

CABINET

6 November 2017

Minutes of the Cabinet meeting held at the Town Hall, Bexhill-on-Sea on Monday 6 November 2017 at 11:00am.

Cabinet Members present: Councillors C.R. Maynard (Leader), Lord Ampthill, A.E. Ganly, Mrs S. Hart, 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, R.V. Elliston, T. Graham, B. Kentfield, P.N. Osborne, J. Potts and M.R. Watson.

Advisory Officers present: Executive Director of Resources, Executive Director of Business Operations, Service Manager – Finance and Welfare, Service Manager – Corporate and Human Resources, Service Manager – Community and Economy, Service Manager – Strategy and Planning, Planning Policy Manager, Contracts Manager (in part), Regeneration and Tourism Officer (in part) and Democratic Services Manager.

Publication Date: 8 November 2017

The decisions made under PART II will come into force on 16 November 2017 unless they have been subject to the call-in procedure.

CB17/33. MINUTES

The Chairman was authorised to sign the minutes of the meeting held on 2 October 2017 as a correct record of the proceedings.

CB17/34. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Mrs B.A. Hollingsworth.

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

CB17/35. MEDIUM TERM FINANCIAL STRATEGY 2018/19 TO 2022/23
(6.2)

Cabinet received and considered Minute OSC17/28 arising from the meeting of the Overview and Scrutiny Committee (OSC) held on 16 October 2017 that had considered the Council's Medium Term Financial Strategy (MTFS). The MTFS set the financial framework for the next five years and would be modified as the financial situation of the Council changed during that period. It was important that the MTFS supported the delivery of the Council's aims and objectives as

set out in the Corporate Plan. The OSC's views had been sought on the Council's new MTFs 2018/19 to 2022/23 and the following points were brought to Cabinets' attention:

- Revenue Support Grant (RSG) and News Homes Bonus Grant (NHBG): Immediate concern for the Council was the Government's withdrawal of the RSG, as well as the potential to remove the NHBG by 2019/20. Therefore forward planning would be essential to ensure that any funding gap was met.
- Business Rates: In September, the Government announced that they were expanding the 100% retention in business rates council pilot schemes to two tier areas. Discussion had been held between the councils to consider the re-establishment of the East Sussex Business Pool (ESBP) and, in particular volunteering to be a pilot area. The pilot scheme was not supported however, if financially sensible, re-establishment of the ESBP would be made in early 2018. The revaluation of business rates came into effect in April 2017; the amount under appeal for Rother and the trend for settlement rates were currently not known and therefore making provision for appeals would be difficult.
- Council Tax: If Council Tax was increased by £5 per annum (maximum below the referendum rate) then an additional £1.1m of income would be achieved on the 2017/18 tax base.
- Council Tax Reduction Scheme: Following discussions across the county, it was proposed to maintain the current scheme and develop a new simplified scheme for 2019/20 onwards. Options for the new scheme would be developed in partnership with the East Sussex councils. A consultation period would commence during summer 2018 for final approval in December 2018. It was assumed that the amount of relief given would be similar to what was currently granted.
- Property Investment Strategy: In December, the Council would be considering adopting a Property Investment Strategy to deliver an annual financial return of approximately £350,000 to support the Revenue Budget based on the £7m initial investment.
- Inflation: Expected to rise during 2018/19 (CPI 3% and RPIx 4%). It was noted that the recent rise in interest rates would have little impact on the Council's investment with inflation remaining at 3%.
- Pay Inflation: £89,000 additional income would be required should a 1% increase be applied in 2018/19.
- Funding Gap: Rother 2020 Programme had been developed to support the MTFs. The Programme formed the basis of the Sustainability and Efficiency Plan and described how the Council would be operating by 2020. The Programme mirrored the Government funding settlement and was a requirement to secure funding and would seek to meet the forecast funding gap of £1.7m by 2021/22. The main work streams within the plan were all underway, some of which would require investment and had been reflected in the Capital Programme. An additional £100,000 had been secured from the Council's investment of surplus cash with the Churches, Charities, Local Authorities'

(CCLA) Property Investment Fund. It was anticipated that the Revenue Budget would be in surplus by 2021/22 should the 2020 Programme deliver planned income and savings; if not further use of reserves was likely. To achieve a balanced budget over the next three financial years, £1.229m of reserves would be required. Members would be kept abreast of any developments.

