

CABINET

2 October 2017

Minutes of the Cabinet meeting held at the Town Hall, Bexhill-on-Sea on Monday 2 October 2017 at 11:00am.

Cabinet Members present: Councillors C.R. Maynard (Leader), Lord Ampthill, A.E. Ganly, I.R. Hollidge, Mrs J.M. Hughes, I.G.F. Jenkins, G.P. Johnson, M.J. Kenward (Deputy Leader) and Mrs E.M. Kirby-Green.

Other Members present: Councillors J. Barnes, Mrs M.L. Barnes, J.J. Carroll (in part), Mrs B.A. Hollingsworth, B. Kentfield, D.B. Oliver, P.N. Osborne and M.R. Watson.

Advisory Officers present: Executive Director of Resources, Executive Director of Business Operations, Service Manager – Finance and Welfare, Service Manager – Community and Economy, Service Manager – Environmental Services and Licensing, Economic Development Manager and Democratic Services Officer.

Also present: 4 members of the public.

Publication Date: 4 October 2017

The decisions made under PART II will come into force on 12 October 2017 unless they have been subject to the call-in procedure.

CB17/26. MINUTES

The Chairman was authorised to sign the minutes of the meeting held on 25 September 2017 as a correct record of the proceedings.

CB17/27. APOLOGIES FOR ABSENCE

An apology for absence was received from Executive Member Mrs S. Hart.

PART I – RECOMMENDATIONS TO COUNCIL – not subject to call-in procedure under Rule 16 of the Overview and Scrutiny Procedure Rules.

**CB17/28. INCOME GENERATION AND ASSET MANAGEMENT PLAN
(6.1)**

Consideration was given to Minute OSC17/21 arising from the Overview and Scrutiny Committee meeting held on 11 September 2017 which updated Members on actions in support of the Council's Asset Management Plan (AMP), set out recommendations regarding the future delivery of the AMP and the required resources to achieve the Rother 2020 programme income target of £600,000 per annum.

The report updated Cabinet on disposals and devolvments, current land and property assets and set out a draft strategy and a series of recommendations to generate additional income through investment property assets.

Cabinet noted that the income generated from the investment property strategy would be used to secure future services. It was likely that there would be limited suitable investment property in the district, therefore investment opportunities within a 90 minute drive would be considered for this purpose. Social community benefit and adding to an assets value was important for Rother residents, however assets that would bring community benefit such as housing development and affordable housing would be looked at separately and Members noted this investment strategy did not stop the Council purchasing other operational and non-operational assets of community value.

The Executive Director of Business Operations updated Cabinet on the acquisition of 28-36 Western Road, Bexhill. In February 2017, Cabinet had authorised officers to make an offer up to an agreed value to purchase the premises for regeneration purposes (Cabinet Minute CB16/78 refers). The Council's original offer was unsuccessful, however the sale had since fallen through and the premises were being offered again for sale by auction. Officers had been unable to establish why the previous sale had not been completed, although Members noted that it was not a straight forward matter as there were a number of issues around leases and rents, which the Council had established prior to the sale. After discussion, Members agreed that they were satisfied that officers continue to pursue the purchase of the premises, in line with the original approval.

RECOMMENDED: That:

- 1) a proposed decision-making structure and Terms of Reference for the acquisition of investment properties be developed by Cabinet and approved by full Council and legal position clarified;
- 2) an initial budget of £7m for acquisitions of investment properties be approved;
- 3) the Property Investment Strategy at Appendix 4, to the report, be approved as submitted.

AND

RESOLVED: That:

- 4) Parts A & B of the report as submitted to the Overview and Scrutiny Committee be noted;
- 5) the appointment of a development surveyor to bring forward Council-owned sites be approved; and
- 6) the previous resolution in relation to 28-36 Western Road be reaffirmed.

PART II – EXECUTIVE DECISIONS – subject to the call-in procedure under Rule 16 of the Overview and Scrutiny Procedure Rules by no later than 4:00pm on 11 October 2017.

