

Minutes of the Cabinet Meeting held at Riverside, 4 Canning Road,
Lowestoft on **Wednesday, 17 January 2018 at 6.30pm**

Cabinet Members present:

Councillors M Bee (Chairman), S Ardley, G Catchpole, M Ladd, B Provan, C Punt, C Rivett, D Ritchie and M Rudd.

Deputy Cabinet Members present:

Councillors P Ashdown, N Brooks, A Cackett, J Ceresa and C Topping.

Also in attendance:

Councillors S Barker, M Cherry, Y Cherry, A Green, J Murray and S Woods.

Officers present:

S Baker (Chief Executive), K Blair (Head of Operations), A Carey (Head of ICT), P Goodrick (Development Manager for Housing), J Hunt (Head of Housing), K Hurlock (Asset and Investment Manager), A Jarvis (Strategic Director), H Javadi (Chief Finance Officer and Section 151 Officer), A Mills (Strategic Manager for the Anglia Revenues Partnership), S Taylor (Finance Manager, Financial Compliance), A Wellham (Senior Accountant, Financial Planning) and N Wotton (Democratic Services Manager).

1 APOLOGIES

There were no apologies received on this occasion.

2 DECLARATIONS OF INTEREST

There were no declarations of interest made on this occasion.

3 MINUTES

RESOLVED

(a) That the Minutes of the Simultaneous Cabinet Meeting held on 13 November 2017 be approved as a correct record and signed by the Chairman.

(b) That the Minutes of the Cabinet Meeting held on 6 December 2017 be approved as a correct record and signed by the Chairman.

4 ISSUES ARISING FROM THE OVERVIEW & SCRUTINY COMMITTEE OR THE AUDIT & GOVERNANCE COMMITTEE

(a) The Overview & Scrutiny Committee

Members were advised that the Chairman of the Overview & Scrutiny Committee was away and therefore unable to attend this meeting. It was noted that the Overview & Scrutiny Committee had considered the recent Call-In of the Jubilee

Chalet Redevelopment Report and an update in this respect would be provided later in the meeting, as a confidential item.

(b) The Audit & Governance Committee

There were no matters to report.

5 PREPARATION FOR CIVIL PARKING ENFORCEMENT IMPLEMENTATION IN WAVENEY

The Cabinet Member for Operational Partnerships presented the report which, in anticipation of Parking Enforcement transferring from the Police to the Suffolk local authorities, was to consider the off-street parking places orders that needed to be prepared in readiness for consolidation, when the legal framework was changed from the Road Traffic Regulation Act 1984 to the Traffic Management Act 2004. This had previously been outlined in the reports to Cabinet in September 2017 (REP1689) and November 2017 (REP1690).

Since the previous reports, consultation had taken place with District Councillors, Town and Parish Councils, Business Associations and the public, the purpose of which was to gain an understanding of local issues, possible solutions and the best way to achieve the necessary revenue. Details of the responses received were contained in the report and the proposals for individual areas were set out in paragraph 3 of the report. It was also proposed to introduce a Special Filming Permit Agreement to give permission to park production vehicles in car parks to enable Suffolk to be used for more filming and to amend the Order such that the Council could suspend charges at any time, with or without notice, for some or all parking places specified, for any period of time.

Subject to the necessary consent from Suffolk County Council, it was proposed to commence the process for implementing the recommendations by the Making of the Traffic Order which would become operational on 1 April 2018. It was noted that there would be a freeze on any changes from April 2018 to April 2019, while the CPE legal work was being carried out.

A Member commented that many workers currently used the free car parks which were available in both Beccles and Southwold and the changes to introduce charging would not be popular. Members were advised that the Council had the annual parking permit scheme, which would enable people to park and save money over the course of a year. It was noted that all those who had responded to the consultation raising concerns about this matter, should be contacted and provided information about the wide range of parking permits that the Council offered. Members were also advised that Southwold Town Council was also investigating the possibility of introducing parking permits or concessionary tickets for people who work in Southwold.

