

# Cabinet



## Minutes of meeting held on Wednesday 31 March 2010 at 6.00pm

Present:-

Councillor **David Tutt** (Chairman and Leader of the Council)

Councillor **Troy Tester** (Deputy Chairman and Deputy Leader of the Council)

Councillors **Margaret Bannister, Gill Mattock, Susan Morris and Steve Wallis**

**Ms Tracey McNulty** – The Chairman welcomed Tracey McNulty to the meeting as the Council's new Senior Head of Tourism and Leisure.

**Mr Jeff Collard** – The Chairman welcomed Jeff Collard (formerly Head of Planning) to the meeting as the Council's new Senior Head of Development and Environment.

### 121 Minutes

The minutes of the meeting held on 10 February 2010 were submitted and approved and, subject to a correction to the date of the meeting on the first page, the chairman was authorised to sign them as a correct record.

### 122 Disclosures of interests by Members under the Code of Conduct

Councillor David Tutt declared a personal interest in minute 132 (Performance update) in relation to Eastbourne Homes' spending programme as a non-executive director of Eastbourne Homes Limited.

### 123 Foie-gras – sale and availability on Council land and property

123.1 Councillor David Elkin addressed the Cabinet in support of a ban on foie-gras.

123.2 Cabinet considered the report of the Senior Head of Community in response to a petition which had been presented to full Council on 16 September 2009 seeking a ban on the sale and availability of foie-gras from land and buildings under Council control. Foie gras was produced from the liver of a duck or goose that had been subject to forced feeding using inhumane and cruel means. The report detailed the results of investigations into the Council's powers to take such action and noted that similar action had been taken by a number of other councils. It was noted that any ban would apply to the French market held on the seafront as this event took place on Council land.

123.3 **Resolved:** That the sale and availability of foie-gras on the Council's land and property and at Council functions and events held on Council land be prohibited.

**124 Environment draft strategy** (Cabinet, 3 September 2008, page 112, minute 49).

- 124.1 Councillor David Elkin addressed the Cabinet expressing support for the strategy and appreciation for the team effort in its production.
- 124.2 Cabinet considered the report of the Senior Head of Community presenting the draft environment strategy. The draft had been circulated to members of the Cabinet and lead opposition members and also made available for viewing on the council's website, Members' Room and Town Hall reception. The draft had been published for the purposes of a 12 week public consultation starting on 10 March 2010.
- 124.3 In May 2009 the Council hosted the first meeting of the Community Environment Partnership for Eastbourne (CEPE). CEPE, formed as a sub-group of the Eastbourne Strategic Partnership, represented a cross section of the town's community. The partnership would regularly monitor progress and publish a report each year.
- 124.4 The key areas and objectives were:
- **Creating a low carbon town.**  
*Objectives:* (a) Reduce carbon emissions from households' energy use by 35% by 2020; (b) Reduce carbon emissions from households' energy use by 35% by 2020; (c) reduce road transport carbon emissions by 35% by 2020; and (d) all households to have the option to grow a proportion of their own food by 2020.
  - **Reducing and managing our waste responsibly.**  
*Objective:* Reduce the amount of waste produced.
  - **Protecting our green spaces and biodiversity.**  
*Objective:* Protect, maintain and enhance our green spaces and biodiversity.
  - **Ensuring the quality of the air we breathe.**  
*Objective:* To limit the causes of air pollution.
  - **Adapting a warmer world.**  
*Objective:* Assess how vulnerable we are to a changing climate.
  - **Ensuring we use water sensibly.**  
*Objectives:* (a) Reducing our water consumption so we consume no more than 120 litres a day per capita; and (b) reducing water consumption in organisations, schools and businesses.
  - **Protecting our marine and historic environment.**  
*Objectives:* (a) Protect, maintain and enhance our historic environment; and (b) protect, maintain and enhance our marine environment.

124.5 The strategy set out a framework to help protect and enhance the town's unique environment which was important for the quality of life of residents and also for the reputation of the town. It also brought together all of the issues that would affect the environment into a single document to better map out a clear and integrated way forward. The strategy would also contribute to delivering other local priorities such as health, regeneration and economy.

124.6 **Resolved (key decision):** (1) That the draft environment strategy be endorsed.

(2) That the Senior Head of Development and Environment in liaison with lead Cabinet member be given delegated authority to amend the strategy following a 12-week public consultation.

**125 1 Grove Road – building improvements to cut carbon emissions**  
(Cabinet, 10 February 2010, page 253, minute 115).

