

# Public Document Pack

## CABINET

4 MARCH 2019

Present: Councillors Chowney (Chair), Forward (Vice-Chair), Batsford, S Beaney, Rogers, Lee and Patmore

### **155. APOLOGIES FOR ABSENCE**

Apologies received for Councillor Fitzgerald.

### **156. DECLARATION OF INTERESTS**

The following councillors declared their interests in the minutes as indicated:

<b>Councillor</b>	<b>Minute</b>	<b>Interest</b>
Lee	158 and 166	Prejudicial – Knows the developers
S Beaney	158 and 166	Prejudicial – Hastings older women's community housing
Forward	158 and 166	Personal – owns a beach hut in the area

### **157. MINUTES OF LAST MEETING**

**RESOLVED** – that the minutes of the meeting held on 11th February 2019 be approved as a true record.

**RESOLVED** under rule 13.3 of the council's constitution, the recommendations set out in minute number 163 were agreed without being called for discussion.

### **158. SITE AT WEST MARINA**

With the agreement of the chair this item was moved to the top of the agenda. Councillors Lee and S Beaney left the chamber during the discussion and vote.

The Assistant Director Financial Services and Revenues presented a report to relevant objections received regarding the proposed long lease of land forming open space at West Marina and thereafter agree, if appropriate, the Heads of Terms for the long lease of the site.

The Council must fully and properly consider any relevant objections in accordance with statutory provision in coming to a decision.

The agreement of the Heads of Terms enables the Council and the developer to draw up the necessary legal agreement in order to progress a development proposal. Any such proposal will need planning permission.

Such relevant objections relate to the loss of open space rather than any specific development proposals which may subsequently be forthcoming.

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Virginia Vilela the lead petitioner spoke on behalf of the petitioners:

- The petitioner believes that is a valuable green space that should be enhanced and protected to make West St Leonards a destination for locals and visitors
- The petitioner is keen to see a positive future for this site, building on the leisure and recreational use she believes a residential/commercial development would not enhance this seafront site in any way. The site is used by many groups of people.
- The petitioner drew attention to the storm tanks under the site. Due to Southern Waters access requirements to these she believes that nothing can be built on top of them.
- The petitioner doesn't believe the preferred contractor has any relevant experience for recreational development.
- The petitioner would like the council to consider the old Stamco site and MOD site as part of redevelopment plans

The Assistant Director Financial Services and Revenues spoke on the item: There is no formal scheme to be consulted on as yet. This is in the council's development plan. The public will have a say, as will Councillors, on the final scheme. A scheme would go through a planning process and include planning forums once agreed. It is recognised the land is well used and the outline discussions would not lose the recreational space and the children's play area. This scheme is intending to enhance the recreational use. We have received assurances that these are viable on this site and the intention here is to develop a quality site and destination. The development of this site has been in the last 3 local plans but it hasn't been an attractive site to developers until recently.

All other developers were proposing housing developments but County Gate are proposing housing, some cafes, restaurants and a slipway. The idea is to spread tourism along to the West Marina. Councillors discussed the slipway being previously rejected but experts have since come up with new ideas that they assure us can work.

Councillors asked where we are with the Stamco and MOD sites. The council are in discussions for the MOD site, and the Stamco site is on the market but at a very high asking price. The beach huts on the site have the potential to remain but there are also plans to relocate them.

Councillor Chowney proposed approval of the recommendations of the Assistant Director's report. This was seconded by Councillor Batsford.

**RESOLVED (by 4 for, to 1 against) that:**

**1. Having carried out the necessary procedures under Section 123 of the Local Government Act 1972 and having taken account of the relevant objections received Cabinet is recommended to enter into a long lease with County Gate/Sunley on the Heads of Terms contained in the Part 2 report.**

**2. That the Chief Finance Officer, in consultation with the leader of the Council and Chief Legal Officer, be authorised to negotiate and agree the final terms of**

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### **the lease disposal.**

#### Reasons for the recommendation:

The Council must fully and properly consider any relevant objections in accordance with statutory provision in coming to a decision.

The agreement of the Heads of Terms enables the Council and the developer to draw up the necessary legal agreement in order to progress a development proposal. Any such proposal will need planning permission.

Such relevant objections relate to the loss of open space rather than any specific development proposals which may subsequently be forthcoming.

The Chair adjourned the meeting at 6.49pm. The Chair reconvened the meeting at 6.54pm.

### **159. ANIMAL WELFARE LICENSING POLICY**

The Assistant Director Environment and Place submitted a report to consider the adoption of the council's first Animal Welfare Licensing Policy relating to the administration and enforcement of the new animal welfare licensing regime, arising from the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

Bob Brown the licensing manager spoke on the report:

In October 2018 the new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into force. These regulations replaced and revoked much of the old animal licensing legislation, bringing them within the remit of one set of regulations. However, it does not cover the licensing of dangerous wild animals or zoos, which remain under their existing legislation.

