



LEAD MEMBER FOR RESOURCES AND CLIMATE CHANGE

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

TUESDAY, 13 DECEMBER 2022 AT 1.00 PM

VIA MS TEAMS

AGENDA

1. Decisions made by the Lead Cabinet Member on 8 November 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. Agree the delivery plan for Partnerships for People and Place pilot intervention (*To Follow*)
Report by the Assistant Chief Executive
5. Former Etchingham CE Primary School site (*Pages 7 - 12*)
Report by the Chief Operating Officer
6. Local Council Tax Reduction Scheme: Consultation Response (*Pages 13 - 16*)
Report by the Chief Finance Officer
7. Any other non-exempt items previously notified under agenda item 3
8. 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 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).
9. Local Council Tax Reduction Scheme: Consultation Response - Exempt Information (*Pages 17 - 18*)
Report by the Chief Finance Officer
10. Any other exempt items previously notified under agenda item 3

PHILIP BAKER
Assistant Chief Executive
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5 December 2022

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LEAD MEMBER FOR RESOURCES AND CLIMATE CHANGE

DECISIONS made by the Lead Member for Resources and Climate Change, Councillor Nick Bennett, on 8 November 2022 at Via MS Teams

Councillor Johnny Denis spoke on item 7 (see minute 53)

47. DECISIONS MADE BY THE LEAD CABINET MEMBER ON 11 OCTOBER 2022

47.1 The Lead Member approved as a correct record the minutes of the meeting held on 11 October 2022.

48. DISCLOSURE OF INTERESTS

48.1 Councillor Johnny Denis declared a personal interest as a Lewes District Councillor, Ringmer Parish Councillor and Board Member of Wave Leisure Trust. He did not consider this to be prejudicial.

49. URGENT ITEMS

49.1 There were no urgent items.

50. REPORTS

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

51. RINGMER SWIMMING POOL - OUTCOME OF THE PUBLIC CONSULTATION

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

DECISIONS

51.2 The Lead Member RESOLVED to:

1) Note the findings of the public consultation on the future swimming provision at Ringmer Swimming Pool that took place between 23 May – 15 August 2022;

2) Agree to decommission the pool from 31 December 2022 and permanently cease provision of swimming facilities at Ringmer pool should no financially viable option be available and committed to by that date (including the approval of any legal documentation required); and

3) Delegate authority to the Chief Operating Officer to carry out all actions necessary to give effect to the recommendations in the report, including either the decommissioning of the pool or agreeing to implement an alternative viable approach at no detrimental impact to the Council, as detailed in the report.

REASONS

51.3 The public consultation on the future swimming provision at Ringmer Swimming Pool and other evidence considered by the Lead Member has not yet resulted in a sustainable, viable alternative option for the continuation of the operation of the swimming pool.

51.4 If a financially viable agreement is committed to by Lewes District Council before 31 December 2022 and a financially sustainable option is brought forward at no detrimental impact to the Council, and the associated legal documentation is approved, this alternative option will be pursued.

52. EXCLUSION OF THE PUBLIC AND PRESS

52.1 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 paragraphs 1 and 3 of Part 1 of the Local Government Act 1972 (as amended), namely information relating to any individual and information relating to the financial or business affairs of any particular person (including the authority holding that information).

53. RINGMER SWIMMING POOL - OUTCOME OF THE PUBLIC CONSULTATION - EXEMPT INFORMATION

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

DECISIONS

53.2 The Lead Member RESOVLED to note the detailed financial information contained in the report in support of an earlier agenda item.

REASON

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

54. TO CONSIDER PROPOSALS TO ACQUIRE THE FREEHOLD OF A PROPERTY FOLLOWING A BLIGHT NOTICE BEING SERVED UNDER THE TOWN AND COUNTRY ACT 1990

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

DECISIONS

54.2 The Lead Member RESOLVED to approve the recommendations in the report, for the reasons set out in the report. The decision and reasons are set out in an exempt minute.

