

Cabinet

Minutes of meeting held on Wednesday 8 February 2006 at 4.00pm

Present:-

Councillor **Lucas** (Chairman and Leader of the Council)

Councillor **Elkin** (Deputy Chairman and Deputy Leader of the Council)

Councillors **Mrs Goodall Mrs Howlett and Williams**

85 Minutes

The minutes of the meeting held on 14 December 2005 were submitted and approved and the Chairman was authorised to sign them as a correct record.

86 Disclosures of interests by Members under the Code of Conduct

Councillors Mrs Howlett and Williams in respect of their involvement with particular voluntary bodies. See minute 91 below.

87 Council Budget 2005/06 – Finance Matters (Cabinet, 14 December 2005, page 252, minute 77).

87.1 Councillor Williams presented the report of the Acting Director of Financial Services updating Members on the budget position as at the end of December 2005. The report focused on the performance of the Council's main revenue accounts, the general fund (including the strategic change fund) and housing revenue account, plus the capital strategy programme.

87.2 Councillor Williams and the Chairman thanked the action taken by the Corporate Management Team and Assistant Directors in bringing the budget under firm control.

87.3 **Resolved (Key Decision):** (1) To note that the general fund revenue account net expenditure budget was under-spent by £71,000 as at 31 December 2005, but that this surplus was forecast to reduce down to £21,000 at the end of March 2006.

(2) To note that the housing revenue account is under spent by £20,000 as at 31 December 2005 and that a surplus of around £40,000 was likely at the end of March 2006.

(3) To note the position of the capital programme as at 31 December 2005 showing expenditure to date of £5,320,000.

*88 Financial Strategy/Council Budget 2006/07 (Cabinet, 14 December 2005, page 253, minute 78).

88.1 Councillor Williams presented the report of the Corporate Management

Team. The report set out the budget proposals for 2006/2007 covering each area of Council spending (general fund revenue account, housing revenue account and capital). In relation to each area the report set out:

- The budget position in relation to 2005/2006 and any implications for future years.
- The resources available for 2006/2007.
- Feedback from consultation with the public and other stakeholders.
- 2006/2007 budget proposals.
- Risks and contingencies.
- The outlook for 2007/2008 and beyond.

88.2 In addition to the budget proposals, this report also dealt with the Council's requirements under the prudential capital finance system, namely:

- Capital expenditure and the capital financing requirement
- Treasury management strategy
- Investment strategy
- Treasury management prudential indicators and limits on activity
- Treasury management performance indicators

88.3 A copy of the full report and appendices would be submitted to the Council on 22 February 2006 together with the recommendations set out below. Councillor Williams and the Chairman thanked the Acting Director of Financial Services for the work both he and others throughout the Council had undertaken in the preparation of the budget proposals.

*88.4 **Resolved (Budget and Policy Framework):** That the Council be recommended to approve:-

(1) General fund net expenditure, growth and savings proposals as set out in section 2 and within Appendices A and B.

(2) An increase of 2.5% in the council tax for Eastbourne Borough Council to a Band D charge of £198.85.

(3) Housing revenue account income and expenditure proposals as set out at Section 3 and within Appendix D.

(4) Capital expenditure and resource proposals as set out in Section 4 and within Appendices E and F.

(5) The prudential indicators and limits for 2006/2007, 2007/2008 and 2008/2009 set out within Appendix G.

(6) The treasury management strategy for 2006/2007 set out in section 6 of the report and the treasury prudential indicators for 2006/2007, 2007/2008 and 2008/2009 set out within Appendix H.

(7) An investment strategy for 2006/2007 as contained in the treasury management strategy and the detailed criteria included within Appendix J.

***89 Council Housing Rent Setting and Outline of Housing Revenue Account Budget for 2006/07**

89.1 Councillor Mrs Howlett presented the report of the Assistant Director for Housing and Health in respect of the rents to be set for all of the Council's housing tenants. The report also outlined the proposed housing revenue account budget for 2006/07 and Eastbourne Homes Ltds' management fee. The rents had been set in accordance with Government guidelines which were intended to bring the rents of all social housing in to line over a ten year period. Publicity had been given to the rent proposals in Eastbourne Homes Ltds' Open House Newsletter. In addition all tenants would be given 28 days notice of the changes.