125.1 Councillor Nigel Goodyear addressed the Cabinet indicating support but expressing concern about the choice of a biomass boiler believing a more conventional type of boiler might be more appropriate. He asked that this aspect of the proposals be reconsidered.

125.2 Cabinet considered the report of the Head of Infrastructure on options for 1 Grove Road. These had been developed further to the Council's decision to relinquish office accommodation at 66/68 Grove Road and implement an accommodation strategy and agile working programme to house services and staff in other existing council owned buildings. Key to this strategy were improvements to 1 Grove Road which was currently considered to provide an inadequate working environment, be in poor condition (especially the windows) and inefficient to heat.

125.3 Three main options had been considered. These were:

**Option 1** – install solar shading only.

**Option 2** – install solar shading, replace the windows and install mechanical ventilation.

**Option 3** – install solar shading, replace the windows, install mechanical ventilation, biomass boiler and solar PV.

Appendices to the report detailed costing assumptions and summarised the options. Appendix 3 showed that due to the income that could be generated from the feed-in tariffs, the annual return improved as the investment increased, with the combination of a biomass boiler and photovoltaic cells having the potential to generate a return of up to £380,000 over 25 years. It was noted that if all five solutions were implemented (option 3) the council could deliver close to a 9% reduction of carbon emissions for the entire organisation, just 1% off the 10:10 campaign target to reduce UK carbon emissions by 10% in 2010.

- 125.4 **Resolved (key decision):** (1) That option 3 as set out in paragraph 3.2 of the report be chosen with the proviso that the boiler proposals be subject to further investigation and consultation with the lead Cabinet members for environment and finance and Councillor Goodyear.
- (2) That the funding for this option be approved.
- (3) That the Chief Finance Officer in consultation with the Cabinet member for finance be given delegated authority to determine the exact mix of capital and revenue funding required.
- (4) That Cabinet acknowledge the critical dependencies between the work-streams identified in the report and the Agile Working Project.
- (5) That the Agile Working Strategic Board be given delegated authority to deliver the work-streams identified in this report in line with the timescales laid out for agile working implementation.

**126 Planning enforcement policy** (Cabinet, 12 April 2006, page 382, minute 130)

- 126.1 Cabinet considered the report of the Senior Head of Development and Environment further to a review of the policy which had been last reviewed in 2006. In the past 3 years there had been changes in legislation and in the Council's planning enforcement priorities. The revised draft policy had been sent to members of the Cabinet and lead Opposition members and also made available for viewing on the council's website, Members' Room and at Town Hall reception. The Planning Committee had endorsed the policy with a minor change (now included in the draft) at their meeting on 2 February 2010.
- 126.2 **Resolved (key decision):** That the revised planning enforcement policy be adopted.

**127 East Sussex travellers' draft strategy 2010/2013**

- 127.1 Cabinet considered the report of the Senior Head of Community reporting on a revised strategy which was currently being consulted upon prior to implementation in April 2010. The original strategy was developed in 2006 and the revisions took account of the £3.2m additional government funding received for new and improved site provision, greater integration of travellers into mainstream provision of health and social care and housing related support. The strategy document had been sent to members of the Cabinet and lead Opposition members and also made available for viewing on the council's website, Members' Room and at Town Hall reception.
- 127.2 **Resolved (key decision):** That the Senior Head of Community in consultation with the Cabinet member for environment be given delegated authority to agree the strategy following consultation feedback.

**128 Health and safety annual service plan 2010-2013**

128.1 Cabinet considered the report of the Senior Head of Community presenting the annual health and safety service plan in accordance with statutory guidelines. The full plan document had been sent to members of the Cabinet and lead Opposition members and also made available for viewing on the council's website, Members' Room and at Town Hall reception.

128.2 **Resolved (key decision):** (1) That the development of the health and safety service plan be endorsed.

(2) That the Senior Head of Community in consultation with the Cabinet member for environment be given delegated authority to agree the plan following consultation.

**129 Cremator replacement programme / mercury abatement (Cabinet, 10 December 2008, page 209, minute 92).**

129.1 Cabinet considered the report of the Senior Head of Community on progress in respect of the cremator replacement programme at the Langney crematorium. New regulations required the council to achieve a 50% abatement in mercury emissions by 2012 and 100% by 2020. The source of mercury was from dental fillings and the means of abatement would be by filtering cremator emissions. Currently there were 4 cremators, two of which had recently been re-bricked at a cost of £80,000. The other two were in need of re-bricking in the near future.