CB17/29. **CEMETERY PROVISION AND CHARGING STRUCTURE**
(6.2)

Members received and considered Minute OSC17/23 arising from the Overview and Scrutiny Committee (OSC) meeting held on 11 September 2017 which provided an overview of the current cemetery services and charges, the factors that had resulted in a decrease of cemetery income, and details of feasibility studies into developing a crematorium within the Rother District.

Annual income for the service had dropped over recent years and recent increases in grant fee income and interments demonstrated that the policy of restricting fee rises in the last two years may have had a positive impact. It was noted that the annual income from the cemeteries service was likely to continue to fluctuate due to a variety of factors including changes in habits, traditions of local families, the health and life expectancy of residents, abnormal weather conditions and the number of people living in the district. Recent data had showed an increase in demand for the service which, if continued, would bring the income back in line with the budget. Continued monitoring, appropriately managed charges and dedicated officers would ensure that facilities offered by the Council were in excellent order and would continue to provide an income sufficient to maintain services.

A number of feasibility studies carried out over the years had concluded that, due to the cost of the capital investment required to develop a crematorium, and the proximity of established services nearby, it was not financially viable for the Council to develop and operate its own crematoria services.

Cabinet was satisfied with the current provision and endorsed the recommendation.

RESOLVED: That officers continue to monitor cemeteries income and report as part of the regular fees and charges report any significant changes in demand for future consideration.

CB17/30. **PUBLIC SPACES PROTECTION ORDER – ANTI-SOCIAL**
(7.1) **BEHAVIOUR**

Cabinet received and considered the report of the Executive Director of Business Operations on the Council's Public Spaces Protection Orders (PSPOs).

PSPOs had been made by the Council for the control of dogs throughout the district and the Council could vary the Order to include other types of anti-social behaviour such as banning alcohol, the playing of amplified music and busking.

Although there were a number of regulations for the control of anti-social behaviour laid down in byelaws, PSPOs were easier to enforce with the issuing of Fixed Penalty Notices (FPNs), whereas violations of byelaws had to be prosecuted. It was noted that surrounding councils would be adopting PSPOs and there was concern that there could be a displacement of issues to Rother.

In order to vary the Order, the Council needed to be satisfied on reasonable grounds that the activity/activities carried out were likely to take place in a public space and had a detrimental impact on the quality of life of those in the locality, persistent or continuing in nature and were likely to be unreasonable and justified the restrictions imposed.

As such officers had requested permission to consult the public, and parish and town councils on 18 proposed controls which were appended to the report for Members' consideration.

Members were concerned that issues that had previously been dealt with by Sussex Police were now being pushed to local authorities to manage. Members were reassured that officers had a close working relationship with Sussex Police to resolve anti-social issues and that Council officers would not be expected to deal with matters of a criminal nature without Police support. Concern was also expressed about the number of controls in the appendix, which, Members felt, would place an increased public expectation on the Council to resolve a wide range of issues. It was confirmed that there was no additional government funding for enforcing the Orders but it was confirmed that currently a part time community warden was employed plus other officers already spent time on cases which would be dealt with more efficiently by PSPOs. Members therefore requested that around six key matters in the appendix be put forward for consultation, to be identified and agreed by the Portfolio Holder for Safer Communities, the Executive Director of Business Operations and the Service Manager – Environmental Services and Licensing. Following consultation on this reduced number of controls, a report would be made to Cabinet on the consultation outcome. After implementation, these Controls would be monitored, reviewed and the success of the Orders reported back to Cabinet at a later date.

RESOLVED: That officers be authorised to consult the public, parish and town councils on six Orders in the appendix, to be identified and agreed by the Portfolio Holder for Safer Communities, the Executive Director of Business Operations, and the Service Manager – Environmental Services and Licensing, to control anti-social behaviour and report the results back to Cabinet.

CB17/31.
(7.2)

TENDERING OF STRAY DOGS CONTRACT

Consideration was given to the report of the Executive Director of Business Operations on the tendering of stray dogs contract for Rother and Wealden District Council.