A Member raised concerns about the lack of lighting in some car parks and at the Clapham Road car park in particular. It was noted that many people parked there in order to visit the Marina Theatre and once the performances were over, the route to the car park and the car park itself were poorly lit, which was a personal safety issue. It was reported that this was a general car park management concern and could be raised with Waveney Norse outside of the meeting.

Reassurance was also provided that Lowestoft Town Council and Oulton Broad Parish Council had been contacted as part of the consultation process.

RESOLVED

That, with effect from April 2018, the following decisions be agreed:

1. For Southwold:
 - Add Blackshore Harbour to the Order.
 - Add Pier Extension to the Order (after agreement with Easton Bavents, subject to successful planning application) with a tariff of £1.20/hr up to 4 hours and 4+ hours £6.
2. For Lowestoft:
 - Remove Albany Road from the Order as it has been sold.
 - Remove Battery Green Multi-Storey car park from the Order as demolition as begun.
 - Add the existing footprint of Battery Green site to the Order as a maximum 3 hour short stay surface car park with a tariff of £1.20/hour.
 - Create a surface car park at Newcombe Road; add to the Order as a long stay car park with a tariff of £1.20/hr up to 4 hours and 4+ hours £6.
3. For Oulton Broad:
 - Add Everitt Road to the Order for Off Street Residents' Parking (road owned by WDC).
4. For Beccles:
 - Add 3 hour maximum short stay parking restrictions to the Order for a limited number of spaces at Blyburgate car park.
 - Add a 2 hour parking limit to some bays on Kilbrack free car park to allow patients to attend dental appointments.
 - Consult with BTC on introduction of charges at North Quay car park and Waveney Meadow.
5. That applications for Special Filming Permits be enabled.
6. That a clause that states that the Council can suspend charges at any time, with or without notice, for some or all parking places or tariffs for any period or periods be added to the Order.
7. That the Head of Legal and Democratic Services be instructed and authorised to carry out the necessary legal and administrative processes in advertising and making the Traffic Order to implement Cabinet's recommendations.

6 LOCAL COUNCIL TAX REDUCTION SCHEME FOR 2018/19

The Cabinet Member for Resources introduced the report which advised Members of the need to consider the Local Council Tax Reduction Scheme for 2018/19, which was a locally set scheme that replaced the national Council Tax Benefits (CTB) scheme from April 2013.

Members were reminded that the aim of the change had been to:

- Transfer the system to local control.
- Make savings.
- Protect vulnerable people.
- Support work incentives for claimants created by the Government's wider welfare reform.

As a result of the new powers, Waveney District Council had developed a scheme that mirrored the previous Council Tax Benefit rules, which paid a maximum benefit of 91.5% for working age claimants. Waveney had qualified for additional funding in 2013/14; that funding had not been offered again. The Council had also protected War Pensioners and other payments within the Armed Forces Covenant from the reduction in maximum benefit and also removed Second Adult Rebate for working age claimants from its schemes.

The Cabinet Member for Resources explained the proposed changes to the scheme as detailed in paragraph 3 of the report which would have an adverse impact of £225, shared between all precepting authorities. However, following consultation and having considered the other options which would impact on customers as outlined, the proposals being recommended to Council were considered the best option.

A Member queried the current definition of 'working age' and clarification was provided that it was any age under the current state pension age of 66 years. It was noted that the state pension age would be increasing over time.

With regard to pension age benefits, a Member sought clarification about whether a new pensioner would have to claim for their individual benefits or whether they would receive them automatically. Members were advised that the benefits would be received automatically, as the software being used already contained information about dates of birth and benefits would therefore be issued as soon as they were eligible.

In relation to the graphs on pages 114 and 121 of the report, a Member queried where Waveney District Council appeared. It was confirmed that this information would be provided outside of the meeting.

