

Report to	-	Council
Date	-	17 December 2018
Report of the	-	Cabinet
Subject	-	References from Cabinet Meetings

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The Council is asked to consider recommendations arising from the Cabinet meetings held on 5 November and 3 December 2018, as set out below.

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### **CABINET – 5 November 2018**

#### **CB18/32. STATEMENT OF COMMUNITY INVOLVEMENT – ADOPTION**

On 30 July 2018, Cabinet approved the Council's draft Statement of Community Involvement (SCI) for public consultation. The SCI was a statutory document that set out how and when the Council carried out consultations and involved the community in both the preparation of planning policy and in the determination of planning applications.

The consultation had not yet commenced. In September 2018, the Government updated its Planning Practice Guidance which stated "there was no requirement for local planning authorities to consult when reviewing and updating their SCI." Following this and as the draft SCI reflected current practice, the Council had the opportunity to adopt the SCI immediately.

Members agreed that the draft updated SCI be recommended to full Council for formal approval and adoption.

**RECOMMENDED:** That the updated Statement of Community Involvement considered by Cabinet on 30 July 2018 be formally approved and adopted.

(Cabinet Agenda Item 7.5)

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### **CABINET – 3 December 2018**

#### **CB18/40. COUNCIL TAX REDUCTION SCHEME 2019/20**

Cabinet received and considered the report of the Executive Director which detailed the outcome of the Council Tax Reduction Scheme (CTRS) 2019/20 consultation and final recommendations. In addition, the report provided an update on progress of the discussions across the county regarding the new CTRS. The CTRS had also been scrutinised by the Overview and Scrutiny Committee on 26 November 2018.

The consultation was carried out between July and September 2018 based on ten proposals / questions. A significant change would be the

introduction of an income banded scheme. Some 159 responses were received which was lower than expected. It was believed that the complexity of the proposals might have affected the response rate. Overall, respondents were supportive of the proposed changes to the CTRS and the results were appended to the report at Appendix A.

Following consideration of the feedback, no changes were proposed to the consulted 2019/20 CTRS except some minor re-modelling amendments to ensure that vulnerable groups, such as the disabled were not adversely affected. It was noted that these amendments did not change the intended outcome of the CTRS, as described in the consultation.

The new CTRS framework provided a simplified claiming process with the distinct advantage of faster processing, the wider income bands avoiding constant changes in discount, a modern approach to changes in entitlement and a much simpler scheme. Appendix B to the report detailed the proposed CTRS framework.

The report detailed the estimated costs of the CTRS and the number of claimants as £6,351,260 and 5,865 respectively. The proposals would result in winners and losers compared to the current CTRS and would minimise any reduction in award for the most vulnerable claimants, whilst maintaining overall scheme costs to near the current level. An analysis of the total value of the discount on council tax per household type and the average gain or loss was detailed at Appendix C to the report. Examples of the financial effects on specific household types and the equality impact assessment were also detailed at Appendices D and E respectively.

The current CTRS made provision for taxpayers to make an application for additional discounts where they had experienced exceptional hardship. Cabinet noted that the new CTRS framework would contain the same provisions to protect these individuals. It was anticipated that the Exceptional Hardship Policy would continue to be an integral part of the all East Sussex schemes for the foreseeable future.

Work had commenced in January 2018 to develop a new CTRS framework that could be applied across all of the East Sussex District and Borough Councils. As joint working progressed, it was evident that a consistent CTRS across the county would be unachievable. Members noted that only Wealden District Council's CTRS aligned with Rother's proposed scheme.

It was proposed that the Council withdrew the Uninhabitable Property Class D discount with effect from 1 April 2019, leaving the full Council tax charge payable when a property was uninhabitable or undergoing structural repair.

Cabinet was supportive of the CTRS 2019/20 and withdrawal of the Uninhabitable Property Class D discount with effect from 1 April 2019.

**RECOMMENDED:** That the:

- 1) Council Tax Reduction Scheme 2019/20 proposals, as set out in

the report, be approved and adopted; and

- 2) Uninhabitable Property Class D Discount be withdrawn from Council Tax from 1 April 2019.

