



## LEAD MEMBER FOR RESOURCES AND CLIMATE CHANGE

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

**TUESDAY, 27 JUNE 2023 AT 12.00 PM OR AT THE CONCLUSION OF GOVERNANCE  
COMMITTEE, WHICHEVER IS THE LATER**

**REMOTE MEETING VIA MICROSOFT TEAMS**

### **AGENDA**

1. Decisions made by the Lead Cabinet Member on 23 May 2023 (*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. Disposal of land, Hye House Farm, Crowhurst (*Pages 7 - 14*)  
Report by the Chief Operating Officer
5. Rent review of Pebsham Waste Transfer Station and Hastings Household Waste Recycling Site, Freshfields, Bexhill Road, St Leonards-on-Sea (*Pages 15 - 16*)  
Report by the Chief Operating Officer
6. Any other non-exempt items previously notified under agenda item 3
7. 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).
8. Rent review of Pebsham Waste Transfer Station and Hastings Household Waste Recycling Site, Freshfields, Bexhill Road, St Leonards-on-Sea - Exempt Information (*Pages 17 - 18*)  
Report by the Chief Operating Officer
9. Any other exempt items previously notified under agenda item 3

PHILIP BAKER  
Assistant Chief Executive  
County Hall, St Anne's Crescent  
LEWES BN7 1UE

19 June 2023

Contact Sophie Webb, Governance and Democracy Officer,  
01273 337495  
Email: [sophie.webb@eastsussex.gov.uk](mailto:sophie.webb@eastsussex.gov.uk)

*NOTE: As part of the County Council's drive to increase accessibility to its public meetings, this meeting will be broadcast live on its website. The live broadcast is accessible at:*  
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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 23 May 2023 at a remote meeting via MS Teams

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### 1. DECISIONS MADE BY THE LEAD CABINET MEMBER ON 31 MARCH 2023

1.1 The Lead Member approved as a correct record the minutes of the meeting held on 31 March 2023.

### 2. DISCLOSURE OF INTERESTS

2.1 There were none.

### 3. URGENT ITEMS

3.1 There were none.

### 4. REPORTS

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

### 5. RENTING OF OPEN STORAGE SPACE AT BRAMPTON ROAD EASTBOURNE

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

## DECISIONS

5.2 The Lead Member RESOLVED to:

- 1) Agree that East Sussex County Council take a new lease for approximately 12 months of land in Brampton Road Eastbourne, to be used as open storage space; and
- 2) Delegate authority to the Chief Operating Officer to determine the detailed terms of the lease, to approve the final lease negotiations and the signing of the lease by East Sussex County Council (ESCC). To take any other actions considered appropriate to give effect to the above decision to secure best value in accordance with the Local Government Act 1999.

## REASONS

5.3 There is a need for storage of bulk materials to be used by Council contractors in Phase 2a of the Eastbourne Town Centre Improvement Scheme. The need for storage close to the works, will reduce transportation and time costs as much as possible. There is a lack of alternative suitable storage space in the surrounding area.

## 6. APPROVAL FOR A SURRENDER AND REGRANT OF THE UCKFIELD RUGBY FOOTBALL CLUB LEASE

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

## DECISIONS

6.2 The Lead Member RESOLVED to:

- 1) Approve the surrender and regrant of the Uckfield Rugby Football Club lease; and
- 2) Delegate authority to the Chief Operating Officer to determine the detailed terms of the new lease, to approve the final lease negotiations and the signing of the lease by the Council and take any other actions considered appropriate to give effect to the above decision.

## REASONS

6.3 The increase in the land contained under the current lease needs to be legally documented and it is preferable that this is documented under one lease. The alternative would have been to keep the existing lease in place and grant an additional lease on the additional space, which might cause confusion.

## 7. WI-FI SERVICE

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

## DECISIONS

7.2 The Lead Member RESOLVED to:

- 1) Note the contract end of the existing Wi-Fi solution and need for a replacement service;
- 2) Support the recommendation to use the SEG Network Services Framework as the route to market for the procurement of the replacement Wi-Fi service;
- 3) Support the recommendation to use the Fortinet solution as the underpinning technology; and
- 4) Delegate contract award to the Chief Operating Officer.

