

## Overview and Scrutiny Committee

Date and Time - **Monday 14 October 2019 – 6.30pm**

Venue - **Council Chamber, Town Hall, Bexhill-on-Sea**

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### Councillors appointed to the Committee:

P.N. Osborne (Chairman), B.J. Drayson (Vice-Chairman), J. Barnes, T.J.C. Byrne (ex-officio), J.J. Carroll, Mrs V. Cook, P.C. Courtel, S.J. Errington, P.J. Gray, A.K. Jeeawon, L.M. Langlands, C.R. Maynard and M. Mooney.

**Substitute Members:** S.J. Coleman, C.A. Madeley, G.F. Stevens and R. Thomas.

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## AGENDA

### 1. MINUTES

To authorise the Chairman to sign the minutes of the meeting of the Overview and Scrutiny Committee held on 9 September 2019 as a correct record of proceedings.

### 2. APOLOGIES AND SUBSTITUTES

The Chairman to ask if any Member present is substituting for another Member and, if so, to declare his/her name as substitute Member and the name of the absent Member.

### 3. ADDITIONAL AGENDA ITEMS

To consider such other items as the Chairman decides are urgent and due notice of which has been given to the Head of Paid Service by 12 Noon on the day of the meeting.

### 4. DISCLOSURE OF INTERESTS

To receive any disclosure by Members of personal and disclosable pecuniary interests in matters on the agenda, the nature of any interest and whether the Member regards the personal interest as prejudicial under the terms of the Code of Conduct. Members are reminded of the need to repeat their declaration immediately prior to the commencement of the item in question.

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5. **PROPOSED CHANGES TO PUBLIC SPEAKING AT PLANNING COMMITTEE** (Pages 1 - 22)
6. **POVERTY IN ROTHER** (Pages 23 - 32)
7. **WORK PROGRAMME** (Pages 33 - 34)

Malcolm Johnston  
Executive Director

Agenda Despatch Date: 4 October 2019

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**Rother District Council aspiring to deliver...  
an Efficient, Flexible and Effective Council, Sustainable Economic Prosperity,  
Stronger, Safer Communities and a Quality Physical Environment**

## Rother District Council

Report to	-	Overview and Scrutiny Committee
Date	-	14 October 2019
Report of the	-	Executive Director
Subject	-	Proposed Changes to Public Speaking at Planning Committee

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**Recommendation:** It be **RESOLVED:** That Cabinet be requested to recommend to Council that:

- 1) the proposed revised public speaking scheme as set out in Appendix 3 to the report and revised Code of Practice document as set out in Appendix 4 to the report be agreed; and thereafter any minor changes to the public speaking system and/or the Code of Practice to be delegated to the Executive Director in consultation with the Chairman of Planning;
  - 2) non-Planning Committee Ward Members speaking under the scheme be encouraged to submit a brief summary of the issues they would raise in advance of the meeting to be circulated to the Planning Committee; and
  - 3) Members calling in an application must attend the relevant Planning Committee, send a Member on their behalf or provide an apology / reason for non-attendance.
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## Foreword

This report was considered by the Planning Committee at its meeting held on 12 September 2019. The report has been reproduced in full for the Overview and Scrutiny Committee as submitted; the comments of the Planning Committee and the resulting Minute have been reproduced at Appendix 5 to this report.

The Planning Committee recommended that in order to ensure adherence to the time constraints and for Ward Members to feel that they had sufficient time, non-Planning Committee Ward Members speaking under the scheme be encouraged to submit a brief summary of the issues they would raise in advance of the meeting which would be circulated to the Planning Committee.

In addition the Planning Committee Members raised concerns over Councillors who called-in applications to the Planning Committee and who were then not present to address the Planning Committee on the rationale for the call-in. The Committee agreed to recommend that Members calling in an application must attend the relevant Planning Committee, send a Member on their behalf, or provide an apology / reason for non-attendance.

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## Introduction

1. The Planning Committee plays a role in considering and determining planning applications, dealing with the more complex schemes against the National Planning Policy Framework, Development Plan and all other material

considerations. In 2016, the Council adopted a public speaking scheme at Planning Committee meetings to be kept regularly under review for its effectiveness.

