



LEAD MEMBER FOR RESOURCES AND CLIMATE CHANGE

DECISIONS to be made by the Lead Member for Resources and Climate Change,
Councillor Nick Bennett

TUESDAY, 20 SEPTEMBER 2022 AT 3.30 PM

VIA MS TEAMS

AGENDA

1. Decisions made by the Lead Cabinet Member on 26 July 2022 *(Pages 3 - 6)*
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. The East Sussex Social Value Policy *(Pages 7 - 14)*
Report by the Chief Operating Officer
5. A grant of a new lease to Forest Row Sports Ground Association *(Pages 15 - 20)*
Report by the Chief Operating Officer.
6. Updated lease arrangements for accommodation at the Performing Arts Centre, Mountfield Road, Lewes *(Pages 21 - 34)*
Report by the Chief Operating Officer.
7. Heathfield Leisure Centre, Heathfield *(Pages 35 - 58)*
Report by the Chief Operating Officer
8. Any other non-exempt items previously notified under agenda item 3
9. Exclusion of the Public and Press
To consider excluding the public and press from the meeting for the remaining agenda item on the grounds that if the public and press were present there would be disclosure to them of exempt information as specified in paragraphs 1, 2 or 3 of Part 1 of the Local Government Act 1972 (as amended), namely information relating to any individual, information that is likely to reveal the identity of an individual or information relating to the financial or business affairs of any particular person (including the authority holding that information).
10. Updated lease arrangements for accommodation at the Performing Arts Centre, Mountfield Road, Lewes - Exempt Information *(Pages 59 - 68)*
Report by the Chief Operating Officer
11. Heathfield Leisure Centre, Heathfield – Exempt Information *(Pages 69 - 72)*
Report by the Chief Operating Officer
12. Consider approval of an ex gratia payment *(Pages 73 - 76)*
Report by the Director of Children's Services

13. Any other exempt items previously notified under agenda item 3

PHILIP BAKER
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9 September 2022

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LEAD MEMBER FOR RESOURCES AND CLIMATE CHANGE

MINUTES of a meeting of the Lead Member for Resources and Climate Change held at Via MS Teams on 26 July 2022.

Councillor Wendy Maples spoke on item 4 (minute 20)

18. DECISIONS MADE BY THE LEAD CABINET MEMBER ON 14 JUNE 2022

18.1 The Lead Member approved as a correct record the minutes of the meeting held on 14 June 2022.

19. REPORTS

19.1 Copies of the reports referred to below are included in the minute book.

20. KEEP IT LOCAL NETWORK

20.1 The Lead Member considered a report by the Director of Adult Social Care and Health.

Decisions

20.2 The Lead Member RESOLVED to:

- 1) agree that the County Council should join the Keep it Local Network;
- 2) agree to sign an endorsement, with the Chief Executive, to support the Council's commitment;
- 3) nominate himself as the Cabinet Keep it Local Champion;
- 4) nominate the Director of Adult Social Care and Health as the senior officer management champion; and
- 5) delegate authority to the Director of Adult Social Care and Health to take all steps necessary to implement the recommendation.

Reason

20.3 Many of the six *Keep it Local* principles are already embedded within the Council's core business, including our approach to commissioning and procurement and our whole systems approach to partnership working with the NHS and VCSE. The *Keep it Local* Network provides ESCC with the opportunity to publicly endorse the six principles, and continue towards creating collaborative public services, and invest in the local economy.

20.4 It will provide ESCC with a further opportunity to frame our approach to commissioning and procurement that takes account of existing conversations with our local partners, including fora such as the VCSE Partnership Plus meeting.

21. HASTINGS OFFICE PREMISES - NEW ACCOMMODATION SOLUTION

21.1 The Lead Member considered a report by the Chief Operating Officer together with exempt information contained in a later agenda item.

Decision

21.2 The Lead Member RESOLVED to:

1) approve the proposed lease terms of Cavendish House and Muriel Matters House, Hastings (the Properties), contained in the exempt report at a later agenda item (including the revised heads of terms for Muriel Matters House); and

2) delegate authority to the Chief Operating Officer to approve the final lease negotiations and the signing and completion by the Council of the leases to the Properties and any related licences and other documents and take any other actions considered appropriate to give effect to the above recommendation, and to secure best value in accordance with the Local Government Act 1999.

Reason

21.3 As the landlord of Ocean House seeks to re-develop the site, alternative office accommodation needs to be found in Hastings. The proposed alternatives provide the required floor space, within current budgets, whilst reducing ESCC's carbon footprint.

22. DISPOSAL OF LAND, THE RIDGEWAY, HASTINGS

22.1 The Lead Member considered a report by the Chief Operating Officer together with exempt information contained in a later report on the agenda.

Decision

22.2 The Lead Member RESOLVED to:

- 1) approve the disposal of part of the site known as the Ridgeway ("the site") shown in Appendix 1 in accordance with s123 of the Local Government Act 1992 and the Localism Act 2011;
- 2) declare surplus part of the asset known as Ridgeway ("the property") in Appendix 2;
- 3) delegate authority to Chief Operating Officer to take all actions necessary to secure the disposal of the site, at best value in accordance with s123 of the Local Government Act 1972 and the Localism Act 2011; and
- 4) to delegate authority to the Chief Operating Officer to proceed with the next best offer in the event of the sale not completing within the expected timelines.

Reason

22.3 The disposal of the asset will reduce revenue liabilities relating to the management and holding costs of this surplus asset.

23. EXCLUSION OF THE PUBLIC AND PRESS

23.1 It was 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).

24. HASTINGS OFFICE PREMISES - NEW ACCOMMODATION SOLUTION - EXEMPT INFORMATION

24.1 The Lead Member considered a report by the Chief Operating Officer which provided exempt information in support of an earlier item on the agenda together with revised heads of terms for Muriel Matters House.

24.2 The Lead Member RESOLVED to note the report.

Reason

24.3 The report contained exempt information in relation to an earlier item on the agenda.

25. DISPOSAL OF LAND, THE RIDGEWAY, HASTINGS - EXEMPT INFORMATION

25.1 The Lead Member considered a report by the Chief Operating Officer which provided exempt information in support of an earlier item on the agenda.

25.2 The Lead Member RESOLVED to note the report and approve disposal of the site to the preferred bidder.

Reason

25.3 The report contained exempt information in relation to an earlier item on the agenda.

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Report to: Lead Member Resources and Climate Change

Date of meeting: 20 September 2022

By: Chief Operating Officer

Title: The East Sussex Social Value Policy

Purpose: This report is to recommend the approval of the East Sussex Social Value Policy.

RECOMMENDATIONS:

The Lead Member for Resources and Climate Change is recommended to:

- 1) Approve the East Sussex Social Value Policy.
 - 2) Authorise the Chief Operating Officer to make, if necessary, minor modification to the Policy after finalisation.
-

1 Background

- 1.1 The development of a new East Sussex Social Value Policy will help to establish the authority's approach and ambitions regarding Social Value and help to embed Social Value into our culture. In addition, the policy would provide a platform for the delivery of Social Value through good commissioning, good procurement and good contract management. This will directly support both the economic recovery in East Sussex and the Council Plan.
- 1.2 In 2012 the government brought into law the Public Services (Social Value) Act, to ensure the application and consideration of social, economic or environmental benefits when commissioning and procuring contracts.
- 1.3 The Public Services (Social Value) Act 2012 requires the Council to consider:
 - How what is proposed to be procured might improve the economic, social and environmental well-being of the area where it exercises its functions; and
 - How, in conducting the process of procurement, it might act with a view to securing that improvement.
- 1.4 The act also suggests that "Before they start the procurement process, commissioners should think about whether the services they are going to buy, or the way they are going to buy them, could secure these benefits for their area or stakeholders."
(source: Social Value Act: information and resources - GOV.UK (www.gov.uk))
- 1.5 When the Act was originally introduced, it applied to Service based contracts with a value over the Regulatory Threshold (currently £177,898). However, the Council has chosen to comply with the principles of the Act and apply the same approach to all contracts, regardless of type, where the value of that contract is in excess of £100,000.
- 1.6 There are some important principles to Social Value which should form the basis of all considerations during the commissioning, procurement and contract lifecycle. These are:
 - The Social Value proposed should be of direct benefit to the local community in which the contract is performed (i.e. East Sussex);
 - The benefit should be derived as a result of the particular contract being awarded to a supplier; and

- It should be relevant and relate to community/societal, economic (skills, local spend etc) or environmental considerations. Further innovative proposals may be offered, but they should be linked to the three main themes.

2 Supporting Information

- 2.1 The Council has been successfully securing Social Value commitment in contracts for many years and the results are reported through the Council's Quarterly Monitoring process. The Policy simply formalises our approach to Social Value. The Social Value Policy (Appendix 1) will help officers of the Council to be clear on what their role and responsibility is with regard to social value. Above all, it seeks to embed Social Value throughout Commissioning, Procurement and Contract Management.
- 2.2 The Policy will allow for better social value outcomes to be delivered for the Council, which will in turn deliver greater social, economic and environmental benefits for our communities.
- 2.3 In order to embed social value into the culture of the Council, a suite of guidance will sit alongside the policy and will help Commissioners to consider social value early in the project lifecycle.
- 2.4 The Social Value Policy will act as a platform to find a common approach across the local communities and with other local contracting authorities. We have been in discussions with partners including District and Borough Councils, South East Coast Ambulance Service (SECAMB) and NHS partners already, with a view to finding a common approach to maximise the impact of social value delivered across the county. The view being that their communities are our communities and the more we work together, the greater the benefit will be. This constructive engagement will help us to align our approaches and identify priority needs and areas of focus.
- 2.5 To support the introduction of the Policy, the Social Value Review Group (SVRG) has been created and now meets quarterly. This cross functional group is made up of senior officers from the Employment & Skills team, Third Party team, the Environmental team and Procurement. At each meeting the group discusses any relevant policies or initiatives, captures the known needs of communities and the delivery strategies used to capture social value. For instance, a current focus is consideration of social value for Voluntary, Community and Social Enterprise (VCSEs) and options on a reporting mechanism to ensure delivery against contractual commitment can be monitored. One of the outputs from this group has been the East Sussex Social Value Needs and Strategies document, which identifies specific needs and challenges in each key area.

3 Conclusion and recommendations

- 3.1 A draft policy for social value was created to fulfil the need for a formalised and consistent approach to social value across all departments and services within ESCC.
- 3.2 The policy has been reviewed at the Place Scrutiny Committee, giving committee members the opportunity to comment and provide input to the document and to see how it relates to and supports the Council's strategic objectives and Buying Local initiatives.
- 3.3 It is recommended that the Lead Member for Resources and Climate Change approves the Social Value Policy and authorises the Chief Operating Officer to make, if necessary, minor modifications to the Policy after finalisation.

ROS PARKER
Chief Operating Officer

Contact Officer: Rozie McPhrazier

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BACKGROUND DOCUMENTS

Appendix 1 The East Sussex Social Value Policy

East Sussex County Council Social Value Policy



Date: [Click here and enter date document created/modified]

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This policy is aimed at all officers that commission, procure or contract manage on behalf of East Sussex County Council. It documents how the Council will incorporate Social Value going forward and ensure that benefits are being maximised for residents and communities.

Introduction

Social Value has been a priority for the council for some time. Our suppliers have been helping to deliver apprentices, community value and engaging with skills initiatives for many years. To underpin this activity, in 2012 the government brought into law the Public Services (Social Value) Act to ensure the application and consideration of social, economic or environmental benefits when commissioning and procuring goods, services and works.

The Public Services (Social Value) Act 2012 requires the Council to consider:

1. How what is proposed to be procured might improve the economic, social and environmental well-being of the area where it exercises its functions, and
2. How, in conducting the process of procurement, it might act with a view to securing that improvement.

The Act is a tool to help commissioners maximise value gained from their procurement project. It drives better commissioning by encouraging officers to engage with their local providers and communities to design better services, often finding innovative solutions to difficult problems.

What is Social Value, and why should we consider it?

Social Value

- Is not just 'social' – it means generating social, economic and environmental impact
- Involves a measurable change for the better
- Is achieved by sharing resources and working together
- Redefines 'value for money' from cost-saving to value adding

The term 'Social Value' is increasingly used across all sectors to describe the total positive impact of an organisation or a project in the area they operate.

At East Sussex County Council, we don't just deliver services. Increasingly we work with communities to design solutions together and support existing projects and initiatives with our resources, networks and expertise where possible. Social Value in this context means working together and using all our resources to maximise our impact.

The key benefits of embedding Social Value into the council's culture include;

- Delivers better value for money by requiring our suppliers to do more than *just* deliver the core services.

- Increases local spend by rewarding local organisations or those that employ a local supply chain (especially with the use of Small and Medium Enterprises (SMEs)/Voluntary, Community and Social Enterprises (VCSEs)
- Increases opportunities for disadvantaged people and promotes social mobility
- Promotes a responsible supply chain
- Leads to greener / cleaner areas and cities
- Leads to greater innovation and long-term thinking
- Helps to address specific skills gaps within a variety of sectors.

Our Vision

Our ambition is for Social Value to be weaved into the Council's ways of working and deliver real benefits to our communities and residents through *Good Commissioning*, *Good Procurement* and *Good Contract Management*.

East Sussex County Council's Priorities and Social Value

Social value is based upon the four main pillars of Sustainability, Social, Economic and Environment. These are intrinsically linked to the Council's four overarching priority outcomes;

- Driving sustainable economic growth
- Keeping vulnerable people safe
- Helping people help themselves
- Making best use of resources for the short and long term

The Council has a corporate target for Social Value, which is to secure an additional 10% of a contract's value as Social Value. The performance against this target is reported through the Council's Quarterly Monitoring and Portfolio Planning Process.

