



LEAD MEMBER FOR RESOURCES

DECISIONS to be made by the Lead Member for Resources,
Councillor David Elkin

TUESDAY, 22 JANUARY 2019 AT 3.00 PM

COMMITTEE ROOM - COUNTY HALL, LEWES

AGENDA

- 1 Decisions made by the Lead Cabinet Member on 8 January 2019 (*Pages 3 - 4*)
- 2 Disclosure of Interests
Disclosure by all Members present of personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct
- 3 Urgent items
Notification of any items which the Lead Member considers urgent and proposes to take at the appropriate part of the agenda.
- 4 8 Malling Hill, Lewes - disposal (*Pages 5 - 8*)
Report by the Chief Operating Officer
- 5 14 Westfield Lane, Hastings (*Pages 9 - 12*)
Report by the Chief Operating Officer
- 6 Lands south of Greenacres Road, Westfield (*Pages 13 - 16*)
Report by the Chief Operating Officer
- 7 Revised decision for Land at Moorhurst, Main Road, Westfield (*Pages 17 - 24*)
Report by the Chief Operating Officer
- 8 Any urgent items previously notified under agenda item 3

PHILIP BAKER
Assistant Chief Executive
County Hall, St Anne's Crescent
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14 January 2019

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LEAD MEMBER FOR RESOURCES

DECISIONS made by the Lead Member for Resources, Councillor David Elkin, on 8 January 2019 at County Hall, Lewes

Councillor Philip Daniel spoke on item 4 (see minute 33)

31 DECISIONS MADE BY THE LEAD CABINET MEMBER ON 19 DECEMBER 2018

31.1 The Lead Member confirmed as a correct record the minutes of the meeting held on 19 December 2018.

32 REPORTS

32.1 Reports referred to in the minutes below are contained in the minute book.

33 BUSINESS RATES RETENTION PILOT 2019/20

33.1 The Lead Member considered a report by the Chief Operating Officer.

DECISIONS

33.2 The Lead Member RESOLVED:

- (1) To approve that East Sussex County Council pilot 75% business rates retention resulting in an anticipated net gain of £1.6m over current pooling arrangements;
- (2) To approve that Wealden District Council be nominated as the lead authority;
- (3) To approve that the basic principle be agreed that no authority will receive a lower level of funding than they would have received without the pool;
- (4) To approve to split resources gained on the growth in business rates on the basis of the split being 26% to East Sussex County Council, 5% to the East Sussex Fire and Rescue Service and the remaining 44% to be split amongst the District and Borough Councils;
- (5) To approve the financial stability and economic development split of funding;
- (6) To approve that the additional income to East Sussex County Council is included within the Reconciling Policy Performance and Resources and Medium Term Financial Plan for consideration; and
- (7) To approve that the finalisation of the Memorandum of Understanding, and all other matters necessary for the establishment of the Pilot are delegated to the Chief Finance Officer, in consultation with the Assistant Chief Executive.

Reasons

33.3 On 13 December 2018 the Ministry for Housing, Communities and Local Government confirmed that the East Sussex Business Rates Retention Pilot bid had been successful. The report sets out the rewards and risks arising from this opportunity and the basis by which

partner authorities will work towards meeting the pilot objectives of financial sustainability and economic development.

Committee: **Lead Cabinet Member for Resources**

Date: **22 January 2019**

Title of Report: **8 Malling Hill, Lewes**

By: **Chief Operating Officer**

Purpose of Report: **To seek Lead Member approval to (1) declare the property surplus to the County Council's requirements and to (2) secure best value through a disposal on the open market**

RECOMMENDATION: The Lead Member is recommended to:

- (1) declare the property known as 8 Malling Hill, Lewes, surplus to the County Council's operational requirements; and**
 - (2) delegate authority to the Chief Operating Officer to secure best value terms for a disposal in accordance with s. 123 of the Local Government Act 1972.**
-

1. Background information

- 1.1 The Property comprises a residential end of terrace house constructed circa. 1950. There are three bedrooms on the first floor with living room, kitchen, bathroom and dining room on the ground floor.
- 1.2 The current tenants have served notice on the County Council advising them that they are relocating, and thus relinquishing their interest. The property will shortly become vacant and generate no income. Under Housing Act legislation the County Council is unable to offer or enable private lettings without triggering a right to buy. The vacant property will incur management, council tax and security costs.

