

Cabinet

Minutes of meeting held in Ditchling Room at Southover House, Southover Road, Lewes, BN7 1AB on 11 February 2019 at 2.30 pm

Present:

Councillor Andy Smith (Chair)

Councillors Elayne Merry (Deputy-Chair), Paul Franklin, Tom Jones, Ron Maskell and Tony Nicholson

Officers in attendance:

Robert Cottrill (Chief Executive), Homira Javadi (Chief Finance Officer), Ian Fitzpatrick (Director of Regeneration and Planning), Tim Whelan (Director of Service Delivery), Becky Cooke (Assistant Director for Human Resources and Transformation), Peter Finnis (Assistant Director for Corporate Governance), Catherine Knight (Assistant Director of Legal and Democratic Services), Oliver Dixon (Solicitor) and Simon Russell (Committee and Civic Services Manager)

Also in attendance:

Councillors Stephen Catlin (Leader of Independent Group), Johnny Denis (Vice-Chair of the Council), Peter Gardiner (Chair of Scrutiny Committee), Vic lent (Liberal Democrat Councillor), Dave Neave (Independent Councillor) and Sarah Osborne (Leader of Liberal Democrat Group)

Mr John Langley (Tenants' Representative) and Ms Debbie Twitchen (Tenants' Representative)

56 Minutes of the meeting held on 5 December 2018

The minutes of the meeting held on 5 December 2018 were submitted and approved and the chair was authorised to sign them as a correct record.

57 Apologies for absence

An apology for absence was received from Councillors Giles, Linington and visiting member Councillor Chartier.

58 Declarations of interest

Councillors Smith and Maskell, Chief Executive and Assistant Director for Legal and Democratic Services declared a prejudicial interest in agenda item 21 (Insurances and indemnities). They withdrew from the room whilst the item was considered. Councillor Merry chaired the meeting for the duration of the item.

59 Written question from councillors

Councillor Ient submitted the following question to Cabinet in relation to North Street Quarter.

Question:

In past 'liaison groups' with local communities had been great successes during implementation of a planning application. We are now getting to the stage of actual works being undertaken in the North Street area. Would the Lead Member for Planning and the Leader of the Council propose to both the National Park and to the developer that a liaison group be set up with local residents and the town council in Lewes? This group would meet on a regular basis by arrangement with the parties and remain in existence throughout the life of the implementation of the project.

Response from Director of Regeneration and Planning:

A community liaison group was already established for the North Street Quarter (NSQ) scheme in the form of the North Street Quarter Sounding Board. The Sounding Board was made up of representatives from various local groups and Lewes Town Council and is facilitated by two NSQ landowners. The Board had already been well utilised during the start of the project and this would continue going forward in the process. South Downs National Park would also be convening a specific heritage group which would look at community involvement.

Councillor Ient submitted a document outlining his concerns around North Street Quarter and that would be circulated to Cabinet member and officers. Councillor Smith added that a cross party board would shortly be convening and would take into consideration the points raised by Councillor Ient.

60 General fund revenue budget 2019/20, capital programme 2018/19-2021/22

The Cabinet considered the report of the Chief Finance Officer, detailing the general fund budget proposals for 2019/20 and capital programme 2018/22.

Summary of the budget proposals, detailed in the report included overall savings and new income totalling £0.6 million, efficiency savings of £0.4 million and new and increased income totalling £0.2 million.

Councillor Nicholson advised that the police precept was increasing by £24 at Band D which was the maximum that they could levy.

Councillor Smith added that the Cabinet had added two requests to the budget, connected to the economic impact survey. Firstly to allocate funding from the Economic and Regeneration reserve of up to £50,000 towards the cost of initial scoping studies into the feasibility of easing the bottlenecks and pinch points on A259 between Brighton and Seaford. The study would recommend alleviation measures and build on the existing evidence base for the Local Plan in modelling new infrastructure required as part of potential new housing growth. Match funding would be sought from key partners including the South East Local Enterprise Partnership (SELEP), East Sussex County Council, the Greater Brighton Economic Board and the Newhaven Enterprise Board to support the ambition.