In addition, the regulations introduced new licensing categories such as doggy day care and the keeping or training of animals for exhibition, the latter was previously the responsibility of the County Council. A transitional period was introduced by the regulations; this lasted to 31st December 2018 to allow existing licence holders under the old legislation to register their applications under the new regulations.

Officers have used the transitional period to attend government briefings, inform existing licence holders of the changes and prepare all new forms, letters and licences ready for the implementation date. All existing licence holders and new applicants are currently undergoing comprehensive inspections.

The animal welfare licensing legislation does not require Licensing Authorities to have a specific policy, but it is considered best practice. It will ensure applicants for licences and members of the Environment and Safety Committee determining licence applications have a clear understanding of the council's policy regarding the new animal welfare licensing regime.

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Councillor Rogers proposed approval of the recommendations of the Assistant Director's report. This was seconded by Councillor Lee.

**RESOLVED (unanimously) that:**

**1. Cabinet endorses the draft Animal Welfare Licensing Policy attached at appendix A; and recommends that it is adopted by Full Council.**

Reasons for the decision:

To ensure applicants for licences and members of the Environment and Safety Committee determining licence applications, have a clear understanding of the council's policy regarding the new animal licensing regime. It should also enable the authority to defend any legal challenges to committee decisions.

**160. BOHEMIA LEISURE AND CULTURAL FACILITIES STUDY BRIEF**

The Marketing and Major Projects Manager presented a report to recommend undertaking a comprehensive feasibility study to identify the scale and location of the new leisure and cultural facilities in the Bohemia area, and to enter into a contract with East Sussex County Council to carry out associated feasibility works and studies.

Over the past year, officers have been developing the plans for the area, pursuing proposals and discussions with different types of potential partners (private and public) who may assist with the delivery of the plans.

Councillors discussed how a feasibility study would inform future decisions on the bohemia area and how it is a pivotal piece of the development. It was noted that the relocation of the ambulance service would have no direct impact on the ability of the service to respond. Councillors considered the lifespan of the Summerfield's facility and how new facilities to replace it will generate income that may cover the cost of building. Music, arts and sport have a large impact on areas of high deprivation.

Councillor Forward proposed approval of the recommendations of the report. This was seconded by Councillor Batsford.

**RESOLVED (by 5 for to 2 against) that:**

1. Cabinet agrees to spend up to £100k to fund the commissioning of feasibility reports and related studies for the development of leisure, culture and open spaces within the Bohemia area (£10k of this to come from Arts Council England, and external funding sought; the remaining up to £90k required will be funded through existing budgets and an approved growth item of up to £19k).
2. Delegation is given to the Director of Operational Services, or his nominee, in consultation with the lead member, to agree the final contractual deliverables and outputs with the appointed consultant.
3. Delegation is given to the Director of Operational Services or his nominee to enter into contractual arrangements with East Sussex County Council to carry out feasibility works and studies as per the One Public Estate bid.

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### Reasons for the decision:

1 and 2) Our vision for the new Bohemia Quarter is to develop a distinct leisure and cultural destination and create a new living quarter for Hastings. The ambitions are considerable: new homes, new hotel(s), new leisure centre, new cultural facilities, re-vitalised outdoor leisure facilities, gardens and public spaces. The studies will focus on developing concept proposals for housing, leisure and cultural facilities in the Bohemia area.

3 The 'One Public Estate' grant/loan funding is awarded through East Sussex County Council.

### **161. NOTIFICATION OF ADDITIONAL URGENT ITEMS**

### **162. URGENT ITEMS (IF ANY)**

### **163. INSURANCE AND CASH COLLECTION CONTRACTS**

Peter Grace Assistant Director Finance and Revenues presented a report to agree the procurement arrangements through the East Sussex Procurement Hub for the Insurance and Cash Collection Contracts.

Under rule 13.3, the recommendations of the report were agreed without being called for discussion.

### **RESOLVED that:**

**1. To agree that authority be given to the Assistant Director Finance and Revenues (Chief Finance Officer) in consultation with the leader of the Council to determine final contract terms and conditions and award a contract to the suppliers that offer the most economically advantageous tenders in respect of Insurance and Cash Collection.**

### Reasons for the decision:

The current insurance contract expires on 31 March 2019 and the cash collection contract expires on 31 August 2019.