By engraining Social Value in the culture of the Council, we will be better placed to support the Council in meeting its priorities and we will do this through the following:

Good Commissioning

- Consider Social Value at the early stages when Commissioning – "How can this requirement be better shaped to bring wider benefits to the area?"
- Think about whether the services they are going to buy, or the way they are going to buy them, could secure additional benefits for the residents of the county.

Good Procurement

- Engage with commissioning colleagues early in the contracting lifecycle to provide guidance and identify opportunities and strategies to secure Social Value.
- Procurement will use Social Value in the evaluation criteria, aligning to the Council's Goals and Priorities in the contract.

Good Contract Management

- Robust Contract Management – consistently monitoring and managing contracts to ensure Social Value commitments are met.

Aligning with National Priorities

The national priorities for public procurement as set out in the National Procurement Policy Statement requests that all contracting authorities consider the following national priority outcomes alongside any additional local priorities in their procurement activities:

- Creating new businesses, new jobs and new skills;
- Tackling climate change and reducing waste, and
- Improving supplier diversity, innovation, and resilience.

The outcomes of the National priorities are linked our own Themes, Outcomes and Measures (TOMs) which are used in procurement to help evaluate social value commitments. These themes incorporate;

- Developing a strong and competitive local economy
- Supporting the health, wellbeing and independence of local residents
- Protecting and preserve the local environment and natural resources in the county.

When Should we Consider Social Value?

- When it's relevant and proportionate to the contract.
- As early as possible in the Commissioning cycle.

Our guiding principles regarding Social Value should form the basis of all considerations during the Commissioning, Procurement and Contract Management cycles.

1. The Social Value proposed should be of direct benefit to the local community in which the contract is performed (i.e. East Sussex) and;
2. It should be a benefit that has been derived directly as a result of the particular contract being awarded to a supplier.
3. It should be relevant to the contract matter and relate to community/societal, economic or environmental considerations.

Social Value plays an important role in allowing the council to deliver not just financial or service specific benefits but also aligning its activity to deliver real value against the organisation's aims and objectives. When commissioning, specifying and procuring a contract it is important that all officers consider how Social Value can contribute towards both service and corporate level objectives.

Our commitment

We want Social Value to be in the culture of the Council and to do this we must consider it in Commissioning, Procurement and Contract Management. To enable this, we will:

- Support and enable Commissioners to identify social value in their projects from the outset.
- Aid commissioners in building and designing it into the specification.
- Support Procurement by providing the tools and support to embed social value in the procurement process.

- Support our Suppliers by helping them to understand our current priorities and areas of focus.
- Empower our Suppliers and Partners to contribute to delivering social value – charities/communities/enterprises working together
- Strive to have social value considered in all appropriate council strategies to help build better communities and improve the wellbeing of East Sussex residents.

How will we support our Officers to measure success and ensure delivery?

- By providing guidance that can be used by officers to understand the needs and priorities of certain sectors. This will be reviewed quarterly, drawing insight from the Social Value Review Group.
- By providing a suite of case studies to demonstrate practical approaches for securing and delivering Social Value.
- By defining outcomes and Key Performance indicators in our contracts.
- By monitoring and measuring commitments and deliverables.
- The Social Value Measurement Charter will continue to be used to provide an open, fair and transparent method for evaluating the social value commitments submitted by bidders during the tender process.
- By celebrating our successes, showcasing the benefits and sharing best practice and strategies to achieve more in the future.
- By ensuring Contract Managers understand the importance of Social Value in the management of the contract.
- By ensuring Social Value commitments offered by our suppliers are monitored over time.
- By constantly reviewing and adapting our approach to securing and delivering Social Value to ensure the mechanisms used are appropriate and that the changing needs of our communities are understood.

More Information

For more detail on how to get involved, examples of what it looks like in practice and practical steps we can take:

- Visit our Social Value webpage
- Download our detailed guidance
- Get in touch at Social.Value@EastSussex.gov.uk

Report to: Lead Member for Resources and Climate Change

Date of meeting: 20 September 2022

By: Chief Operating Officer

Title: A grant of a new lease to Forest Row Sports Ground Association

Purpose: To approve East Sussex County Council, (as trustee for the Ashdown Forest Trust), to grant a 21-year lease for land forming part of Ashdown Forest to be used as a sports ground.

RECOMMENDATIONS

The Lead Member for Resources and Climate Change is recommended to:

- 1) Review and consider the surveyor`s report (Appendix 1) made under section 119 of the Charities Act 2011 in relation to the proposed lease as trustee of the Ashdown Forest Trust (the Charity).
- 2) Approve the granting of a 21-year lease to Forest Row Sports Ground Association for land forming part of Ashdown Forest on the basis that, having considered the Surveyors Report, the Council is satisfied that the terms of the proposed lease are the best that can reasonably be made for the Charity.
- 3) Delegate authority to the Chief Operating Officer to determine the detailed terms of the lease and take any other actions considered appropriate to give effect to the decision.

1. Background

- 1.1 East Sussex is freehold owner of land forming part of Ashdown Forest but holds the land as trustee for the Ashdown Forest Trust. Decisions in relation to Ashdown Forest are made by the Council in its capacity as trustee acting solely in the best interests of the Charity.
- 1.2 The current occupancy agreements between The Forest Row Sports Ground Association (the Association), Forest Row Parish Council and the Conservators of Ashdown Forest which expire in January 2023 need to be revised. They currently prevent the Association from improving and investing in the facilities. The Conservators support the continued provision of sports facilities by the Association.
- 1.3 The site comprises some 6.5 acres of open land with playing fields and tennis courts. There is a cricket pavilion within the site that is in the ownership of the Association. The site is shown at Appendix 2.

2 Supporting information

- 2.1 The proposed 21-year lease will be between ESCC as landlord (acting as trustee of the Charity) and the Association as tenant and will support the tenant in attracting grant funding to maintain and improve the facilities for the community.

- 2.2 In accordance with the requirements of section 119 of the Charities Act 2011, the Council has obtained an independent surveyor's report on the proposed terms of the lease and this is to be considered before reaching any decision. See Appendix 1.
- 2.3 The lease will be at a peppercorn rental and subject to restrictions imposed by the Ashdown Forest Act and subject to the Association continuing to pursue charitable objectives. The Parish Council have agreed that there is no requirement for their continued involvement in the site and have no objection to the granting of a lease direct to the Association.
- 2.4 The Association is a registered charity; its objectives are the provision of facilities for recreation and leisure time for the benefit of inhabitants of Forest Row and surrounding areas.
- 2.5 The County Council, on behalf of the Trust, advertised in a local newspaper, the Sussex Express, seeking any comments on the proposed letting. The closing date was 8 August 2022 and no comments were received.

3. Conclusion and reasons for recommendations

- 3.1 It is recommended that the Lead Member for Resources and Climate Change considers the surveyor's report in Appendix 1 and approves the granting of a 21-year lease for land forming part of Ashdown Forest between East Sussex County Council as Trustee of Ashdown Forest and the Forest Row Sports Ground Association.
- 3.2 It is recommended that the Lead Member for Resources and Climate Change agrees to delegate authority to the Chief Operating Officer to approve the detailed terms of the lease and take any other actions considered appropriate to give effect to the decision.

ROS PARKER Chief Operating Officer

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LOCAL MEMBER
Councillor Georgia Taylor

REPORT UNDER SECTION 119 OF THE CHARITIES ACT 2011 AND THE CHARITIES (QUALIFIED
SURVEYORS REPORTS) REGULATIONS 1992

Prepared for: East Sussex County Council acting as The Trustee of Ashdown Forest East
Sussex.

By

John Tripp FRICS

On the proposed grant of a lease to Forest Row Sports Ground Association for a term of 21
years.

The following paragraphs use the same numbering as the Charities (Qualified Surveyor
Reports) Regulations 1992 :

- 1) Description of land and its location:
An area of land measuring 6.5 acres within Ashdown Forest close to Shalesbrook
Lane Forest Row, as shown on the attached plan.

Current use is open grassland bordered by woodland.
- 2) The land is not leased by the Charity Trustees and no service charge is payable.
- 3) The use of the land is subject to the Ashdown Forest Act 1974. It will also be subject
to any rights and covenants registered against the title.
- 4) There are no buildings on the relevant land other than a cricket pavilion and fenced
in tennis courts. The pavilion building belongs to the Association.
- 5) There are no buildings on the land that require alteration .
- 6) My advice as to the manner of disposing of the land as described is that these are
the best terms that can be reasonably obtained under the circumstances.

The land should not be divided for the purposes of the disposition.

It would be in the best interests of the Charity to advertise the proposed disposition by way
of a Notice in the local newspaper to inform local residents. the notice is to be displayed for
at least 4 weeks. In addition, an equivalent notice should be displayed on the site for the
same period.

The land is required for a specific purpose by Forest Row Sports Ground Association in the
furtherance of its objects which are the provision of facilities for leisure time and recreation
for the benefit of the inhabitants of Forest Row and the surrounding area. The Association
currently occupy the land under an under Licence granted by the Forest Row Parish Council
from a similar licence granted to the Parish Council by the Ashdown Forest Conservators,

both of which will expire in December 2022. It is not clear if the licence or under licence is legally valid and the Association wish to regularise the situation.

I do not advise that this disposition is delayed.

(7) I understand that this transaction is not subject to VAT.

(8) My opinion of the current value of the land having regard to the current circumstances is that it is purely nominal. There is evidence of 19th Century rights to play games on the land and the Trustee of Ashdown Forest has among their objects preserving the land "as an amenity and place of resort". The land cannot be used for any commercial development or for commercial farming. Although the Association do make a charge for facilities they are a Registered charity and subject to charitable rules. As long as this remains the case and is a condition of the lease, I do not see that a commercial assessment of value is relevant.

Signed.....Date...19.05.2022.....

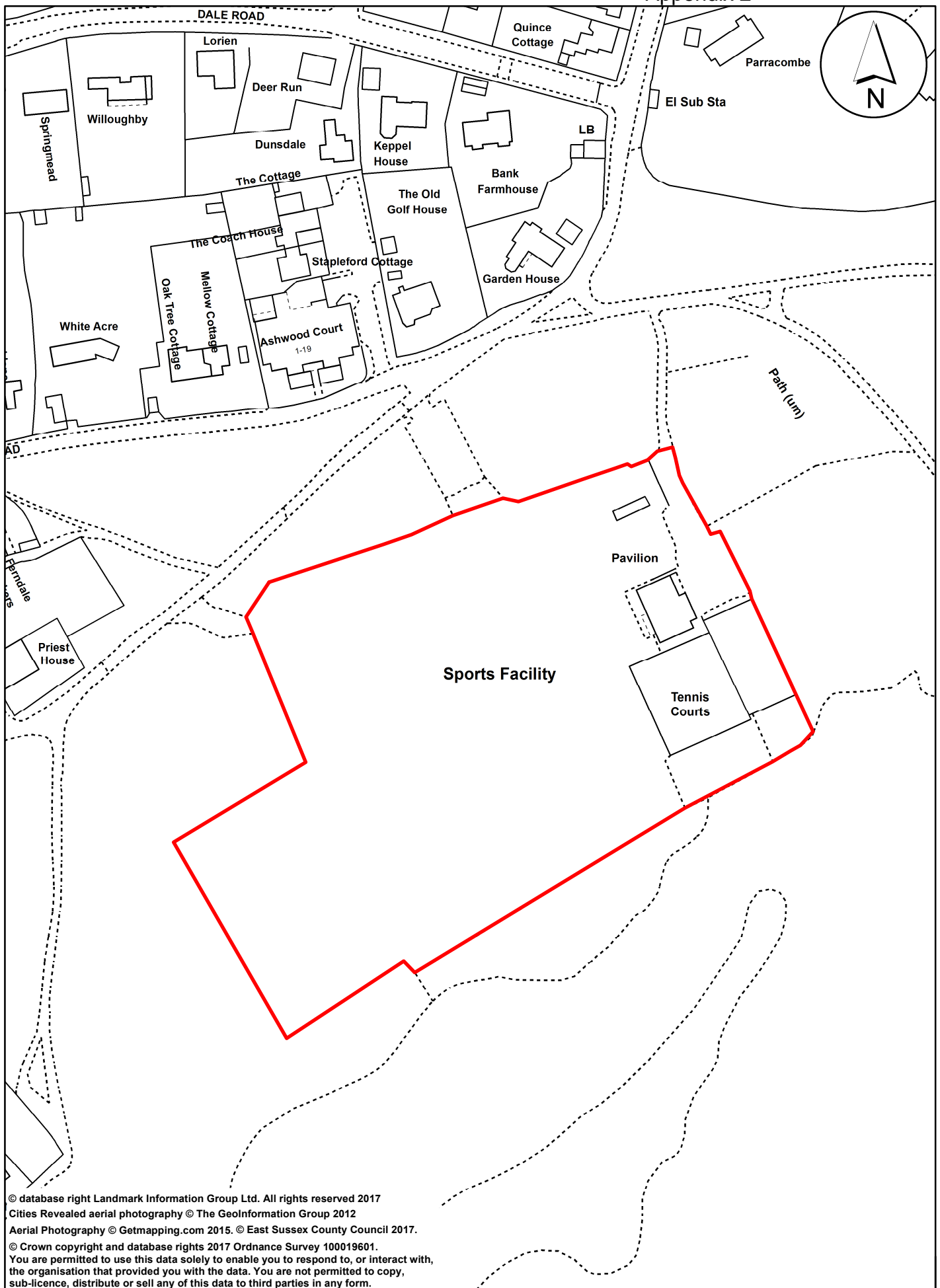
John Tripp FRICS

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This report is based on information given by The Client with regard to the proposed disposition. If there are any material changes in circumstance which may affect the opinion given and which have not been disclosed, this report will no longer be valid. Otherwise this report will be valid for a period of 6 months from its date

Attachments:

Plan



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Report to: Lead Member for Resources and Climate Change

Date of meeting: 20 September 2022

By: Chief Operating Officer

Title: Updated lease arrangements for accommodation at the Performing Arts Centre, Mountfield Road, Lewes.