- Capital Programme: The Capital Programme had been updated to reflect the initial investment requirements for Rother 2020 and the Property Investment Strategy of £7m. The Programme included the following projects: Bexhill Leisure and Swimming Centre; Rother 2020 ICT Investment; Community Housing Funding; Waste Contract; and Project Property Assets Sales which would require some external capital funding. Future funding would need to focus on a multitude of different sources including grants, community infrastructure levy, internal and external borrowing.
- Reserves: From April 2017, the Council had £14.9m of Earmarked Reserves (£5.6m related to the MTFS Reserve) and £2.5m of Capital Reserves.

The MTFS highlighted the challenges the Council continued to face due to the reduction in central Government support. The Rother 2020 Programme was designed to meet this challenge and see the Council achieve financial sustainability. The level of Council reserves was an enabler to ensure the MTFS was delivered over the next five years despite the uncertainty beyond 2019/20.

Cabinet was supportive of the Council maintaining its policy of maximising the annual increase in Council Tax within the Government's referendum limit.

RECOMMENDED: That revised Capital Programme at Appendix C to the report be approved.

AND

***RESOLVED:**

- 1) the financial considerations considered in the report be reflected in the Council's Medium Term Financial Strategy; and
- 2) the Council maintain its policy of maximising the annual increase in Council Tax within the Government's referendum limit.

*The **RESOLVED** parts of this minute are subject to the call-in procedure under Rule 16 of the Overview and Scrutiny Procedure Rules.

CB17/36.
(7.1)

STRATEGY AND PLANNING DELEGATIONS

Consideration was given to the report of the Executive Director of Business Operations which detailed proposed changes to the Council's Scheme of Delegation, primarily in relation to planning policy matters which fell under the remit of executive decision making and which were

regarded as necessary to maintain proper and efficient service operations. There were also a number of delegations that flowed from the Planning Committee and it was noted that the Planning Committee would also be receiving the same report to endorse those elements.

The proposed changes were mainly a consequence of new legislation, firstly in relation to neighbourhood planning procedures and, secondly, in response to the duty imposed on councils to prepare and maintain a 'Brownfield Land Register' for their area and, following that, to consider whether a new 'permission in principle' and a related 'technical details consent' should be granted for sites.

Delegations for other planning policy functions had also been reviewed as part of the 'lean working programme' and whilst most were found to be suitably covered by existing arrangements, the opportunity had also been taken to incorporate the management of a small conservation grants fund (£30,000) into the Scheme of Delegation.

With regard to the Neighbourhood Planning delegation, it was proposed to formalise current practice in terms of giving officers delegated authority to advise and comment on Neighbourhood Plans up to the pre-submission stage, including providing SEA Screening Opinions; but that submission Plans would continue to require referral to Cabinet (but not Full Council) for authority to make representations.

In order to meet the target for consideration of an examiner's report, it was proposed that this be delegated to the Executive Director of Business Operations (or his nominated representative), in consultation with the Cabinet Portfolio Holder for Planning, except where it was not proposed to accept the examiner's recommendations unless agreed with the relevant Town/Parish Council, or where it was proposed by the examiner that the Plan was not put forward to referendum. In these situations, the examiner's report would be referred to Cabinet.

Following representation from a Member of the Council, it was noted and agreed that the delegation in relation to Neighbourhood Planning be amended to include in consultation with the local Ward Member(s) and not just the Cabinet Portfolio Holder. Whilst information was published on the Council's website concerning the progress of developing Neighbourhood Plans, it was requested and agreed that progress reports and when delegations were used would be advised via the Members' Bulletin.

RECOMMENDED: That the functions listed in Appendix A be approved as amended, and incorporated into the appropriate sections of the Council's Constitution and the Scheme of Officer Delegations be amended accordingly, subject to the concurrence of the Planning Committee, where appropriate.

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 15 November 2017.

CB17/37. **COUNCIL CHAMBER AUDIO/VISUAL EQUIPMENT UPGRADE**
(6.1)

Cabinet received and considered Minute OSC17/27 arising from the meeting of the Overview and Scrutiny Committee (OSC) held on 16 October 2017 that had reconsidered the upgrade to the Audio / Visual equipment in the Council Chamber; the equipment was in excess of 10 years old, was unreliable and no longer fit for purpose. The options proposed were: Option 1: replace the existing microphones only; Option 2: replace the projection equipment and Option 3: install fixed cameras to enable the video recording of meetings and the ability of webcasting meetings in the future. The costs ranged from £34,000 to £68,000, plus £12,000 per annum to webcast.

The OSC had originally considered and recommended a complete upgrade earlier in the year, however, Cabinet was not supportive of the proposals and had expressed concerns regarding value for money, the procurement process and deferred the decision pending further information/investigation. The OSC had received a further detailed report on the procurement process, the systems used at neighbouring authorities, ICT infrastructure and technology advances, as well as the results of a Member survey to gauge the level of support for upgrading the system.