The Council's stray dog service was currently carried out by a private contractor, Animal Wardens Limited, and this contract was due to expire in March 2018; therefore procurement of a new contract was necessary.

The Council was legally obliged to seize dogs and kennel stray dogs for seven days, after which time, the dog became the property of the Council. The service currently cost the Council £40,000 per annum and complied with the statutory code of practice. Members were reassured that the current contract worked well and a change in specification of the contract was not proposed.

It was proposed that the procurement of the contract would be undertaken by the East Sussex Procurement Hub, would include Hastings, Rother and Wealden councils and possibly Eastbourne and Lewes Councils. It was anticipated that joint procurement would minimise any increase in costs making it the most cost effective way of providing the service.

Cabinet was supportive of the recommendation and authorised the retendering of the contract with the same specification that was in current operation.

RESOLVED: That the Executive Director of Business Operations be authorised to jointly tender a contract for the provision of services related to the seizure, kennelling and re-homing of stray dogs.

CB17/32.
(7.3)

THE COLONNADE, BEXHILL-ON-SEA

The Council's vision for the Colonnade was that it should make a positive contribution to Bexhill's commercial scene and contribute towards re-positioning the town as a desirable place to live, work and visit. A number of commercial activity objectives had been identified for the Colonnade which were; to collectively act as a destination and generate footfall in its own right contributing to Bexhill's overall product offer, to complement other local businesses that also contributed positively to the product offer, to complement the quality of the surrounding public realm and add to its appeal, and to offer a high quality customer experience while providing value for money.

For the last four and a half years, the Colonnade had been occupied by Janet Bussche trading as Tea Beside the Sea on a short-term tenure. A marketing exercise was conducted in 2016 that focused on targeting local business trading in a 20-30 mile radius that resulted in a number of proposals coming forward. However, it was considered that all of these proposals fell short of the Council's requirements and expectations and none were recommended to be brought forward. Further to this, previous marketing of the Colonnade also established that the property did not appeal to chain operators or franchises due to its location and configuration.

Consideration had been given as to whether an alternative approach to the Colonnade was merited, and if other types of activity should be considered. Following research of different approaches to letting

seafront buildings in similar locations elsewhere in the country, it was established that the Council's approach to the Colonnade was consistent with approaches elsewhere and that a café/restaurant anchor tenant complemented the smaller businesses operating alongside it.

Agents had been appointed to advertise the premises for letting primarily as a café/restaurant and four expressions of interest had been received. These expressions were considered by a Panel comprising officers and Members and details of the recommended tenant and associated business plan were contained in the confidential appendix to the report for Members' consideration.

Members noted that the issues with water ingress had been assessed and a schedule of works and maintenance had been identified and would take place before the new tenant took over the premises.

The option of a capital contribution to go towards permanent fit-out elements such as flooring, toilets, and ventilation/extraction had been referred to in the Proposed Heads of Terms. Although the suitable tenant had estimated these costs as £60,000, it was recommended that provision of £100,000 be made from the Capital Programme to ensure sufficient contingency.

Members supported the proposal as detailed in the confidential appendix to the report. It was considered that the proposal met the aims the Council had for the Colonnade and would be beneficial to the surrounding area.

RESOLVED: That:

- 1) a new tenancy be granted on the terms set out in Confidential Appendix 1, as submitted, and such other terms as the Executive Director of Business Operations considers appropriate; and
- 2) provision be made in the Capital Programme for up to £100,000 representing the Council's maximum contribution to the fit-out costs for the new tenant. To be funded from earmarked reserves for corporate priority projects.

(The Confidential Appendix in relation to this matter, as set out at Agenda Item 9.1 was considered exempt from publication by virtue of Paragraph 3 of Schedule 12A of the Local Government Act 1972, as amended. In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 Cabinet did not consider it necessary to exclude the press and public whilst considering this matter).

CHAIRMAN

The meeting closed at 12.05pm

cb171002lec