RECOMMENDATION TO FULL COUNCIL

1. That, with effect from 1 April 2018:
 - (a) the Local Council Tax Reduction Scheme remains paying maximum benefit of 91.5% for working age claimants, leaving 8.5% to be paid by the individual(s);
 - (b) benefit rates, known as applicable amounts, are uprated to 2015 rates; and
 - (c) the Local Council Tax Reduction Scheme be harmonised with the DWP Welfare Reforms introduced in the Prescribed Scheme for Pensioners and Housing Benefit.

2. That links to the award of Universal Credit be introduced for entitlement to the Council's Local Council Tax Reduction Scheme, removing the requirement for a separate application to be made.

7 CAPITAL PROGRAMME 2018/19 TO 2021/2022

The Cabinet Member for Resources presented a report, the purpose of which was to consider the approval of the Council's General Fund Capital Programme and the Housing Revenue Account (HRA) Capital Programme for the financial years 2018/19 to 2021/22 and revisions to the 2017/18 programme.

It was noted that the Capital Programme had been compiled taking account of the following main principles:

- Maintain an affordable four year rolling Capital Programme.
- Ensure capital resources were aligned with the Council's Business Plan.
- Maximise available resources by actively seeking external funding and disposal of surplus assets.
- Not to anticipate receipts from disposals until they were realised.

The General Fund Capital Programme for 2017/18 to 2021/22 had a total budget requirement of £80.3m which would be financed through both internal and external resources. Full details of the HRA Capital Programme were set out in the report and relied on external grants and contributions, capital receipts, the use of capital reserves and direct revenue financing.

The Cabinet Member for Resources drew attention to the key investments with regard to the Battery Green Car Park, Corton & North Corton Hybrid Scheme, Lowestoft Tidal Barrier, the Housing Redevelopment Programme and the Housing New Build Programme. He explained that approval of the Capital Programme was required as part of the overall setting of the budget and MTFs.

Members noted the need for improved asset management and the potential sale of surplus and underused assets. A Member requested further information in this respect and it was reported that more information would be provided outside of the meeting.

A Member raised concerns that a number of Capital Projects had been agreed for Southwold and Lowestoft, however they felt that the other market towns in the district had been overlooked. Clarification was provided that all requests for funding were considered and those which were a necessity were included. The Capital Programme was a snapshot of the plans for the next four years and was part of a 4 year cycle, which would be reviewed and amended on a regular basis. In respect of the Beccles Sports and Social Club shower facilities, it was noted that quotes for refurbishment had been requested and the costs would be paid from the maintenance fund for this facility, therefore it would not appear on the Capital Programme as an individual item.

With regard to the Britten Centre, clarification was provided that the Council had some repairing responsibilities for the site and therefore had to pay for the repairs to the car park lift, which were itemised within the Capital Programme.

A Member requested further information about the Right to Buy Scheme. It was confirmed that the maximum discount that a tenant was able to receive was £78,000 or 70% of the price of the property, whichever was the lowest figure.

Members noted that the Capital Programme had been considered by a Joint meeting of the Audit & Governance and Overview & Scrutiny Committee earlier in January 2018, and both Committees had been very supportive of the report.

RECOMMENDATION TO FULL COUNCIL

That the Capital Programme for 2018/19 to 2021/22, including revisions to 2017/18 be approved by Full Council.

8 HOUSING REVENUE ACCOUNT BUDGET

The Cabinet Member for Resources presented the report which was to consider the Housing Revenue Account (HRA) Income and Expenditure Account Budget for the period 2018/19 to 2021/22, together with a summary of its reserves and balances and recommend its approval by Full Council. The HRA budgets were fully funded from existing funds to meet the Council's HRA spending plans, including the capital investment programme and reserve balances, as per the HRA Financial Business Plan.

It was noted that, for the first time in many years, the government had implemented legislation regarding social rents by the inclusion of sections within the Welfare Reform and Work Act 2016, compelling Councils and Housing Associations to reduce rents by 1% each year from April 2016 to April 2019 (that being 2016/17 to 2019/20). The move was made by the government in an attempt to help reduce the country's Housing benefit bill. Whilst the impact of the compulsory rent reduction was contained within the existing parameters of the HRA, the effect of four years of enforced reductions had resulted in reduced funds being available to invest in the new Housing Development Programme.