2. Supporting information

- 2.1 A plan of the property (hatched) is attached in Appendix 1 and extends to approx. 0.04 acres.
- 2.2 Internal consultation with Council Services has confirmed there is no further operational requirement for this property.
- 2.3 The property will be placed on the open market to secure best value and information provided to registered Housing providers
- 2.4 The Local Member has been consulted on this matter and raised no objection to

the proposal.

3 Conclusion and Reason for Recommendations

- 3.1 The property offers no future operational use for the County Council and, whilst vacant, would continue to incur costs for security and maintenance.
- 3.2 The Council is not in a position to lease this type of property, without incurring security of tenure and right to buy issues. The property would also require moderate level of refurbishment.
- 3.3 It is recommended that this property be declared surplus to the County Council's requirements and terms for its disposal delegated to the Chief Operating Officer in accordance with the requirements of Section 123 of the Local Government Act 1972

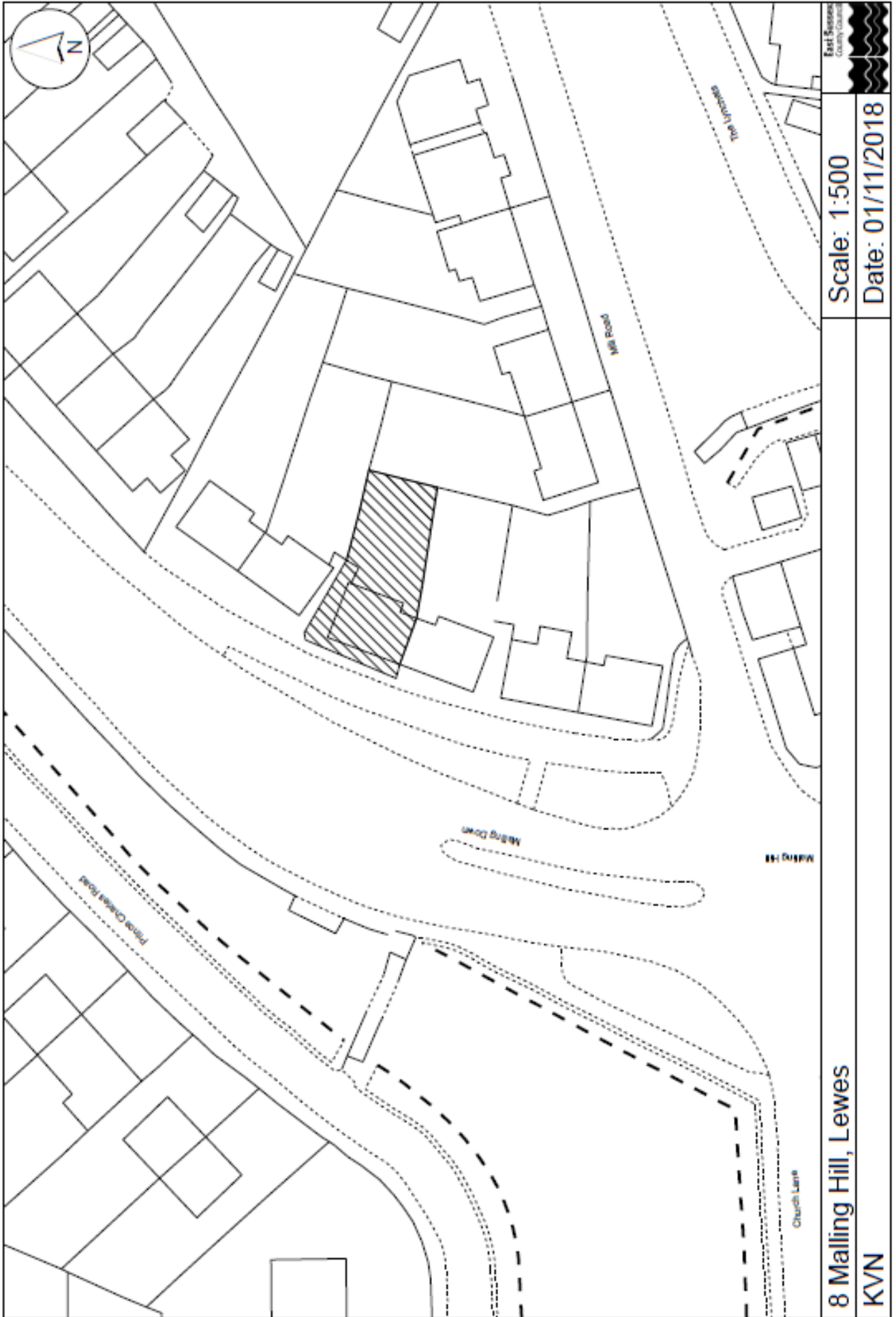
KEVIN FOSTER
Chief Operating Officer

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LOCAL MEMBER:
Councillor Philip Daniel

BACKGROUND DOCUMENTS:
None

APPENDICES:
Appendix 1 – Plan



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Report to: Lead Member for Resources

Date of meeting: 22 January 2019

By: Chief Operating Officer

Title: 14 Westfield Lane, St Leonards-on-Sea, TN37 7NG

Purpose: To secure Lead Member approval to 1) dispose of the property on the open market, and 2) to settle a charge held over the asset by NHS England. This is a revision and update to a Lead Member decision given in November 2011

RECOMMENDATIONS: The Lead Member is recommended to:

1) Revise a previous surplus declaration decision made on 28 November 2011 and to now approve the disposal of the property, which will include settlement of a charge held over the asset by NHS England; and

2) delegate authority to the Chief Operating Officer to ensure best value is reasonably obtainable, subject to the terms of the Capital Grant Agreement noted.

1 Background

- 1.1 14 Westfield Lane is one of a number of Learning Disability homes that transferred to the County Council from former Primary Care Trusts (PCT) in February 2011. The County Council was provided with capital funding, required to acquire the freehold interests, subject to the PCT (and their successors NHS England) retaining a first charge over each asset. The capital grant is repayable on future disposal.
- 1.2 On 28 November 2011 the Lead Member for Community and Resources approved a decision to formally declare the site, known as 14 Westfield Lane Hastings, as surplus to operational requirements. In addition it recommended disposal, by way of a lease, to a Registered Care Provider for the purpose of developing the site for supported living accommodation.