Purpose: To approve updated lease arrangements to allow continued service delivery by the Council and partner organisations at the Performing Arts Centre, East Sussex College campus, Lewes

RECOMMENDATIONS

The Lead Member for Resources and Climate Change is recommended to:

- 1) approve the surrender of the existing head lease of parts of the Performing Arts Centre between East Sussex College Group and East Sussex County Council (as Trustee of East Sussex Music Trust).
- 2) approve East Sussex County Council (as Trustee of East Sussex Music Trust) to take a new 20-year lease of the same accommodation at the Performing Arts Centre from East Sussex College Group on similar terms to the existing lease.
- 3) approve the grant of an underlease for 20 years (less one day) from East Sussex County Council (as Trustee of East Sussex Music Trust) to East Sussex College.
- 4) delegate authority to the Chief Operating Officer to determine the detailed terms of the head lease and underlease and take any other legal agreements considered appropriate to give effect to these decisions.

1 Background

1.1 In this report, the following definitions are used:

- **The Academy:** East Sussex Academy of Music.
- **BDF:** Brighton Dome and Festival Ltd.
- **The College:** East Sussex College Group.
- **ESCC:** East Sussex County Council.
- **ESFA:** Education and Skills Funding Agency.
- **The PAC:** the Performing Arts Centre at Sussex Downs College, Mountfield Road, Lewes, East Sussex, BN7 2XH.
- **The Trust:** East Sussex Music Trust.
- **The Existing Head Lease:** a lease of parts of the PAC dated 23 October 2003 between the College and ESCC (as trustee of the Trust).

- 1.2 This report sets out the proposed revised property leases and occupational agreements that need to be in place to ensure that services can continue to be delivered in the same way with no additional financial implications for ESCC. It also allows the Council's previous capital investment in this asset to be protected going forward. The outlined recommendations reflect the historic capital investment by ESCC, funding streams for post-age 16 provision and revised service models/Trust arrangements operating from the PAC. Therefore, the property leases and structure of agreements are not straightforward but enable ongoing provision.
- 1.3 The PAC is situated on the College's campus and the freehold is owned by the College. The location is shown at Appendix 1. The Trust was set up in 1999 to support music education in the County and ESCC is the Trust's sole trustee. The purpose of the Trust is to advance education by promoting the study and practice of music amongst students of all ages normally resident in East Sussex. The Trust currently occupies a number of rooms at the PAC pursuant to the Existing Head Lease at a peppercorn rent.
- 1.4 Some rooms in the accommodation within the Existing Head Lease are used by the Academy, an ESCC service that delivers A level and BTEC music courses on behalf of the College. Other rooms are used by East Sussex Music Service, another ESCC service who have already contracted their services out to BDF.
- 1.5 The Existing Head Lease expires in August 2023 and must therefore be addressed in order to ensure ongoing service provision. There is an important right for ESCC (as trustee of the Trust) to renew the lease for a further 20 years on the same terms, including the right to a further renewal.
- 1.6 The Trust contributed to the build cost of the PAC in 2002. Details are presented in the associated Exempt report.

2 Supporting Information

- 2.1 ESCC had wished to include the Academy courses in the BDF contract with the East Sussex Music Service, but this is not permissible under ESFA rules on secondary contracting. To retain the funding and make the Academy courses financially viable, the College needs to contract those services directly, but BDF will require use of the PAC to deliver the Academy courses. This requires ESCC to sublet the parts of the PAC used for the Academy courses to the College so that the College may then further sublet to BDF (or such other provider that may provide the Academy courses in the future). The parts of the PAC not sublet back to the College will be retained by ESCC (as trustee of the Trust) to deliver the East Sussex Music Service (currently via their contract with BDF). It is important that both services remain co-located and ESCC need to retain a legal interest in the PAC to protect the original capital investment and the Music Service accommodation.
- 2.2 ESCC will need to grant an underlease to the College of the accommodation presently in use by the Academy for the courses. For service provision and business development a 20-year (less one day) underlease is proposed. Since an underlease cannot be longer than the head lease from which it is derived, it is proposed that ESCC (as Trustee for the Trust) surrender its existing lease which expires in 2023, for a similar replacement lease for a 20-year term at no additional cost to ESCC.
- 2.3 The new lease terms will be similar to the current lease terms and contain the same rights of renewal every 20 years. The accommodation will be the same as in the current head lease and is shown at Appendix 2.

- 2.4 The new underlease to the College will be for the accommodation currently used by the Academy only, shown at Appendix 3. ESCC (as trustee of the Trust) will retain the use of the remainder of the PAC, currently used for delivery of the East Sussex Music Service.
- 2.5 To comply with the requirements of the Charities Act 2011 a Qualified Surveyors Report has been obtained. As required, the proposed lease structure was advertised in the Sussex Express on 01 and 08 July and no comments were received in response.
- 2.6 Further details on the background and proposed arrangements are presented in the Exempt report later in the agenda.

3 Conclusion and reasons for recommendations

- 3.1 The Lead Member for Resources and Climate Change is recommended to agree for the Council, as Trustee for the East Sussex Music Trust, to the lease arrangements set out in this report to enable ESCC to work with partner organisations to put in place the future arrangements for the PAC. These arrangements ensure continued delivery of the current service at no additional cost to ESCC.
- 3.2 Therefore it is recommended the Lead Member for Resources and Climate Change:
- approves the surrender of the current lease;
 - approves ESCC as Trustee for the Trust entering into a new 20-year lease for the accommodation shown at Appendix 2;
 - approves ESCC as Trustee for the Trust entering into an underlease with the College for the accommodation shown at Appendix 3, for a term of 20 years (less one day); and
 - delegates authority to the Chief Operating Officer to approve the terms of the leases and take any other associated property agreements and actions considered appropriate to give effect to these decisions.

Ros Parker
Chief Operating Officer

Contact Officers:

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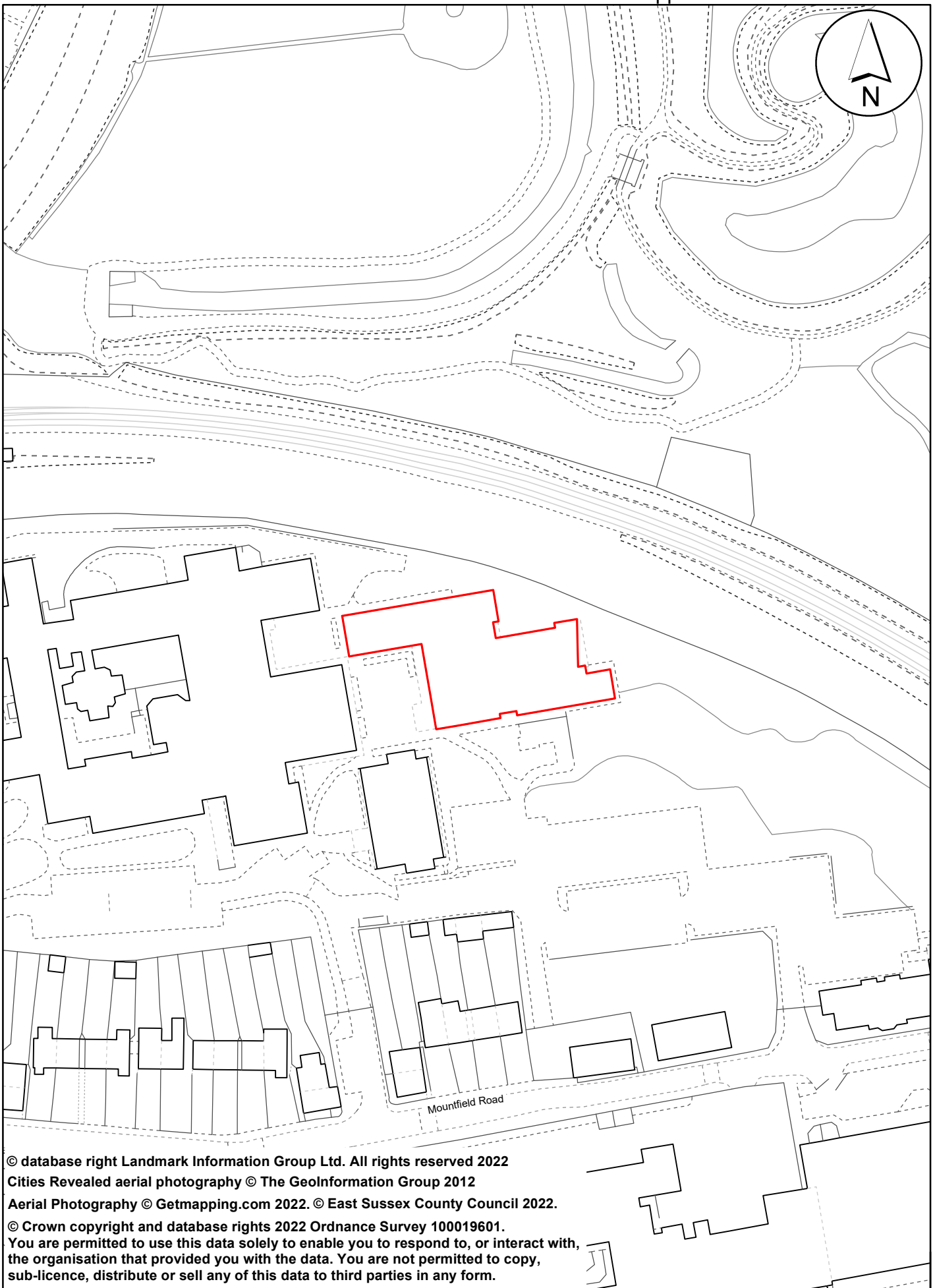
LOCAL MEMBERS

Councillor Wendy Maples

Documents:

- Appendix 1: Location plan
- Appendix 2: Lease plan for proposed new lease
- Appendix 3: Lease plan for proposed underlease