## REASONS

7.3 There is a requirement to replace the existing Wi-Fi service and this need can be met by using the SEG Network Services Framework as the procurement route to secure a replacement Wi-Fi service and by using the Fortinet solution as the underpinning technology platform.

## 8. EXCLUSION OF THE PUBLIC AND PRESS

8.1 It was RESOLVED to exclude the public and press 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).

## 9. WI-FI SERVICE - EXEMPT INFORMATION

9.1 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

9.2 The Lead Member RESOLVED to note the exempt information set out in the report in support of an earlier agenda item.

## REASONS

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

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**Report to:** Lead Member for Resources and Climate Change

**Date of meeting:** 27 June 2023

**By:** Chief Operating Officer

**Title:** Disposal of land, Hye House Farm, Crowhurst

**Purpose:** To formally declare Hye House Farm, Crowhurst to be surplus and to approve the disposal of it

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## RECOMMENDATIONS

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

- 1) declare Hye House Farm, Crowhurst (“the site”) to be surplus to the requirements of the Council;
- 2) approve the disposal of Hye House Farm, Crowhurst (“the site”) in accordance with s.123 of the Local Government Act 1972;
- 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 s.123 of the Local Government Act 1972, and to agree the terms of the disposal and other documentation required; and
- 4) delegate authority to the Chief Operating Officer to proceed with the next best offer(s) in the event of the sale of any of the individual lots not completing within the expected timelines.

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## 1 Background

- 1.1 Hye House Farm was acquired by the Council in October 1920 under the Small Holdings and Allotments Act 1908–1919. As it is agricultural land purchased before 1935, Crichel Down rules do not apply.
- 1.2 The Crichel Down Rules apply to the sale of sites previously acquired by, or under the threat of, compulsory purchase. The Rules require public bodies, under certain circumstances, to offer back surplus land to the former owner, the former owner’s successors, or to sitting tenants, at the current market value.
- 1.3 The site comprises two distinct plots, as shown in Appendix 1. ‘Plot 1’ comprises a small agricultural land holding of approximately 18 acres. There is a dilapidated semi-detached farm cottage and three barns, two of basic construction and another Sussex style timber barn. A track also forms part of this Plot. This is proposed to be disposed of at the same time as the remainder of the site. ‘Plot 2’ comprises additional farmland of approximately 8 acres.
- 1.4 ‘Plot 1’ has been leased since 25 October 2010 on a ten (10) year Farm Business Tenancy. The tenant has served notice to end the tenancy and is due to vacate on 28 September 2023.
- 1.5 The site was formerly part of a larger farm. Surrounding land was sold previously and the balance of land at the site is now no longer required.
- 1.6 The Council have asked national and regional Land Agents to consider the site and provide their view on marketability and anticipated demand. Discussions with local Land Agents indicate that there is likely to be little demand from a letting perspective so the Council would not consider re-letting Plot 1. This is due to changes in farming practices, funding and general demand for this type of opportunity. However, the Land Agents

indicated that there is likely to be good demand from a sales perspective, and that this is likely to come from local purchasers.

- 1.7 It is the Council's view that the best price can be achieved by splitting the Plots into four distinct lots. This is due to the nature of the site and ensures that the site appeals to the widest possible audience. The lots are summarised below and illustrated in Appendix 2. This view is supported by Land Agents.

1.8 Lot 1 - No. 2 Hye House Cottages

The semi-detached cottage is in a poor condition and purchasers are unlikely to be able to secure a mortgage against it in its present state. However, it has the potential to be further extended (subject to relevant consents being secured). It is in a rural, yet accessible, location with commanding views over open countryside which may appeal to small-scale and self-build developers.