(Councillors J.J Carroll, A.E. Ganly, G.P. Johnson, J.M. Johnson and P.N. Osborne each declared a personal interest in this matter in so far as they are landlords and in accordance with the Members' Code of Conduct remained in the room during the consideration thereof).

(Cabinet Agenda Item 6.2)

CB18/41. **APPOINTMENT OF CONTRACTOR FOR JOINT WASTE AND RECYCLING CONTRACT**

The confidential report of the Lead Director detailed the process through which tenders had been invited for the joint Waste Collection, Recycling, Street and Beach Cleaning and Associated Services Contract using a Competitive Procedure with Negotiation (CPN) method. Four tenderers were invited to participate in the CPN stage with three submitting tenders.

After considering all aspects of the tenders, the Joint Waste and Recycling Committee evaluated that, Contractor A should be appointed as the Contracting Partner. The Contract Award process required each Council to take the decision to appoint Contractor A at their respective Cabinet and/or full Council meetings. It was vitally important that the same conclusions were reached by each Council in order for the Contract to proceed.

Cabinet recommended that Contractor A be appointed as the Contracting Partner for the joint Waste Collection, Recycling, Street and Beach Cleaning and Associated Services Contract. As lead authority of the Joint Waste Project, Rother District Council would notify the Contractors of intent to award the Contract, and thereafter award on behalf of the Partnership.

The Lead Director, the Joint Waste Office and Council Officers who had been involved were thanked for all their hard work in managing the procurement process.

**RECOMMENDED:** That:

- 1) the Tender from Contractor A be accepted for the Waste Collection, Recycling, Street and Beach Cleaning and Associated Services Contract;
- 2) this contract award recommendation be referred to each partner Council for approval and that each Chief Executive and or Executive Director be authorised to enter into contract with Contractor A;

- 3) each Council to make financial provision to fund its own proportion of the total Contract Price including allowance for adjustments at the start of the Contract;
- 4) the Lead Director be authorised to notify Contractors of the intent to award the Contract;
- 5) each Council to make arrangements to inform residents about the collection system to be implemented from 29 June 2019;
- 6) each Council to make provision for the review of customer service processes, enhancement of ICT systems and mobile equipment for council staff as necessary;
- 7) each Council to make financial provision to fund the centralised client costs (the Authorised Officer role);
- 8) each Council to consider and make suitable provision for the client roles and liabilities under the Contract;
- 9) each Council to make financial provision for ad-hoc requests and container purchases throughout the Contract Period; and
- 10) the service risk during mobilisation in terms of the resources and functions that will be available and fully operational at the Contract start date, be noted.

(This matter was considered exempt from publication by virtue of paragraphs 3 and 5 of Schedule 12A of the Local Government Act 1972, as amended).

(Cabinet Agenda Item 8.1)

#### **CB18/42. DE LA WARR PAVILION TRUST – PENSIONS**

Consideration was given to the confidential report of the Executive Director that considered the De La Warr Pavilion (DLWP) Trust Pension.

Members agreed that a grant of £193,000 be made available to the DLWP Trust to meet the arrears of Local Government Pension Scheme employer pension contributions, the Council's annual contribution be reduced by £13,000 per annum, and that a pension fund deficit guarantee be provided by the DLWP Trust in favour of the East Sussex Pension Fund. It was also agreed that delegated authority be granted to the Executive Director to finalise the terms of the guarantee agreement (and any consequential changes to the Trust's funding agreement) in consultation with the Cabinet Portfolio Holder for Finance, Resources and Value for Money.

#### **RECOMMENDED:** That:

- 1) a grant of £193,000 be made available to the De La Warr Pavilion Trust to meet the arrears of Local Government Pension Scheme employer pension contributions;

- 2) the annual contribution made by the Council to the De La Warr Pavilion Trust under the funding agreement be reduced by £13,000 per annum;
- 3) a pension fund deficit guarantee be provided to the De La Warr Pavilion Trust in favour of the East Sussex Pension Fund; and
- 4) delegated authority be given to the Executive Director to finalise the terms of the guarantee agreement (and any consequential changes to the Trust's funding agreement) in consultation with the Cabinet Portfolio Holder for Finance, Resources and Value for Money.

(This matter was considered exempt from publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972, as amended).

(Cabinet Agenda Item 8.2)

Councillor C.R. Maynard  
Leader of the Council