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Report to: Lead Member for Resources and Climate Change

Date of meeting: 13 December 2022

By: Chief Operating Officer

Title: Former Etchingham CE Primary School site

Purpose: To declare surplus to requirements and to approve the disposal of Former Etchingham CE Primary School site

RECOMMENDATIONS

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

- 1) declare property known as Former Etchingham CE Primary School site (the Property) surplus to requirements;
- 2) approve the disposal of the Property and any ancillary documentation required to give effect to the disposal as summarised below; and
- 3) delegate to the Chief Operating Officer to approve sale by Auction to secure best value in accordance with s123 of the Local Government Act 1972 and to agree the terms of the disposal and any ancillary documentation

1 Background

- 1.1 Former Etchingham CE Primary School site (the Property) is surplus to East Sussex County Council's (ESCC) operational requirements. The location of the Property can be seen at Appendix 1. The Property was previously used as a Primary School. This School was relocated to a new location in Etchingham Village constructed in 2014. The ownership of the new school site was transferred to the Diocese of Chichester following a decision by Lead Member Resources on 21 September 2018. The decision did not include the formal disposal of the old school site pending resolution of legal matters.
- 1.2 The Property has been considered for other projects, but no operational use has been identified. Consequently, ESCC does not want to retain the ownership of the property as it will remain a liability for ESCC to maintain and manage.
- 1.3 There is a restriction on one section of the school site shown at Appendix 2 requiring written consent from Chichester Diocesan Fund and Board of Finance Incorporated and the Rector and Churchwardens of the Parish of Etchingham as Trustees of the Etchingham Church of England School Charity Care (The Church) before ESCC can sell this parcel of land. This was imposed in the original transfer of that land from the Church to ESCC to protect a complex overage provision imposed by the Church (entitling the Church to claim a share in any uplift in value where planning permission is obtained). The complexity of this provision was likely to be a barrier to achieving a disposal of the land so ESCC has been looking to simplify the arrangements. An agreement has been reached in respect of the overage whereby the Church are to receive 50% of any sale proceeds over a set limit, less costs.
- 1.4 The Council have submitted an application to the Secretary of State for Education under Section 77 of the Schedule of The School Playing Fields General Disposal and Change of Use Consent (no5) 2014 seeking authority to dispose of the former playing field land. The disposal of the property will only take place once this authority has been granted. It is anticipated that the Department for Education (DfE) will comment on and may require capital receipt spend to reflect the source of receipt and be spent on appropriate capital projects.

2 Supporting information

- 2.1 Subject to Lead Member for Resources and Climate Change approval, the site will be sold via a public auction in February 2023. A reserve price will be set in January 2023 to be agreed by the Assistant Director of Property. The property will only be sold if offers at the public auction are above the reserve price.
- 2.2 The disposal of the asset will provide a capital receipt that will contribute to the Council's capital programme and reduce revenue liabilities relating to the management and maintenance of the asset.

3 Conclusion and reasons for recommendations

- 3.1 The property is no longer required for ESCC operational purposes. ESCC propose to market and dispose of the property in order to reduce cost and liability and to achieve a capital receipt. The capital receipt will be used as required in line with any directive from the DfE.
- 3.2 It is recommended that the Lead Member Resources and Climate Change:
- 3.2.1 Declare the Property surplus to requirements.
 - 3.2.2 Approve the disposal of the Property.
 - 3.2.3 Delegate to the Chief Operating Officer to approve the sale by Auction to secure best value in accordance with s123 of the Local Government Act 1972.

