

CABINET

7 JULY 2014

Present: Councillors Birch (chair), Chowney (vice-chair), Cartwright, Forward, Hodges, Lock and Poole

Apologies for absence were notes for Councillors Westley and Cooke

8. DECLARATIONS OF INTEREST

Councillors made no declarations of interest at the meeting.

9. MINUTES OF THE MEETING HELD ON 9 JUNE 2014

RESOLVED – that the minutes of the meeting held on 9 June 2014 be approved and signed by the chair as a correct record.

RESOLVED – the chair called over the items on the agenda, under rule 13.3 the recommendations set out in minute numbers 12, 16 and 21 were agreed without being called for discussion.

MATTERS FOR CABINET DECISION

10. EMPTY HOMES COMPULSORY PURCHASE PROGRAMME

The Head of Housing and Planning Services presented a report to seek Cabinet approval for compulsory purchase action on twenty seven privately owned empty properties, as part of the empty homes strategy enforcement programme.

The compulsory purchase order (CPO) programme was a significant tool in achieving the aims and objectives set out in the empty homes strategy, however, the council only used its CPO powers when all other options to bring the properties back into use had been fully explored.

Cabinet was advised of the financial and legal implications of using the CPO process, and options to mitigate the risk to the council. The CPO process may take between three and fifteen months to complete, depending on whether a public enquiry is called. Once the council has taken possession of the properties, it is intended that they will be disposed of on the open market, with covenants ensuring the purchaser brings the property back into use within a reasonable timescale.

The report also gave an update on the successful progress on the existing forty two empty homes previously considered for compulsory purchase.

Members noted a part 2 report, which gave detailed reasons for resolving to use compulsory purchase powers for each of the proposed twenty seven homes.

Councillor Forward moved approval of the recommendations to the report, as set out in the resolution below, which was seconded by Councillor Chowney.

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RESOLVED (unanimously) that – Cabinet approves the detailed recommendations set out in the report included in Part 2 of the agenda and approves the making of compulsory purchase orders in respect of the twenty seven long term empty properties.

The reason for this decision was:

The council's empty homes strategy sets out a number of enforcement powers available to the council, including the compulsory purchase of suitable properties.

In addition to taking action to bring individual empty properties back into use, it is hoped that taking this action will demonstrate to the owners of empty homes that it is unacceptable to leave property empty for an unreasonable time. This action will demonstrate to owners of these empty homes that the council will take the necessary action to bring these back into use again for the benefit of the community.

11. CORPORATE PLAN PART III

The Head of Corporate Services presented a report to advise Cabinet of the year-end performance for 2013/14 and proposed performance indicator targets for 2014/15, to be published as part III of the corporate plan. The report included comments from the Overview and Scrutiny committees and Staff and Management Forum on the draft information.

Parts I and II of the corporate plan, which set out the strategic direction and work plans of the council in 2014/15 had been agreed by Council on 26 February 2014. Cabinet had delegated authority to approve part III of the corporate plan, which contained report back on progress against the milestones and targets for 2013/14 and the proposed performance indicators for 2014/15.

Cabinet were mindful of the comments made by the Overview and Scrutiny committees when they considered drafts of part III of the corporate plan at their meetings in June. Neither committee had requested changes to the forward looking performance indicators. The Staff and Management Forum had also considered a draft of part III of the corporate plan and were pleased to note the good performance achieved during 2013/14.

Members were pleased to note the strong performance of the organisation over 2013/14 and thanked all those involved in achieving the targets set out in the corporate plan.

Councillor Chowney moved approval of the recommendations to the report, as set out in the resolution below, which was seconded by Councillor Hodges.

RESOLVED (by 6 votes for 0 against with 1 abstention) that –

- 1) the comments of the Overview and Scrutiny committees be considered for inclusion in the final version, and;**

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2) the corporate plan 2014/15 – part III be approved for publication (the 26 February Council delegated authority to Cabinet to approve part III)

The reason for this decision was:

The council's corporate plan is one of the key documents by which the council is held to account for its performance, therefore honest and transparent reporting back on how well we performed against targets in the previous year is essential.

Local people and staff also need to be aware of the targets and standards we have set ourselves, and where any of these targets have changed from previous years we need to be clear about the reasons why.

12. LOCAL DEVELOPMENT SCHEME

The Head of Regeneration and Planning Policy submitted a report to inform Cabinet of the updated timescales for the production of the emerging local plan documents since the last local development scheme (LDS) was published.