129.2 The council planned to achieve 100% abatement by 2012. It was proposed to replace 2 cremators with a new wide cremator capable of taking larger coffins (which Eastbourne currently was unable to handle). The wide cremator would be connected to new mercury abatement equipment at the outset. This would then mean that one cremator would be available while work to connect the 2 original cremators to the abatement plant was undertaken.

129.3 The estimated cost of the work was estimated to be in the region of £1m to £1.2m. Since 2006, a levy (currently £40) had been charged on all cremations. The resulting fund now stood c. £350,000 (March 2010) increasing by about £100,000 a year. A partnership approach with Worthing Borough Council (who also needed to undertake similar improvements to their crematorium) was being developed for the joint procurement of the project. A range of procurement options were summarised in the report. On best value grounds, the preferred option was for the engagement of an experienced project management company and linked appointment of a single construction company. The contract would be operated through the IESE framework (Improvement and Efficiency in the South East was a Government supported initiative).

129.4 **Resolved:** (1) That progress made to date be noted.

(2) That partnership working with Worthing Borough Council be endorsed.

(3) That the timetable in appendix A to the report be endorsed.

**130 Revised housing allocations policy** (Cabinet, 22 October 2008, page 158, minute 71).

130.1 Cabinet considered the report of the Senior Head of Community. The Council had previously agreed in principle to join the Sussex Homemove choice-based lettings scheme. As one of the original pilots for choice-based lettings schemes relatively minor alterations were required to the existing allocations policy. The proposed revised allocations policy had been sent to members of the Cabinet and lead Opposition members and also made available for viewing on the council's website, Members' Room and at Town Hall reception.

130.2 Key features of the new scheme were summarised in the report and difference from the old scheme highlighted. On-line applications could be made and assistance would be given to vulnerable households. A more sophisticated banding policy would enable higher priority to be given where people had exceptional or cumulative medical needs, or where applicants had particular circumstances which were not specifically recognised under the existing scheme. The new policy was more transparent and banding decisions would be easier for applicants and other agencies to understand. The new policy had been developed in conjunction with Eastbourne Homes and Raglan Housing Association and wide consultation had taken place with council tenants and partner agencies.

130.3 **Resolved (key decision):** That the new allocations policy be adopted in support of the council joining the sub-regional Homemove choice-based lettings scheme in June 2010.

**131 Devolved budgets – year end report**

131.1 Councillor David Elkin addressed the Cabinet indicating support for the scheme and also highlighting the potential for match funding from other agencies, setting scheme completion dates and recording consultations and community input to schemes.

131.2 Cabinet considered the report of the Head of Strategy and Democracy reporting on the second year of this scheme designed to enable councillors to allocate small sums of money (up to £10,000 per ward) to projects and community initiatives. Details of projects allocated funding in 2009/10 were given in an appendix to the report. A total of £76,396 had been allocated (compared with £52,764 in 2008/09). To better evidence community activity and engagement feedback would be sought from beneficiaries of schemes. Changes in the way the scheme was administered to improve effectiveness would also be proposed in liaison with lead members.

131.3 **Resolved (key decision):** (1) That the provisional year-end approved projects and total spend in 2009/10 be noted.

(2) That the devolved budget scheme be continued for 2010/11 with each ward being "topped up" to £10,000 from 1 April 2010.

(3) That revisions to the scheme rules and process for 2010/11 be delegated to the Head of Strategy and Democracy in consultation with the Cabinet portfolio holder and Chairman of the Scrutiny Committee.

(4) That the primary measure, target and outcome for the devolved ward budget scheme as set out in paragraph 4.1 of the report be approved.

**132 Performance update 2009/10** (Cabinet, 16 December, 2009, page 209, minute 95).

132.1 Cabinet considered the report of the Deputy Chief Executive reviewing the council's performance against corporate plan priority performance and financial performance. The report provided an overview of performance against the authority's priorities as at the end of the third quarter of 2009/10, together with details of financial performance to 31 January 2010.

132.2 Appendix 1 to the report gave a full list of the key actions/activities within the 2009/10 corporate plan with a progress update against each item. Appendices 2 and 3 displayed data collected by the Strategic Performance team. Performance against four national indicators had been selected as headline measures for delivery of the council's corporate plan objectives. These were:

**NI 155 (number of affordable homes delivered)** fell short in 2007/08 and 2008/09 due to the economic climate, however, performance was on track to meet the current year target due to developers completing outstanding schemes.