*89.2 **Resolved (Budget and Policy Framework):** (1) That the housing rents are set with an average increase of 3.58% with associated service charges and garage rents increasing by the Retail Prices Index of 2.7% in line with recommendations from Eastbourne Homes Ltd.

(2) That delegated authority be granted to the Director of Housing, Health and Community Services, in conjunction with the Cabinet Spokesperson for Housing and Director of Finance, to finalise Eastbourne Homes Ltd's Management Fee and Delivery Plan negotiations and recommend a final fee level as part of the Council's budget setting process.

90 Private Sector Housing – Changes to Legislation

90.1 Councillor Mrs Howlett presented the report of the Director of Housing, Health and Community Finance outlining the changes to private sector housing legislation introduced under the Housing Act 2004. The 3 most significant elements were the housing health and safety rating system, licensing houses in multiple occupation and interim and final management orders.

90.2 The housing health and safety rating system would replace the former fitness standard as from 6 April 2006. A total of 29 hazards would be rated and an overall risk assessment made. The rating system focussed on the risks to health and safety from deficiencies in housing, rather than just the structure. It could be used as a way of setting priorities for action with the potential to target activity to reduce the health impact of poor housing. The range of actions open to the Council would comprised improvement notices, prohibition orders, hazard awareness notices, demolition orders and clearance areas.

90.3 A new 2 tier approach would be adopted for houses in multiple occupation (HMOs) with mandatory licensing of higher risk HMOs and a discretionary system in designated areas considered to have significant problems. Further detail and guidance was awaited from the government.

90.4 The Act contained provisions which would allow and in certain cases compel the Council to take over from a failing landlord and manage an HMO. An interim management order would last for up to 12 months and a final management order for up to 5 years. The Council was working with other

Sussex councils to assess the financial and resource implications arising out of this provision and to ensure measures were in place should an interim or final management order be necessary. It was anticipated that this option would be used as an exception following consultation with the Director.

90.5 **Resolved (Key Decision):** (1) That the action plan (Appendix 1) be endorsed to provide for appropriate implementation of the specified parts of the Housing Act 2004.

(2) That an indicative HMO Licensing fee structure in Appendix 2 be agreed and delegated authority be given to the Director of Housing, Health and Community Services in liaison with the Cabinet Member for Housing to agree the final licensing fee structure.

(3) That delegated authority be given to the Director of Housing, Health and Community Services in liaison with the Cabinet Member for Housing to determine HMO license conditions (in line with statutory guidance).

(4) That delegated authority be given to the Director of Housing, Health and Community Services in liaison with the Cabinet Member for Housing and Director of Finance to undertake Interim and Final Management Orders.

91 Grants to Voluntary Organisations 2006/07

91.1 Councillor Mrs Howlett presented the report of the Director of Housing, Health and Community Services on the recommendations of the Grants Task Group. The total proposed allocations amounted to £191,696, comprising £87,650 to the Citizens' Advice Bureau (CAB), £25,275 to Eastbourne Association of Voluntary Service (EAVS), £57,814 for discretionary grants to 26 organisations and the addition of £20,957 of European Social Fund Global Grants to 13 of these organisations. 16 applicants had been unsuccessful.

91.2 **Resolved (Key Decision):** That subject to approval of the Council's budget for 2006/07 the grants be approved in line with the recommendations from the Grants Task Group and as set out in the report.