The LDS sets out details, of which local plan documents will be produced over the next three years, in what order and when. The report included an update on the production of the Hastings planning strategy, development management plan and supplementary planning documents. The last LDS was published in January 2013. The council was required to have an up to date LDS in order to meet the tests of soundness, which the local plan will be measured against at an examination in public, provisionally planned for November 2014.

RESOLVED - that the contents of the revised local development scheme be agreed.

The reason for this decision was:

So that an up to date local development scheme is in place at the time of publication of both the Hastings planning strategy and the development management plan to ensure legal compliance at the time of consultation, in accordance with provisions in the Planning and Compulsory Purchase Act 2004.

13. HASTINGS LOCAL PLAN - SUBMISSION OF THE DEVELOPMENT MANAGEMENT PLAN

The Strategic Planning Manager presented a report to advise of the outcome of the recent consultation on the development management plan, and to gain approval to submit the revised proposed submission version of the development management plan to the Secretary of State.

Under Regulation 19 of the Town and Country Planning (Local Development) (England) Regulations 2012, the council was required to undertake a final consultation on the revised proposed submission version of the development management plan. The consultation took place between 10 March and 22 April 2014, and the report provided a summary of the representations received over this period. All representations received during the final consultation would be submitted to the

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Planning Inspectorate for consideration at examination in public, together with the representations from the previous consultation held between January and April 2013. Members noted the comprehensive responses received to the consultation, and highlighted this as a good example of community engagement.

A schedule of minor amendments to the plan, as a result of the consultation, had been produced which include the minor focused modifications appended to the report.

The development management plan would be submitted to the Secretary of State on 31 July 2014, with an examination in public provisionally scheduled for November 2014. Following the hearings, the Planning Inspectorate will publish a report on the development management plan, with adoption of the final plan taking place in 2015.

Councillor Chowney moved approval of the recommendations of the report, as set out in the resolution below, which was seconded by Councillor Cartwright.

RESOLVED (by 6 votes for 1 against) that –

- 1) Cabinet acknowledge the key issues arising from consultation on the revised proposed submission version (RPSV) of the development management plan (DMP);**
- 2) Cabinet recommends to Council the submission of the RPSV of the DMP and the related revised policies map, along with the other associated submission documents to the Secretary of State under regulation 20 and which include a sustainability appraisal, an updated statement of consultation, copies of duly made representations and other supporting evidence base documents;.**
- 3) delegated authority is given to the Director of Regeneration or his nominee in consultation with the Lead Member for Regeneration to make minor amendments to the RPSV of the DMP, and;**
- 4) in accordance with advice from the Planning Inspectorate, the representations from the previous regulation 19 consultation (January – April 2013) will be submitted to the Inspector.**

The reason for this decision was:

To enable the development management plan to be submitted to the Secretary of State in accordance with regulation 22 of the Town and Country Planning (Local Planning) (England) regulations 2012.

14. HASTINGS LOCAL PLAN - STATEMENT OF COMMUNITY INVOLVEMENT UPDATE

The Strategic Planning Manager presented a report to inform Cabinet of minor updates to the statement of community involvement (SCI), prior to its publication on the council's website.

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The SCI is part of a wider suite of documents which make up the local plan; it sets out the council's approach to community involvement and provides details of how and when people can get involved in both the planning policy and development management processes.

The Hastings SCI, which was originally adopted in 2006, had been subject to a review to ensure that the most up to date version is available at the time of examination in public. The main updates reflect changes brought about by the Localism Act 2011 and the latest position in terms of preparation of the local plan.

The revised SCI will be published on the council's website, before examination in public of the development management plan. Members of the community will be made aware of the new SCI through the local newsletter and through updates to the website and social media.

Councillor Chowney moved approval of the recommendations to the report, as set out in the resolution below, which was seconded by Councillor Cartwright.

RESOLVED (by 6 votes for 0 against with 1 abstention) that – the content of the revised statement of community involvement is considered, and recommended for approval for publication on the council's website.

The reason for this decision was:

To ensure there is an up to date statement of community involvement in place at the time of publication of the development management plan. This will help to ensure the development management plan meets the legal compliance test at examination in public.

15. OVERVIEW & SCRUTINY REVIEW OF CHANGES TO THE WELFARE SYSTEM : MANAGEMENT RESPONSE

Councillor Davies, as chair of the original Scrutiny review, presented the review team's findings to Cabinet. The purpose of the review had been to assess the impact of the reforms, and the potential effects of further planned changes to the welfare system. Members intended that the recommendations of the review should compliment the ongoing work to revise the anti-poverty action plan.

Members had met with representatives of key partners in the advice and housing sector, to understand how the changes had impacted the council and other agencies. Consideration had been given to methodology for measuring fairness of the reforms, an example of a fairness square, which set out four key principles of equitable decision making, had been appended to the report. Members noted that this methodology could be applied within the council's decision making process.