ROS PARKER Chief Operating Officer

Contact Officer: Zoe Tweed

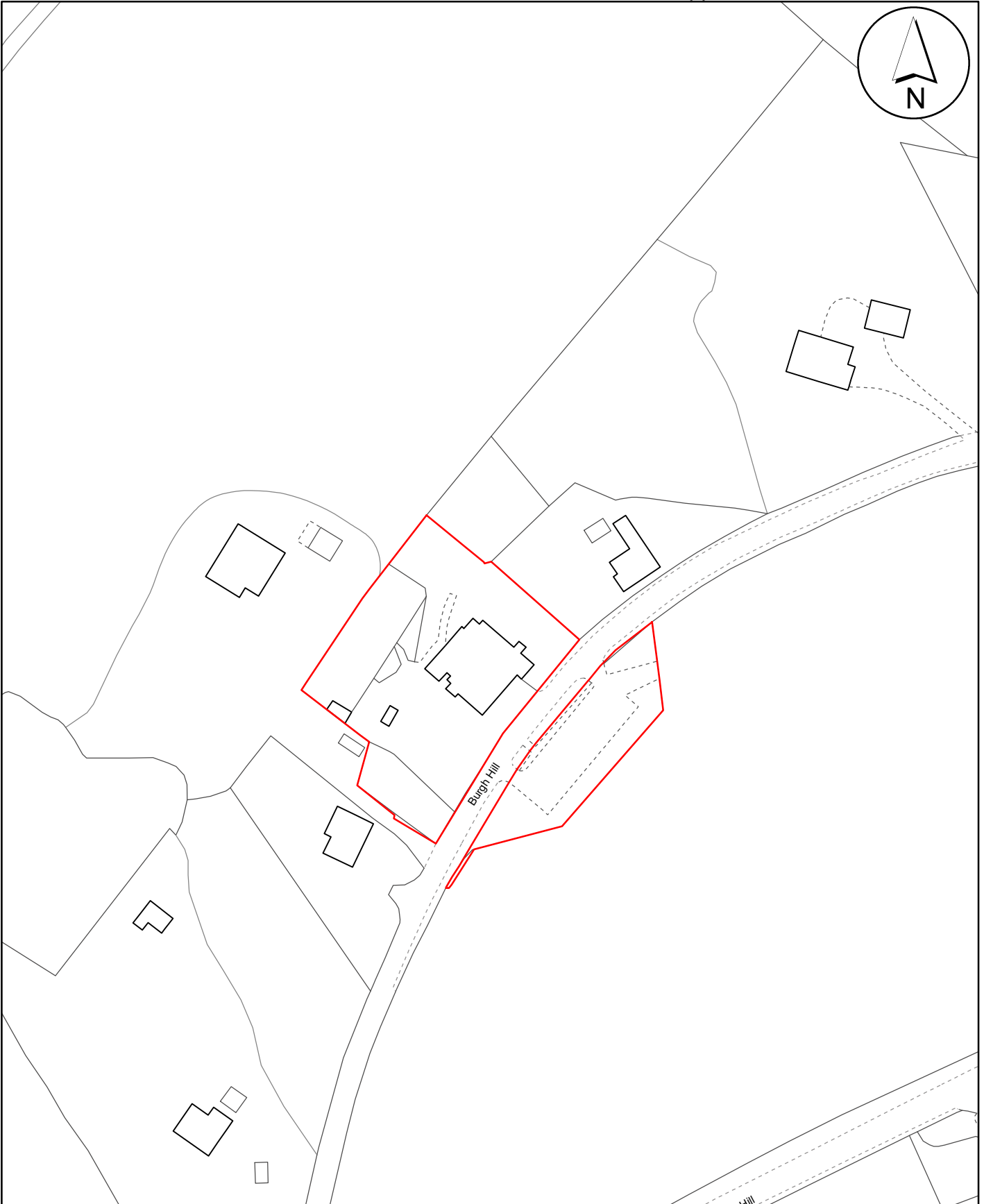
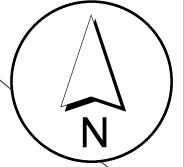
Email: zoe.tweed@eastsussex.gov.uk