Members noted that there had been a 1% decrease in the weekly housing rent, as directed by Central Government, which equated to an average weekly rent of £83.06 over a 50 week collection year. Service charges were to increase slightly to £13.40 per week and garage rentals had increased by 3.5%.

The repairs and maintenance budget for 2018/19 had been set at £3.77 million, which would be used to ensure that the Council undertook all of the necessary works for the Council's housing stock to meet the Decent Homes Standard.

Members commended the work of the Finance Team in respect of this report and Members noted that the Capital Programme had been considered by a Joint meeting of the Audit & Governance and Overview & Scrutiny Committee earlier in the month, and both Committees had been very supportive of the report.

A Member raised concerns about the level of rent arrears, which had increased by 52% over the last 12 months, and had a strong correlation to the roll out of Universal Credit. Members were reassured that the Council had raised this matter with Central Government on many occasions and that some changes had been made as a result. It was noted that a dedicated member of staff was dealing with following up rent arrears and another was assisting with providing training to the public to help them to manage their finances and avoid getting into debt, which was an innovative approach.

RECOMMENDATION TO FULL COUNCIL

1. That the Housing Revenue Account Budget for 2018/19, the revised estimates for 2017/18 and the indicative figures for 2019/20 to 2021/22 be approved.
2. That the Movements in Reserves and Balances be approved
3. That the weekly housing rent decrease of 1% for 2018/19, giving an average weekly rent of £83.06 over a 50 week collection period be approved.
4. That the Service Charges and associated fees for 2018/19 be approved.
5. That the changes affecting public and private sector housing and welfare be noted.

9 LAND ADJACENT TO 3 CORNFIELD CRESCENT, CORTON

The Cabinet Member for Resources presented the report which was to consider the removal of two covenants on land adjacent to 3 Cornfield Crescent, Corton, for the sum of £20,000 plus fees, to enable a two bedroomed bungalow to be built upon the land, subject to planning permission.

The report stated that the land adjacent to No. 3 Cornfield Crescent had originally been sold in 2013 and since that time, ownership had changed hands and the site had recently been sold to Richden Homes. The following covenants were currently in place:

- a) No part of the property shall be used at any time for any purpose other than as garden land.
- b) Not to erect any building of any kind on the property.
- c) To ensure that any fences or other structures enclosing the property are constructed in accordance with any planning requirements or approval, prior to any works of this nature being carried out.
- d) To forever hereafter maintain any structures forming the boundaries of the property which are the responsibility of the purchasers.

Gilbert Builders, acting on behalf of Richden Homes, had approached the Council for the removal of the restrictive covenants including 'not to erect any building of any kind on the property' to enable a two bedroomed bungalow to be built on the site. Following the grant of planning permission on 14 November 2017, negotiations had taken place and an appraisal of the site resulted in the sum of £20,000 being agreed for the removal of parts a) and b) of the covenant, with an additional £700 payment for legal and processing fees, subject to Cabinet approval.

The Cabinet Member for Resources explained that the proposal provided additional capital revenue to the Council and, in addition, the legal and processing costs were to be funded by the developer.

Members were content that the site was appropriate for the development of a bungalow and was in keeping with the surrounding area.

RESOLVED

That the offer of £20,000 and the payment of legal and processing fees of £700 for the release of the following two covenants be approved:

- a) No part of the property shall be used at any time for any purpose other than as garden land.
- b) Not to erect any building of any kind on the property.

10 EXEMPT/CONFIDENTIAL ITEMS

RESOLVED

That, under Section 100(A)(4) of the Local Government Act 1972 (as amended), the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Act.

11 ELECTRONIC CARD PAYMENT GATEWAY AND INCOME MANAGEMENT SYSTEM

The Leader of the Council presented a report, the purpose of which was to consider awarding a contract for the installation of a new Electronic Payment Gateway and Income Management System, which had been out to tender, in accordance with the Procurement Procedure Rules.