- 1.3 Despite subsequent proposals to convert the asset into 10-12 supported living units, development became frustrated by the restrictions of the first charge held over the asset by NHS England, despite extensive negotiations. In June 2018, Cabinet agreed to amend Learning Disability Provided Services, through which the site has been identified as now fully surplus.

2 Supporting information

- 2.1 The property was a registered care home for residents with learning disabilities who were supported by teams of residential care workers. The

service closed and the building was vacated in 2011 and has not been used operationally since.

- 2.2 Hastings and Rother Primary Care Trust transferred the freehold to ESCC in 2011 under a directive issued by the Department of Health.
- 2.3 The site measures 0.8 acres and is shown on the accompanying map hatched in black.
- 2.4 The Local Member has been consulted and has no objections.
- 2.5 Subject to the outcome of notices required to be prior served on NHS England under the terms of the capital grant agreement, it is recommended that the property be placed on the open market through marketing agents, to be appointed, to secure best value outcomes in accordance with Section 123 of the Local Government Act 1972 .

3. Notification process

- 3.1 A market valuation is anticipated to be greater than the sum of the original grant.
- 3.2 Under the Capital Grant agreement dated 10 February 2011, the property is first to be offered back to the successor body to the Primary Care Trust (now NHS England) for £4 a nominal fee with no further liability to repay the original grant.
- 3.3 In the event of the successor body rejecting the first notice, the agreement requires a formal valuation to be secured from the District Valuer, and for the County Council to pay NHS England such value within 28 days .
- 3.4 The Agreement, is the subject of ongoing legal and property advice. This is not uncommon across both our own portfolio of LD assets but also other County Councils to whom similar assets were transferred in 2011 as PCTs were being dissolved at the time. Initial advice is that the full sale value is repayable to NHS England, with the County Council effectively acting as their agents in the disposal.
- 3.5 There is a risk of the County Council having to pay NHS England a value, as ascertained by the District Valuer, within 28 days of a valuation, still leaving the County Council with all marketing risks. Officers are in negotiations with the NHS Property Services to agree an appropriate marketing process under which the asset is marketed and any conditional or unconditional bids reviewed.