Assistant Director – Property: Nigel Brown

Email: nigel.brown@eastsussex.gov.uk


LOCAL MEMBERS

Councillor Howell

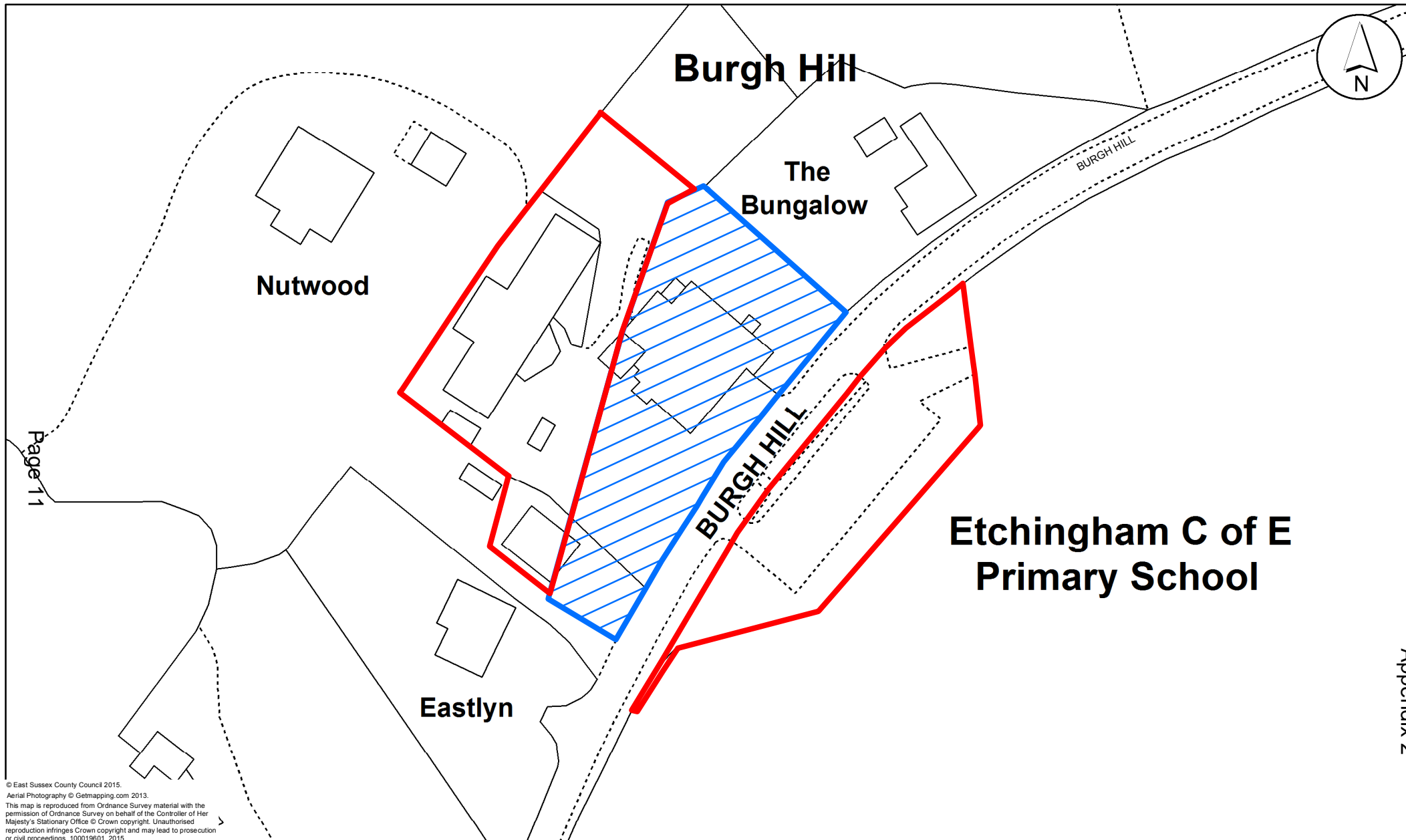


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Land at Etchingam CofE School	Scale: 1:1,250	
Author: FM	Page 9	Date: 09/11/2022

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Map Title: Etchingam - ESCC Land Plan (Land with restrictive covenant shown blue)

Date: January 2018

Map No: Etch020118

Scale: 1:750

Author: PHS



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Agenda Item 6

Report to: Lead Member for Resources and Climate Change

Date of meeting: 13 December 2022

By: Chief Finance Officer

Title: Local Council Tax Reduction Scheme: Consultation Response

Purpose: To agree proposed response to Wealden District Council billing authority on proposed changes to their Local Council Tax Reduction Scheme 2023/24

RECOMMENDATION: The Lead Member is recommended to approve the response as set out in paragraph 4.1 of this report to Wealden District Council on proposed changes to their Local Council Tax Reduction Schemes for 2023/24.

