

**CABINET**

14 January 2019

Minutes of the Cabinet meeting held at the Town Hall, Bexhill-on-Sea on Monday 14 January 2019 at 11:00am.

Cabinet Members present: Councillors C.R. Maynard (Leader), Lord Amptill, J.J. Carroll, Mrs S. Hart, I.R. Hollidge, Mrs J.M. Hughes, G.P. Johnson, M.J. Kenward (Deputy Leader) and Mrs E.M. Kirby-Green.

Other Members present: Councillors J. Barnes, Mrs M.L. Barnes, G.C. Curtis, R.V. Elliston, K.M. Harmer, I.G.F. Jenkins, J.M. Johnson, B. Kentfield, D.B. Oliver, P.N. Osborne, J. Potts, C.J. Saint and M.R. Watson.

Advisory Officers present: Executive Director (MJ), Executive Director (TL), Assistant Director Resources, Head of Service Acquisitions, Transformation and Regeneration, Head of Service Strategy and Planning, Planning Policy Manager, Neighbourhood Planning Liaison Consultant, Conservation and Design Officer and Democratic Services Manager.

Also present: 5 members of the public and 1 member of the local press.

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Publication Date: 16 January 2019

The decisions made under PART II will come into force on 24 January 2019 unless they have been subject to the call-in procedure.

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Prior to the formal start of the meeting, the Leader welcomed Councillor Kathy Harmer to Rother District Council as the newly elected Member for Bexhill St Marks Ward. The Leader also advised that Councillor Tom Graham had today tendered his resignation from the Council with immediate effect due to ill health; it was noted that this seat would remain vacant until the May ordinary elections.

**CB18/55. MINUTES**

The Chairman was authorised to sign the minutes of the meeting held on 19 December 2018 as a correct record of the proceedings.

**CB18/56. APOLOGIES FOR ABSENCE**

An apology for absence was received from Executive Member A.E. Ganly due to a recent injury and he was wished a speedy recovery.

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

## **MEMBERS' ALLOWANCE SCHEME 2019-2023**

In accordance with the Members Allowances Regulations 2003, before the Council could agree its allowance scheme to apply from May 2019 the Council had to have regard to the recommendations made by an Independent Remuneration Panel (IRP). The IRP was made up of three members who had considerable experience in local government as senior officers, councillors, advisors and members of remuneration committees for other local authorities, finances and public sector management.

The Panel had met on three occasions, interviewed key Members and officers and been in receipt of detailed documentation as background information to enable them to fulfil their role. A copy of the IRP's full report had been circulated separately to all Members of the Council, deposited for public inspection at the Community Help Points in Bexhill, Battle and Rye and had been published on the Council's website.

The IRP had made a total of 13 recommendations, 10 in relation to the Allowance Scheme and a further three recommendations which fell outside their remit. In summary the broad recommendations were that the Basic Allowance and Special Responsibility Allowances (SRAs) be increased by 2% in line with the 2018/19 staff pay award and thereafter each subsequent year during the next four years in line with the staff pay award; the current Broadband Allowance of £200 be withdrawn from May 2019 and the dependent / childcare allowances be increased by £1.00 to £11.00 and £9.00 per hour respectively.

The three recommendations that fell outside the remit of the IRP but were either raised direct with the IRP by Members or were the IRP's own observations concerned the concept of a shadow Cabinet system, the physical and mental well-being of Councillors and how these can be supported, if required; and pro-active promotion of the Allowance Scheme.

Cabinet gave consideration to the recommendations and whilst no formal amendments were agreed, made the following comments for Council's consideration:

Recommendation 3: Members were supportive of the removal of the Broadband Allowance which in real terms would mean a reduction in their overall allowances, despite the 2% increase on the Basic Allowance and SRAs.

Recommendation 7: Members were pleased to note that specific provision prohibiting a Member receiving more than one SRA be incorporated into the Scheme.

