

CABINET

12 March 2018



Minutes of the Cabinet meeting held at the Town Hall, Bexhill-on-Sea on Monday 12 March 2018 at 11:10am.

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 C.A. Clark (in part), R.V. Elliston, J.M. Johnson, B. Kentfield, J. Potts and M.R. Watson.

Advisory Officers present: Executive Director of Business Operations, Executive Director of Resources, Service Manager – Finance and Welfare, Service Manager – Community and Economy, Programme Office and Policy Manager (in part), Programme Support Officer (in part) and Democratic Services Manager.

Also present: 1 member of the public.

Publication Date: 14 March 2018

The decisions made under PART II will come into force on 22 March 2018 unless they have been subject to the call-in procedure.

CB17/75. MINUTES

The Chairman was authorised to sign the minutes of the meeting held on 12 February 2018 as a correct record of the proceedings.

CB17/76. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor P.N. Osborne, Chairman of the Overview and Scrutiny Committee.

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 21 March 2018.

**CB17/77. COASTAL ENVIRONMENTS CORPORATE PROJECT – EAST
(6.1) PARADE, BEXHILL**

Members had previously approved the delivery of the East Parade Heritage Project (Minute CB15/20 refers), for the conservation, restoration, interpretation and improvement of the cultural heritage of East Parade. Unfortunately, a bid to the Heritage Lottery Fund in 2016

had been unsuccessful; however, in order to achieve the intended objectives for East Parade, the project plan had been revisited to facilitate delivery through four smaller, distinct projects, using existing Rother District Council (RDC) resources and thereby increasing opportunities for several smaller grant applications for external funding.

Based on the community engagement consultancy work carried out in 2015, the four proposed projects were detailed in the report as follows:

- Project A – Bexhill East Beach: improvements to create a mini-destination and seafront users 'hub' at the easternmost end of East Parade, incorporating the car park, adjacent public realm and a new Bexhill Sea Angling Club building.
- Project B – East Parade Heritage Project: repair, restoration and conservation of the four, Grade II listed seafront shelters, along with a community heritage project to create Heritage Trails.
- Project C – East Parade Landscape Uplift: aligned closely with the Heritage Project, this element would look at introducing a more cohesive approach to the soft and hard landscape, keeping any design sympathetic to the promenade's unique heritage.
- Project D – De La Warr Parade Ornamental Lighting: working with East Sussex County Council (ESCC) and the Bexhill Town Centre Steering Group (BTC SG) to ensure the ornamental street lighting was maintained consistently along this stretch of highway.

It was noted that projects B and C were currently in the research and planning stages and would be reported to Cabinet for approval as appropriate. Project D would progress as soon as negotiated agreement between ESCC and RDC was reached.

The site of Project A, Bexhill East Beach, was at the eastern end of East Parade, was owned by RDC, a portion of which was let to the Bexhill Sea Angling Club (BSAC), on a 28 years' lease from 1996. Currently, the appearance and visitor offer at this end of the promenade was a poor terminus from the west, and an uninspiring welcome as approached from the east.

In 2017, RDC officers and BSAC worked with an architect to produce a Bexhill East Beach Concept Design Statement for the site, attached as Appendix 2 to the report, with the following objectives:

- Create an attractive 'destination' space/place to define this end of East Parade, responding to the mix of users of the promenade, including walkers and cyclists on the Coastal Culture Trail and the Connect2 cycle route.
- Improve and extend the BSAC accommodation and facility offer.
- Provide public facilities including a refreshment kiosk and external seating area and to consider fully accessible public conveniences (replacing those at East Parade, not in addition to the existing facilities).

- Formalise off street car parking facilities.
- Incorporate pedestrian signage.

The overall budget for Project A was broadly estimated at £694,500, of which up to £265,000 was allocated to the RDC elements for the car park and associated public realm and public facilities – proposed refreshment outlet and optional public conveniences. A share of the associated fees and consultant costs, and a small contingency, would bring the RDC required capital investment to up to £295,000. It was noted that this had already been approved by full Council as part of the Capital Programme on 26 February.