The second request continued last year's proposal from Councillor Osborne in relation to the Vote100 anniversary, to set aside a further £10,000 to build on the undoubted success of the events that the Council had hosted to hold additional engagement events to encourage greater participation of women and minority groups in public.

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 general expenses of £187.08 for 2019/20.

(3) To approve the revised general fund capital programme 2018/22 as set out at appendix 3 to the report.

(4) To note the section 151 Officer's sign off as outlined in paragraph 1.6 of the report.

Reason for decisions:

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.

61 Treasury management and prudential indicators 2019/20, capital strategy & investment strategy

The Cabinet considered the report of the Chief Finance Officer, regarding the Council's annual treasury management strategy, capital strategy and investment strategy, in addition to the treasury and prudential indicators for the next financial year.

The council's borrowing and investment activity had been compliant with the regulations and there had been no breach of policy.

Councillor Merry clarified that the figures in table 7 at 4.2.4 should be displayed the other way around.

Councillor Nicholson added that newly elected and re-elected Councillors would receive appropriate training on the subject as part of the member induction programme.

Resolved (Non-key decision):

(1) To note the extended role of the Chief Finance Officer as set out at appendix 7 to the report.

Recommended to Council (Budget and policy framework):

(2) To approve the treasury management strategy and annual investment strategy as set out in the report and at appendix 5 to the report.

(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.

(4) To approve the prudential and treasury indicators as set out in the report.

(5) To approve the investment categories, limits and creditworthiness policy, set out at appendix 6 to the report.

(6) To approve the Capital Strategy as set out at appendix 1 to the report.

Reason for decisions:

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.

62 Housing revenue account budget and rent setting 2019/2020 and capital programme 2018/2022

The Cabinet considered the report of the Chief Finance Officer regarding the detailed housing revenue account (HRA) budget proposals, rent levels and service charges for 2019/20 and the housing revenue account capital programme for 2018/22.

In response to questions from Debbie Twitchen, Tenants Representative, it was clarified that during the 53 week year for 2019/20, rent would only be collected for 52 weeks. Further consultation with the Tenants of Lewes District Group (TOLD) would also be taking place and a breakdown of costs and

savings in relation to the Joint Transformation Programme and the HRA budget would be forwarded.

Recommended to Council (Budget and policy framework):

- (1) To approve the HRA budget for 2019/20 and revised 2018/19 as set out at appendix 1 to the report.
- (2) To approve that social and affordable rents (including Shared Ownership) are decreased by 1% in line with government policy.
- (3) To approve that private sector leased property rents are increased by 3.3%.
- (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.
- (5) To approve that the revised service charges are implemented.
- (6) To approve that garage rents are increased by 3.30%.
- (7) To approve the HRA capital programme as set out at appendix 2 to the report.

Reason for decisions:

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.

63 Business rate retail discount policy

The Cabinet considered the report of the Director of Service Delivery, seeking approval for a proposed retail discount policy.

Although not a legislative requirement, a consultation with local ratepayers, Chamber of Commerce and Federation of Small Businesses took place and ended on 31 January 2019. The outcome of the consultation was tabled at the meeting and published online as an appendix.

Visiting member, Councillor Osborne urged the Cabinet to lobby central government about the business rates changes and its negative effect on local businesses.

Resolved (Key decision):

- (1) To approve the business rate retail discount policy as set out at appendix 1 to the report.

(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 discount policy following the consultation period and at the end of year one of the scheme.

(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.

Reason for decisions:

Cabinet approval is required for the retail discount policy which would be used for the purposes of administering the scheme.

64 Disabled facilities grant policy

The Cabinet considered the report of the Director of Service Delivery, seeking approval for a proposed disabled facilities grant policy, following budget allocation from the Better Care Fund.

The policy would improve the lives of people with disabilities to meet their care and mobility needs by enabling them to live independently with privacy and dignity.

Resolved (Key decision):

To approve the disabled facilities grant policy.

Reasons for decision:

Introducing discretionary elements would:

- 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

65 Council tax reduction exceptional hardship policy

The Cabinet considered the report of the Director of Service Delivery, recommending changes to the exceptional hardship policy. This followed a notice of motion from Councillor Carter that was raised at the Full Council meeting on 26 November 2018.