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Performing Arts Centre

Author: FM

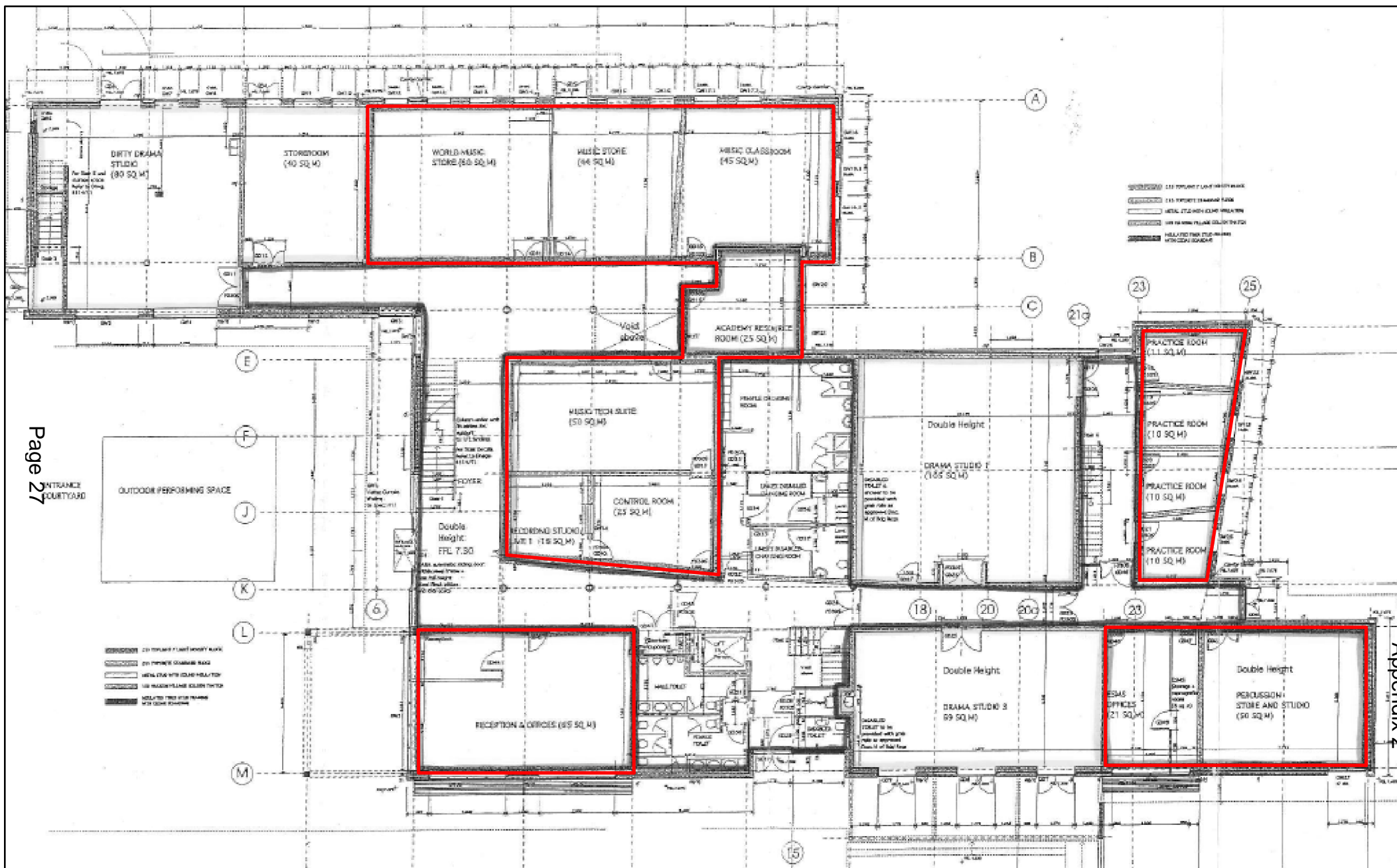
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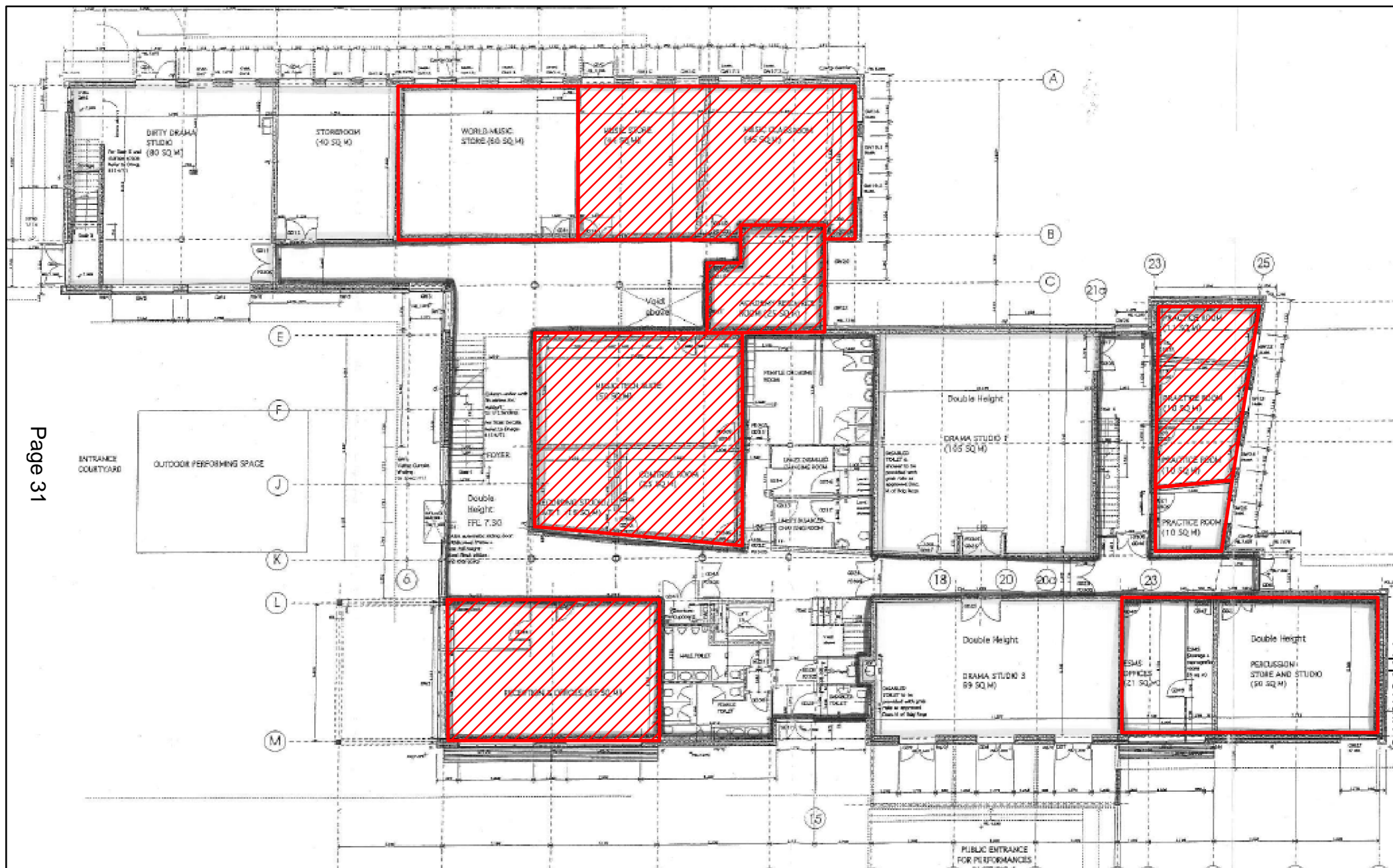
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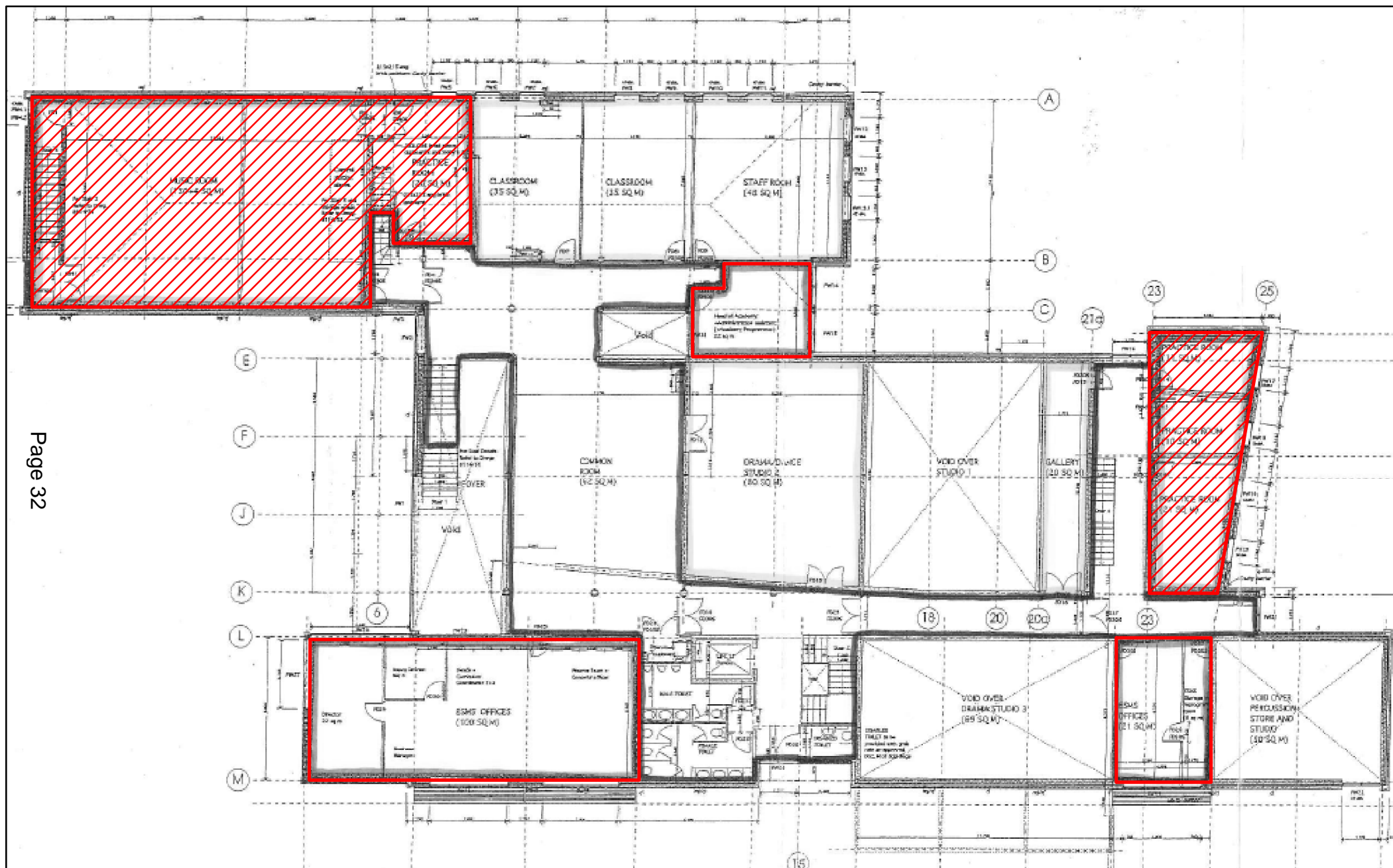


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Report to:	Lead Member for Resources & Climate Change
Date of meeting:	20 September 2022
By:	Chief Operating Officer
Title:	Heathfield Leisure Centre, Heathfield
Purpose:	To review and fully consider the outcome of the public consultation in respect of non-college community use of Heathfield Leisure Centre

RECOMMENDATIONS:

The Lead Member for Resources and Climate Change is recommended to:

- 1. Note the findings of the public consultation on the future community leisure provision at Heathfield Leisure Centre that took place between 28 June 2022 and 9 August 2022.**
- 2. Approve to cease provision of non-college community use of the leisure facilities at Heathfield Leisure Centre from 17 October 2022.**
- 3. Approve the Council working with the College to ensure a smooth transition to exclusive college curriculum use of the leisure facilities.**
- 4. Delegate authority to the Chief Operating Officer in consultation with the Assistant Chief Executive to carry out all actions necessary to give effect to the recommendations in this report.**

1 Background

- 1.1** Heathfield Leisure Centre is situated within Heathfield Community College (HCC) grounds. The Leisure Centre is a separate building forming part of the main college campus. The Leisure Centre is occupied by Wealden District Council (WDC) under a long-term operational lease. Under the terms of the lease with WDC, HCC has priority use of the leisure facilities during school hours and, outside of these hours, there is community use of the facilities by residents and sports clubs. The facilities include a sports hall, gym, dance studio and aerobic training. The facilities are managed by Freedom Leisure; WDC's contracted leisure provider.
- 1.2** In late 2020 WDC decided to cease community provision at Heathfield Leisure Centre ('the Centre'), not to renew its lease and to return the Centre to East Sussex County Council ('ESCC'). ESCC ran an expression of interest exercise in November 2021 to seek proposals for viable and sustainable business models for continuing non-college community use of the Centre. No viable sustainable options were received.
- 1.3** On 14 June 2022, the Lead Member of Resources and Climate Change considered a report relating to the future of the Centre. The Lead Member noted the outcome of the Expressions of Interest exercise (EOI) including the additional financial support that would be required for the running of the community facilities and approved a six-week public consultation regarding the non-college community use of the Centre.
- 1.4** The Lead Member also approved a short-term extension to the property agreement between ESCC and WDC for a three-month period from 18 July 2022 whilst the public consultation took place. The three-month extension with WDC has now been agreed and ends on 17 October 2022.
- 1.5** The June 2022 report set out that a further report would be presented to the Lead Member providing an analysis of the outcome of the public consultation, including an updated Equality Impact Assessment (EqIA), and setting out the proposed next steps. The purpose of this report is to provide that update.

- 1.6 ESCC notified a number of district and town councils, including WDC, of the public consultation when it opened, for their comments. The public consultation concluded on 9 August 2022.
- 1.7 The final public consultation analysis report is attached as Appendix 1. The six-week public consultation was conducted on the Council's 'Citizen' webpage with hard copies available at County Hall and Heathfield Library. The Consultation asked for detailed information from respondents as well as seeking opinions on three options:
 - a. Ending non-College community use of the Leisure Centre.
 - b. Keeping the Leisure Centre open for non-College community use.
 - c. Consideration of alternative operating models.

2 Supporting information

Summary of the results of the public consultation

- 2.1 In total there were 121 responses. All responses were online (i.e., no paper copies). Respondents could identify themselves in multiple ways, with the largest groups being Residents (73%), Parent/carers (26%) and Visitors (14%). Prior to 2020, 62 of the total respondents (51%) regarded themselves as frequent (weekly or more often) users of the Leisure Centre. 20 respondents (17%) did not use the Leisure Centre prior to 2020.
- 2.2 When asked when they last visited the Centre, 87 (72%) said they had used it in the current calendar year, 9 (7%) have never used it.
- 2.3 50 respondents (41%) have used other publicly run leisure facilities within East Sussex during the previous 12 months. When asked which ones, there were 48 responses that mentioned facilities in Hailsham, Uckfield, Crowborough (all within Wealden district) and Eastbourne. 74% indicated that they have not used private leisure facilities during the same period.
- 2.4 When asked if the Leisure Centre were to close would it be possible to use alternative facilities in East Sussex over half chose not to respond. However, those that did respond advised other Wealden facilities at Uckfield (21%) and Crowborough (20%) were the most popular alternatives.
- 2.5 109 respondents (90%) either disagreed or strongly disagreed with the proposals to end community use, with 114 (94%) either agreeing or strongly agreeing that community use should be maintained.
- 2.6 In terms of suggesting an alternative operating proposal there were 69 responses. However, there were no organisations, groups or residents that came forward with a detailed operating model. The responses received instead offered a number of suggestions for future operating models including (i) expanding opening hours to include daytime; (ii) enhancing the facilities to compete with other private leisure facilities in the area; (iii) better promotion; (iv) providing a wider leisure programme including enhanced refreshment facilities; (v) enhanced customer service; and (vi) use of volunteers to run the Centre.
- 2.7 Respondents suggested that the Centre be returned to HCC for future management. There were also comments included about classes that had been cancelled at short notice.
- 2.8 A large proportion of respondents cite prohibitive cost of travelling to other centres as a deterrent to using alternative facilities elsewhere in the County and cite their perception of the lack of equivalent facilities in the Heathfield area.
- 2.9 Full copies of all the responses received as part of the consultation, together with a report of all the verbatim responses received, have been placed in the Members' Room at County Hall.

Financial Implications

- 2.10 As set out in the 14 June report, the previous expression of interest process elicited no viable and sustainable options for continued community use of the Centre. Similarly, the public consultation has not resulted in any new proposals for an alternative operating model.

2.11 A brief assessment of the financial and commercial implications for each of the options considered through the consultation are set out below. More detailed analysis is set out in an exempt item later on the agenda.

- *Option a – Ending non-College community use of the Leisure Centre*

The Council has a modest budget to support the HCC curriculum use and the non-college community use of the Centre. If non-college community use were ceased, this would result in an on-going overall saving for ESCC.

- *Option b - Keeping the Leisure Centre open for non-college community use*

If this option is pursued, there would be a substantial increase in the costs of managing the facility for non-college community use, significantly in excess of the existing budget.

- *Option c - Consideration of alternative operating models*

As outlined above, the consultation responses provided a number of suggestions relating to changes to the operating model; however, none of these offered a financially sustainable model for continued non-college community use. Even with the proposed changes, significant financial resources would be required to maintain non-college community use of the Centre.

In addition, a number of the suggestions received through the consultation are not considered feasible on a college site for a variety of reasons, primarily due to safeguarding requirements. HCC has sole day time use for the majority of facilities during the school day to enable it to deliver the curriculum activities.