The BSAC project team was currently developing a club development and business plan and a funding strategy for their elements of the scheme. Subject to Members' support for the scheme, BSAC would use RDC's £295,000 contribution to lever in match funding from external grant awarding bodies. Once BSAC had secured funding for their element, an architect would be procured by RDC to take the scheme as a whole to the detailed design phase, including planning permission, and project delivery. Members sought assurance that the joint venture with the BSAC would enable enhanced public access to the new clubhouse facilities, as part of the project. It was also hoped that East Sussex Highways would be encouraged to upgrade the road surface and infrastructure at the same time, including safe crossing points and drop kerbs.

Cabinet was pleased to support the delivery of all the projects, which met a number of the Council's corporate plan objectives and was keen to ensure that all Members had an opportunity to consider the projects in detail. It was therefore agreed to refer the matter to the Overview and Scrutiny Committee for detailed consideration and to report back to Cabinet, with its views, in due course. It was noted that Councils such as RDC that invested in public realm improvements to encourage regeneration activity reaped the rewards of increased business confidence and visitor economy into the future.

RESOLVED: That the report be referred to the Overview and Scrutiny Committee for detailed consideration and report back to Cabinet in due course.

CB17/78.
(6.2)

COMMUNITY GRANT SCHEME

The Council's Community Grant Scheme (CGS) made provision for up to £130,000 per annum to be made available to community groups or organisations that met the specific grant criteria of the Scheme. Round 1 of the CGS had resulted in awards totalling £71,499; £10,000 had subsequently been set aside to support community celebration events to mark the forthcoming Royal Wedding and £500 had been awarded under delegated authority. This left a total of £48,001 for Round 2 which had closed on the 15 January 2018. The Community Grant Panel had met on Monday 5 February 2018 to consider six applications, of the six, five had been recommended for approval and one was recommended for refusal.

Details of the Panel's recommendations to either grant or decline the applications were attached to the report at Appendices 1 and 2. Cabinet gave detailed consideration to each of the applications being mindful of the benefits offered to the communities and hearing from the local Ward Members present. It was noted that whilst the application from Westfield Parish Council was recommended to be declined for not meeting the scheme criteria at this stage, the project was considered a worthy project and the applicants were encouraged to submit an application at a later stage of the project.

With regard to Crowhurst Village Hall, Cabinet Members were reminded that this application had been declined at the last meeting due to uncertainty over the level of renovation / extension of the kitchen. Crowhurst Village Hall Committee had reviewed its plans and provided reassurance that this was a much needed new development and given the additional information, the Community Grants Panel felt reassured and unanimously agreed to recommend the application to Cabinet.

Cabinet had previously been advised that in order to encourage local groups to apply to the small grant fund for grants of up to £500, a simplified application form and guidance would be established together with a pilot for online applications. Additionally, applications could be made at any time and would be processed continually throughout the year. These changes had now been implemented and the small grant scheme had been available for applications via an on-line application process since Monday 12 February 2018. Members were asked to encourage groups within their wards to apply for small grants.

On a separate matter, Members had been saddened to see the negativity displayed on social media with regard to the grant funding set aside from the community grants fund for communities to celebrate the forthcoming Royal Wedding. It was confirmed that the Council had not found an additional £10,000, this was money already included within the community grants fund but earmarked for this use.

RESOLVED: That:

- 1) the Community Grants listed below, as recommended by the Grants Panel be approved, subject to specific conditions relating to each application:
 - Bexhill Rowing Club - £3,685
 - Bexhill Festival of Music - £1,607
 - Pett Parish Council Working Group - £1,000
 - Crowhurst Village Hall - £10,000
 - Ticehurst Parish Council - £29,735
- 2) the Community Grant for Westfield Parish Council of £2,000 be declined;
- 3) the changes to the Small Grants Scheme agreed by the Panel, be noted; and

- 4) all Members be requested to promote the scheme within their wards.

