

Decisions taken by the Cabinet on 11 February 2019



Notice dated: 13 February 2019

Issued to the chairman, members of the Scrutiny Committee and other councillors for information.

Key decisions will be implemented after the expiry of 3 working days from the date of this notice unless “called-in” under the provisions of the council’s scrutiny procedure rules (see end of document for call-in procedure) or implemented sooner by reason of urgency.

Please refer to the relevant cabinet agenda and reports when reading this notice. The minutes of the meeting of the cabinet containing a full record of the proceedings will be published in due course. To view on-line follow this link to the relevant pages on the council’s website:- <http://democracy.eastbourne.gov.uk/mgCommitteeDetails.aspx?ID=417>

DECISIONS:

Item No	Matter:	Decision:	Reasons for decision:
7	General fund revenue budget 2019/20, capital programme 2018/19-2021/22	Recommended to Council: (Budget and policy framework): (1) To approve the general fund budget for 2018/19 (Revised) and 2019/20 (original), set out at appendix 1 to the report including growth and savings proposals for 2019/20 as set out at appendix 2 to the report. (2) To approve an increase in the Council Tax for Lewes District Council of 1.99% resulting in a Band D charge for	The Cabinet had to recommend to Full Council the setting of a revenue budget and associated council tax for the forthcoming financial year by law.

		<p>general expenses of £187.08 for 2019/20.</p> <p>(3) To approve the revised general fund capital programme 2018/22 as set out at appendix 3 to the report.</p> <p>(4) To note the section 151 Officer's sign off as outlined in paragraph 1.6 of the report.</p>	
8	Treasury management and prudential indicators 2019/20, capital strategy & investment strategy	<p>(Non-key decision):</p> <p>(1) To note the extended role of the Chief Finance Officer as set out at appendix 7 to the report.</p> <p>Recommended to Council (Budget and policy framework):</p> <p>(2) To approve the treasury management strategy and annual investment strategy as set out in the report and at appendix 5 to the report.</p> <p>(3) To approve the methodology for calculating the minimum revenue provision as set out at paragraph 2.3 of the report and at appendix 2 to the report</p> <p>(4) To approve the prudential and treasury indicators as set out in the report.</p> <p>(5) To approve the investment categories, limits and creditworthiness policy, set out at appendix 6 to the report.</p> <p>(6) To approve the Capital Strategy as set out at appendix 1 to the report.</p>	It is a requirement of the budget setting process for the Council to review and approve the Prudential and Treasury indicators, Treasury Strategy, Capital Strategy and Investment Strategy.

9	Housing revenue account budget and rent setting 2019/2020 and capital programme 2018/2022	<p>Recommended to Council (Budget and policy framework):</p> <p>(1) To approve the HRA budget for 2019/20 and revised 2018/19 as set out at appendix 1 to the report.</p> <p>(2) To approve that social and affordable rents (including Shared Ownership) are decreased by 1% in line with government policy.</p> <p>(3) To approve that private sector leased property rents are increased by 3.3%.</p> <p>(4) To grant delegated authority to the Chief Finance Officer, in consultation with the Cabinet portfolio holders for Finance and Housing, to take measures in the management of the Week 53 rent year.</p> <p>(5) To approve that the revised service charges are implemented.</p> <p>(6) To approve that garage rents are increased by 3.30%.</p> <p>(7) To approve the HRA capital programme as set out at appendix 2 to the report.</p>	The Cabinet had to recommend to Council the setting of the HRA revenue and capital budget and the level of social and affordable housing rents for the forthcoming year.
10	Business rate retail discount policy	<p>(Key decision):</p> <p>(1) To approve the business rate retail discount policy as set out at appendix 1 to the report.</p> <p>(2) To grant the Director of Service Delivery delegated authority, in consultation with the Lead Member for Finance, to review and, if necessary, amend the retail</p>	Cabinet approval is required for the retail discount policy which would be used for the purposes of administering the scheme.