Lot 2 – Hye House Barn

This part of the site was previously declared as surplus for disposal in September 2016. There is a lapsed planning consent relating to this part of the site allowing this to be converted to a single dwelling. If this planning consent could be granted again, it could allow for a spacious character property with a large garden. It is intended to allow a purchaser to re-secure planning permission.

Lot 3 – Hye House Farm

This lot is separated from lots 1 and 2 by a lane. Whilst it could be appended to either (most likely the cottage), it would just as likely be of interest as a standalone entity to the smallholder, equestrian, lifestyle and speculative markets. The land is in good condition, of a manageable size and again provides wonderful views over the surrounding countryside.

Lot 4 – Landlocked 8 acres

This is landlocked and decoupled from the main holding. It is only accessed via a documented pedestrian right of way as per the blue dotted line shown in Appendix 1. On that basis, it is likely to only be of interest to the purchaser of Lot 3 as described above, or an established adjoining owner.

- 1.9 There is no ongoing Council operational use for this asset.
- 1.10 The site is listed within the Council's disposal programme and once sold, a capital receipt will be secured.

## **2 Supporting information**

- 2.1 The sale(s) will be in line with s.123 of the Local Government Act 1972, and East Sussex County Council (ESCC) will ensure that the best consideration that can reasonably be obtained is achieved.
- 2.2 It is recommended that the site be sold by private treaty on the open market, advertised by a local, experienced Land Agent. This will ensure a competitive, transparent, non-discriminatory bidding process designed to establish the best consideration for the site.

## **3 Conclusion and reasons for recommendations**



- 3.1 The Council has no ongoing operational use for the site. It is therefore surplus to the Council's requirements. The disposal of the site will reduce revenue liabilities relating to the management and holding costs of this surplus asset.
- 3.2 The Lead Member for Resources and Climate Change is recommended to:
- i.* declare Hye House Farm, Crowhurst ("the site") to be surplus to the requirements of the Council;**
  - ii.* approve the disposal of Hye House Farm, Crowhurst ("the site") in accordance with s.123 of the Local Government Act 1972;**
  - iii.* delegate authority to Chief Operating Officer to take all actions necessary to secure the disposal of the site at best value in accordance with s.123 of the Local Government Act 1972, and to agree the terms of the disposal and other documentation required; and**
  - iv.* delegate authority to the Chief Operating Officer to proceed with the next best offer(s) in the event of the sale of any of the individual lots not completing within the expected timelines.**

**Ros Parker**  
**Chief Operating Officer**

Contact Officer: Rebecca Lewis  
Email: [rebecca.lewis@eastsussex.gov.uk](mailto:rebecca.lewis@eastsussex.gov.uk)

Assistant Director – Property: Nigel Brown  
Email: [nigel.brown@eastsussex.gov.uk](mailto:nigel.brown@eastsussex.gov.uk)