Members were reminded that funding had been set aside in the Capital Programme to fund the Rother 2020 Programme which included upgrading the AV equipment, however this did not include the £12,000 annual licensing fee to webcast live meetings. The OSC had agreed to reaffirm their previous recommendation that all three options be purchased as this would give the Council control over video footage of its Council meetings and the equipment / technology would all be installed at the same time, be the same age and compatible. The OSC had not been supportive of live-streaming Council meetings at a cost of £12k per annum but that this be kept under review.

Cabinet reconsidered the matter and agreed that Options 1 and 2 be supported but not Option 3; it was considered that if fixed cameras were in place within the Chamber there would be pressure to webcast meetings at the additional cost of £12k per annum, which was not considered justifiable. Cabinet requested that as far as possible, the equipment to be installed be compatible with the fixed cameras and webcasting equipment, should the Council decide at a later date and, in particular after the 2019 elections, to introduce fixed cameras and webcasting.

RESOLVED: That Options 1: Conference and Audio System Upgrade (microphones) and 2: Presentation Equipment System Upgrade be purchased and installed for the Council Chamber.

CB17/38.
(7.2)

CRICKET NETS AT LITTLE COMMON RECREATION GROUND, BEXHILL

Members considered a request from the Little Common Ramblers Cricket Club to convert a former tennis court to permanent enclosed nets, as an integral part of their expansion, adjacent to the cricket outfield at Little Common Recreation Ground.

The nets would complement the existing cricket provision and would address a priority highlighted within the Rother and Hastings Playing Pitch Strategy published last October. The Club expected between 50 and 75 members to initially benefit from the nets, although an increase of members was predicted. In addition, the Club was keen to promote cricket by offering access to local schools and the wider community and this initiative could therefore make a contribution locally towards improving upon participation in sport.

All liability and costs associated with the installation and the on-going management, maintenance and repair of the cricket nets would lie with the Club initially through a Licence for the duration of the construction period and thereafter under a six year non-secure lease. The Recreation Ground was subject to a Deed of Dedication safeguarding its public recreational use under the Fields in Trust's QEII Playing Fields scheme and the introduction of a longer term lease could meet with objection from Fields in Trust.

The Council did not propose to make any financial contribution to the project and as the Club would be providing and maintaining the nets at their own cost, it was recommended that the lease was granted for a peppercorn rent; Cabinet was pleased to support the request and acknowledged the healthy and active lifestyle benefits to children and young adults within the area.

RESOLVED: That:

- 1) a Licence be granted to The Little Common Ramblers Cricket Club to construct an enclosed cricket net facility on the former tennis court;
- 2) on completion of the works, a 6 year non-secure lease be granted to the Little Common Ramblers Cricket Club for the exclusive use of the facility on the terms as set out in the report and such other terms and conditions as the Executive Director of Business Operations considers appropriate.

CB17/39.
(7.3)

BEXHILL TOWN CENTRE STEERING GROUP s106 FUNDS

Under the adopted Terms of Reference for the Bexhill Town Centre Steering Group (BTCSG) all future expenditure against the remaining town centre Section 106 (s106) funds and any future funding received required Cabinet approval. There was currently £52,554 remaining within the town centre s106 funds and the BTCSG were requesting approval to spend £27,500 in support of two projects.

The projects were detailed within the report but were essentially a request for £7,500 to fund a two projects from the Branding and Vitality Project Team including; a 2018 Bexhill Summer of Events train poster campaign, building on the successful 2016 and 2017 campaigns, costing approximately £3,000 and £4,500 for a dedicated PR campaign for Bexhill which would continue to raise the profile of the town, getting key messages out and highlighting recent business successes.

The second project was a request from the Chairman of the BTCSG to ring fence £20,000 of the s106 funds for public realm works within the Town Centre. The funding would contribute to the costs of using higher quality materials for repair works to ensure the materials, fixtures and fitting used were to the same high standards as the current schemes within the Town Centre and to enhance features such as post boxes, telephone boxes, street lighting, railings etc. where there were no current plans for up keep.

Cabinet considered the requests and agreed that these were both worthy projects. However, they were concerned that the good work of both the BTCSG and Town Team had very little public exposure and acknowledgement and requested that increased media coverage / press releases were made. The public needed to be aware of what was going on with the s106 monies, where it came from and what it was spent on.