Recommendation 10: Members did not want to be paid at a different level to staff; whatever rates were currently paid to staff should be paid to Members.

Recommendation 11: Members were not supportive of a shadow Cabinet system at the current time as there were too many uncertainties; shadow Cabinet Members would not be accountable and

would not be making collective decisions as a Cabinet Member. It was confirmed that no other East Sussex authority paid a shadow Cabinet allowance. Any payment made to shadow Cabinet Members would be additional money and not taken from the existing SRA fund. It was considered that the current opposition was too small a number to make such a scheme viable.

Recommendation 12: The physical and mental well-being of Councillors, particularly in light of social media would be accommodated as part of the Member Training Programme.

Overall Members were pleased with the report and satisfied that the allowances were set at a reasonable level to ensure that anyone could afford to stand as a Councillor and receive some recompense and financial assistance for doing so.

It was noted that should Members accept the recommendations, and in particular the savings generated by the cessation of the Broadband Allowance, the overall recommended increases could be met from the existing revenue budget.

Should the Council approve the scheme as recommended with an annual adjustment / increase each year, there was no requirement to hold further reviews during the lifetime of the next Council; in accordance with the regulations it would be necessary for the Council to reconvene the IRP in Autumn 2022 to review the allowances to be set for the successive Council in 2023.

**RECOMMENDED:** That consideration be given to the following recommendations made by the Independent Remuneration Panel together with Cabinet's comments above in respect of the Members' Allowance Scheme to apply from May 2019-2023:

Recommendation 1:

That the current Basic Allowance be increased by 2% in line with the 2018/19 staff pay award for 2019/20 and thereafter each subsequent year during the next four years in line with the staff pay award agreed in the previous year.

Recommendation 2:

That following each annual increase, the amounts are rounded either up or down to the nearest full pound.

Recommendation 3:

That the current Broadband Allowance of £200 be withdrawn from May 2019.

Recommendation 4:

That the dependent / childcare allowances be increased to £11.00 and £9.00 per hour respectively and that specific reference be made in the Allowance Scheme regarding the qualifying period.

Recommendation 5:

That the current SRAs be increased by 2% in line with the 2018/19 staff pay award for 2019/20 and thereafter each subsequent year during the next four years in line with the staff pay award.

Recommendation 6:

That following each annual increase, the SRA amounts are rounded either up or down to the nearest full pound.

Recommendation 7:

That specific provision is included within the Members Allowance Scheme to prohibit two SRAs being paid to one Member.

Recommendation 8:

That the allowances paid to the “co-optees” be increased by 2% for 2019/20 only and NOT be subject to an annual increase.

Recommendation 9:

That Travelling Allowances for both the approved mileage and passenger mileage rates be fixed in line with HM Revenue & Customs ‘Approved Mileage Allowance Payments’ from 2019 - 2023.

Recommendation 10:

That each of the subsistence allowances, breakfast, lunch, tea and dinner be increased by 10% for the period 2019-2023.

Recommendation 11:

That the Council considers the concept of a shadow Cabinet system during the life of the forthcoming Council.

Recommendation 12:

That the Council considers the physical and mental well-being of Councillors and how these can be supported, if required.

Recommendation 13:

That the Council actively promotes the Allowance Scheme and provisions contained therein to all Councillors and prospective Councillors through the website and pre-election candidate material.

**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 23 January 2019.

CB18/58. **DRAFT ROTHER DISTRICT PUBLIC REALM STRATEGIC**  
(6.1) **FRAMEWORK**

Cabinet received and considered Minute OSC18/30 arising from the meeting of the Overview and Scrutiny Committee (OSC) held on 26 November 2018 that had considered the draft Rother District Public Realm Strategic Framework (PRSF). Following the work of the Public Realm Working Group (PRWG), officers had produced a draft Strategic Framework and sought authority to carry out consultation and report back in the spring to the OSC. The Chairman of the PRWG Councillor Saint thanked Members and officers involved in the production of the

strategic framework document which was the culmination of excellent cross-party collaborative working.