LOCAL MEMBERS

Councillor Kathryn Field – Battle and Crowhurst

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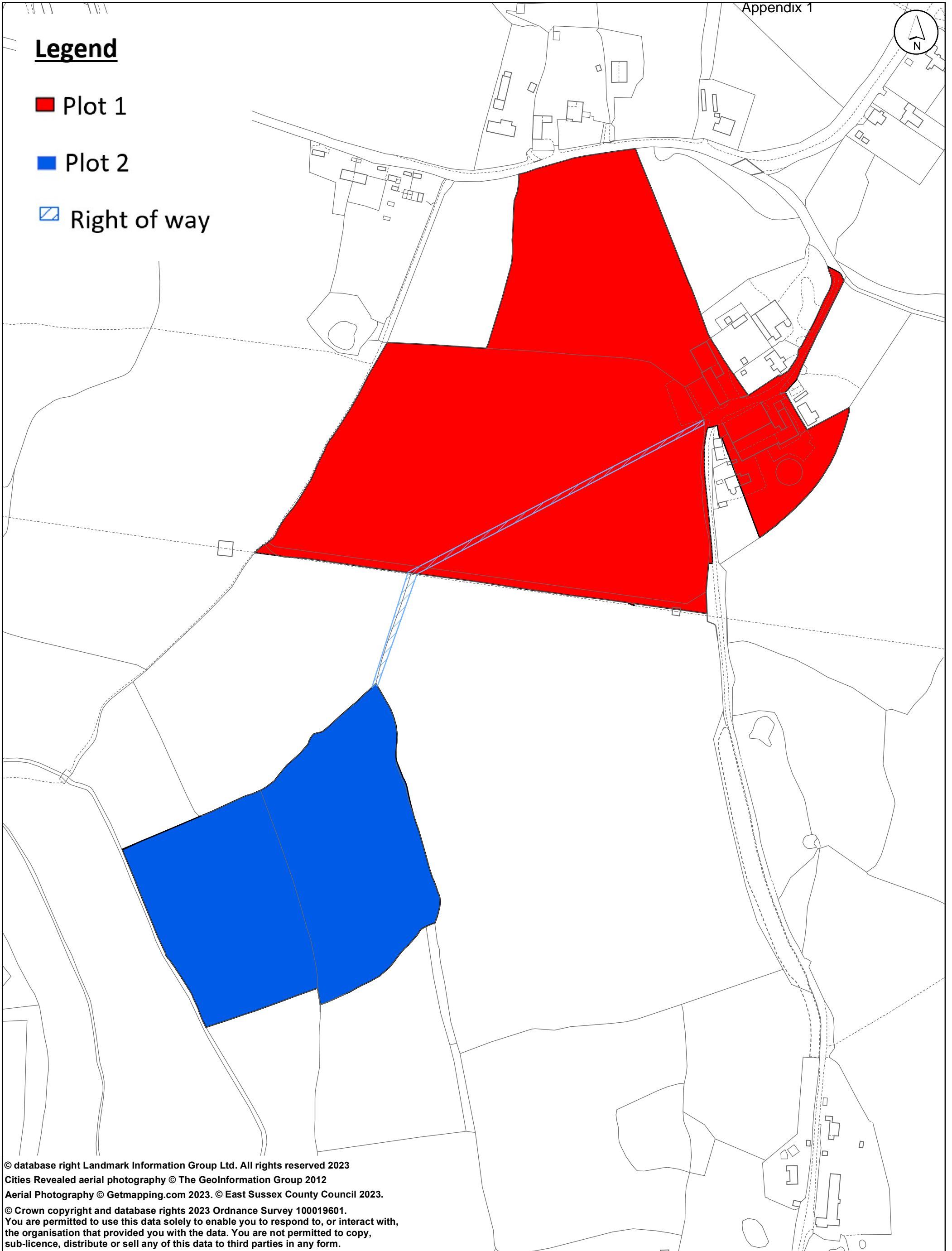