91.3 *(Note: Councillor Mrs Howlett declared a personal interest as the Council's appointed representative on EAVS. Likewise, Councillor Williams declared an interest in respect of the CAB).*

92 Enforcement Policy for Anti-Social Behaviour and Environmental Crime

92.1 Councillor Elkin presented the report of the Director of Economy Tourism and Environment. The report drew attention to new Council powers to be introduced from April 2006 under the Clean Neighbourhoods and Environment Act 2005. Arising from this it was necessary to develop strategies to deal with environmental crimes, such as littering, graffiti, fly-posting, nuisance vehicles, dog fouling, shopping and luggage trolleys and fly-tipping. It was also necessary for the Council to have an Enforcement Policy relating to environmental crime. A proposed enforcement statement, together with an enforcement policy for the community enforcement team and others involved in enforcement against anti-social behaviour and

environmental crime, was appended to the report.

- 92.2 Local councils could set their own level of penalty for the various offences within fixed parameters, which might include a discount for early payment. Alternatively the council could use the default penalty set by the Government relating to each offence. Widespread consultation and publicity would be given to the new measures.
- 92.3 Amanda Glyde, Senior Community Enforcement Officer, gave a presentation outlining her team's current activities and priorities. Councillor Elkin congratulated the enforcement team for their efforts to date and reported that the team would shortly increase from 3 to 4 members of staff.
- 92.4 **Resolved (Key Decision):** (1) That the Enforcement Policy be approved.
- (2) That the Assistant Director - Amenities and Contract Management and the Assistant Director - Housing and Health be authorised officers within their respective Divisions for the purposes of issuing fixed penalty notices further to the Clean Neighbourhoods and Environment Act 2005.
- (3) That fixed penalties be set at the 'default' rate further to which a review will be undertaken on fixed penalty charges after six months of operation.

93 **Response to South East England Development Agency (SEEDA) Consultation on Regional Economic Strategy**

- 93.1 Councillor Elkin presented the report of the Director of Economy Tourism and Environment detailing SEEDA's consultation to review the South East Regional Economic Strategy. The consultation document sought responses to 6 questions:
1. *Which of these or other challenges do you believe are the most important for the future of the South East economy?*
 2. *Which are the key issues and opportunities for intervention, and who should intervene*
 3. *What future inspiration or vision do you have for the South East economy?*
 4. *Which of these or other objectives, measures and key tasks would you prioritise?*
 5. *What will your organisation contribute to the achievement of the objectives and key tasks?*
 6. *How should SEEDA's own activities be concentrated in contributing to the objectives and key tasks?*
- 93.2 **Resolved (Key Decision):** That lead Cabinet Member for Economy Tourism and Environment and the Director of Economy Tourism and Environment be authorised to respond to the South East England Regional Development Agency's Review of the Regional Economic Strategy by 17 February 2006.

94 **Consultation on New Planning Policy Statement 3 (PPS3) – Housing**

- 94.1 Councillor Elkin presented the report of the Director of Economy Tourism and Environment. In December 2005 the Office of the Deputy Prime

Minister published a consultation paper on the revised Planning Policy Statement for Housing (PPS3) with the aim *"to make planning more responsive to housing need and demand, ensuring everyone has the opportunity of a decent home, which they can afford, in a community where they want to live"*.

94.2 The objectives for the new PPS3 were to:

- Deliver a better balance between housing demand and supply in sub regional housing markets;
- Ensure that a wide choice of housing was available to meet the needs of all members of the community, including both affordable and market housing,;
- Create sustainable, inclusive, mixed communities in all areas.
- Make sure developments were attractive, safe, as well as designed and built to a high quality.

94.3 The flexibility to set affordable housing quotas locally and the emphasis on taking account of different household types, housing markets and incomes in preparing Local Development Framework policies was welcomed. Full details of the Council's proposed response were given in the appendices to the report.

94.4 **Resolved (Key Decision):** That the Council's response to the Office of the Deputy Prime Minister be as set out in the appendices to the report.

95 Consultation on New Planning Policy Statement 25 (PPS25) – Development and Flood Risk

95.1 Councillor Elkin presented the report of the Director of Economy Tourism and Environment. In December 2005 the Office of the Deputy Prime Minister published a consultation paper on strengthening existing planning policy guidance in respect of development and flood risk. The new guidance aimed to ensure that flood risk was taken into account at all stages in the planning process; avoid inappropriate development in areas at risk of flooding; and direct development away from high risk areas.