4. Conclusion and reasons for recommendations

- 4.1 Earlier decisions to secure the asset for specialist care use have been amended following subsequent reviews of service provision. The property has no future operational use for the Council and whilst it is vacant the property will have ongoing costs for security and maintenance.
- 4.2 It is recommended that this property be declared surplus to County Council requirements and terms for any disposal delegated to the Chief Operating Officer to secure best value in accordance with the requirements of Section 123 of the Local Government Act 1972, and compliance with the processes noted within the original capital grant agreement.

KEVIN FOSTER

Chief Operating Officer

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LOCAL MEMBER

Councillor Peter Pragnell

BACKGROUND DOCUMENTS

None

APPENDICES

Appendix I – Site Plan (not to scale)

Report to: Lead Member for Resources

Date of meeting: 22 January 2019

By: Chief Operating Officer

Title: Land south of Greenacres Road, Westfield

Purpose: To seek Lead Member approval to (1) declare land surplus to the County Council's operational requirements and to (2) delegate authority to the Chief Operating Officer to secure best value through a disposal on the open market

RECOMMENDATION: The Lead Member is recommended to:

1) declare lands off Greenacres Road, Westfield, surplus to the County Council's operational requirements; and

2) delegate authority to the Chief Operating Officer to secure best value terms for a disposal in accordance with S.123 of the Local Government Act 1972.

1 Background Information

- 1.1 The property comprises an elongated and irregular shaped, and largely overgrown, parcel of land in the village of Westfield totalling approx. 1.6 acres (0.64 ha) .
- 1.2 Part of the land at its eastern end has main road frontage and there is potential for a small number of housing plots, subject to the usual town planning consents. The north-western boundaries of the land adjoin a number of residential properties, and several local residents have expressed interest in potentially securing part of the land for extended gardens.
- 1.3 The residue of land, south of Greenacres, could offer improved footpath access through this part of the village, with the Neighbourhood Plan suggesting possible alternate uses such as allotments..

2 Supporting information

- 2.1 The disposal of the land may facilitate some new local housing and could be used to improve local access points and/or new footpaths across the village.
- 2.2 A plan of the property (hatched in black) is attached in Appendix 1 and extends to approx. 1.6 acres (0.64 ha).
- 2.3 Internal consultation with Council Services has confirmed there is no further operational requirement for this property.

- 2.4 The Local Member has been consulted on this matter and has raised no objection to the proposal.

3. Conclusion and reasons for recommendations

- 3.1 The property offers no future operational use for the County Council and if retained could continue to incur security and maintenance costs. Part of the land has been previously licenced to adjacent houseowners, who may be interested in a purchase.
- 3.2 It is recommended that this property be declared surplus to the County Council's requirements and terms for its disposal, either as a whole or in lots, be delegated to the Chief Operating Officer to secure best value in accordance with the requirements of Section 123 of the Local Government Act 1972.

Kevin Foster
Chief Operating Officer

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LOCAL MEMBERS

Cllr Carl Maynard

BACKGROUND DOCUMENTS

None

APPENDICES

Appendix 1 – Site Plan (not to scale)

Appendix I



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Report to: Lead Member for Resources

Date of meeting: 22 January 2019

By: Chief Operating Officer

Title: Revised decision for Land at Moorhurst, Main Road, Westfield

Purpose: To amend a previously approved Surplus Declaration decision to now enable a disposal of the property on the open market.

RECOMMENDATIONS

The Lead Member is recommended to:

1) Revise a Surplus Declaration decision made on 28 February 2011, to enable wider and open marketing of the site; and

2) delegate authority to the Chief Operating Officer to secure best value in accordance with S123 of the Local Government Act 1972.