Key impacts and mitigations (including EqIA)

2.12 An Equality Impact Assessment was undertaken, and a summary of the findings is appended. (Appendix 2). The full Equality Impact Assessment is available in the Members Room.

2.13 In making a final decision on these options, the Lead Member is required to have 'due regard' to the duties set out in Section 149 of the Equality Act 2010. Equality impacts have been considered in relation to all proposals to identify any adverse impacts that may arise disproportionately for people sharing legally protected characteristics, as defined in the Act. The public consultation explicitly asked whether any specific impacts in relation to these characteristics are identified. A record of the consultation findings relating to equality characteristics is provided in Appendix 2. The Lead Member must read this record and consider it alongside all the other factors and information when deciding on the future non-college community use of the Centre.

2.14 Summary of the potential equality impacts identified by respondents:

- Limited public transport to alternate facilities, potentially disproportionately affecting younger and older people, disabled people, and carers, and those living in rural areas ('rurality' is additional focus for ESCC).
- Potential health impacts, arising from inability to access the leisure centre facilities or alternatives, specifically for disabled people (physical and mental health), older and younger people (especially those with SEN and/or who are neurodivergent).
- Potential for increased loneliness and isolation, particularly for older and disabled people.
- Impacts on women who may have more caring responsibilities and limited time and/or income to access alternate venues.
- End of GP exercise referral service to Heathfield (of 6 months discounted membership), particularly impacting older and disabled people.

2.15 Impacts are identified in relation to some of the legally protected characteristics and for some people sharing these characteristics.

2.16 Mitigations identified if the Centre is closed include the following:

- Other clubs, sports and activities are available to improve health and alleviate isolation in the Wealden district and surrounding areas.
- Potential use of the GP exercise referral service in alternate venues.

2.17 Respondents also proposed better provision/subsidising of bus routes or a shuttle bus to alternate leisure facilities, replicating classes in another venue, better advertising of the Centre and its offer, or simply keeping the Centre open. However, it is not proposed to implement any of these proposals due to budgetary and practical implications.

Analysis of public consultation and next steps

2.18 An analysis of the results from the public consultation has been outlined earlier in this report. It is clear from respondents who completed the questionnaire, a significant number of those replying access other leisure facilities in the surrounding area. As noted in 2.3 above, the facilities accessed are primarily the Wealden District Council leisure operated facilities, managed by Freedom Leisure in Uckfield, Crowborough and Hailsham. From the respondents who completed the questionnaire, only 50% commented on what alternative premises they would use if the facilities were closed. Over 42% of the respondents answering this question outlined they would use Crowborough and Uckfield plus other venues were also identified. It is clear from respondents' answers that alternative leisure centre facilities are already being used and if the community facilities were to close some respondents could use other facilities.

2.19 Through the Expression of Interest process in November 2021, the Council sought to identify a viable and sustainable provider to run the community facilities; however, this identified that continued non-college community use would result in substantial increased costs. The public consultation has provided some key information about how respondents are accessing a range of leisure facilities outside Heathfield and other surrounding towns. It is recognised that any closure of leisure facilities in Heathfield may impact different residents in different ways and the Equality Impact Assessment (appendix 2) and key elements are set out in paragraphs 2.14-2.17.

2.20 Taking into account the wider public consultation outcomes, the outcome of the expression of interest exercise conducted last year, the equality impact assessment and the financial implications detailed in this report and the exempt report later on the agenda, it is recommended to cease non-college community use of leisure facilities at Heathfield College.

2.21 If the recommendation is approved, ESCC will continue to engage with WDC in ensuring a smooth hand back and transition of the facilities to the college. WDC will need to provide vacant possession of the site by 17 October 2022. A lead-out plan requirement is set out within the lease extension to ensure that ESCC receives all the information required to enable this.

3 Conclusion and reasons for recommendations

3.1 In reaching a decision on the future of non-college community use of the leisure centre at Heathfield, the Lead Member must carefully consider the consultation feedback; the equality implications set out in the Equality Impact Assessment as well as the wider financial implications. The Lead Member is recommended to note the outcome of the consultation.

3.2 The Lead Member is also recommended to approve to cease non-college community use of the Centre (option a in the consultation) with effect from 17 October 2022.

3.3 If the Lead Member accepts this recommendation, the Lead Member is further recommended to approve ESCC working with HCC to ensure a smooth transition of the Centre for curriculum use only and to delegate authority to Chief Operating Officer in consultation with the Assistant Chief Executive to take all steps necessary to give effect to the recommendations in this report.

3.4 Officers will work with Wealden District Council and its leisure provider in preparation of the lease expiry.

Contact Officer:
Nigel Brown - Email Nigel.Brown@eastsussex.gov.uk

Local Members

Heathfield – Councillor Rupert Simmons, Heathfield and Mayfield
Heathfield – Councillor Bob Bowdler, Wealden East

Appendix 1 - Public Consultation survey summary

Appendix 2 - EQIA impact assessment statement

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Appendix 1

Summary of Report from the Citizen system – Consultation for Future Options for Heathfield Leisure Centre. Detailed responses for review available in the Members Room.

Heathfield Leisure Centre Consultation on Future Options - Public

<https://consultation.eastsussex.gov.uk/business-services/heathfield-leisure-consultation>

This report was created on Thursday 18 August 2022 at 16:17

The activity ran from 28/06/2022 to 09/08/2022

Responses to this survey: **121**

What is your organisation? (optional)

There were 18 responses to this part of the question.

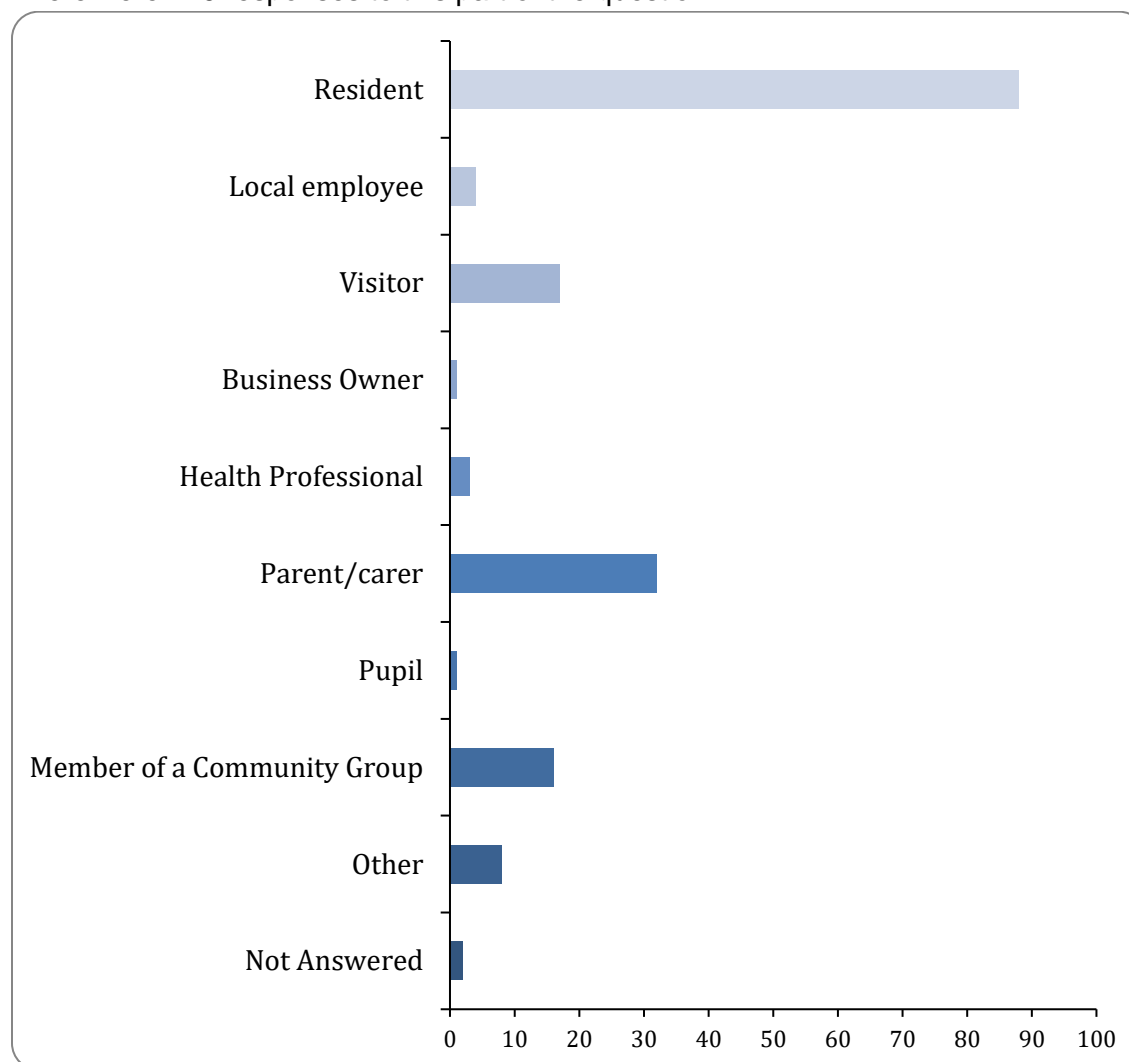
First part of your primary residence postcode e.g. TN21.

Information will be used for mapping interest in leisure facilities in the area (optional)

There were 115 responses to this part of the question.

Are you interested in this consultation as a....

There were 119 responses to this part of the question.



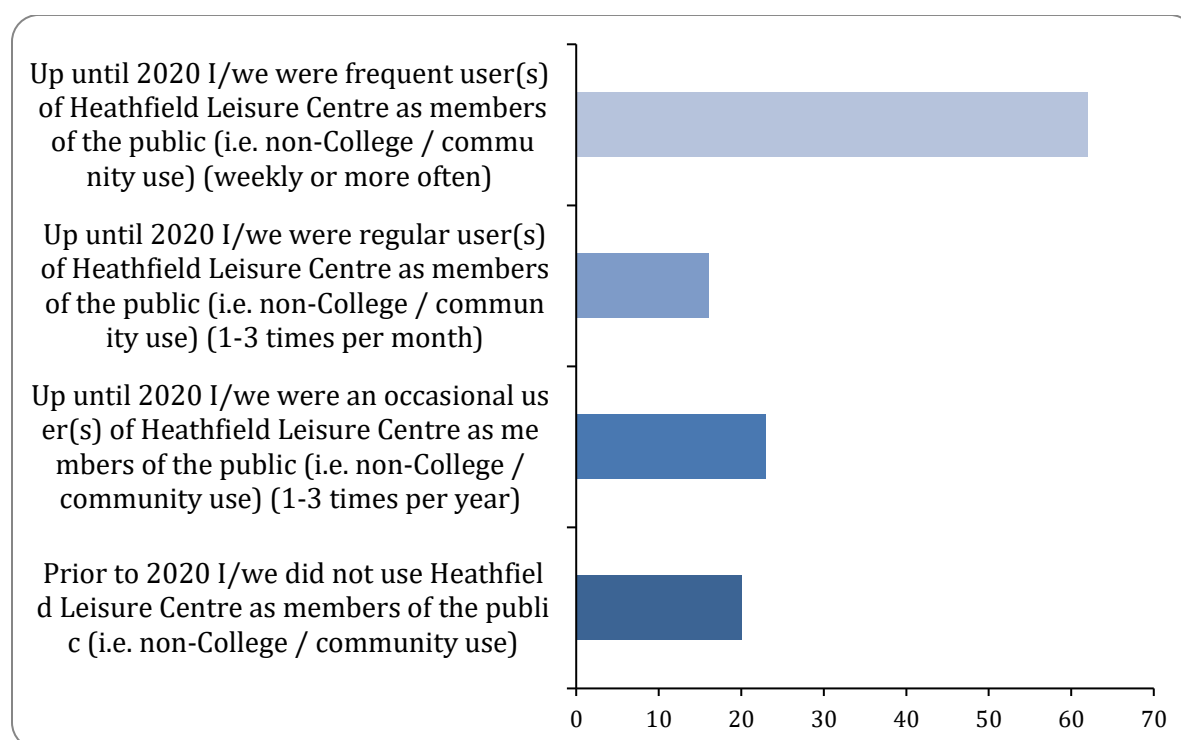
Option	Total	Percent
Resident	88	72.73%
Local employee	4	3.31%
Visitor	17	14.05%
Business Owner	1	0.83%
Health Professional	3	2.48%
Parent/carers	32	26.45%
Pupil	1	0.83%
Member of a Community Group	16	13.22%
Other	8	6.61%
Not Answered	2	1.65%

If applicable, what is the name of the business, community, organisation, or interested group?

There were 16 responses to this part of the question.

Which of the following apply? Please answer on behalf of yourself and any immediate family or household members.