### Legend


■ Plot 1

■ Plot 2

▨ Right of way



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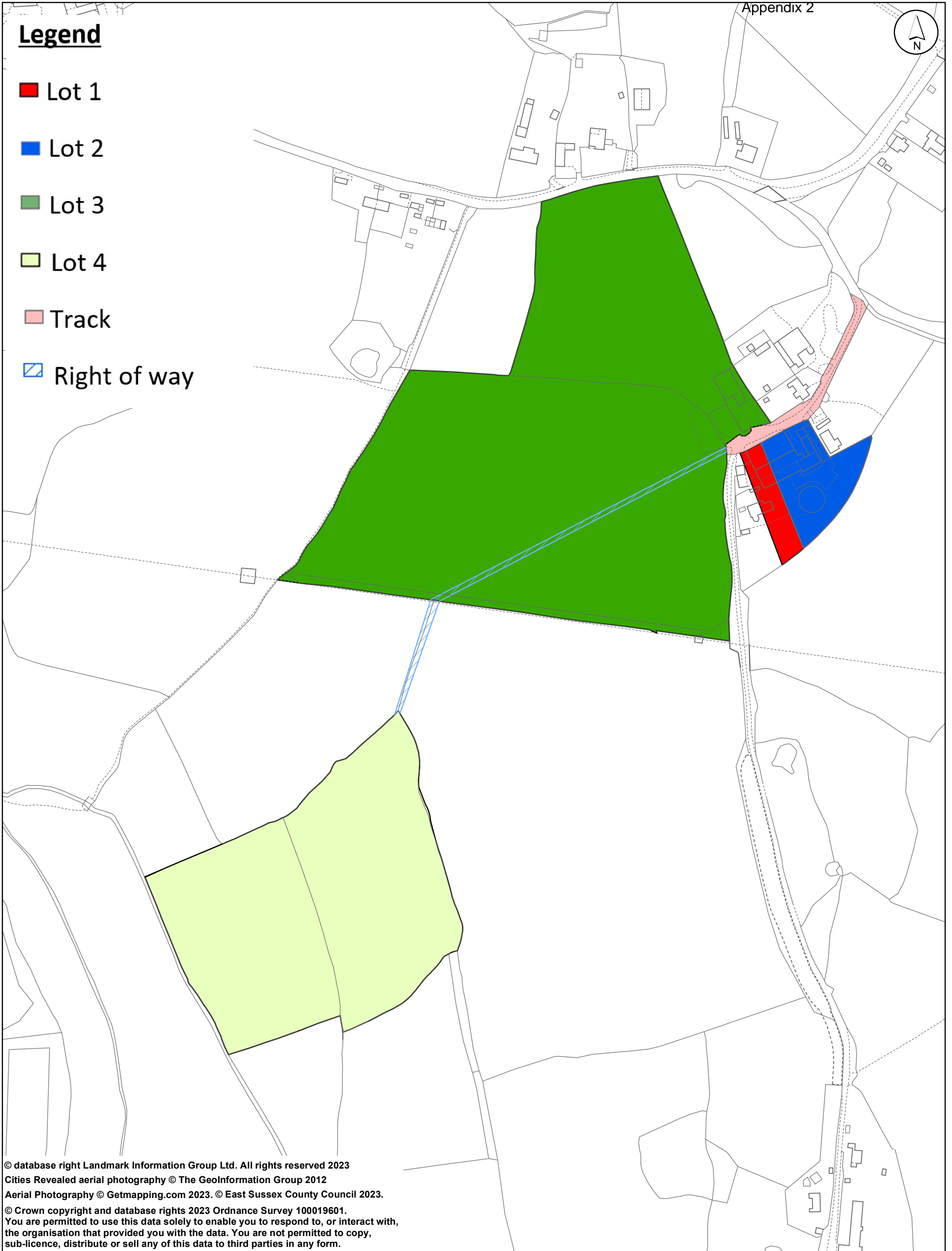
Map Title: Disposal of Land, Hye House Farm, Crowhurst		East Sussex County Council County Hall St Annes Crescent Lewes 
Date: 24/05/2023	Map No: 2	
Scale: 1:2,500	Page 11 Author: DNS	

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**Legend**

- Lot 1
- Lot 2
- Lot 3
- Lot 4
- Track
- Right of way



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Map Title: Disposal of Land, Hye House Farm, Crowhurst		East Sussex County Council County Hall St Annes Crescent Lewes	
Date: 24/05/2023	Map No: 1	East Sussex County Council	
Scale: 1:2,500	Page 18 Author: DNS		

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**Report to:** Lead Member for Resources and Climate Change

**Date of meeting:** 27 June 2023

**By:** Chief Operating Officer

**Title:** Rent review of Pebsham Waste Transfer Station and Hastings Household Waste Recycling Site, Freshfields, Bexhill Road, St Leonards-on-Sea.