1 Background

- 1.1 This site was originally declared surplus to County Council requirements by Lead Member for Corporate Resources on 28 February 2011 on the basis of a disposal under a long leasehold arrangement only, for a care home development linked to nomination rights in favour of the County Council.
- 1.2 Despite an agreement to transfer the site to a provider under the Age Well programme, an earlier planning consent for redevelopment expired and the transaction aborted. The original house, of 19 bedrooms, had been demolished, the site cleared and the site has remained vacant since.
- 1.3 The site adjoins the A28, Main Road, Westfield and is shown on Appendix I hatched in black.
- 1.4 The site measures approx. 2.22 acres (0.88 ha) and is noted as a brownfield site given a former care house was demolished.

2 Supporting information

- 2.1 The evolving town planning policies of Rother District Council have identified the site as offering opportunity for Retirement living, which could offer a wider set of senior adult living accommodation, of which 40% would be identified for affordable tenures.
- 2.2 It is recommended that the original decision is revised to enable the open marketing of Moorhurst that enables the widest range of tenures and uses to be sourced and tested, based on market demand and evolving planning policy.

- 2.3 The Local Member has been consulted and has no objections.
- 2.4 It is recommended that the property be placed on the open market through marketing agents, to be appointed, to secure best value outcomes in accordance with Section 123 of the Local Government Act 1972.

3. Conclusion and reasons for recommendations

- 3.1 The property has no future operational use for the Council and whilst the site is vacant the property will have ongoing costs for security and site /tree maintenance.
- 3.2 It is recommended that this property be declared surplus to County Council requirements and terms for any disposal delegated to the Chief Operating Officer to secure best value in accordance with the requirements of Section 123 of the Local Government Act 1972.