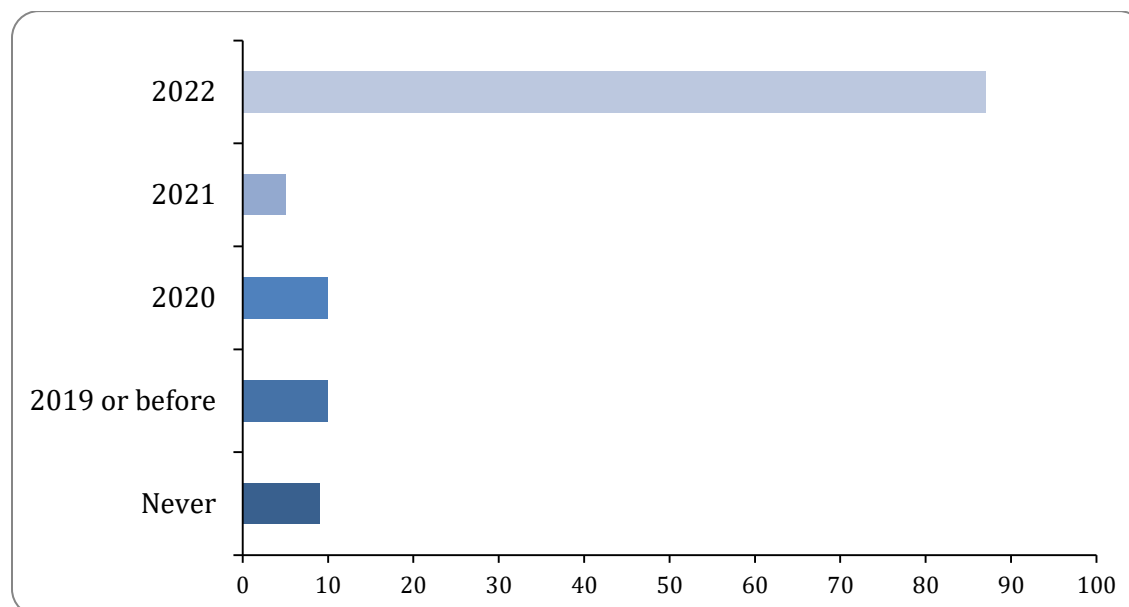
There were 121 responses to this part of the question.



Option	Total	Percent
Up until 2020 I/we were frequent user(s) of Heathfield Leisure Centre as members of the public (i.e. non-College / community use) (weekly or more often)	62	51.24%
Up until 2020 I/we were regular user(s) of Heathfield Leisure Centre as members of the public (i.e. non-College / community use) (1-3 times per month)	16	13.22%
Up until 2020 I/we were an occasional user(s) of Heathfield Leisure Centre as members of the public (i.e. non-College / community use) (1-3 times per year)	23	19.01%
Prior to 2020 I/we did not use Heathfield Leisure Centre as members of the public (i.e. non-College / community use)	20	16.53%
Not Answered	0	0.00%

When did you last use Heathfield Leisure Centre as a member of the public (i.e. non-College / community use)? Please answer on behalf of yourself and any immediate family or household members.

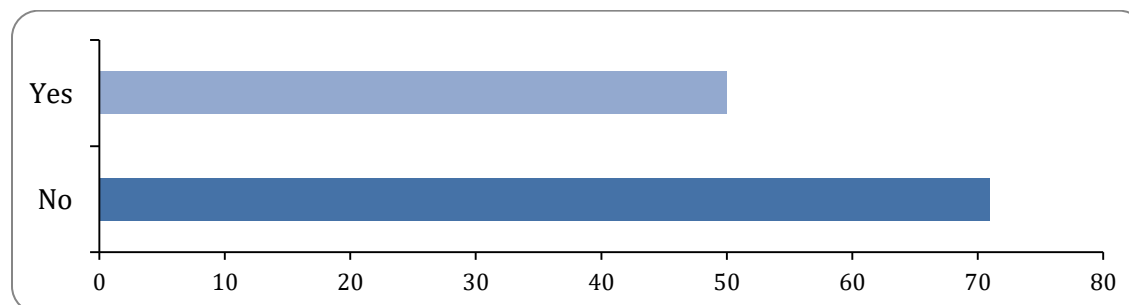
There were 121 responses to this part of the question.



Option	Total	Percent
2022	87	71.90%
2021	5	4.13%
2020	10	8.26%
2019 or before	10	8.26%
Never	9	7.44%
Not Answered	0	0.00%

Within the last 12 months have you used other district or borough council authority leisure facilities within East Sussex County? Please answer on behalf of yourself and any immediate family or household members.

There were 121 responses to this part of the question.



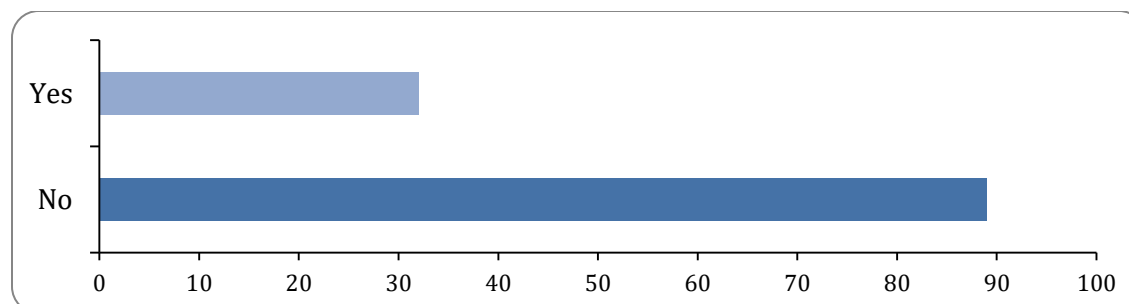
Option	Total	Percent
Yes	50	41.32%
No	71	58.68%
Not Answered	0	0.00%

If 'yes' which one(s)?

There were 48 responses to this part of the question.

Within the last 12 months have you used other non-local authority leisure facilities instead of or as well as using Heathfield Leisure Centre (e.g. private leisure centres, member of hotel leisure facilities in the area)? Please answer on behalf of yourself and any immediate family or household members.

There were 121 responses to this part of the question.



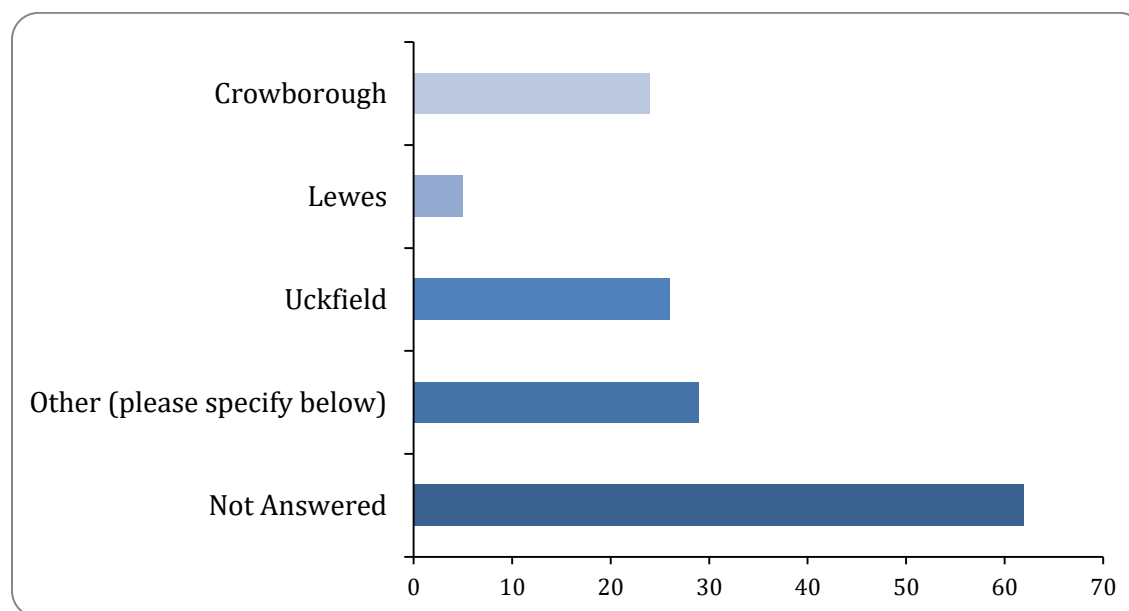
Option	Total	Percent
Yes	32	26.45%
No	89	73.55%
Not Answered	0	0.00%

If 'yes' which one(s)?

There were 28 responses to this part of the question.

If Heathfield Leisure Centre were to close to non-College / community users will you be able to use one of the following alternative services instead (optional - tick all those that apply)? Please answer on behalf of yourself and any immediate family or household members.

There were 59 responses to this part of the question.



Option	Total	Percent
Crowborough	24	19.83%
Lewes	5	4.13%
Uckfield	26	21.49%
Other (please specify below)	29	23.97%
Not Answered	62	51.24%

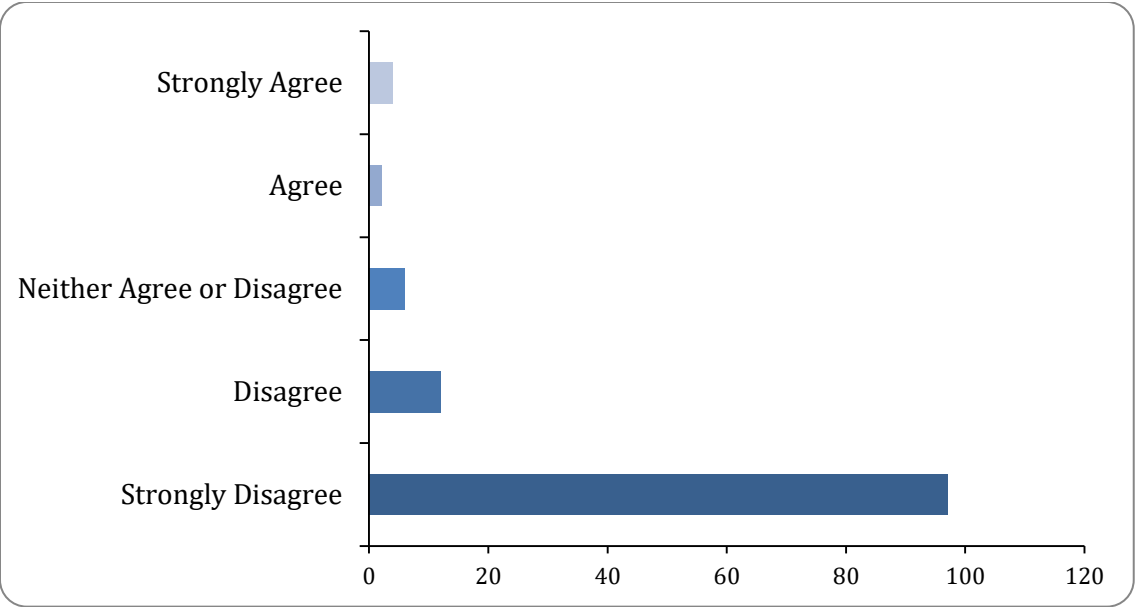
Other - please specify

There were 50 responses to this part of the question.

In the light of the information provided above (in the ‘Introduction’ and ‘Options’ sections), what is your view about the following options for the future of the Leisure Centre? You may explain the reasons for your views on these options below

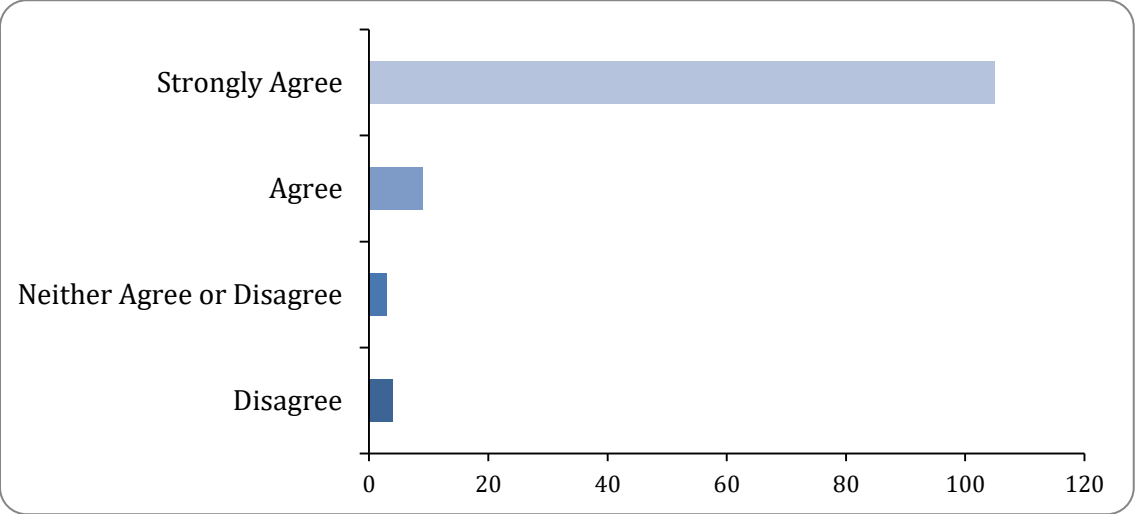
There were 121 responses to this part of the question.

Ending non-College / community use of the Leisure Centre:



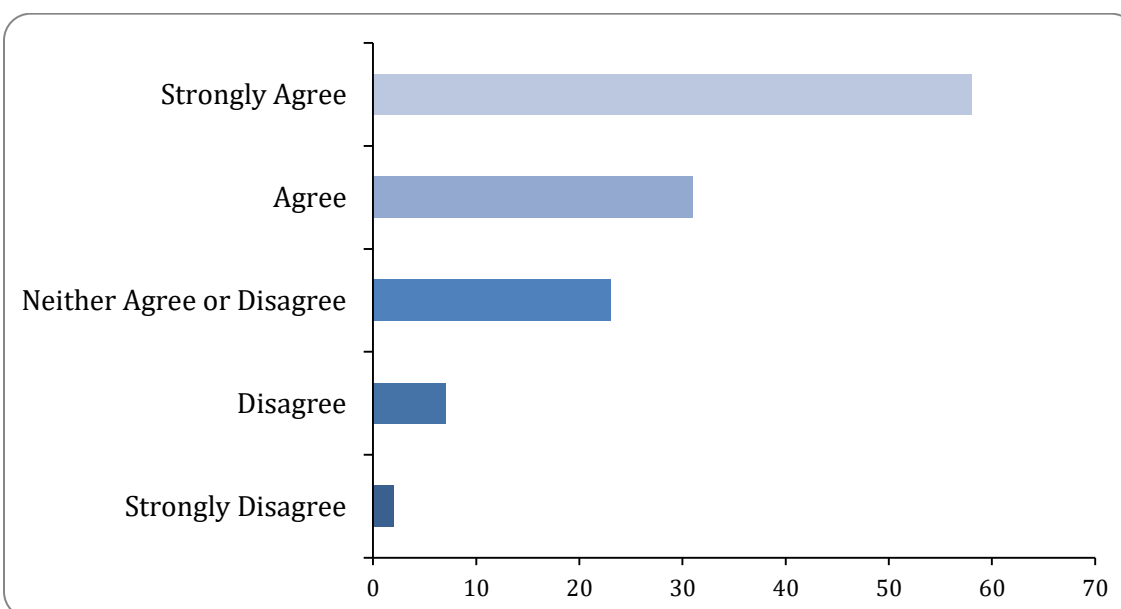
Option	Total	Percent
Strongly Agree	4	3.31%
Agree	2	1.65%
Neither Agree or Disagree	6	4.96%
Disagree	12	9.92%
Strongly Disagree	97	80.17%
Not Answered	0	0.00%

Keeping the Leisure Centre open for non College / community use:



Option	Total	Percent
Strongly Agree	105	86.78%
Agree	9	7.44%
Neither Agree or Disagree	3	2.48%
Disagree	4	3.31%
Strongly Disagree	0	0.00%
Not Answered	0	0.00%

Creating an alternative sustainable operating model to support non-College / community use:



Option	Total	Percent
Strongly Agree	58	47.93%
Agree	31	25.62%
Neither Agree or Disagree	23	19.01%
Disagree	7	5.79%
Strongly Disagree	2	1.65%
Not Answered	0	0.00%

You may explain the reasons for your views on these options below.