**NI 156 (number of households living in temporary accommodation)** showed performance exceeding target with only 55 households in temporary accommodation at the end of the 3<sup>rd</sup> quarter compared to 130 in 2008/09.

**NI 118 (adult participation in sport and active recreation)** showed reduced numbers, however this was due to improved reporting methods and it was acknowledged that there was a need to draw a new baseline.

**NI 192 (percentage of household waste sent for reuse, recycling and composting)** was on target to achieve 33% by year end.

132.3 The report provided information on progress to date on (i) implementing the service improvement plan for revenues and benefits performance and housing and council tax; (ii) financial reports in respect of the revenue and capital budgets, debt management and virements; and (iii) spending on the devolved ward budget scheme in 2009/10. In addition, the measures being taken to improve the range and quality of data collected as evidence of the council's performance were highlighted.

- 132.4 It was further reported in relation to the capital programme that works on the decent homes programme being undertaken by Eastbourne Homes had progressed ahead of target. This meant an increase in spend in 2009/10 of £1.13m and a corresponding reduction in 2010/11.
- 132.5 In addition the Chairman also reported Government awards of £150,000 planning and housing delivery grant (the highest award in Sussex) and £200,000 coastal resorts grant (awarded equally to 25 seaside resort towns). He gave credit to staff of the council's planning service for their efforts in securing the planning grant.
- 132.6 **Resolved:** (1) That performance against key actions/activities in the corporate plan as at end of the third quarter of 2009/10 be noted.
- (2) That performance against national performance indicators in relation to relevant targets be noted.
- (3) That revenues and benefits performance as at end of the third quarter of 2009/10 be noted.
- (4) That project activity and spend on the 2009/10 devolved ward budget scheme as at 17 March 2010 be noted.
- (5) That the variances in the projected revenue outturn 2009/10 shown in appendix 4 to the report be noted.
- (6) That the debtors position at 31 January 2009/10 as shown in appendix 5 to the report be noted.
- (7) That the virement of the corporate hire budget of £36,400 from the Towner to theatres be approved.
- (8) That the re-profiling of the capital programme 2009/10 as shown in appendix 7 to the report (as updated at the meeting in respect of Eastbourne Homes' performance) be approved and the principal risk be noted.

*Note: See minute 122 above as to disclosure of a personal interest by Councillor Tutt.*

**\*133 Corporate Plan 2010/15** (Cabinet, 16 December 2009, page 208, minute 94)

- 133.1 Cabinet considered the report of the Deputy Chief Executive. Cabinet, on 16 December 2009 considered revised corporate priorities over the next five years together with suggested key actions in 2010/11 and approved the draft plan for public consultation. The plan set out the Council's approach to delivering its priorities over the next five years and set out priorities under the four corporate themes; prosperous economy (tourism, employment and transport), quality environment, thriving communities and sustainable

performance. Taken together, these themes underpinned the design and delivery of council services, the prioritisation and allocation of resources and the achievement of value for money.

- 133.2 The latest version of the plan was appended to the report. Subsequent to publication, members of the Cabinet had met with the Corporate Management Team and identified further refinements to the plan which would be proposed in the light of further discussions between lead Cabinet members and officers. A paper was circulated at the meeting (and made available to view on the Council's website) summarising the issues considered and the amendments expected to be made. Once the final wording had been agreed the whole plan would be subject to plain English testing ahead of submission to full Council.
- 133.3 Once approved, the 2010/11 Corporate Plan was intended to remain a 'live' document and the data contained within it refined and updated as necessary. In particular, some of the performance indicator targets would need to be updated as the 2009/10 outturns became available. Where possible, further improvements and additions to relevant local performance indicators would be made.
- \*133.4 **Resolved (budget and policy framework):** That full Council be recommended to approve the final version of the 2010/15 corporate plan at their meeting on 18 May 2010.

