



LEAD MEMBER FOR RESOURCES AND CLIMATE CHANGE

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

TUESDAY, 16 APRIL 2024 AT 3.00 PM

REMOTE MEETING VIA MICROSOFT TEAMS

AGENDA

1. Decisions made by the Lead Cabinet Member on 28 March 2024 (*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. Joint Use Agreement relating to Battle Area Sports Centre, Battle (*Pages 7 - 10*)
Report by the Chief Operating Officer
5. Joint Use Agreement relating to Lewes Athletic Track, Lewes (*Pages 11 - 14*)
Report by the Chief Operating Officer
6. Any 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. Joint Use Agreement relating to Battle Area Sports Centre, Battle - Exempt Information (*Pages 15 - 18*)
Report by the Chief Operating Officer
9. Joint Use Agreement relating to Lewes Athletic Track, Lewes - Exempt Information (*Pages 19 - 22*)
Report by the Chief Operating Officer
10. Any other exempt urgent items previously notified under agenda item 3

PHILIP BAKER
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8 April 2024

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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 28 March 2024 at Remote Meeting via Microsoft Teams

Councillor Paul Redstone spoke on item 4 (see minute 60)

56. DECISIONS MADE BY THE LEAD CABINET MEMBER ON 14 MARCH 2024

56.1 The Lead Member approved as a correct record the minutes of the meeting held on 14 March 2024.

57. DISCLOSURE OF INTERESTS

57.1 There were none.

58. URGENT ITEMS

58.1 There were none.

59. REPORTS

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

60. UPDATED ENVIRONMENTALLY SUSTAINABLE PROCUREMENT POLICY

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

DECISIONS

60.2 The Lead Member RESOLVED to approve the updated Environmentally Sustainable Procurement Policy set out in Appendix 1 of the report.

REASONS

60.3 The updated Environmentally Sustainable Procurement Policy set out in Appendix 1 of the report has been revised to bring it further in line with best practice.

61. WRITE-OFF OF DEBTS 2023/24

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

DECISIONS

61.2 The Lead Member RESOLVED to:

- 1) Approve the writing-off of 14 debts amounting to £234,600.66 in the Council's 2023/2024 accounts;
- 2) Note that provision is made for bad and doubtful debts; and
- 3) Note the current debt position and positive steps being put in place to make improvements.

REASONS

61.3 There is no prospect of recovering the fourteen outstanding debts.

62. EXCLUSION FOR THE PUBLIC AND PRESS

62.1 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).

63. WRITE-OFF OF DEBTS 2023/24 - EXEMPT INFORMATION

63.1 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

63.2 The Lead Member RESOLVED to note the exempt information in relation to an earlier item on the agenda.

REASONS

63.3 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: 16 April 2024

By: Chief Operating Officer

Title: Joint Use Agreement relating to Battle Area Sports Centre, Battle

Purpose: To seek approval for the Council to enter into a 4-year Joint Use Agreement with Rother District Council relating to Battle Area Sports Centre.

RECOMMENDATIONS:

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

- 1) Approve the Council entering into a Joint Use Agreement with Rother District Council to facilitate ongoing curriculum and community use of the Sports Centre facilities at Battle Area Sports Centre for a 4-year period from 1 April 2024 to 31 March 2028; and
 - 2) Delegate authority to the Chief Operating Officer to agree the terms of the Joint Use Agreement and to carry out all actions necessary to give effect to the recommendations in this report.
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1 Background

- 1.1 East Sussex County Council (ESCC) holds a Joint Use (JU) portfolio, comprising 10 assets. The majority of these JUs relate to the use of the facilities by schools for delivery of the curriculum and by the wider community outside of the curriculum hours. Each asset has a Joint Use Agreement (JUA), which is a legal document setting out roles and responsibilities for operational use in addition to specific partners' share of ongoing property costs.
- 1.2 The respective assets are run and managed by a wide range of partners including the County Council, as well as District and Borough Councils, Town Councils and community groups. Operational and financial costs are shared in agreed proportions between the partners. The level of day-to-day maintenance and capital investment required by each of the partners also forms part of the arrangements.
- 1.3 Battle Sports Centre has a JUA between ESCC and Rother District Council (RDC) dated January 1986. RDC funded and constructed the original building on ESCC land on the Claverham Community College site. The key aim of the JUA was the delivery of both the school curriculum and provision for the wider local community.
- 1.4 The original JUA at Battle Sports Centre was varied in 2015 and expired on 31 March 2024. The variation was needed because of the conversion of the squash courts to a dance studio, alongside the installation of a new fitness facility. There was also a new College 3G all-weather pitch constructed which is run and managed via the Sports Centre during the community use hours.
- 1.5 A temporary agreement was put in place from March 2023 until March 2024 whilst all partners worked to agree a new JUA.
- 1.6 There is a Battle Area Sports Centre (BASC) Management Committee in place with representation from ESCC, RDC, Battle Town Council and Claverham Community College which meets annually to oversee the operational arrangements.