There were 69 responses to this part of the question.

As to the option of ‘keeping the Leisure Centre open for non-College / community use’, do you have any ideas or suggestions for an operating model to ensure the future of the Leisure Centre is financially sustainable? (maximum 500 words)

There were 66 responses to this part of the question.

What other community facilities could be offered at the site? Please bear in mind that appropriate steps would be needed to safeguard pupils from any proposals for shared use by College pupils and non-College/ community users during the College day. . Do you have any ideas or proposals for making such alternative usage financially sustainable? (maximum 500 words)

There were 61 responses to this part of the question.

Please describe ways in which permanent closure of the Leisure Centre (for non-College / community use), or the alternative options identified above, would or might particularly affect persons with any of the following “protected characteristics”: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation. (maximum 500 words)

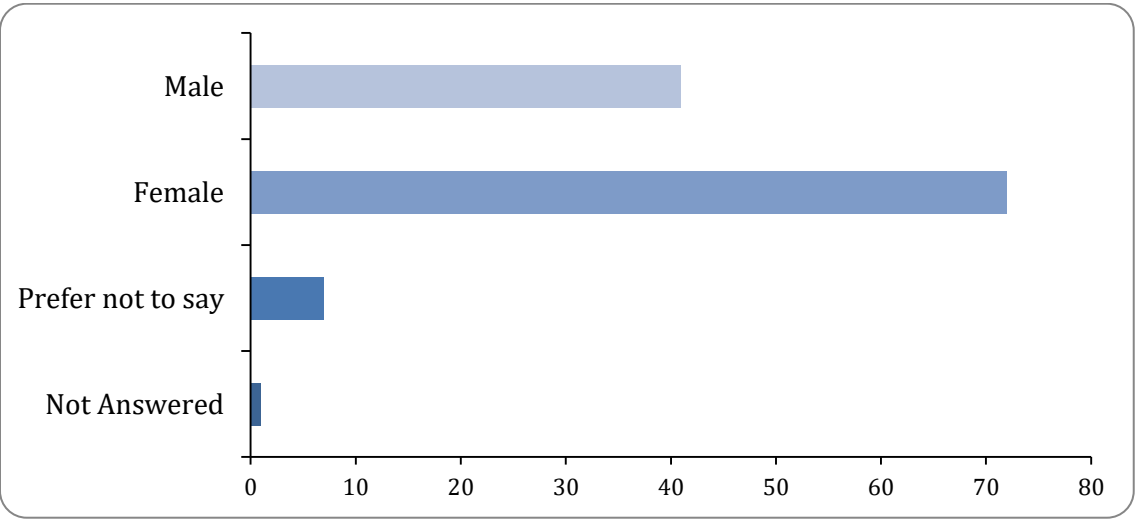
There were 50 responses to this part of the question.

If your answer to the question above identifies any adverse impact in relation to persons with a particular protected characteristic, what steps do you consider could or should be taken to mitigate such impact? (maximum 500 words)

There were 26 responses to this part of the question.

What is your sex?

There were 120 responses to this part of the question.



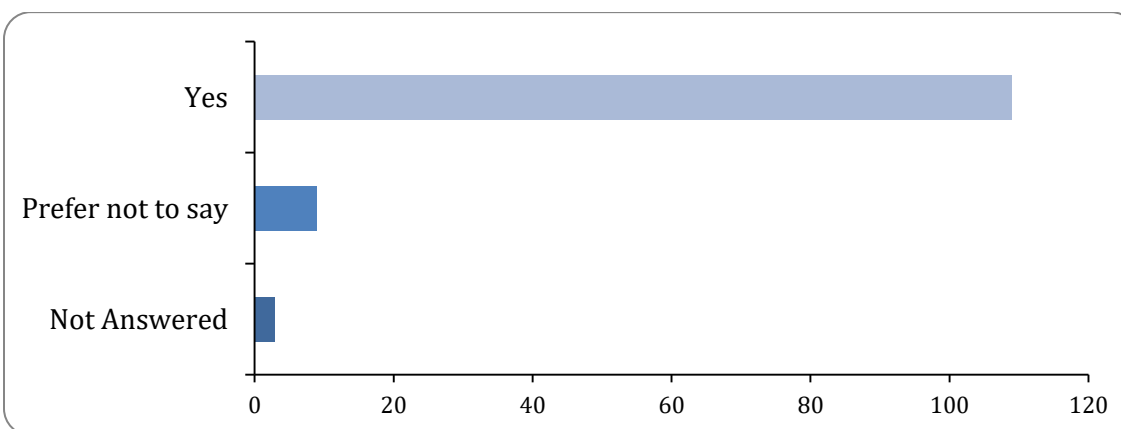
Option	Total	Percent
Male	41	33.88%
Female	72	59.50%
Prefer not to say	7	5.79%
Not Answered	1	0.83%

If you prefer to define your sex in another way, please write in

There was 1 response to this part of the question.

Is the gender you identify with the same as your sex registered at birth?

There were 118 responses to this part of the question.

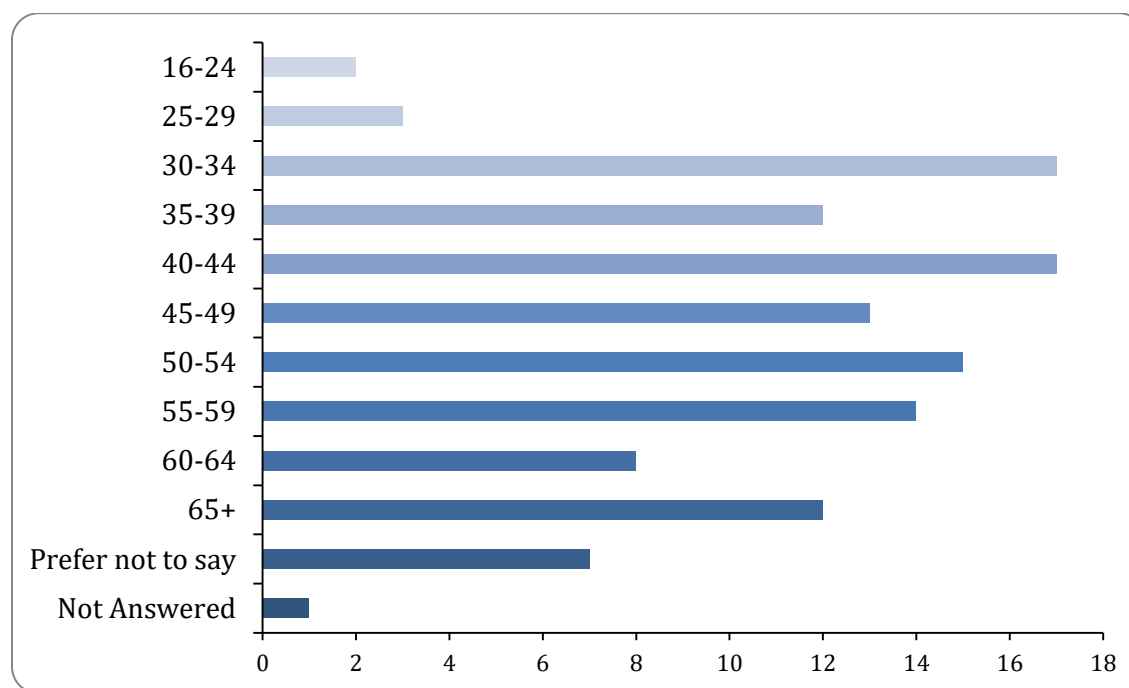


Option	Total	Percent
Yes	109	90.08%
No	0	0.00%
Prefer not to say	9	7.44%
Not Answered	3	2.48%

What is your age?

There were 120 responses to this part of the question.

East Sussex

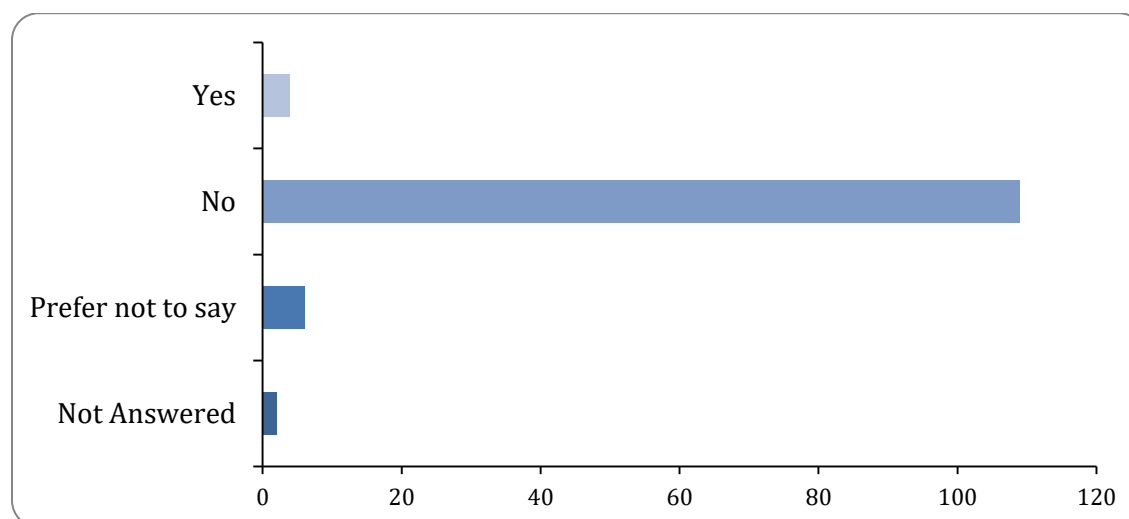


Option	Total	Percent
16-24	2	1.65%
25-29	3	2.48%
30-34	17	14.05%
35-39	12	9.92%
40-44	17	14.05%
45-49	13	10.74%
50-54	15	12.40%
55-59	14	11.57%
60-64	8	6.61%
65+	12	9.92%
Prefer not to say	7	5.79%
Not Answered	1	0.83%

Do you consider yourself to be disabled?

There were 119 responses to this part of the question.

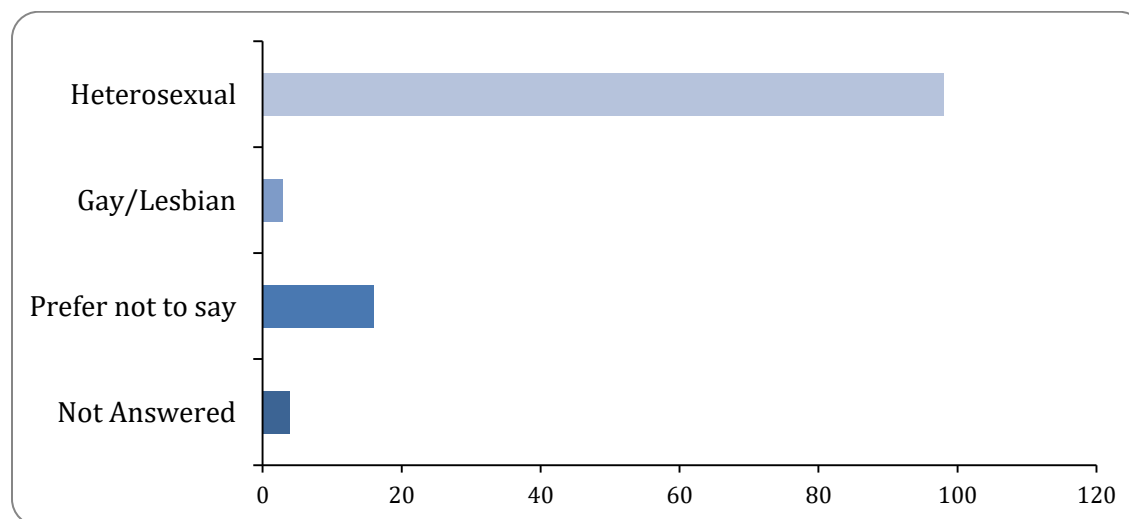
East Sussex



Option	Total	Percent
Yes	4	3.31%
No	109	90.08%
Prefer not to say	6	4.96%
Not Answered	2	1.65%

What is your sexual orientation?

There were 117 responses to this part of the question.