COUNCILLOR M.J. KENWARD IN THE CHAIR

CB17/79. EAST SUSSEX COUNTY COUNCIL: GRASS VERGE CUTTING
(6.3)

As a consequence of East Sussex County Council's (ESCC) budget cuts agreed on 6 February 2018, the number of grass cuts in urban areas was being reduced from six to two per season from 1 April 2018 (rural cutting would remain as current).

The impact of the reduction in service would be most noticeable in the urban areas, especially Bexhill. In recognition of the aesthetic and amenity importance for the community, ESCC had written to those town and parish councils affected and to RDC regarding Bexhill and offered the following options for consideration:

- Rother District Council (RDC) take over the grass cutting service currently provided by ESCC, with a financial contribution from ESCC equivalent to the value of two urban grass cuts, based on current ESCC contract rates; for the urban area of Bexhill, this contribution would be in the region of £7,054 per annum.
- RDC pay for additional urban grass cuts on top of the two cuts per season provided by ESCC. To maintain the current standard of six cuts this would cost RDC in the region of £14,109 per annum for the urban area of Bexhill.

Members were disappointed to hear of this proposal from ESCC with only two weeks before implementation. However, Cabinet was not prepared to accept the reduced number of grass cuts which would inevitably lead to the deterioration of the visual appearance of the residential verges, potentially cause a hazard to traffic and pedestrians as well as attracting other anti-social behaviour such as fly-tipping and litter dropping.

Cabinet therefore agreed to fund the additional urban cuts from earmarked reserves in both Bexhill and the rural parishes in order to preserve the maintenance, amenity and safety features of verges, for 2018/19 only, provided the sum did not exceed £50,000. During 2018/19 officers would undertake investigations, including the legal powers of Parish and Town Councils to fund ESCC services via the precept / Bexhill Special expenses, to identify a funding solution from 2019 and that those town and parish Councils affected consider their options during this period.

RESOLVED: That:

- 1) Rother District Council pay for additional urban cuts in Bexhill on top of the two cuts per season provided by ESCC, in the region of £14,109, to be met from earmarked reserves for 2018/19;
- 2) as part of the 2019/20 budget setting exercise consideration be given to the legal powers for Parish and Town Councils to meet

this cost and whether it can be charged as a Special Expense on the residents of Bexhill;

- 3) the costs of urban cuts in the rural parishes be met from earmarked reserves;
- 4) the total cost of 1) and 3) not exceed £50,000; and
- 5) this be for one year only (Financial Year 2018/19).

(Councillor Maynard declared a personal and prejudicial interest in this matter as an Executive Member of East Sussex County Council and in accordance with the Members' Code of Conduct remained in the room and declined to speak or vote thereon).

(Councillor Clark declared a personal and prejudicial interest in this matter as an elected Member of East Sussex County Council and in accordance with the Members' Code of Conduct remained in the room and spoke thereon).

COUNCILLOR C.R. MAYNARD IN THE CHAIR

CB17/80.
(6.4)

THE LANDGATE, RYE

Cabinet had previously agreed that officers explore options for devolving ownership of the Landgate, Rye, a fourteenth century Scheduled Ancient Monument (SAM) belonging to the Council. Whilst the building was not considered central to the Council's core business and maintenance costs were likely to prove a burden in the future, the Council had a duty under legislation to look after SAMs and Grade I listed buildings in its ownership.

In 2016, officers commissioned a paper from John Bailey of Thomas Ford and Partners setting out a future vision for the building (Appendix 1 to the report). As well as providing a very useful assessment of the history and cultural significance of the building, the paper explored options for the future of the building and its guardianship.

The options for future ownership were:

- A. Rother District Council (RDC) continued ownership
- B. Disposal to a third party in current condition
- C. Enter into a deal to pass to a third party on completion of works by RDC

There were a number of local interested residents who were galvanised to drive a sustainable solution for the Landgate, including the Friends of the Landgate and the Landgate Action Group, set up under the inaugural chairmanship of Councillor Lord Amphill. Whilst a number of meetings had been held with these local stakeholders to discuss the option to transfer guardianship of the monument to local ownership, there was, understandably, a reluctance to take on responsibility for the monument in its current state of repair.