- 1.7 RDC have now completed their Health and Well-being: Leisure Facilities Strategy 2022-2023 review across Rother district. This strategy sets out RDC support for facilities in Battle and to focus partners to renew the JUA.
- 1.8 The partners have now reviewed the current arrangements and financial contributions, and all parties have agreed in principle to a new 4-year JUA. If approved by the Lead Member, the new JUA will cover the period from 1 April 2024 to 31 March 2028. The proposed term of the new JUA is shorter than the original JUA term. The parties will continue to work to ensure that the facilities remain sustainable whilst recognising wider constraints in public sector funding over the medium-term future. The financial terms are outlined in the exempt report later on the agenda.

2 Supporting information

- 2.1 Battle Area Sports Centre is situated within the grounds of Claverham Community College. The College has exclusive daily use of the facilities with community use at evenings, weekends and holiday periods.
- 2.2 The facilities available for community use are:
- Large Sports Hall;
 - Fitness Suite;
 - Dance Studio;
 - Netball / Tennis Courts;
 - Activity Studio / indoor climbing wall;
 - Changing facilities;
 - Outdoor field areas;
 - 3G pitch.
- 2.3 The Sports Centre has managed the community operation to minimise disruption very successfully during the recent Department for Education (DFE) funded new College rebuild programme which was completed in September 2023. The netball/tennis courts were closed during the build programme and there was reduced car parking provision. All facilities are now fully reinstated as the final building works have been completed.

Financial Implications

- 2.4 The terms and conditions of the new JUA will remain broadly the same as the original JUA (as amended by a 2015 Deed of Variation).

3 Conclusion and reasons for recommendations

- 3.1 The ongoing community use of the sports centre is of benefit to the residents of the local and wider area. The parties have agreed in principle to enter into a new Joint Use Agreement on substantially the same terms as the previous agreement, albeit the length of the new agreement shall be four years.
- 3.2 The Lead Member for Resources and Climate Change is therefore recommended to:
- approve a 4-year JUA between ESCC and RDC to continue provision for community use of Battle Sports Centre, including the 3G pitch, whilst retaining curriculum provision for Claverham Community College; and
 - delegate authority to the Chief Operating Officer to take all steps necessary to give effect to the recommendations in this report including but not limited to finalising the terms of the joint use agreement and associated documentation.
- 3.3 If the Lead Member agrees the recommendations in 3.2 above, officers will work with RDC and Claverham Community College to finalise the JUA.

ROS PARKER
Chief Operating Officer

Contact Officer:

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LOCAL MEMBERS

Councillor Kathryn Field, Battle and Crowhurst

BACKGROUND DOCUMENTS

None

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Report to: Lead Member for Resources and Climate Change

Date of meeting: 16 April 2024

By: Chief Operating Officer

Title: Joint Use Agreement relating to Lewes Athletic Track, Lewes.

Purpose: To seek approval for East Sussex County Council (ESCC) to enter into a 10-year Joint Use Agreement related to Lewes Athletic Track with Lewes District Council, Wave Active Trust, Priory School, and Lewes Athletic Club.

RECOMMENDATIONS:

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

- 1) Approve the Council entering into a 10-year Joint Use Agreement with Lewes District Council, Wave Active Trust, Priory School and Lewes Athletic Club to facilitate ongoing curriculum and community use of the Lewes Athletic Track facilities; and
- 2) Delegate authority to the Chief Operating Officer to agree the terms of the Joint Use Agreement and to take all actions necessary to give effect to the recommendations in this report.

1 Background

- 1.1 East Sussex County Council (ESCC) is the freehold landowner of the Lewes Athletic Track, which is situated on land behind the Lewes Leisure Centre. The Athletic Track is used by Priory School for curriculum use and, pursuant to a Joint Use Agreement between ESCC, Priory School, East Sussex College, Lewes Athletic Club, Lewes District Council and Wave Active Trust, is also available for community use. The facilities available for community use are:
 - 400m all-weather floodlit running track plus steeplechase water jump pit;
 - Two competition long jump pits;
 - Pole vault, hammer cage and high jump beds;
 - Shot put area;
 - Track Control Centre.
- 1.2 The Athletic Track is compliant with United Kingdom Athletics (UKA) track mark requirements which allows for competition use. It has historically been well-used by the local community, including groups and individuals from outside of the surrounding area of Lewes. There is currently a waiting list for membership.
- 1.3 East Sussex County Council (ESCC) holds a 'Joint Use' (JU) portfolio, comprising 10 assets, including the Lewes Athletics Track. The majority of these JUs relate to the use of facilities by schools for delivery of the curriculum and by the wider community outside of curriculum hours.
- 1.4 The respective assets are run and managed by a wide range of partners including ESCC, District and Borough Councils, town councils and community groups. Operational and financial costs are shared in agreed proportions between the partners who are party to a Joint Use Agreement (JUA). The level of day-to-day maintenance and capital investment required by each of the partners also forms part of the arrangements.