### **164. DEVELOPMENT OPPORTUNITIES ON CHURCHFIELDS ESTATE**

The Assistant Director Financial Services and Revenues and the Assistant Director Regeneration and Culture presented a report to agree the inclusion of the "Sidney Little Road Business Incubator Hub" within the capital programme subject to the receipt of grant funding. A decision is expected on or around the 8th March 2019.

The report further highlights the current funding requirements in order to develop the remaining two sites on Council owned land on Sidney Little Road and includes details of the potential developments that are being proposed.

Cllr Chowney spoke to the recommendations without moving to agree.

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Councillors agreed to vote on the recommendations for both agenda items 11 and 12 in the part 2 relating to this item. This was to save voting on it twice, as the recommendations are the same.

### **RESOLVED (unanimously) that:**

#### **Recommendation(s)**

1. To agree the inclusion of the Sidney Little road Business Incubator Hub within the Capital programme with an estimated budget, including fees of £2.8m.
2. To seek external funding for the shortfalls, and/ or negotiate options with interested parties, based on the potential unit sizes.
  - (i) Plot 2 - 35 Sq ft factory unit
  - (ii) Plot 3 - 3 to 8 Factory units (flexible sizes)
3. Cabinet to note the potential Capital expenditure of £10m in total for the 3 sites should viable proposals be received or external funding bids be successful.

#### **Reasons for Recommendations:**

The land is allocated for employment use in the Development Management Plan (DMP). The site is in the Council's ownership and offers opportunities for development. The schemes are sufficiently worked up to identify funding shortfalls and seek external grants, undertake negotiations to develop the sites.

Should external funding be received there is a ready-made opportunity to help address unemployment and improve the economic opportunities for companies within the town, in line with Corporate Plan objectives.

The Council expects to learn the outcome of an external funding bid in early March 2019 and needs to be ready to progress the development of the site – should the Cabinet agree to make funding available.

### **165. DEVELOPMENT OPPORTUNITIES ON CHURCHFIELDS ESTATE - (PART 2 REPORT)**

**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 paragraphs of schedule 12A to the Local Government Act 1972 referred to in the relevant report.**

The Assistant Director Financial Services and Revenues presented a report to agree the inclusion of the “Sidney Little Road Business Incubator Hub” within the capital programme subject to the receipt of grant funding. A decision is expected on or around the 8<sup>th</sup> March 2019. The report further highlights the current funding

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requirements in order to develop the remaining two sites on Council owned land and includes details of the potential developments that are being proposed.

Councillor Chowney proposed approval of the recommendations of the Assistant Director's report for both agenda items 11 and 12. This was seconded by Councillor Patmore.

### **RESOLVED (unanimously) that:**

**1. To agree the inclusion of the Sidney Little road Business Incubator Hub within the Capital programme with an estimated budget, including fees of £2.8m.**

**2. To seek external funding for the shortfalls, and/ or negotiate options with interested parties, based on the potential unit sizes.**

**(i) Plot 2 - 35 Sq ft factory unit**

**(ii) Plot 3 - 3 to 8 Factory units (flexible sizes)**

**3. Cabinet to note the potential Capital expenditure of £10m in total for the 3 sites should viable proposals be received or external funding bids be successful.**

### **Reasons for the decision:**

The land is allocated for employment use in the Development Management Plan (DMP). The site is in the Council's ownership and offers opportunities for development. The schemes are sufficiently worked up to identify funding shortfalls and seek external grants, undertake negotiations to develop the sites.

Should external funding be received there is a ready made opportunity to help address unemployment and improve the economic opportunities for companies within the town, in line with Corporate Plan objectives.

The Council expects to learn the outcome of an external funding bid in early March 2019 and needs to be ready to progress the development of the site – should the Cabinet agree to make funding available.

### **166. SITE AT WEST MARINA - (PART 2 REPORT)**

**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 paragraphs of schedule 12A to the Local Government Act 1972 referred to in the relevant report.**

Councillors Lee and S Beaney left the chamber during the discussion and vote.

The Assistant Director Financial Services and Revenues presented a report to agree Heads of Terms for the long lease of the site at West Marina.

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Councillor Chowney proposed approval of the recommendations of the Assistant Director's report. This was seconded by Councillor Batsford.

**RESOLVED (by 4 for, to 1 against) that:**

- 1. To enter into a long lease with County Gate/Sunley on the Heads of Terms attached at Appendix 1**
- 2. That the Chief Finance Officer, in consultation with the leader of the Council and Chief Legal Officer, be authorised to negotiate and agree the final terms of the lease disposal.**

Reasons for the recommendation:

The agreement of the Heads of Terms enables the Council and the developer to draw up the necessary legal agreement in order to progress a development proposal. Any such proposal will need planning permission.

(Chair declared the meeting closed at 7.58pm)

(The Chair declared the meeting closed at. 7.58 pm)