The Director of Regeneration presented the management response to the review. He acknowledged that the review team had aimed to consider the impact of the reforms in a holistic and objective way. Moreover, there were further challenges in assessing the cumulative impact of the reforms, as not all of the planned changes had yet been introduced. The management response addressed each of the recommendations

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from the review and options for their implementation. Discussion took place regarding options to engage with the University of Brighton on longer term monitoring of the impact of the reforms.

Cabinet thanked all those involved in the Scrutiny review process for their efforts.

Councillor Forward moved approval of the recommendations to the report, as set out in the resolution below, which was seconded by Councillor Hodges.

RESOLVED (by 6 votes for 1 against) that –

- 1) Cabinet welcome the report expresses its appreciation of the work of members in assessing the impact of reforms on local people and organisations, and;**
- 2) Cabinet agree the responses set out in the table in paragraph 6 of the report**

The reason for this decision was:

To respond to the report of the Overview and Scrutiny review of changes to the welfare system.

MATTERS FOR COUNCIL DECISION

16. ANNUAL TREASURY MANAGEMENT REPORT 2013-14

The Head of Finance submitted a report on the treasury management activities and performance over the 2013-14 financial year.

Treasury management referred to the management of the authority's investments, cash flow, banking, money market and capital market transactions and the potential risks associated with these activities. The report also gave an overview of the wider economic context within which the council operated.

The council complied fully with the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on Treasury Management 2009, by undertaking an annual review report of its treasury management activities. A similar report had been considered by the Audit Committee at its meeting in June.

RESOLVED that the annual treasury management report 2013-14 be approved.

The reason for this decision was:

To ensure that members are fully aware of the activities undertaken in the last financial year, that codes of practice have been complied with and that the council's strategy has been effective in 2013-14. As delegated by Council the Audit committee is tasked with scrutinising these activities and to draw to Cabinet's attention any matters it considers important. The report is also presented to Full Council for consideration. Any changes to the strategy will need to be approved by Full Council.

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17. MINOR WORKS CONTRACTS

The Director of Environmental Services presented a report to explain the arrangements for renewing the council's minor works maintenance contract, and to seek approval for tendering and delegated authority to award the new contract.

The council was seeking to procure a five year contract, with the option of a two year extension in annual increments, beginning on 1 April 2015, to coincide with the expiration of the existing contract. The nature of the work covered by the contract is primarily responsive and variable in terms of the types of building and building services trades involved and it was therefore recommended that the contract should be awarded to a single multi-trade contractor.

The East Sussex Procurement Hub had provided guidance on the procurement process; and consideration would be given to examples of best practice from other authorities. Members noted potential opportunities for handling minor maintenance or cyclical inspection tasks using council staff and sharing services with other authorities.

Councillor Poole moved approval of the recommendations of the report, as set out in the resolution below, which was seconded by Councillor Chowney.

RESOLVED (unanimously) that –

- 1) Cabinet agrees to the procurement process for the renewal of the council's minor works maintenance contract. The contract will begin on 1 April 2015 and run for 5 years with the option of two years extension in annual increments;**
- 2) Cabinet delegates authority to the Director of Environmental Services, or his nominee, in consultation with the Lead Member, to award the contract to the most economically advantageous tenderer;**
- 3) Cabinet support the officer's view that the contract should be awarded to a single multi-trade contractor, and;**
- 4) Cabinet support further investigation of an in-house or shared capacity for minor maintenance works where that can be shown to be cost effective.**

The reason for this decision was:

The existing contract expires on 31 March 2015. The new contract from 1 April 2015 will be a call-off arrangement with no fixed financial commitment under a measured term contract to be awarded to a single contractor. We are investigating opportunities to remove minor maintenance and cyclical inspection work from the contract where there is a more cost-effective approach utilising council staff, automated monitoring or shared arrangements with other agencies. This has already been implemented for some electrical testing, legionella monitoring and some minor maintenance. Further possibilities will be assessed in parallel with the contract procurement.

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18. OFFICE ACCOMMODATION

The Director of Environmental Services presented a report to outline the works proposed by the freeholder of Aquila House to refurbish the building.

Since the council's accommodation and smarter working strategy had been approved in March 2004, efforts had been underway to consolidate operational services in Aquila House. Officers had been in negotiation with the freeholders to agree new long leases on Aquila House and to secure a programme of repair and refurbishment of the building before the new leases are entered into. The freeholder proposed an extensive programme of refurbishment, including essential works to the roof, windows and exterior cladding of the building as well as updating the internal office space on floors 1 to 5. The council would then be required to fit out the office space to its own specification and requirements. Members welcome the planned works, but were mindful that there would be considerable disruption to staff while the refurbishment was ongoing.