Cabinet therefore agreed that the Council should fund the most urgent works to put the building in a condition whereby ownership and future responsibility could transfer to a third party, subject to the relevant consents. Preliminary cost estimated for the works were in the region of £74,000 and would be funded from the Repairs and Renewals Earmarked Reserves. Rye Town Council had agreed to underwrite a sum of £7,000 of which £3,000 had been raised by local residents.

RESOLVED: That Rother District Council carry out urgent works to the Landgate, Rye up to £74,000 to be met from the Repairs and Renewals Earmarked Reserves and to include a contribution of at least £7,000 from local stakeholders including Rye Town Council and continue negotiations with local stakeholders to secure a long-term solution.

CB17/81.
(7.1) **IRRECOVERABLE DEBTS**

Consideration was given to the report of the Executive Director of Resources on irrecoverable debts. Debts in excess of £4,000 could only be written out of the Council's accounts with the consent of Cabinet. Where it was apparent that the debts would not be recovered, it was financially prudent for these to be excluded from the accounts; this did not mean that the Council could not take action in the future, if information was received indicating the debt could then be recovered.

Cabinet was asked to write off 13 cases in total relating to Housing Benefit overpayments (seven cases), Council Tax (three cases), Non-Domestic Rates (two cases) and one sundry debt totalling £87,967.03.

The Council's debt recovery work was undertaken in accordance with current Council policy and the Council's work around debt recovery performed very well; it was noted that the Council would still seek to recover the debt should the whereabouts of liable persons come to light in the future. The level of debt written off by other authorities and how Rother compared was not known; all Councils wrote off irrecoverable debts from accounts. It was agreed that Members would be provided with information on the Council's debt recovery work.

RESOLVED: That the debts totalling £87,967.03 be approved for writing out of the accounts.

CB17/82.
(7.2) **CONTRACTING OUT OF ALLOCATION OF HOUSING AND HOMELESSNESS FUNCTIONS**

Since 14 August 2017, Rother District Council (RDC) had outsourced the reviews process with regard to homelessness decisions to the London Borough of Southwark. An initial contract was agreed by the Service Manager - Finance and Welfare up to the 31 March 2018 however this arrangement needed to be ratified by Cabinet. It was also recommended that Cabinet approved the continued use of the London Borough of Southwark from the 1 April 2018 to the 1 March 2023.

Housing law allowed applicants to request a review of their homelessness decision made by the Council within 21 days of the date applicants were notified of the Council's initial decision. The Homelessness Code of Guidance 2006 stated that a review may be carried out by RDC or by someone acting as an agent of the Council. Where a review was to be carried out by an officer of RDC, the officer must not have been involved in the original decision and they must be senior to the officer that made the decision. Due to the small size of the Housing Needs Team and the availability of suitably qualified senior officers who had not been involved in the original decision it was necessary to outsource this work. In addition, outsourcing this work provided a robust and cost effective way of managing the Council's legal duty without the risk of being challenged on the grounds that a review was not wholly independent.

RESOLVED: That:

- 1) the Service Manager - Finance and Welfare be authorised to contract out to the London Borough of Southwark until 1 March 2023 any of the Council's functions under Part VII of the Housing Act 1996, save for those set out in Schedule 2 to The Local Authorities (Contracting out of Allocation of Housing and Homelessness Functions) Order 1996; and
- 2) the decision of the Service Manager - Finance and Welfare made on 14 August 2017 to contract out to the London Borough of Southwark until 31 March 2018 in respect of the following Council's functions be ratified:
 - (a) conducting reviews of any decision referred to in s.202 of the Housing Act 1996;
 - (b) making inquiries for the purposes of conducting such reviews; and
 - (c) carrying out any other functions which are incidental to the conduct of such reviews, including, but not limited to, writing review decision letters and agreeing with applicants to extend the period within which notice of review decisions shall be given.

CB17/83. **VOTE OF THANKS**

As this was Brenda Mason's last Cabinet meeting, the Leader of the Council lead Members in a vote of thanks to Brenda for her contribution and support over the years, particularly to Cabinet Members.

CHAIRMAN

The meeting closed at 12.01pm

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