Option	Total	Percent
Heterosexual	98	80.99%
Gay/Lesbian	3	2.48%
Bisexual	0	0.00%
Prefer not to say	16	13.22%

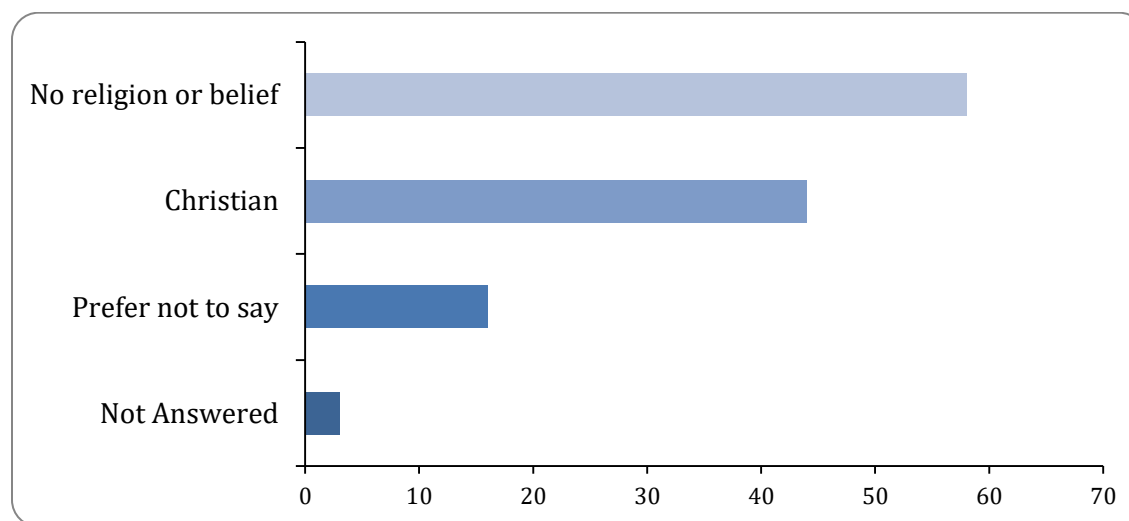
Not Answered	4	3.31%
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If you prefer to identify your sexual orientation in another way, please write that in

There were 4 responses to this part of the question.

What is your religion or belief?

There were 118 responses to this part of the question.



Option	Total	Percent
No religion or belief	58	47.93%
Buddhist	0	0.00%
Christian	44	36.36%
Hindu	0	0.00%
Jewish	0	0.00%
Muslim	0	0.00%
Sikh	0	0.00%
Prefer not to say	16	13.22%
Not Answered	3	2.48%

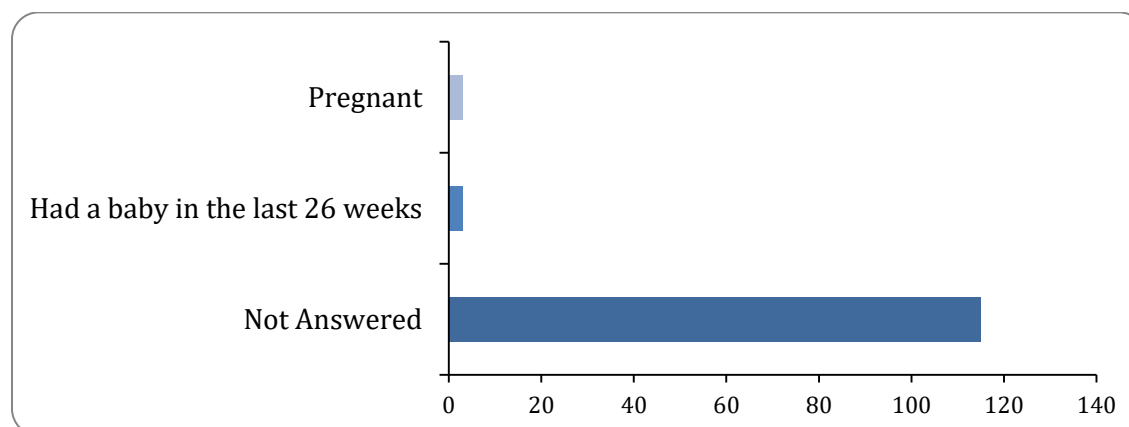
If other religion or belief, please write in

There were 2 responses to this part of the question.

East Sussex

Are you pregnant or have you had a baby in the last 26 weeks?

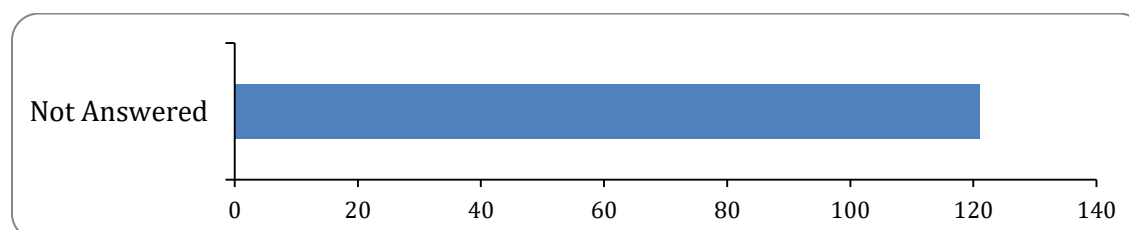
There were 6 responses to this part of the question.



Option	Total	Percent
Pregnant	3	2.48%
Had a baby in the last 26 weeks	3	2.48%
Not Answered	115	95.04%

Asian or Asian British

There were 0 responses to this part of the question.



Option	Total	Percent
Indian	0	0.00%
Pakistani	0	0.00%
Bangladeshi	0	0.00%
Chinese	0	0.00%
Not Answered	121	100.00%

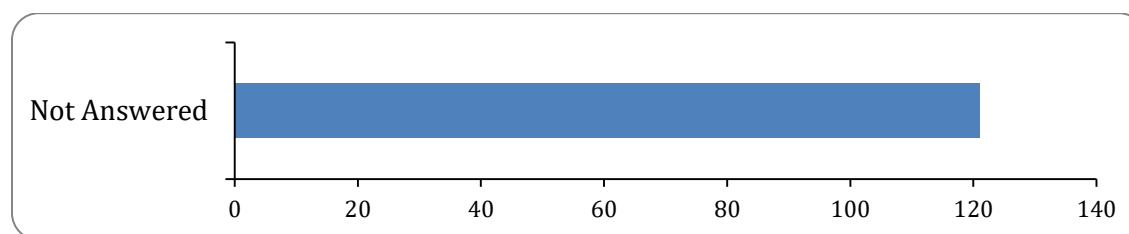
Any other Asian background, please write in

There were 2 responses to this part of the question.

Black, African, Caribbean or Black British

There were 0 responses to this part of the question.

East Sussex



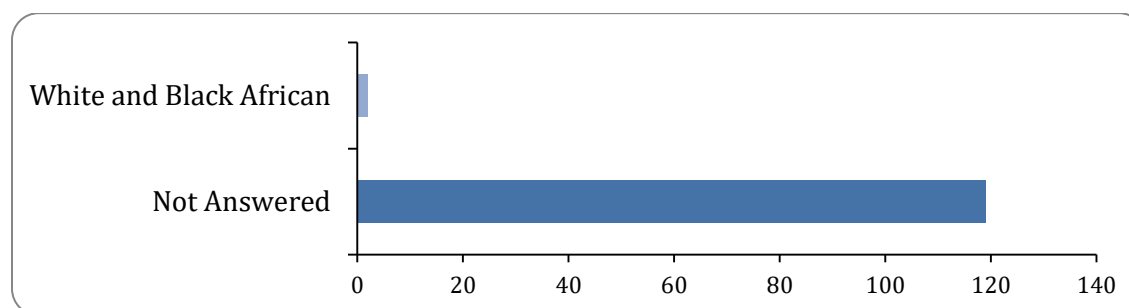
Option	Total	Percent
African	0	0.00%
Caribbean	0	0.00%
Not Answered	121	100.00%

Any other Black, African or Caribbean background, please write in

There were 0 responses to this part of the question.

Mixed or Multiple ethnic groups

There were 2 responses to this part of the question.



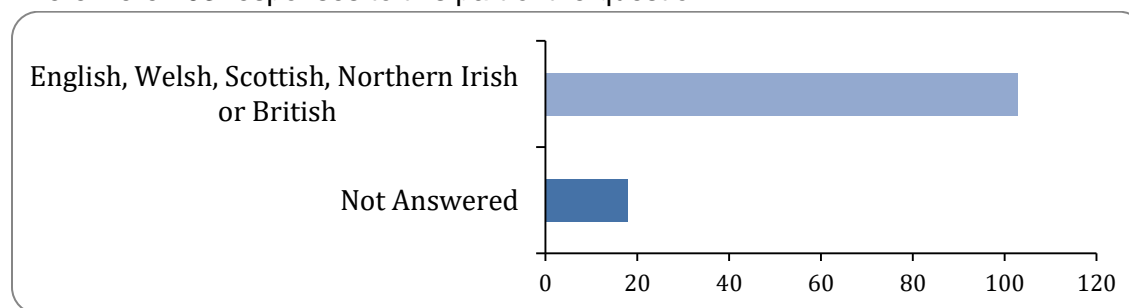
Option	Total	Percent
White and Black Caribbean	0	0.00%
White and Black African	2	1.65%
White and Asian	0	0.00%
Not Answered	119	98.35%

Any other Mixed or Multiple ethnic background please write in

There was 1 response to this part of the question.

White

There were 103 responses to this part of the question.



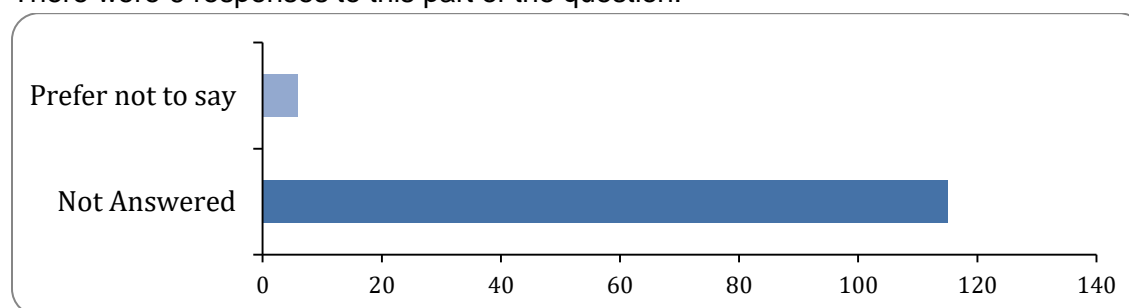
Option	Total	Percent
English, Welsh, Scottish, Northern Irish or British	103	85.12%
Irish	0	0.00%
Gypsy or Irish Traveller	0	0.00%
Roma	0	0.00%
Not Answered	18	14.88%

Any other White background, please write in

There were 5 responses to this part of the question.

Other ethnic group

There were 6 responses to this part of the question.



Option	Total	Percent
Arab	0	0.00%
Prefer not to say	6	4.96%
Not Answered	115	95.04%

Any other ethnic group, please write in

There was 1 response to this part of the question.

Heathfield Leisure Centre: Summary of Equality Impacts

The council has duties under the Equality Act 2010 (Section 149) to pay 'due regard' to the impact of proposals where these may disproportionately affect people because of their legally protected characteristics¹. In order to identify any such impacts and to assess whether negative impacts can be avoided or reduced, an initial assessment of equality impacts was undertaken and as a result two specific questions were asked in the consultation to invite perspectives on this to further inform the assessment². In making a final decision on the options proposed, the Lead Member is required to pay rigorous and proportionate attention to the duties set out in of the Equality Act and this equality information, and to consider it alongside all the other factors and information related to these proposals.

The following equality impacts were identified in the council assessment and by respondents:

- Problems with transport to other facilities:
 - Buses too expensive or infrequent service, potentially disproportionately impacting on younger and older people, disabled people and carers.
 - Lewes Leisure Centre (as an alternate venue) was identified as not being close to a public transport route.
 - Barriers for non-drivers, with potential disproportionate impacts as above, on younger and older people and disabled people.
- Potential impacts of closure on physical and emotional well-being, arising from inability to access the leisure centre facilities or alternatives, with specific potential impacts on disabled people (both in relation to physical and mental health), older people and younger people (especially those with SEN and/or who are neurodivergent).
- Potential negative impacts of increasing loneliness and isolation (specifically older and disabled people, but potentially for people sharing all characteristics, especially after the increased pressures of Covid-19).
- Specific impacts were noted as possible for women who may have more caring responsibilities and limited time and/or income to access alternate venues.
- A GP exercise referral service to Heathfield facilities (of 6 months discounted membership), particularly used by older and disabled people.

Impacts are identified in relation to some of the legally protected characteristics and for some people sharing these characteristics.

Mitigations identified if the Centre is closed include the following:

- Other clubs, sports and activities are available to improve health and alleviate isolation.
- Potential use of the GP referral service in alternate venues.

Respondents also proposed better provision/subsidising of bus routes or a shuttle bus to alternate venues, replicating classes in another venue, better advertising of the Centre and its offer, or simply keeping the Centre open. However, it is not proposed to implement any of these proposals.

In terms of consultation responses, more women responded to both consultations than men: 60% women, 34% men; no one identifying as transgender responded. Most responses came from people aged 30+ years, being fairly evenly distributed in the given age ranges. Of those who answered the question, 3% said they were disabled, which is lower than the wider population statistics (of approx. 20%). 2% of respondents identified as being lesbian, gay or bisexual: slightly lower than the estimate for the county of 4%. In relation to ethnicity, 7% identified as being from an ethnic group other than White British.

¹ The legally protected characteristics are: age, disability, gender reassignment, marriage/civil partnership, pregnancy/maternity, race/ethnicity, religion/belief, sex and sexual orientation.

² The two questions were: "Please describe ways in which permanent closure of the Pool, or the two other options identified above, would or might particularly affect persons with any of the following 'protected characteristics' [they were then listed]" and "If your answer to the question above identifies any adverse impact in relation to persons with a particular protected characteristic, what steps do you consider could or should be taken to mitigate such impact?"

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