As a result of e-payment systems coming to the end of the contract period for Suffolk Coastal and Waveney District Councils, the proposed single system would deliver efficiencies and substantial cost savings over the life of the proposed contract.

RESOLVED

That the contract for the Electronic Payment Gateway and Income Management System be awarded to the company, as discussed at the meeting, for the period as discussed at the meeting, on terms which best protect the Council's interest.

12 ST PETER'S COURT – INSTALLATION OF A SPRINKLER SYSTEM

The Cabinet Member for Housing presented a report which sought permission to award a contract for the installation of a sprinkler system at St Peter's Court, a 16-storey tower block in Lowestoft, providing 90 two bedroomed flats.

Members noted that there was no mandatory reason to install a sprinkler system, however the Council recognised that the proposal would give reassurances to the tenants and enhance fire safety provision within the high rise building. It would also comply with the recommendations made in the 2017 fire risk assessment.

RESOLVED

That Delegated Authority be granted to the Head of Housing, in consultation with the Strategic Director, the Leader of the Council and the Cabinet Member for Housing, to award the contract for the provision of a sprinkler system at St Peter's Court in Lowestoft, to the most economically advantageous tender and to enter into a contract with one of the five tenderers who responded to the invitation to tender up to a value, as discussed at the meeting, (budget to include any contract variations), subject to the completion of the appropriate due diligence, on terms that best protect the Council's interests and that the HRA Capital Programme be increased, by the sum as discussed at the meeting, to cover all the contingencies for this project.

13 SALE OF 4A RIGBOURNE HILL, BECCLES (REVISITED)

The Cabinet Member for Housing presented a report which sought permission to sell the flat at 4a Rigbourne Hill, Beccles, and to revoke the previous decision made by the Cabinet on 1 November 2017 regarding this property.

The property had met one of the agreed disposal criteria and its disposal at the revised/updated valuation would enable an additional financial resource to be made available.

RESOLVED

1. That the decision to approve the sale of 4a Rigbourne Hill for the sum as agreed at the meeting, taken on 1st November 2017, based on report REP1705, be revoked.
2. That the sale of 4a Rigbourne Hill, Beccles, for the sum as discussed at the meeting, be approved and the capital receipt be reinvested to meet the objectives of the Business Plan's strategic ambitions to enable communities and increase economic growth.
3. That Delegated Authority be granted to the Head of Housing and Head of Legal and Democratic Services, on behalf of the Council, to grant a lease to the buyer of 4a Rigbourne Hill for 125 years.

14 PURCHASE OF LAND IN LOWESTOFT

The Cabinet Member for Resources presented a report, the purpose of which was to seek permission to purchase land in Lowestoft, as part of the Council's longer term regenerative initiative.

By acquiring the freehold interest in the land identified in the report, it would enable the Council to take a more interventionist approach in regeneration.

RESOLVED

That the purchase of land identified within report REP1707, up to the value as discussed at the meeting, be approved.

15 PROPOSED PURCHASE OF LAND IN LOWESTOFT

The Cabinet Member for Resources presented a report which considered the proposed purchase of land in Lowestoft, as part of the Council's longer term regenerative initiative.

It was noted that the purchase of the site would enable the Council to actively co-ordinate the opportunity for regeneration within the Lake Lothing Area Action Plan.

RESOLVED

That the purchase of the site shown edged red on the plan attached to report REP1753, by private negotiation, up to the value as agreed at the meeting, be approved.

16 SHARED OWNERSHIP AFFORDABLE HUSING PROGRAMME 2016-2021 – HCA FUNDING FOR NEW COUNCIL OWNED SHARED OWNERSHIP DWELLINGS

The Cabinet Member for Housing presented a report which advised Members that the Council had successfully secured a grant via a bid to the Homes and Communities Agency's Shared Ownership and Affordable Homes Programme (SOAHP) 2016 to 2021. The grant, along with funding through the Council's Housing Revenue Account, would allow the Council to deliver 61 additional shared ownership properties in East Suffolk.