- 1.5 The original 1998 Lewes Athletics Track was grant funded by a range of partner contributions including ESCC, Lewes District Council (LDC), Wave Active Trust, Priory School, Lewes Athletic Club, and other original local partners (including East Sussex College Group). The parties entered into a 21 year Joint Use Agreement (JUA) to regulate the use and maintenance of the Athletics Track in November 1998.
- 1.6 Over the years, the partners have been successful in securing external funding for investment in Lewes Athletic facilities including the Athletic Track. Some of the funding has gone to Lewes Athletic Club and other grant funding has come to ESCC, as landowner. The most significant grant was awarded by Sport England and came with the requirement for a 21-year JUA commitment. The Council duly entered into a grant agreement with Sport England which included clawback provisions, linked to the delivery of specified sport and group use targets. All liabilities under the grant agreement have been discharged, as at the expiry of the JUA on 23 November 2019. Since that date, the joint use arrangements have continued informally by local agreement between the parties whilst the future partnership arrangements have been negotiated.
- 1.7 Two supplemental Agreements to the JUA were entered into, in 2005 and 2015 respectively, which recognised the changing roles of the respective partners, including finance and maintenance arrangements, and formally incorporated Wave Active Trust as a partner.
- 1.8 LDC novated their responsibilities set out in the 1998 Lewes Athletic Track JUA to Wave Active Trust (WAT) in 2006; WAT effectively became an active partner in the Athletic Track arrangements.
- 1.9 East Sussex College served notice on ESCC in 2023 setting out that they no longer use the facility and therefore do not want to be a partner in any new JUA relating to the Athletic Track.

2 Supporting information

- 2.1 There is a Management Liaison Group made up of the partners, which meets regularly to oversee the Track operation. The Athletic Club volunteers are closely involved in the day to day running of the facility, along with identifying any upcoming maintenance projects.
- 2.2 There has been successful floodlight replacement along with a track resurfacing project carried out by the partners in recent years which have been part funded by securing grant contributions.
- 2.3 Given the informal arrangements currently in place, the Lead Member is asked to consider the future arrangements for the Athletics Track with a view to formalising them with the other partners. There are two options for the Lead Member to consider:
 - Option 1 – the Council does not enter into a new JUA. The Council would need to consider how an alternative organisation or operator could run the facilities. As the Council is not a leisure commissioner, it does not have the resources or skills to run Lewes Athletic track for school / curriculum or community use.
 - Option 2 – the Council agrees a new JUA with partners on broadly the same terms as the 2015 supplemental Agreement, building on the successful partnership working to date. There would be no changes to ESCC's current financial contribution (as outlined in the exempt report later on the agenda).
- 2.4 Option 2 is the recommended option and financial impacts of this option are outlined in a separate report as an exempt item later on the agenda.

Financial Implications

2.5 The partners have reviewed the current arrangements and financial contributions. All parties have agreed to continue with a new 10-year JUA expiring in 2034 based broadly on similar terms and conditions to the previous JUA (as amended by the 2015 Variation).

3 Conclusion and reasons for recommendations

3.1 The ongoing community use of Lewes Athletic Track will continue to benefit users of the Track and residents of East Sussex. The JUA will be based on similar costs to the partners' existing contributions. Financial information relating to this proposal is outlined in an exempt report later on the agenda.

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

- approve the Council entering into a 10-year Joint Use Agreement (JUA) between East Sussex County Council, Lewes District Council, Wave Active Trust, Priory School, and Lewes Athletic Club to continue ongoing provision for community use of the track whilst retaining Priory School curriculum provision; and
- delegate authority to the Chief Operating Officer to agree the terms of the JUA and to take all actions necessary to give effect to the recommendations in this report.

3.3 If the Lead Member agrees the recommendations above, officers will work with the partners to finalise the Agreement.

ROS PARKER
Chief Operating Officer

Contact Officer:
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LOCAL MEMBERS

Councillor Wendy Maples, Lewes
Councillor Johnny Denis, Ringmer and Lewes Bridge

BACKGROUND DOCUMENTS

None.

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