		<p>discount policy following the consultation period and at the end of year one of the scheme.</p> <p>(3) To grant the Director of Service Delivery delegated authority to implement and enforce the retail discount policy, including any measures necessary for or incidental to its management and administration.</p>	
11	Disabled facilities grant policy	<p>(Key decision):</p> <p>To approve the disabled facilities grant policy.</p>	<p>Introducing discretionary elements would:</p> <ul style="list-style-type: none"> - Allow the fast track adaptations approach in line with the best practice from the National Audit Office MHCLG and the Department of Health and Social Care. - Take account of the increase in labour and material costs - Increase the incentive for residents to move to a more suitable property - Provide a safety net for cases of genuine hardship - Allow fees to be paid for feasibility studies - Introduce Hospital Discharge Grants

12	Council tax reduction exceptional hardship policy	<p>(Key decision):</p> <p>(1) That the proposed changes to the policy be adopted</p> <p>(2) That Cabinet delegate authority to the Director of Service Deliver in consultation with the Lead Member to make alterations to the policy.</p>	The changes would allow those self-employed claimants currently excluded from the exceptional hardship scheme to benefit from additional financial support.
13	Strategic implications for leaving the European Union	<p>(Non-key decision):</p> <p>(1) To note the report.</p> <p>(2) To require the Assistant Director for Legal & Democratic Services to provide further updates as the national situation over Brexit, and its effect on the Council, becomes more certain.</p> <p>(3) In the eventuality of a no-deal Brexit or further details being known in advance of 29 March 2019, that an emergency Cross-Party Working Group be formulated to look in detail at implications for the Council and Lewes District. Legal advice would be sought for any meetings that take place during the pre-election period of purdah.</p>	To assist the Council in preparing for Brexit.
14	Consideration of options to ban the release of sky lanterns and helium balloons	<p>(Non-key decision)</p> <p>(1) That Cabinet grants the Director of Service Delivery delegated power to introduce a new condition into the Council's event hire licences, banning the release of lighted sky lanterns and the release of helium filled balloons.</p>	To introduce a reasonable and proportionate measure to prevent the nuisance associated with the release of sky lanterns and/or helium balloons from public land in the Council's area.

		<p>(2) That the Director of Service Delivery monitors the level of complaints relating to the use of sky lanterns and helium balloons in the Lewes District and, if necessary, reports back to Cabinet in six months' time or at such other future date as might be warranted having regard to the level of complaints received, with a recommendation for any further or alternative regulatory measures that may be required.</p> <p>(3) That the Council utilise its Customer Communications and Engagement team to communicate with Town and Parish Councils and external organisations, including landowning country Estates, through the Council's website, District News and other means to consider their own position on the release of sky lanterns and helium balloons.</p>	
15	East Sussex Business Rates Pilot 2019/20	<p>(Non-key decision):</p> <p>(1) To agree that Wealden District Council be nominated as the lead authority.</p> <p>(2) To agree that Lewes District Council pilots 75% business rates retention, resulting in an additional anticipated gain of £0.1m over current pooling arrangements.</p> <p>(3) To agree the basic principle that no authority would receive a lower level of funding than they would have received without the pool.</p> <p>(4) To agree to split resources gained on the growth in business rates on the basis of the split being 26% to East Sussex County Council, 5% to the Fire authority and the</p>	The Government has invited councils to apply to be pilots of 75% rates retention. Based on the independent assessment carried out by LG Futures, the Council is anticipated to benefit from the proposed arrangements. The report sets out the background to the pilot and informs Cabinet of the latest position.

		<p>remaining 44% split amongst the District/Borough Councils;</p> <p>(5) To agree the financial stability and economic development split of funding.</p> <p>(6) To agree that the finalisation of the Memorandum of Understanding is delegated to the Chief Finance Officer.</p>	
16	Voluntary sector support	<p>(Key decision):</p> <p>(1) To approve the proposed policy on grant funding, as set out at appendix A to the report.</p> <p>(2) To approve an extension to the grant awarded to BHT in 2018/19 for their support to Lewes District residents needing to claim Universal Credit.</p> <p>(3) To agree the allocation of funding to voluntary organisations for 2019/20 as set out in paragraph 2.24 of the report, subject to the grant conditions set out at appendix A to the report.</p>	<p>(1) The Council choose to give grants to voluntary organisations and currently funds a small number of strategic voluntary sector organisations which provide a range of essential services to our residents which address key council priorities.</p> <p>(2) The proposed amendments to the Council's Voluntary Sector Grants Policy are designed to ensure that awards of grants comply with current European State Aid regulations and with Data Protection legislation.</p> <p>(3) The proposed grants are in line with the Council's Voluntary Sector Grants policy and Cabinet decisions made on 5 February 2018.</p>
17	Community Infrastructure Levy spending recommendations	<p>(Key decision):</p> <p>To agree the release of funds from the CIL governance pots as recommended by the CIL Executive Board.</p>	<p>To support the delivery of the right level and type of infrastructure to support the growth identified for the local planning authority in the adopted</p>

