve the 2021/22 prudential and treasury indicators included.

**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.

#### **14 Eastbourne Borough Council Homelessness & Rough Sleeping Strategy 2022 - 2027**

The Cabinet considered the report of the Director of Service Delivery, introducing a new homelessness and rough sleeping strategy and asking them for approval of the strategic goals, objectives, and associated action plan.

The Cabinet commended officers for their work in producing the report and strategy.

Councillor Holt declared a personal and non-pecuniary interest in this item and remained in the room and voted on the item.

**Resolved (Key decision):**

(1) To consider the final draft of the Eastbourne Homelessness & Rough Sleeping Strategy 2022 – 2027, set out at Appendix 1 to the report.

(2) Subject to there being no requirement for significant amendments, to authorise the Director of Service Delivery to adopt the strategy for public release.

**Reason for decisions:**

(1) To secure Cabinet approval for a new homelessness and rough sleeping strategy, which local authorities have a statutory obligation to review and publish every five years.

(2) The new strategy provides a strategic overview of the current challenges and sets out a framework and action plan addressing these.

**15 Review of Planning Policy and Licensing for Houses in Multiple Occupation**

The Cabinet considered the report of the Deputy Chief Executive and Director of Regeneration and Planning, providing an update on a review of planning policy and licensing for Houses in Multiple Occupation (HMOs).

Cabinet expressed its thanks to Lisa Rawlinson, Strategy & Partnership Lead (Growth & Prosperity) for her work already undertaken on the subject.

Scrutiny Committee at its meeting on 11 July 2022, supported the officer recommendations to Cabinet. They also requested the following item to be added to the Committee's work programme.

**(1) That the consultants commissioned to provide robust evidence to support and justify any future decisions on action regarding HMO planning policy and licensing shall provide an interim update to the Scrutiny Committee at its meeting on 28 November 2022**

The Cabinet noted the request from Scrutiny Committee, and whilst preferable for an update to be reported in November, until further details and a timescale was established, it would be more appropriate for a commitment to provide an update to Scrutiny Committee but not to confirm a date of which meeting at this stage.

Visiting member, Councillor Lamb, addressed the Cabinet on this item.

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

(1) To note the issues and implications associated with the potential courses of action identified in this report relating to the review of planning policy and licensing for Houses in Multiple Occupation and selective licensing of other private sector residential properties

(2) To seek approval to commission robust evidence to fully underpin future strategies to manage and tackle Houses in Multiple Occupation and other

private sector residential properties in the town and to allocate £25,000 to enable this to happen.

(3) To note the Scrutiny Committee's request that the consultants commissioned to provide robust evidence to support and justify any future decisions on action regarding HMO planning policy and licensing provide an interim update to a future meeting of the Scrutiny Committee.

**Reason for decisions:**

(1) To enable a full understanding of the current situation regarding HMOs and other private sector residential properties in the town, including future need and impacts on local communities.

(2) To provide evidenced justification for any future decisions relating to local plan policy and additional or selective licensing schemes for HMOs and other private sector residential properties.

**16 Methodology for collecting monitoring fees in connection with the compliance with/of S106 Legal Agreements**

The Cabinet considered the report of the Deputy Chief Executive and Director of Regeneration and Planning, seeking their approval to implement a regime S106 monitoring and apply monitoring fees in accordance with this report.

Visiting member, Councillor Di Cara, addressed the Cabinet on this item.

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

To authorise the incorporation of S106 Monitoring fees.

**Reason for decision:**

The proposal to implement a suite of charges to support the staffing resource in the monitoring and compliance of approved S106 Legal Agreements.

**17 Revised Planning Pre-Application Charging Schedule**

The Cabinet considered the report of the Deputy Chief Executive and Director of Regeneration and Planning, seeking their approval to implement an updated Discretionary Fee Setting Regime.

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

To authorise the use of the updated discretionary fee charging schedule.

**Reason for decision:**

The proposal to implement a suite of charges to support the staffing resource in connection with delivering the

1. pre-application process
2. planning Performance Agreement (PPA)
3. Validation Process
4. CIL Process
5. Local Plan Charges and Additional charges

## **18 Housing development update**

The Cabinet considered the report of the Deputy Chief Executive and Director of Regeneration and Planning, providing an update on the progress of the Council's housing delivery programme.

Visiting member, Councillor Shore addressed the Cabinet on this item.

### **Resolved (Key decision):**

(1) To note the progress of the Council's housing delivery programme as set out at Appendix 1 to the report.

(2) To approve the Cavalry Crescent development, making an allocation within the Housing Revenue Account (HRA) Capital Programme of up to £6m, and entering into a construction contract in accordance with the business case as set-out at the Exempt Appendix 2 to the report.

(3) To approve the Fort Lane development, making a revised allocation within the Housing Revenue Account (HRA) Capital Programme of up to £3m, and entering into a construction contract in accordance with the business case as set-out at the Exempt Appendix 3 to the report.

(4) To authorise entering into an Access Agreement to enable the Council to use the "Framework Agreement for the Provision of Modular Housing" dated 30th July 2021 between Lewes District Council and Boutique Modern Limited to call off contracts for off-site manufactured house building solutions, to aid in the delivery of the Capital Programme alongside other procurement routes.

(5) To authorise the Director of Regeneration and Planning, in consultation with the Portfolio Holder for Housing, also the Chief Finance Officer, to carry out all necessary actions to facilitate the recommendations including financing, appointment of professional services, award of contract, development, lettings, and determining the terms of, and authorising the execution of, all necessary documentation, in accordance with the business case(s).

### **Reason for decisions:**

To progress the development of new homes across the borough to provide new affordable housing options.



**19 Exclusion of the public****Resolved:**

That the public be excluded from the remainder of the remote 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 paragraph of schedule 12A and a description of the exempt information was shown below. (The requisite notice having been given under regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.)

**20 Housing development update - Exempt Appendix 2 and 3**

The Cabinet considered the exempt appendices in relation to agenda item 16 (Housing development update).

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

That the exempt appendices be noted.

**Reason for decision:**

As detailed in minute 18.

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

The meeting ended at 7.59 pm

Councillor David Tutt (Chair)