The PRSF aimed to address the need for better and more co-ordinated plans, standards and procedures and was informed by all the evidence gathered through the work of the PRWG. It was a strategic document that aligned with the Council's Planning Core Strategy requirements to manage and improve the district's public realm in cooperation with relevant stakeholders. The framework set out the vision, objectives and key principles.

Cabinet was pleased to endorse the draft PRSF which was an ambitious and forward thinking document that would no doubt have a positive impact on the public realm and had the potential to create economic, social and financial benefits to the district. Councillor Hollidge spoke passionately about ensuring that the public had a greater understanding of what the Council was trying to achieve, particularly in Bexhill, by working in partnership with the Bexhill Town Centre Steering Group and Town Team and help engage other statutory bodies such as East Sussex County Council and utility providers. He would feed his comments and grammatical amendments to the officers prior to the consultation launch.

**RESOLVED:** That:

- 1) the draft Rother District Public Realm Strategic Framework be consulted on with key stakeholders and the public;
- 2) the outcome of the consultation be reported back to the Overview and Scrutiny Committee in spring 2019, along with a final draft of the Rother District Public Realm Strategic Framework; and
- 3) the Public Ream Working Group be disbanded.

(When it first became apparent, Councillor Maynard declared a personal 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 during the consideration thereof).

CB18/59.  
(7.1)

## **DEBT MANAGEMENT POLICY**

Cabinet received and considered Minute AS18/27 arising from the meeting of the Audit and Standards Committee (A&SC) held on 10 December 2018 that had considered an outstanding audit recommendation in relation to the Debt Management Policy. The audit recommendation was that "Management should consider introducing targets for debt recovery in order to adhere to the Debt Management Policy".

The Assistant Director Resources had advised the A&SC that a review of the Council's Debt Management Policy had been delayed; however the debt recovery processes for local taxation and sundry debts were well established and had been the subject of previous reports to

Members. In terms of targets, whilst the target should always be 100% of debts properly due, in reality not all debt was recovered for a number of reasons. Historic collection performance was reflected in the Council's impairment calculations (i.e. bad debt provisions) which identified the different categories of debt. It was suggested that this should form the basis of monitoring performance on an annual basis.

**RESOLVED:** That the Debt Management policy be amended to include the basis of calculating the Council's bad debt (impairment) provision to form the basis of monitoring performance on debt recovery on an annual basis.

CB18/60.  
(8.2)

### **SOVEREIGN LIGHT CAFÉ DECKING AREA**

The tenant of the Sovereign Light Café had requested a new lease for an area of decking that would sit on the beach, directly in front of the Sovereign Light Café; planning permission (RR/2018/1225/P) had been agreed for the decking in August 2018.

The area of decking would serve as additional seating for the Sovereign Light Café, would allow the tenant to serve an increased number of customers and enhance and improve the refreshment offer for visitors to the West Parade. All works would be carried out at the expense of the tenant and it was noted that the decking would not be attached to the sea wall and would be free-standing.

The proposed lease would be coterminous with the tenant's existing lease which expired on 14 February 2025; the broad Heads of Terms of the proposed tenancy were set out in the confidential appendix to the report. It was noted that Environmental Health were aware of the proposed decking area and were satisfied that a condition within the lease would ensure the decked area was kept clean and tidy to avoid the possibility of vermin infestation.

As the granting of the lease would constitute a disposal of public open space, an advert was required to be placed within a local newspaper for a minimum of two consecutive weeks. Cabinet agreed that if there were no objections, the Executive Director be authorised to grant a lease as per the Heads of Terms set out within the Confidential Appendix. Should there be any objections these would be reported back to Cabinet for further discussion.