Resolved (Key decision):

- (1) That the proposed changes to the policy be adopted
- (2) That Cabinet delegate authority to the Director of Service Deliver in consultation with the Lead Member to make alterations to the policy.

Reason for decisions:

The changes would allow those self-employed claimants currently excluded from the exceptional hardship scheme to benefit from additional financial support.

66 Strategic implications for leaving the European Union

The Cabinet considered the report of the Assistant Director for Legal and Democratic Services, noting the key implications for the Council and Lewes District of the United Kingdom leaving the European Union. The report followed a notice of motion that was submitted by Councillor Ient at the Full Council meeting on the 26 November 2018.

Thanks were expressed to the Senior Lawyer and officers for their work in formulating the report. The report had also been circulated with neighbouring authorities, including ESCC.

Councillor Smith advised that as part of the budget, a contingency from reserves of up to £10,000 a month had been set aside.

The Council was already participating in taskforce meetings held with East Sussex County Council (ESCC) Highways, Emergency Planning, Sussex Police, Border Force, East Sussex Fire & Rescue, Newhaven Port and Properties Ltd and the ferry operator (DFDS).

Following discussion it was agreed to add an additional resolution that in the eventuality of a no deal Brexit taking place, an emergency cross party working group, supported by officers should be formulated to look in greater detail at the implications for the Council and Lewes District. Legal advice would be sought for any meetings that took place during the pre-election period of purdah.

Resolved (Non key decision):

(1) To note the report.

(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.

(3) In the eventuality of a no-deal 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 took place during the pre-election period of purdah.

Reason for decisions:

To assist the Council in preparing for Brexit.

67 Consideration of options to ban the release of sky lanterns and helium balloons

The Cabinet considered the report of the Assistant Director for Legal and Democratic Services on potentially banning the release of sky lanterns and helium balloons from public land in the Lewes District. This followed an urgent item that was raised at the Cabinet meeting on 5 December 2018 by Councillor Osborne.

Following comments from visiting member, Councillor Gardiner, Cabinet agreed to amend resolution two and this was detailed below.

Following discussion, it was agreed to add an additional resolution to utilise the Customer Communications and Engagement team to communicate with Town and Parish Councils and external organisations to consider their own position on the topic.

Resolved (Non-key decision)

(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.

(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.

(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.

Reason for decisions:

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.

68 East Sussex Business Rates Pilot 2019/20

The Cabinet considered the report of the Chief Finance Officer, updating members on the East Sussex Business Rates Pilot bid for 2019/20.

The government had announced in December 2017, the aim of increasing the level of business rates retained by local government from the current 50% to the equivalent of 75% in April 2020. Local authorities were invited to apply to become 75% business rate retention pilots in 2019/20 and East Sussex County Council's bid was announced as successful on 6 December 2018.

Currently the County Council, Districts and Boroughs and the Fire Authority was in a 50% pool. Table 2 indicated the potential 75% Pilot gain over the current pool. It was clarified that the income anticipated in the report were not guaranteed and therefore was not included in the revenue estimates for 2019/20 in agenda item 7.

Resolved (Non-key decision):

- (1) To agree that Wealden District Council be nominated as the lead authority.
- (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.
- (3) To agree the basic principle that no authority would receive a lower level of funding than they would have received without the pool.
- (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 remaining 44% split amongst the District/Borough Councils;
- (5) To agree the financial stability and economic development split of funding.
- (6) To agree that the finalisation of the Memorandum of Understanding is delegated to the Chief Finance Officer.

Reason for decisions:

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.

69 Voluntary sector support

The Cabinet considered the report of the Director of Regeneration and Planning seeking their approval for amendments to the Council's policy on grants to voluntary organisations, outlining performance of the voluntary organisations funded in 2018/19 and to agree funding for 2019/20.

In response to a question from visiting member, Councillor Catlin on Community Transport, Cabinet referred him to the response that was given to a public question at the Full Council meeting on the 26 November 2018.