KEVIN FOSTER
Chief Operating Officer

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LOCAL MEMBERS

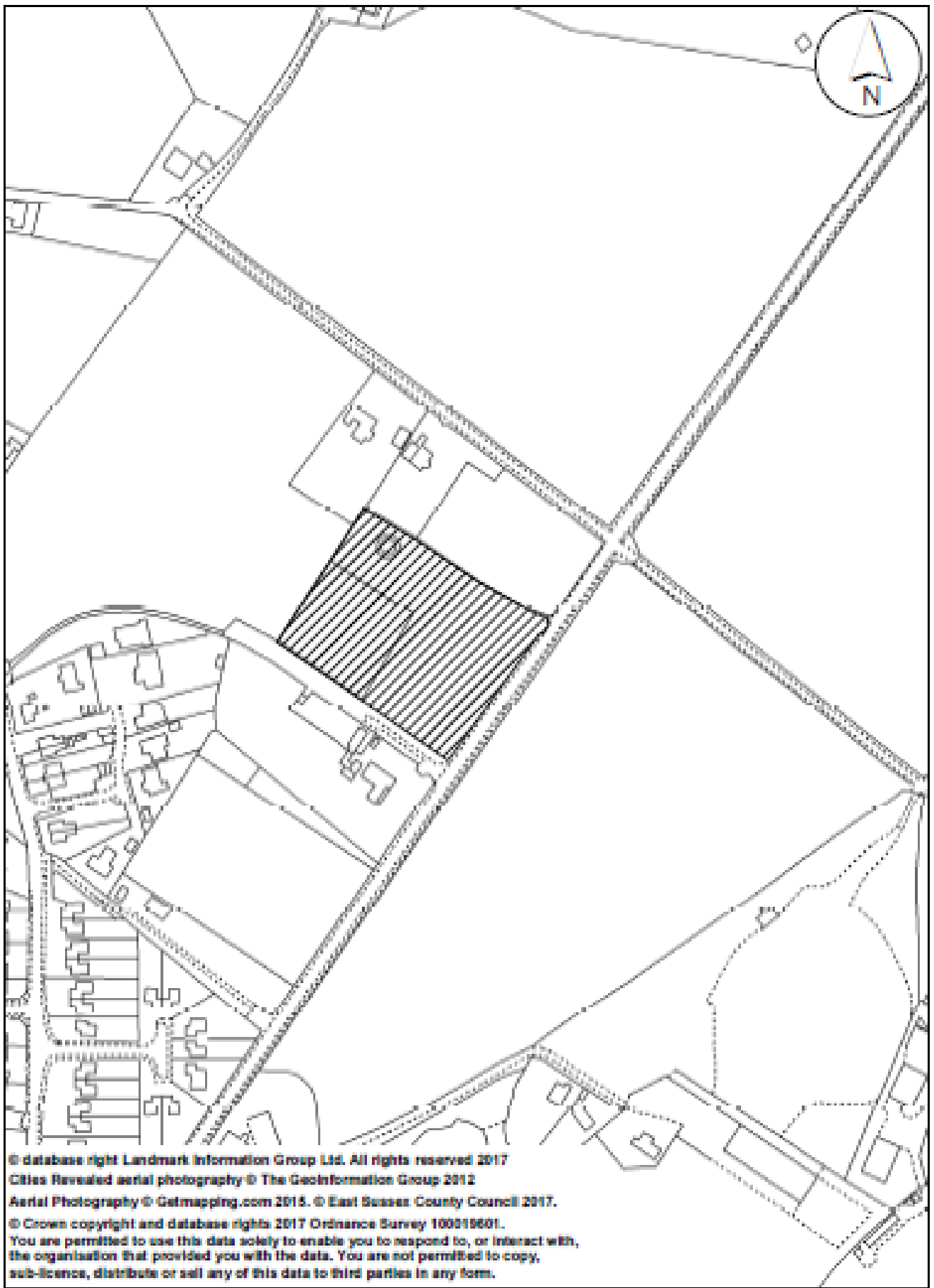
Councillor Maynard


BACKGROUND DOCUMENTS

None

APPENDICES

Appendix I – Site Plan (not to scale)



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|---------------------------------|------------------|---|
| Moorhurst, Main Road, Westfield | Scale: 1:2,500 |  |
| KVN | Date: 07/01/2019 | |

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CORPORATE RESOURCES

DECISIONS made by the Lead Cabinet Member for Corporate Resources, on 28 February 2011 at County Hall, Lewes

Councillor St. Pierre spoke on items 5, 7 and 10 (see minutes 23, 25 and 29)

20. MINUTES

20.1 Councillor Reid approved as a correct record the minutes of the meeting of the Lead Member for Corporate Resources held on 29 November 2010.

21. URGENT ITEM

21.1 Councillor Reid reported that he intended to take as an urgent item a report by the Deputy Chief Executive and Director of Corporate Resources seeking agreement to revised arrangements for appointing contractors when the current select list expires in February 2012. The reason for urgency is that creation of the select list has to be commenced immediately to enable it to be operational by February 2012 when the current list expires.

22. REPORTS

22.1 Copies of the reports referred to below are contained in the minute book.

23. LAND AT B2102, WOODBOROUGH, CROSS IN HAND

23.1 Councillor Reid considered a report by the Deputy Chief Executive and Director of Corporate Resources which sought Lead Member approval to declare land at Woodborough, Cross in Hand surplus to the County Council's requirements. An amended plan was circulated at the meeting to replace the second of the plans attached to the report.

23.2 RESOLVED - to (1) declare the Council owned land at Woodborough, Cross in Hand, as shown on the four plans attached to the report, surplus to the County Council's requirements; and
(2) authorise disposal at not less than market value.

Reason

23.3 There is no longer a requirement for the land shaded pink on the four plans attached to the report because the previous highways improvement scheme has been rescinded.

24. LAND AT MOOR LANE AND WESTFIELD LANE, WESTFIELD

24.1 Councillor Reid considered a report by the Deputy Chief Executive and Director of Corporate Resources seeking approval to declare land at Moor Lane and Westfield Lane, Westfield surplus to the county Council's requirements. An additional plan was circulated at the meeting.

24.2 RESOLVED – to (1) declare Council owned land at Moor Lane and Westfield Lane, Westfield surplus to the County Council's requirements; and

(2) authorise its disposal at not less than market value.

Reason

24.3 There is no longer a Council requirement for the identified land because the bypass scheme has been rescinded.

25. “THE HOLLIES” AND “THE FIRS”, REGISTERED CARE HOMES

25.1 Councillor Reid considered a report by the Deputy Chief Executive and Director of Corporate Resources seeking approval to declare “The Hollies” and “The Firs” Registered Care Homes surplus to the County Council’s requirements.