**RESOLVED:** That:

- 1) officers be authorised to proceed with advertising of an area of beach in front of the Sovereign Light Café as a disposal of public open space;
- 2) should no objections be received, officers be authorised to grant a lease on the terms set out in Confidential Appendix 2 to the report and on such other terms as the Executive Director deems appropriate; and

- 3) in the event of objections being received, officers to report back to a future meeting of Cabinet.

(The Confidential Appendix in relation to this matter, as set out at Agenda Item 10.1 was considered exempt from publication by virtue of Paragraph 3 of Schedule 12A of the Local Government Act 1972, as amended. However, 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).

**PART III – URGENT DECISIONS** – The Chairman of Council had agreed that the following decisions were urgent in accordance with Paragraph 17 of the Overview and Scrutiny Procedure Rules contained in Part 4 of the Council's Constitution. The call-in procedure does not therefore apply to these decisions.

CB18/61. **CROWHURST NEIGHBOURHOOD PLAN**  
(8.3)

Crowhurst Parish Council had prepared a Neighbourhood Plan (CNP) following designation of the parish as a Neighbourhood Area in 2015. The CNP was currently subject to a formal public consultation until 25 January 2019. Representations received would be considered by an independent Examiner to determine whether the CNP met the 'basic conditions' required. The Council was a statutory consultee and therefore was able to make representations as part of the process. It was noted that so as not to compromise the Council's ability to comment on the draft CNP by the due deadline, the Chairman of Council had already agreed that this matter could be taken as an urgent decision and therefore outside the call-in arrangements.

The CNP consisted of 16 policies and related to the period 2018-2028 in line with the end date of the Council's Core Strategy (CS). Overall, the CNP was considered a comprehensive and well-presented document which had resulted from discussion and dialogue between the Neighbourhood Plan Group and Planning Officers from RDC.

The report gave details of the suggested representations that the Council should make, in summary, these related to:

- the assessment that the submitted Crowhurst Neighbourhood Plan was in general conformity with the Council's strategic policies contained within the adopted Local Plan Core Strategy;
- support for the scale and location of housing allocations, together with the revised development boundary, in protecting the setting of the village;
- the landscape importance of the High Weald AONB, as recognised within the CNP policies, was welcomed;
- the planning policy need for certain areas of land to have three designations was questioned (Policy CE1(2) contained three designations HWAONB, Open and Natural Space and Important

Open Areas). The rationale and supporting evidence base for the areas of land designated as Open and Natural Space was not clear and therefore the requirements and wording of Policy CE1(2) needed to be reviewed;

- as drafted, the requirement in policy CE3 Biodiversity would be disproportionate for some development and it was suggested that Policy CE3 2(i) should be prefixed with 'Where appropriate new development should be ..... .' Similarly, the footnote should be prefixed by 'Where appropriate, completion of the CNDP Environment Planning.....' as this could not be applied to all development.

Councillor G.P. Johnson, Portfolio Holder for Strategic Planning acknowledged the amount of work and effort that had gone into the production of the CNP by the Parish Council and Council Planning officers. Cabinet also acknowledged the efforts that Crowhurst Parish Council / NP Steering Group had made developing the CNP and agreed that all representations be forwarded to the independent Examiner for consideration by 25 January 2019.

It was noted that this was the third NP progressing to the examination stage, with Ticehurst and Rye just prior to Christmas. The process was a long one, and whilst examiners were in place, the timetable for any resulting referendums was dependent on the Examiners' findings and could not be confirmed at this stage. Members were disappointed to note that despite the enormous amount of effort that was required to produce a NP, the lifespan of an agreed NP was relatively short.

**RESOLVED:** That the representations in accordance with the conclusions set out within the report, (together with any supporting material) be submitted for consideration by the Examiner in relation to the submitted Crowhurst Neighbourhood Plan.

**The Chairman of Council had agreed that this decision could be taken as a matter of urgency to enable the Council's representations to be made on Crowhurst Parish Council's Neighbourhood Plan by 25 January 2019.**

#### **CHAIRMAN**

The meeting closed at 11:40am

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