1 Introduction

1.1 Council Tax billing authorities are required to review their Local Council Tax Reduction Schemes (LCTRS) annually and to consult publicly on any proposed changes. Precepting authorities are statutory consultees in this process; in East Sussex, these are East Sussex County Council (ESCC), East Sussex Fire and Rescue and the Sussex Police and Crime Commissioner. The final decision to set or change the LCTRS rests solely with each billing authority.

1.2 Wealden District Council (WDC) are currently consulting on changes to their LCTRS for 2023/24. As a Precepting Authority, ESCC have been invited to provide a response to these proposals by 23 December 2022. The proposed changes will see extensions to the LCTRS discounts available, thereby potentially reducing the amount of Council Tax income the County Council will receive.

2 LCTRS Background

2.1 When Council Tax Benefit (CTB) was abolished in April 2013, and local authorities were charged with designing their own LCTRS, the funding that had previously supported the CTB was reduced nationally by 10%. In response to this reduction in funding, 80% of local authorities made changes to these old CTB systems by reducing entitlements for working age families, with the remaining 20% of authorities choosing to absorb the cut in funding entirely through other spending reductions or Council tax increases (Institute of Fiscal Studies: IFS Report R90).

2.2 Over time each District and Borough Council has developed a scheme that is specific to their authority. A review of LCTRS was conducted jointly through the East Sussex Chief Executives' Group and East Sussex Finance Officers' Association in 2014/15, which agreed to implement measures to support those in financial need and also to provide additional staffing resource at each billing authority to support recovery activity. This came into effect in 2016/17. The costs of these measures were shared with precepting authorities in proportion to their share of Council Tax. ESCC made a one-off contribution of £122,457 to the Hardship Fund in 2016/17 and has made an annual contribution towards staffing costs at the four East Sussex billing authorities which agreed to the Scheme (Hastings Borough Council did not participate), for 2021/22 this amounted to £180,979.

	Hardship Fund (£)	21/22 Staffing (£)
Eastbourne	34,510	43,047
Lewes	27,585	38,088
Rother	27,740	55,870
Wealden	32,622	43,974
Total	122,457	180,979

3 LCTRS Proposed Changes

3.1 WDC are consulting on changes to their LCTRS for working age people in 2023/24. It is understood that the proposed changes are intended to provide further assistance to certain Universal Credit applicants and provide flexibility in the scheme to allow for changes in government welfare benefits and initiatives and to assist low-income households, particularly during the current cost of living crisis.

3.2 Whilst WDC determines the LCTRS, the impact is felt across a number of organisations. The share of income collected from Band D Council Tax raised by WDC is: East Sussex County Council 73%, Sussex Police and Crime Commissioner 10%, East Sussex Fire Authority 4%, Town/Parish Councils 4% and Wealden DC 9%. Thereby 91% of the income to other organisations will be impacted by any change in LCTRS. The latest statistics published on Council Tax base data (as at October 2022) reports that the annual council tax forgone from the WDC LCTRS for working age claimants is £3.880m per annum. The ESCC share of this forgone income is in the region of £2.8m. The current LCTRS provides discounts based on banding of household income with a discount of up to 80% available, as set out in the table below.