25.2 RESOLVED – to (1) declare “The Hollies”, 17 Penland Road, Bexhill-on-Sea and “The Firs”, 2 Hilltop Drive, Rye surplus to the County Council’s requirements; and

(2) authorise their disposal at not less than market value.

Reason

25.3 There is no further operational use or other Council requirement for these properties.

26. URGENT ITEM – REVIEW OF SELECT LIST OF CONTRACTORS

26.1 Councillor Reid considered a report by the Deputy Chief Executive and Director of Corporate Resources seeking approval to revised arrangements for appointing contractors when the current select list expires in February 2012.

26.2 RESOLVED – to (1) approve creation of a replacement select list of contractors, within Constructionline, to be managed locally;

(2) agree that to maximise benefits and avoid increased costs the list be closed on creation and renewed after three years; and

(3) note that local contractors will be encouraged to apply for inclusion and will also be able to seek work through Build East Sussex at any time.

Reason

26.3 Constructionline is a national database that offers East Sussex County Council (ESCC) resource savings by not having to undertake the Pre Qualification Questionnaire evaluation. The ESCC list within Constructionline will be exported and managed by ESCC so that we can ensure that those Constructionline criteria that do not entirely meet ESCC requirements can be supplemented. The list will be closed for a three year period whereas the current list will have had a 5 year currency. This is to enable a quicker refresh of the list in future and earlier opportunity for businesses to access the list.. The renewal will be advertised via the South East Business Portal with those contractors not wanting to register with Constructionline but still wanting to form business links with ESCC being encouraged to register with Build East Sussex.

27. EXCLUSION OF PRESS AND PUBLIC

27.1 RESOLVED to exclude the public and press from the meeting for the remaining agenda items on the grounds that if the public and press were present there would be disclosure to them of exempt information as specified in paragraph 3 of Part 1 of the Local Government Act 1972 (as amended), namely information relating to the financial or business affairs of any particular person (including the authority holding that information).

28. ELM COURT, BLATCHINGTON ROAD, SEAFORD

28.1 Councillor Reid considered a report by the Deputy Chief Executive and Director of Corporate Resources seeking approval to the appropriation of this site so that it is held for planning purposes and restrictions affecting the site are overridden using the powers under section 237 of the Town and Country Planning Act 1990.

28.2 RESOLVED – to approve the appropriation to hold the site for planning purposes to benefit from the powers under section 237 of the Town and Country Planning Act 1990.

Reason

28.3 To achieve a disposal at best value for the Council, the Lead Member for Corporate Resources has approved the appropriation of the site so that this is held for planning purposes, thus providing a clearer title for its disposal.

29. AGE WELL: SITES FOR DEVELOPMENT OF CARE HOMES

29.1 Councillor Reid considered a report by the Deputy Chief Executive and Director of Corporate Resources seeking approval to declare the properties listed in the report surplus to the requirements of the County Council.

29.2 RESOLVED – to (1) declare the following properties surplus to the requirements of the County Council:

- 39 Harvard Road, Ringmer, Lewes,
- Ridgewood Rise Highview Lane Uckfield,
- Land at The Ridge, Queensway, Hastings, and
- Site of Moorhurst, Main Road, Westfield.

(2) dispose of these properties on a long leasehold basis for development and use as care homes subject to the restriction that a proportion of the rooms are to be made available to the Authority at it's prescribed rate on a first refusal basis; and

(3) agree the recommended proposals to process disposals.

Reason

29.3 The disposal of these properties on a restricted long leasehold basis and their subsequent development as care homes by the independent sector is proposed as the first stage in the implementation of the approved approach of the Age Well programme.

30. LAND ADJOINING PEBSHAM WASTE TRANSFER STATION

30.1 Councillor Reid considered a report by the Deputy Chief Executive and Director of Corporate Resources noting the acquisition of a lease for Transport and Environment purposes and seeking approval to authorise the grant of a sublease to South Downs Waste Services Ltd.

30.2 RESOLVED – to authorise the grant of a lease to South Downs Waste Services Ltd on the terms set out in the report.

Reason

30.3 The land is required in order to re-house reptiles to enable the new Household Waste Recycling Site to be built.

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