The refurbishment of Aquila House was also seen as a significant opportunity to further encourage smarter working across the organisation, to improve efficiency and co-ordination of service and support a one council philosophy. Increased smarter working may also provide opportunities for income generation by sub-letting unused office space in Aquila House. It was therefore proposed that £250,000 of the invest to save budget be allocated to support the move to more flexible working, and further £50,000 be allocated to the IT reserve to fund investment in additional technology.

RESOLVED (unanimously) that –

- 1) **Cabinet acknowledge that the freeholder's proposals for the refurbishment of Aquila House provide an opportunity to drive organisational change. The changes will support the transition to more flexible working practices, improved productivity and efficiency, more focus on coordination of service delivery and a further development of the one council philosophy;**
- 2) **Cabinet approve the increase of £200,000 in the budget allocation in the capital programme for office accommodation work;**
- 3) **That the IT reserve be increased by £50,000 to support more flexible working and improved efficiency, and;**
- 4) **The invest to save proposal (£250,000) to support the transition to a one council philosophy be supported**

The reason for this decision was:

To ensure that the office accommodation is fit for purpose following the refurbishment by the freeholder and to support the transition to a one council philosophy, improving flexibility and efficiency to support service delivery in response to the medium and long term financial pressures faced by the council.

19. MINUTES OF THE CHARITY COMMITTEE MEETING HELD ON 5 JUNE 2014

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The minutes of the meeting of Charity Committee held on 5 June 2014 were submitted;

RESOLVED – that the minutes of Charity Committee held on 5 June 2014 be received

20. **MINUTES OF THE MUSEUMS COMMITTEE MEETING HELD ON 16 JUNE 2014**

The minutes of the meeting of Museums Committee held on 16 June 2014 were submitted;

RESOLVED – that the minutes of Museums Committee held on 16 June 2014 be received

EXCLUSION OF THE PUBLIC

RESOLVED – that the public be excluded from the meeting during the consideration of the items of business listed below because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in the paragraph 6 of Schedule 12A to the Local Government Act 1972 referred to in the relevant report.

21. **EMPTY HOMES COMPULSORY PURCHASE PROGRAMME**

The Head of Housing and Planning Services submitted a report to provide further information in relation to the Cabinet resolution sought to pursue compulsory purchase action on twenty seven privately owned empty homes as part of the empty homes strategy enforcement programme. The report set out details of the properties and the statement of reasons for resolving to use compulsory purchase powers in each case.

RESOLVED that –

- 1) Cabinet resolve to take formal action, by means of making compulsory purchase orders for twenty seven long term empty homes, being the addresses shown in the report, under compulsory purchase powers set out in Section 226 (1)(a) of the Town & Country Planning Act 1990 (as amended by the Planning and Compensation Act 2004);
- 2) Cabinet give authority to the Director of Regeneration or his delegated nominee to execute all relevant documentation required for the compulsory purchase of the twenty seven homes set out in recommendation 1 of the report, and;
- 3) Cabinet give authority to the Director of Regeneration or his delegated nominee to execute and complete the onward sale of the homes set out in recommendation 1 of the report, once they have been acquired

The reason for this decision was:

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The matrix in appendix 1 of the report sets out why compulsory purchase powers should be used to help bring these homes back into use.

These are long standing empty homes and without compulsory purchase action, officers are of the view that these homes will continue to remain empty. Officers have spent time attempting to engage with the owners and assist them in bringing their empty homes back into use. These actions have not achieved the desired result and it is not believed that the homes will be returned to use without CPO action.

It is hoped that taking this action will demonstrate to the owners of empty homes that it is unacceptable to leave property empty for an unreasonable time. This action will demonstrate to owners of these empty homes that the council will take the necessary action to bring these back into use again for the benefit of the community.

In deciding to take compulsory purchase action regard has to be had to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of dwellings, Article 8 of the Convention. The council has to weigh the human rights interest of public need as against private property rights and to consider that sufficient justification exists for the making of these compulsory purchase orders. By authorising these orders the council is therefore of the opinion that a compelling case exists in the public interest.

The Chief Legal Officer has advised that it is in the public interest that the detail of the properties and ownership should not be disclosed since the properties are the subject of report by reason of their being empty homes and disclosure of the detail would expose the properties to possible criminal activity as well as squatting and anti-social behaviour. Further, the council's negotiating position might be prejudiced by disclosure of details of valuation.

(The chair declared the meeting closed at. 7.40 pm)