Current (2022/23) Council Tax Reduction Scheme Income Levels

Band	Discount (%)	Single Person	Couple no children / young person	Couple / lone parent with one child / young person	Couple / lone parent with two or more children / young persons
1	80	£0.00 - £90.23	£0.00 - £133.25	£0.00 - £186.77	£0.00 - £239.23
2	60	£90.24 - £143.74	£133.26 – £186.77	£186.78 - £239.23	£239.24 - £292.74
3	40	£143.75 - £197.26	£186.78 – £239.23	£239.24 - £292.74	£292.75 - £346.26
4	20	£197.27 - £251.82	£239.24 – £282.25	£292.75 - £346.26	£346.27 - £339.77

3.3 It is proposed that as of 1 April 2023 the income bands and % discounts are amended as follows, allowing a maximum discount of 100%:

Proposed (2023/24) Council Tax Reduction Scheme Income Levels

Band	Discount (%)	Single Person	Couple no children / young person	Couple / lone parent with one child / young person	Couple / lone parent with two or more children / young persons
1	100	£0.00 - £99.25	£0.00 - £146.58	£0.00 - £205.45	£0.00 - £263.15
2	80	£99.26 - £158.11	£146.59 – £205.45	£205.46 - £263.15	£263.16 - £322.01
3	60	£158.12 - £216.99	£205.46– £263.15	£263.16 - £322.01	£322.02 - £380.89
4	40	£217.00 - £277.00	£263.16 – £310.48	£322.02 - £380.89	£380.89 - £439.75

3.4 The loss of Council Tax income from these proposals has been estimated by WDC to be £658,000 in total per annum, of which £480,000 would fall on ESCC.

3.5 Officers from the precepting authorities have met with officers from WDC to discuss the proposals including their impact and sought to understand if there are any potential mitigations that could offset the financial impact of these proposals.

4 Proposed Consultation Response

4.1 Ultimately the decision to approve the proposed changes to its LCTRS rests with WDC, however it is suggested that ESCC makes the following response:

East Sussex County Council recognises the impact that the pandemic had, and cost of living crisis is having, on local communities, particularly, those who are vulnerable, both financially and for other reasons.

As you will be aware, in common with all local authorities, the County Council continues to face significant financial challenges in responding to day-to-day service demands and the ongoing impact of the pandemic. As we wait for the government to provide details of funding through the local government finance settlement for 2023/24, the authority's Medium Term Financial Plan (MTFP) presents a deficit position by 2025/26 of £29.7m. Any loss of income from Council Tax arising from these proposed changes would only serve to increase the deficit and consequently adversely impact the level of services provided to residents.

Council Tax is the County Council's most important funding stream (73% of net budget in 2022/23) and we rely on certainty of this income to enable the County Council to effectively plan services for the future. The Council will need to take account of any further reduction in the tax base on its income when considering options for achieving a balanced budget for 2023/24 and beyond. Any reductions in income from Wealden District residents will be felt across the whole of East Sussex and potentially impact on the services on which the most vulnerable in the whole rely.

Thereby, East Sussex County Council can only support Wealden District Council's proposals to change its LCTRS if opportunities are sought to mitigate the loss of Council Tax income, for example, in the review of the treatment of empty properties. In addition, the County Council would request that every effort is made to implement and maximise income from the Council Tax flexibilities arising from the Levelling Up and Regeneration Bill.

It is also requested that Wealden District Council provide East Sussex County Council, as the major precepting authority, with regular monitoring data that provides evidence of the actual impact of such changes.

5 Conclusion and Reason for Recommendation

5.1 WDC are consulting on proposals to change their LCTRS which will see a reduction on Council Tax income received by the County Council. Whilst the proposals address particular concerns within the authority, the impact of the reduction in income will be felt for County Council services that support the needs of residents across the whole of East Sussex. The response to the consultation reflects potential negative impact of the changes and recommends only supporting the proposed amendments to the LCTRS if opportunities are sought to mitigate the loss of Council Tax income, including the flexibilities arising from the Levelling UP and Regeneration Bill.

IAN GUTSELL

Chief Finance Officer

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LOCAL MEMBERS

All

BACKGROUND DOCUMENTS

None

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

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