RESOLVED: That:

- 1) the allocation of £7,500 from the Town Centre s106 funds towards the Branding and Vitality Projects be approved; and
- 2) a further £20,000 from the Town Centre s106 funds be ring-fenced for public realm works within Bexhill Town Centre and the Executive Director of Business Operations be granted delegated authority to approve spend in consultation with the Chairman of the Bexhill Town Centre Steering Group.

(Councillor Maynard declared a personal interest in this matter as an Executive Member of East Sussex County Council and their representative on the Bexhill Town Centre Steering Group and in accordance with the Members' Code of Conduct remained in the room during the consideration thereof).

CB17/40.
(7.4)

PUBLIC OPEN SPACE – BREDE LANE, SEDLESCOMBE

Consideration was given to the report Executive Director of Business Operations that detailed the recent planning history of a site a Brede Lane, Sedlescombe (RR/20161837/P). Planning permission (delegated) had been granted, subject to conditions and completion of a planning obligation under Section 106 (s106) Town and Country Planning Act 1990 in relation to provision of affordable housing, highway improvements (footway/access), transfer of land to the Education Authority for school use and transfer of land for public open space with commuted sum; and subject to planning conditions.

The application related to the erection of 16 residential dwellings, together with the creation of a new access onto Brede Lane, Sedlescombe and provision for car parking, landscaping, and the transfer of land to be used as school playing fields and public open space with a commuted sum of £37,560. The s106 agreement was completed on 17 May 2017 and required the Public Open Space and the associated maintenance contribution to be transferred from the developer, MJH Homes to Rother District Council (RDC); thereafter, RDC could transfer the land so long as it was protected as 'public open space'.

RDC had now received a request from Sedlescombe Parish Council (SPC) that the land designated as 'open space' in the s106 Agreement be transferred to SPC and were looking for an approval in principle to this request. The request to transfer this piece of land was in line with RDC's devolution agenda; RDC would naturally be looking for an appropriate body, such as SPC, to take responsibility for this land within its location that would be able to manage the asset more effectively at a local level.

An approval in principle to transfer was without prejudice to the due legal process. Once in receipt of the land, RDC would have to give notice in accordance with Section 123(2A) of the Local Government Act 1972 that it intended to dispose of the public open space, even if this was by way of a long lease or freehold interest to SPC and consider any objections to the proposed disposal. Legal advice would be sought on the best form of disposal, whether this was by way of long lease or freehold interest. Cabinet approved the request with a minor amendment to the recommendation removing the words "(plus the Council or its nominee's reasonable legal fees on the transfer of the Public Open space)".

RESOLVED: That subject to the requirements of the Section 106 planning obligation in respect of planning application RR/2016/1837/P, land at Brede Lane, Sedlescombe:

- 1) it be agreed in principle that the land transferred as a freehold interest from MJH Homes to Rother District Council, as Public Open Space, be transferred to Sedlescombe Parish Council for the sum of £1, together with the maintenance contribution of £37,560.00 in accordance with the necessary procedures under disposal of land held as Public Open Space, as required by Section 123 of the Local Government Act 1972; and
- 2) report any objections to a future meeting of Cabinet; and
- 3) if no objections are received, the Executive Director of Business Operations be granted delegated authority to proceed with and undertake all necessary steps to dispose of the land without further recourse to Cabinet.

2018/19 REVENUE BUDGET CONSULTATION AND COUNCIL TAX CONSULTATION

The Council had a statutory duty to consult on its revenue budget and Council Tax proposals each year; as the proposed grant settlement for 2018/19 was known, the consultation would commence in November. This would enable Cabinet and the Overview and Scrutiny Committee to have earlier sight of the results of the consultation in making their decisions for the 2018/19 Revenue Budget.

Cabinet were asked to approve the draft consultation document, appended to the report which was planned to commence on 10 November and run for eight weeks until 5 January 2018. It built on the consultation undertaken last year which asked the public and businesses about their service priorities and supported the work of the Rother 2020 programme and the recently adopted Sustainability and Efficiency Plan. The financial issues facing the Council were highlighted within the Medium Term Financial Strategy report (Minute CB17/35 above refers) and it was proposed that these form the basis of the financial information included in the consultation.

The consultation would be promoted in a number of ways including the Council's website, press releases, MyAlerts and Social Media, via the Rother Citizens Panel and direct contact with the Chambers of Commerce and Federation of Small Businesses.

The results of the consultation would be analysed and an interim update would be reported to Cabinet at its December meeting and the final position reported to the Overview and Scrutiny Committee at its January 2018 meeting.

RESOLVED: That the Executive Director of Resources be authorised to finalise the wording of the draft 2018/19 Revenue Budget and Council Tax Consultation shown at Appendix A to the report, in consultation with the Cabinet Portfolio Holder for Finance, Resources and Value for Money.