95.2 The total area at risk from flooding within Eastbourne Borough was some 1,250 hectares. These areas were protected from flooding by sea defences maintained either by the Borough Council or by the Environment Agency, and the Willingdon Levels flood mitigation scheme operating in the Eastbourne Park Area. Extreme weather patterns could potentially impact greatly on Eastbourne's economic, environmental and social well-being. However, it was unrealistic to suggest that development should cease in all areas at potential risk of flooding particularly if they had adequate flood defences. It was the role of planning to ensure that flood risk was minimised through a sequential approach to site selection for development applications, and where it could not be avoided for economic or social reasons to ensure appropriate and mitigation measures were in place.

95.3 **Resolved (Key Decision):** That the new guidance be broadly supported and that the Council's detailed response to the Office of the Deputy Prime

Minister be as set out in the appendices to the report.

***96 Shoreline Management Plans (SMPs)** (minute 16, Cabinet, 17 July 2003)

96.1 Councillor Elkin presented the report of the Director of Economy Tourism and Environment. There are two SMP's covering the coast of Eastbourne:

- The South Foreland to Beachy Head SMP - this includes the main town frontage from Holywell eastwards.
- The Beachy Head to Selsey Bill SMP - this includes the frontage from Holywell westwards.

Both these SMP's were selected as 2 of only 3 pilots nationally to trial the Department for Environment, Food and Rural Affairs (DEFRA) new guidance on the production of SMP's and will be held up as an example for others to follow.

96.2 The objectives of an SMP were as follows:

- To define, in general terms, the flooding and erosion risks to people and the developed, historic and natural environment within the SMP area over the next century;
- To identify the preferred policies for managing those risks and to identify the consequences of implementing the preferred policies;
- To work towards a more sustainable coastline;
- To set out procedures for measuring and monitoring the effectiveness of the SMP policies;
- To inform development planners so that future land use and development of the shoreline could take due account of the risks identified within the SMP and preferred SMP policies; and
- To comply with international and national nature conservation legislation and biodiversity obligations.

96.3 The full list of policies for the whole of the 2 SMP frontages was included in Appendix A of this report. However, the policy units specific to Eastbourne were:

- 4c28 - Sovereign Harbour (Hold the line)
- 4c29 - Eastbourne (Hold the line)
- 4c30/4d01 - Beachy Head (No active intervention)

*96.4 **Resolved (Budget and Policy Framework):** (1) That the policies set out in the Shoreline Management Plans (SMPs) for the various Policy Units within this Council's administrative area (whether in whole or part) are agreed.

(2) That the Council be recommended to approve the South Foreland to Beachy Head Shoreline Management Plan and the Beachy Head to Selsey Bill Shoreline Management Plan, together with the preferred management policies and associated Action Plans.

(3) That the Council approve the SMPs as an input into the Local Development Framework and recognise the preferred policy "risk lines" in

flood risk assessments.

(4) That the Leader of the Council be authorised to be a signatory to the plans on behalf of the Council.

(5) That the Plans be submitted to the Department for Rural Affairs for approval following its consideration by the other Operating Authority members of the South Downs and South East Coastal Groups.

97 Joint Staff Committee

The minutes of the meeting held on 24 January 2006 were submitted for the Cabinet's information.

Noted.

98 Exclusion of the public

Resolved: That the public be excluded from the remainder 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 paragraphs of Schedule 12A and descriptions of the exempt information are shown in the summary below.

99 Summary of confidential proceedings for information

(Note: The full minutes of the under-mentioned items are set out in the confidential section of these minutes. The reports remain confidential).

99.1 **Alternative Employment Procedure (AEP).** The Cabinet noted that 4 employees were currently subject to the procedure. A report was given on activity in the AEP over the last 3 years. The Cabinet further authorised the dismissal of relevant individuals by reason of redundancy should redeployment not be achieved.

(Exempt information reason – Paragraph 1 – Information relating to employees).

The meeting closed at to 4.47pm

**Councillor Lucas
Chairman**

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