**\*134 Finance matters, including treasury management**

- 134.1 Councillor David Elkin addressed the Cabinet and welcomed the proposals in the report.
- 134.2 Cabinet considered the report of the Chief Finance Officer seeking approval to the new CIPFA treasury management code of practice, the Council's treasury management statement, minimum revenue provision and annual investment strategies and the setting of the treasury and prudential indicators.
- 134.3 In the light of the market volatility in 2008, CIPFA (the Chartered Institute of Public Finance and Accountancy) had introduced an amended treasury management code of practice and related guidance. Full Council would be asked to formally adopt the revised code and the revised treasury management policy statement as set out in appendix 9 to the report. The following areas of responsibility for reporting arrangements were outlined:

Area of responsibility	Council/ committee/ officer	Frequency
Treasury management policy statement (revised)	Full Council	Initial adoption in 2010

Treasury management strategy, annual investment strategy, minimum revenue provision policy	Full Council	Annually before the start of the year
Treasury management strategy, annual investment strategy, minimum revenue provision policy – mid year report	Full Council	Mid year
Treasury management strategy, annual investment strategy, minimum revenue provision policy – updates or revisions at other times	Full Council	As and when required.
Annual treasury outturn report	Full council	Annually by 30 September after the end of the year
Treasury management monitoring reports	Cabinet	Quarterly
Treasury management practices	Cabinet	Initial adoption 2010 and annual reviews.
Scrutiny of treasury management strategy	Audit Committee	Annually before the start of the year
Scrutiny of treasury management performance	Audit Committee	Half yearly

134.5 The Council was under a legal duty to set out its treasury strategy for borrowing and to prepare an annual investment strategy; these set out the Council's policies for managing its investments and for giving priority to the security and liquidity of those investments. In preparing these strategies the Council would have regard to CIPFA and relevant statutory guidance issued by the Government. The suggested strategy for 2010/11 in respect of the following aspects of the treasury management function was based upon the treasury officers' views on interest rates, supplemented with leading market forecasts provided by the Council's treasury adviser, Sector Treasury Services. The strategy covered:

- treasury limits in force which will limit the treasury risk and activities of the council
- prudential and treasury indicators
- the current treasury position
- the borrowing requirement
- prospects for interest rates
- the borrowing strategy
- policy on borrowing in advance of need
- debt rescheduling
- the investment strategy
- creditworthiness policy
- policy on use of external service providers
- the minimum revenue provision strategy.

134.6 **Resolved (budget and policy framework):** That full Council be asked to approve:

(1) The adoption of the new CIPFA treasury management in the public services code of practice as per the four clauses set out in appendix 9 to the report.

(2) The treasury management policy statement as set out in appendix 8 to the report.

(3) The treasury management scheme of delegation as set out in appendix 10 of the report.

(4) The treasury management role of the section 151 Officer as set out in appendix 11 of the report.

(5) The treasury management strategy and annual investment strategy as set out in the report.

(6) The specified and non-specified investment categories listed in appendix 5 of the report.

(7) Setting the prudential and treasury indicators as set out in appendix 3 to the report.

(8) The methodology for calculating the minimum revenue provision as set out in the report.

#### **\*135 Leased cars – policy in employment**

135.1 Cabinet considered the report of the Head of Human Resources reviewing the provision of leased cars to employees with the objective of eventually ending the arrangement. Savings of £6,000 annually plus savings in administration were anticipated. Of the 75 staff who currently had the option of taking a leased car only 25 currently did so. Since 2009, staff had been encouraged to switch to the cash alternative when vehicle leases came up for renewal and new employees had not been offered the leased car option.

135.2 Initial discussions with UNISON had shown that they understood the rationale to the move away from leased cars for employees. Subject to approval, notice would be given to end the leased car option from the end of June 2010. Given that this matter related to staff conditions of service full Council endorsement would be sought.

\*135.3 **Resolved:** (1) That the financial and other resource implications of this change in Council practice be endorsed.

(2) That the move to simplify employment contracts by removing the option

to choose a leased vehicle from the terms and conditions of relevant employees during 2010 be approved.

(3) That full Council be recommended to approve this change to the corporate conditions of service for employees.

(4) That the exemption which will apply for the 3 individuals whose leased vehicles are tied into their pension entitlements be noted.

### 136 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 open section of the confidential minute or beneath the items below.

### 137 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).*

- 137.1 **Eastbourne theatres management** (Cabinet 15 March 2006, page 353, minute 119.1). Cabinet considered the outcome of a review of theatres management remuneration and endorsed proposed changes.

*Exempt information reasons 1 and 2 (information relating to an individual or likely to reveal the identity of an individual) and 3 (information relating to the financial or business affairs of any particular person (including the authority holding that information)).*

- 137.2 **Alternative employment procedure.** Cabinet noted the position of 6 employees currently subject to the procedure and associated financial implications.

*Exempt information reasons 1 and 2 –Information relating to an individual or likely to reveal the identity of an individual.*

The meeting closed at 7.50 p.m.

**Councillor David Tutt  
Chairman**

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