**Purpose:** To agree settlement of the rent review for Pebsham Waste Transfer Station and Hastings Household Waste Recycling Site dated 1 April 2023 in accordance with the terms of the lease

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## RECOMMENDATIONS

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

- 1) Approve settlement of the rent review for Pebsham Waste Transfer Station and Hastings Household Waste Recycling Site dated 1 April 2023 which has been reviewed in accordance with the rent review provisions contained in the lease, as detailed in paragraph 1.4;
- 2) Delegate authority to the Chief Operating Officer to document the increase in the form of a rent review memorandum, and take any other actions considered appropriate to give effect to the recommendations in this report; and
- 3) Delegate authority to the Chief Operating Officer to approve and document future rent reviews due to occur under the existing Lease, in line with the terms of the existing Lease.

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## 1 Background

- 1.1 Pebsham Waste Transfer Station (WTS) operates as the main delivery point for waste and recycling collected by Hastings Borough Council, Rother District Council and to a lesser degree, Wealden District Council. Hastings Household Waste Recycling Site (HWRS), which is adjacent to Pebsham Waste Transfer Station, is the busiest recycling site in East Sussex and receives around 247,000 visits from the public every year.
- 1.2 East Sussex County Council (the Council), jointly with Brighton & Hove City Council (BHCC), currently holds the land used for Pebsham Waste Transfer Station (WTS) and Hastings Household Waste Recycling Site (Hastings HWRS) under a lease from Hastings Borough Council (HBC) (the "Lease").
- 1.3 The Lease is dated 25 March 2010 and is for a term of 50 years from 1 April 2008. It provides for the rent to be reviewed every five (5) years according to a formula based on the increase in the Retail Price Index (RPI) over five (5) years. An additional 5% is added to RPI every tenth year, with the next time this is due to be applied being 2028.
- 1.4 In accordance with the rent review provision in the Lease, the rent is to be reviewed at each review date, on an upwards only basis. The Initial Rent is to be multiplied by the "all items" index figure of the Index of Retail Prices for the month preceding the review date. The result is then divided by the Base Figure (defined as the December

2007 RPI figure, being 212.1). Detailed financial information is included in an exempt report in a later agenda item.

- 1.5 The rent increase has been budgeted for within the Waste Service budget for 2023/24.

## **2 Supporting information**

- 2.1 Hastings HWRS is under-let to South Downs Waste Services Ltd (part of the Veolia group), the Subtenant, on a sub lease for a term of 25 years from April 2008. This lease forms part of the Integrated Waste Management Services Contract (IWMSC). This is a Private Financing Initiative (PFI) arrangement to provide essential waste disposal services and infrastructure in East Sussex and Brighton & Hove. The rent is reviewed annually in accordance with the increase in RPI.
- 2.2 Although both the Council and BHCC are named on the leases, responsibility for rental income paid or received at Pebsham WTS and Hastings HWRS lies solely with the Council. This is established by a Joint Working Agreement (JWA) the Council has entered into with BHCC governing how the two local authorities work together on the IWMSC.

## **3 Conclusion and reasons for recommendations**

- 3.1 The Lease is a legally binding contract and the rent review provision forms part of the obligations the Council has entered into as the tenant.
- 3.2 The Lead Member for Resources and Climate Change is therefore recommended to:
  - 1) Approve settlement of the rent review for Pebsham WTS and Hastings HWRS dated 1 April 2023, which has been reviewed in accordance with the rent review provisions contained in the Lease, as detailed in paragraph 1.4;
  - 2) Delegate authority to the Chief Operating Officer to document the increase in the form of a rent review memorandum, and take any other actions considered appropriate to give effect to the recommendations in this report; and
  - 3) Delegate authority to the Chief Operating Officer to approve and document future rent reviews due to occur under the existing Lease, in line with the terms of the existing Lease.

**Ros Parker**  
**Chief Operating Officer**

Contact Officer: John Tripp  
Email: [john.tripp@eastsussex.gov.uk](mailto:john.tripp@eastsussex.gov.uk)

Assistant Director – Property: Nigel Brown  
Email: [nigel.brown@eastsussex.gov.uk](mailto:nigel.brown@eastsussex.gov.uk)

LOCAL MEMBER  
Councillor Matthew Beaver

BACKGROUND DOCUMENTS  
None



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

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