CHAIRMAN

The meeting closed at 11.40am

cb171106ljc

Proposed amendments to the Constitution

A. Neighbourhood planning (Executive Function)

Amend Part 8 Delegation to Officers as follows:

3. Executive Director of Business Operations (formerly Director of Services)

'Neighbourhood Planning

3.6 To fulfil (including through a nominated officer) all functions relating to the preparation of neighbourhood plans prior to formal adoption subject to:

- (a) this delegation shall not include the submission of formal representations to a submitted neighbourhood plan (authority for which rests with Cabinet);*
- (b) In relation to the consideration of an examiner's report and subsequent determination of whether a neighbourhood plan (including any recommended modifications) meets the statutory requirements and should be put to referendum, as well as the referendum area, this function to be undertaken in consultation with the relevant Portfolio Holder **and local Ward Member(s)** and will not extend to situations where the Director does not propose to accept an examiner's recommendations (including any modifications and the extent of the referendum area) unless agreed with the Qualifying Body, or where it the examiner recommends that a neighbourhood plan is not put forward to referendum. In these situations, the examiner's report would be referred to Cabinet for decision.'*

B. Brownfield Land Register, Permission in Principle and Technical Details Consent (Executive and Planning Committee Functions)

1. Add the following additional functions of Planning Committee within the Constitution:
 - a) Power to determine applications for Permission in Principle (PiP) and Technical Details Consent (TDC) (Section 58A, 70, 70A of the Town and Country Planning Act 1990 (as amended) or any subsequent alterations)*
 - b) Power to approve sites for entry into Part 2 of the Brownfield Land Register and so grant Permission in Principle (Section 58A, 70, 70A of the Town and Country Planning Act 1990 (as amended) or any subsequent alterations)*
 - c) Power to decline to approve sites for entry into Part 2 of the Brownfield Land Register (Section 58A, 70, 70A of the Town and Country Planning Act 1990 (as amended) or any subsequent alterations)*
2. Amend the following existing functions and delegations of Planning Committee:
 - 1. Power to determine applications for planning permission, Permission in Principle and Technical Details Consent. (Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c.8) as amended).*

4. *Power to decline to determine applications for planning, Permission in Principle and Technical Details Consent. (Section 70A of the Town and Country Planning Act 1990 as amended).*
3. Amend Officer scheme of delegation as follows:
 - a. Add new power to the Service Manager – Strategy and Planning, as follows:

Brownfield Land Register

3.1.XX *To prepare, publish and maintain the Council's Brownfield (previously developed) Land Register, including:*

- a) *All determinations associated with whether to enter land onto Part 1 of the Brownfield Land Register (for the avoidance of doubt including all relevant assessment as to whether land meets all the criteria for being entered);*
- b) *All necessary actions for the purposes of reviewing, amending, adding and removing entries from Part 1 of the Brownfield Land Register;*
- c) *Considering and determining:*
 - i. *The nature and extent of any consultation, publicity and procedures (to the extent that the relevant legislation provide any discretion in relation to such matters) to be undertaken in relation to entering and/or maintaining land on Part 1 of the Brownfield Land Register;*
 - ii. *How to proceed having regard to any representations received in relation to any such consultation, publicity and relevant procedures;*
- b. *Determining whether to propose land for residential development for a purpose (in whole or part) of enabling such land to be entered on Part 2 of the Brownfield Land Register*
- b. Amend the following functions by Service Manager – Strategy and Planning and in his absence the Development Manager:

3.1.6 *To determine application for planning permission, Permission in Principle and Technical Details Consent in accordance with the arrangements detailed under Delegated Procedures and to determine individual planning applications specifically delegated by Committee resolution and to prescribe conditions or reasons for refusal as appropriate.*

[Continue as previous]

3.1.7 *To refuse planning permission, Permission in Principle and Technical Details Consent for applications in circumstances where:*

- (i) *no extension of time is agreed and it is not possible to resolve any outstanding matters; and*
- (ii) *there is insufficient time available for the application to be reported to the Planning Committee where either a first or an alternative resolution may be required.*

Function also to be exercised by the Team Leader & North Bexhill Manager, Major Applications and Appeals Manager, Principal Officers (Level 5) and Senior Officers (Level 4) who are also Chartered Town Planners (MRTPI). (P)

C. Conservation Fund grant requests (Executive Function)

Add new power to the Service Manager – Strategy and Planning (and in his absence the Planning Policy Manager) under existing Planning Policy heading as follows:

3.1.XX To consider applications for and award of grants under the Council's Conservation Fund.