The report sought permission for the payment of the grant, which required the Council to enter into a grant agreement (mixed consortium) with the Homes and Communities Agency (HCA).

RESOLVED

1. That the completion of the grant agreement (mixed consortium) contract with the HCA to access initial grant of up to the amount as discussed at the meeting to deliver 61 new shared ownership homes and to access further grant where available, subject to terms that best protect the Council's interests be approved.
2. That, subject to terms that best protect the Council's interests, the completion of a consortium agreement the partners as discussed at the meeting for programme management services be approved.
3. That the completion of an agreement with the company as discussed at the meeting for programme management services to the value as agreed at the meeting on the basis that the requirements in the paragraph 8 of the Council's

Contract Procedure Rules are waived, for the reasons set out in paragraph 3.2.2 of this report, subject to terms that best protect the Council's interests, be approved

4. Subject to recommendations 1 and 2, the principle of gross expenditure of up to the sum as agreed at the meeting from the HRA Capital Programme, to deliver the SOAHP 2016 to 21 programme, subject to individual schemes being approved by Cabinet, be approved.
5. Subject to recommendations 1 and 2, delegated authority be granted to the Head of Housing Services, in consultation with the Cabinet Member for Housing, the Head of Legal and Democratic Services and the Chief Finance Officer, to negotiate the terms of the agreements that are referred to above, that best protect the Council's interests.

17 CONSIDERATION OF THE RECOMMENDATIONS FROM THE OVERVIEW & SCRUTINY COMMITTEE FOLLOWING THE CALL-IN OF THE JUBILEE CHALETS REPORT

At the Cabinet meeting on 6 December 2017, an Exempt report was considered regarding the proposed Jubilee Beach Huts Redevelopment (REP1729), along Lowestoft sea front. At that meeting, the Cabinet agreed the following recommendations:

1. That the production of a prototype beach chalet, to assist with the design and investigation process, be approved.
2. On the longer term development, that a budget, of the sum as discussed at the meeting, to fund the requisite site and utility surveys, structural investigations, planning reports, flood risk assessments, flood risk engineering and other fees and reports necessary to submit a planning application and produce a final performance specification/ cost which can assist to deliver a final Cabinet report in early 2018, be approved.
3. Simultaneous with the above, to proceed and submit an application for grant funding, from the programme as discussed at the meeting, and to accept the external funding if the project bid is successful and can meet the timing of the project.
4. That all works are to be preceded by a local communications and engagement process.

In accordance with the Council's Constitution, these decisions were Called-In and the Monitoring Officer considered the submission. The Monitoring Officer decided that the Call-In was valid and should be referred to the Overview & Scrutiny Committee for further consideration and debate.

The Overview & Scrutiny Committee considered this matter at their meeting on 4 January 2018, where it was unanimously agreed that the decisions taken by the Cabinet at their meeting on 6 December 2017 had been made in accordance with the principles of good decision-making, with the information that was given at the time.

However, the Overview & Scrutiny Committee felt that there had not been sufficient consultation. As such, they recommended that the proposals for the new development and business case for Jubilee Chalets be brought back to the Overview & Scrutiny Committee for consideration, prior to the report being presented to Cabinet for approval.

RESOLVED

After discussion, the Cabinet agreed with the resolutions made by the Overview & Scrutiny Committee at their meeting on 4 January 2018.

As a result of the Cabinet’s agreement, the original decisions made by the Cabinet at their meeting on 6 December 2017 regarding Jubilee Chalets were therefore released for immediate implementation and could not be subject to further ‘Call-In’.

18 CONFIDENTIAL MINUTES

RESOLVED

That the Exempt Minutes of the Cabinet Meeting held on 6 December 2017 be approved as a correct record and signed by the Chairman.

The meeting concluded at 9.00 pm.

Chairman