			Joint Core Strategy.
18	Newhaven Enterprise Centre	<p>(Key decision):</p> <p>(1) To authorise the Director of Regeneration & Planning, in consultation with the Chief Finance Officer, to settle the appropriate route to procure a suitable workspace provider to operate the Newhaven Enterprise Centre and to run a legally compliant process to appoint a contractor or concessionaire.</p> <p>(2) To note the importance of the provision of flexible, managed small business workspace to the Council's wider ambitions on Growth and Prosperity.</p>	<p>(1) To ensure that the Council continues to support small businesses and start-ups through the provision of a range of suitable and flexible managed workspace.</p> <p>(2) To ensure that the Council receives Best Value for the management of its key property assets.</p>
21	Insurances and Indemnities	<p>(Non-key decision):</p> <p>That the recommendations set out in the exempt report were approved. Specifically, the provision of comprehensive indemnities to current specifically named and any other members and officers of the Council as necessary, for any legal liability and/or need to obtain independent legal support in respect of the case referred to in the report, such indemnities to be within the terms permitted by the Local Authorities (Indemnities for Members and Officers) Order 2004.</p>	To provide due protection to members and officers for potential consequences arising from the proper exercise of their roles on behalf of the Council.
22	Mobile app parking services	<p>(Non-key decision):</p> <p>(1) To approve a five year waiver as per clause 2.4 of the contract procedure rules to appoint Cobalt Telephone Technologies for Mobile App parking services.</p> <p>(2) To approve the Accountable Officer to sign a five year waiver to appoint Cobalt Telephone Technologies for Mobile App parking services.</p>	<p>(1) To maintain consistency of service via existing supplier.</p> <p>(2) To maintain alignment of service with East Sussex County Council via existing supplier.</p> <p>(3) Reduction in charges to Lewes District Council.</p>

23	Water and sewerage services	<p>(Non-key decision):</p> <p>(1) To approve an additional one year waiver as per clause 2.4.1a of the contract procedure rules to appoint Business Stream for the supply of water and sewerage services.</p> <p>(2) To approve the accountable officer to sign an additional one year waiver to appoint Business Stream for supply of Water and Sewerage Services.</p>	<p>(1) Data is not yet available to enable an effective procurement exercise.</p> <p>(2) A Water Regulator review is due in April 2020 which may reduce wholesale costs.</p> <p>(3) Potential for procurement exercise via Clear Sustainable Futures for all the Councils Utilities.</p>

Call-in procedure

Call-in is the procedure whereby a decision of the Cabinet, the Leader or a portfolio holder, or a member or officer with delegated authority (an executive decision), taken but not implemented, may be examined by the Scrutiny Committee prior to implementation.

Any councillor is entitled to submit a request by email setting out the reason why he/she wishes any such decision to be called in by the Scrutiny Committee for consideration by a Scrutiny Panel. The request must be submitted to Democratic Services within three working days of the date of this notice.

Should any request by a councillor be submitted, the Cabinet Officer will then email all members of the Scrutiny Committee, advising them of the request for a review.

Members of the Scrutiny Committee must decide within two working days if they support the request and if they do, they should email a response to the Head of Democratic Services accordingly. If at least six members of the Committee are in favour of calling in the decision the Chair of the Scrutiny Committee will call a meeting of a Panel of the Scrutiny Committee within five working days where possible. The number of councillors to serve on a Panel (which shall be politically proportionate except that either the Leader of a political group may decide to offer one of their Group's places to another Group or an Independent member) shall be determined by the Chair with the councillors being nominated by the respective Group Leaders.

The decision of the Cabinet will not be implemented until:

- The time period for call-in has expired and six members of the Scrutiny Committee have not stated they are in favour of calling in the decision; or
- A Panel of the Scrutiny Committee considers the matter and resolves not to intervene in the decision of Cabinet; or
- A Panel of the Scrutiny Committee resolves to refer the matter back to Cabinet for further consideration and to take account of any recommendation of the Panel, in which case the Cabinet will reconsider the decision as soon as is reasonably practicable; or
- In the case of any question relating to the budget or policy framework, the Panel of the Scrutiny Committee has reported to the meeting of the Council that will consider the budget or policy framework or any component part of it (if there is insufficient time for the matter to be referred back to the Cabinet).

Once a decision of the Cabinet has been referred to a Panel of the Scrutiny Committee it shall not be subject to further consideration by a Panel of the Scrutiny Committee or the Committee itself and shall not again be referred by any individual councillor.

Democratic Services

For any further queries regarding this document or you require any further information please contact Democratic Services.

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