Visiting member, Councillor Gardiner reported on Scrutiny Committee's consideration of this item at its meeting on the 7 February 2019.

Cabinet and visiting members discussed the current process and increasing opportunities for other bodies to be given grant funding. The Council's Local Lottery scheme once set up would also enable local good causes to raise additional income.

Resolved (Key decision):

- (1) To approve the proposed policy on grant funding, as set out at appendix A to the report.
- (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.
- (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.

Reasons for decisions:

- (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.
- (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.

(3) The proposed grants were in line with the Council's Voluntary Sector Grants policy and Cabinet decisions made on 5 February 2018.

70 Community Infrastructure Levy spending recommendations

The Cabinet considered the report of the Director of Regeneration and Planning seeking approval to release Community Infrastructure Levy (CIL) funds, as recommended by the CIL Executive Board, to assist in the delivery of certain infrastructure projects in the area of the district for which Lewes District Council is the local planning authority.

Visiting member, Councillor Osborne commented on the quality of bids received and asked that the Council continue to raise awareness and understanding of CIL to Town and Parish Councils and other bodies.

Resolved (Key decision):

To agree the release of funds from the CIL governance pots as recommended by the CIL Executive Board.

Reason for decision:

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 Joint Core Strategy.

71 Newhaven Enterprise Centre

The Cabinet considered the report of the Director of Regeneration and Planning, reviewing future management operations for the Newhaven Enterprise Centre.

Resolved (Key decision):

(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.

(2) To note the importance of the provision of flexible, managed small business workspace to the Council's wider ambitions on Growth and Prosperity.

Reasons for decisions:

(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.

(2) To ensure that the Council receives Best Value for the management of its key property assets.

72 Exclusion of the public

Resolved:

That the public be excluded from the remained 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 paragraph of schedule 12A and a description of the exempt information is 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.)

73 Newhaven Enterprise Centre - Appendix 1

The Cabinet considered the exempt appendix to agenda item 18.

Resolved (Non-key decision):

That the appendix be noted.

Reason for decision:

As detailed in minute 71 above.

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).

74 Insurances and Indemnities

The Cabinet considered the exempt report of the Assistant Director for Corporate Governance, proposing the provision of indemnities against personal liability which may be incurred by individual members and officers in defending the Council's position in litigation proceedings.

Councillors Smith and Maskell, Chief Executive and Assistant Director for Legal and Democratic Services declared a prejudicial interest in this item. They withdrew from the room whilst the item was considered. Councillor Merry chaired the meeting for the duration of the item.

Resolved (Non-key decision):

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 exempt report, such indemnities to be within the

terms permitted by the Local Authorities (Indemnities for Members and Officers) Order 2004.

Reason for decision:

To provide due protection to members and officers for potential consequences arising from the proper exercise of their roles on behalf of the Council.

Notes: (1) The report 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).

75 Mobile app parking services

The Cabinet considered the exempt report of the Director of Regeneration and Planning seeking their approval to waiver contract procedure rules and appoint Cobalt Telephone Technologies for mobile app parking services.

Resolved (Non-key decision):

(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.

(2) To approve the Accountable Officer to sign a five year waiver to appoint Cobalt Telephone Technologies for Mobile App parking services.

Reasons for decisions:

(1) To maintain consistency of service via existing supplier.

(2) To maintain alignment of service with East Sussex County Council via existing supplier.

(3) Reduction in charges to Lewes District Council.

Notes: (1) The report 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).

76 Water and sewerage services

The Cabinet considered the report of the Director of Regeneration and Planning, seeking their approval for an additional one year Contract Procedure Rule waiver to appoint Business Stream for supply of Water and Sewerage Services.

Resolved (Non-key decision):

(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.

(2) To approve the accountable officer to sign an additional one year waiver to appoint Business Stream for supply of Water and Sewerage Services.

Reasons for decisions:

(1) Data is not yet available to enable an effective procurement exercise.

(2) A Water Regulator review is due in April 2020 which may reduce wholesale costs.

(3) Potential for procurement exercise via Clear Sustainable Futures for all the Councils Utilities.

Notes: (1) The report 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 4.17 pm

Councillor Andy Smith (Chair)