2. The purpose of public speaking at Planning Committee is to add value to the process of decision making. At the same time it must be cost effective and administratively manageable to operate both at Planning Committee and by officers prior to Committee.
3. The Public Speaking Scheme forms part of the Constitution and any changes to the Council's Constitution must be made via the Council's Overview and Scrutiny Committee (OSC) that recommends changes to the Cabinet and ultimately full Council and thereafter incorporated into the Statement of Community Involvement (SCI). The Planning Committee is therefore requested to consider and approve the contents of this report and make any additional comments which will be submitted to the OSC to aid their deliberations.

### **Current system and proposals for change**

4. The current petition-based scheme for public speaking was introduced at the end of 2016 (Appendix 1) and allows interested parties to address the Planning Committee for a period of five minutes (one in support and one against) on the proviso that a petition containing at least 10 signatories is submitted prior to this and within the statutory publicity period of the application (21 days). The system also allows Members of the Planning Committee to ask the speaker questions on the content of their speech. The system was subject to a review after 12 months (in consultation with the then Chairman and Vice-Chairman of the Planning Committee) which concluded that *"The new system has bedded-in well and it has not been onerous or costly to operate."*
5. The system has now been in operation for 2½ years and during this period 41 applications have been subject to public speaking, out of 250 applications considered at Planning Committee (c16%). However, the current system has a number of shortfalls which we believe need to be addressed. These are:-
  - a. The petition system acts to discourage members of the public from speaking by requiring 10 signatories and having to be submitted within the 21 day statutory publicity period. Firstly, many changes can happen through the course of a planning application and after the 21 notice period which might trigger objection or support. Secondly, residents may not become aware of an application in the 21 period for any number of valid reasons. The requirement to submit a petition can be seen as a frustration to those who wish to speak at Planning Committee, particularly on smaller applications. In addition, the burden of gaining 10 signatures acts to frustrate residents who are forced to gain signatures of other residents who may simply sign as an act of friendship as opposed to having an active interest in the application.
  - b. Requiring a group of unconnected petitioners to agree who should be the spokesperson can serve to cause additional frustration amongst residents where it is unlikely that one person can comfortably rely on another to state their case.

- c. Parishes have not been given any right to speak beyond competing to become the petitioner or through their local Ward Member. Parishes often have the best understanding of the impact of a development and there have been cases in the past where Ward Members were not prepared to support Parish Council views or the opinion of a majority of residents. In addition, cross-Parish involvement is required where applications cross boundaries.
  - d. The current system does not explicitly allow the use of visual aids by speaker nor does it explicitly allow for a Chairman's discretion to apply.
6. Attached at Appendix 2 is an audit of the current public speaking systems in place across Sussex. The table also sets out the potential speaker time per application. The majority of these schemes allow for between 2 and 6 speakers, the majority being 6 speakers in total (depending on the size of an application) mostly for 3 minutes each to address the Planning Committee in support or to oppose a scheme; a separate slot for both Parish and Town Councils and the Ward Member is also common practice. The time slots are all equitable in length in order to be fair to all involved in the process. The only public speaking schemes which allow for Planning Committee Members to ask questions of the speakers are both the petition based schemes currently in operation at Rother and Hastings Councils. These public speaking systems are administered by the relevant Democratic Services function of the Council either on the days leading up to or on the day of Planning Committee.
  7. Taking into account the relative merits of the current petition system (in particular the ability of the Planning Committee to ask questions of the speaker), the positives of those other systems in operation (equity and fairness) and the desire to give greater say to Parish and Town Councils Appendix 3 sets out a proposed revised scheme, with details of the proposed Code of Practice at Appendix 4.

## **Conclusion**

8. It is considered that whilst the current petition based public speaking system has worked reasonably well it can be perceived as being complex and may act to discourage residents and not bring a higher level of openness and fairness to the planning process.
9. The recommendation seeks to set Rother as an example of openness, transparency and fairness in the planning process by standing out amongst other local authorities having come from behind in the past.
10. Having looked at other public speaking systems across both East and West Sussex it is considered that the proposed revised system, including a slot for Parish and Town Councils and the ability for up to three speakers in support or against for major applications (up to two for Minor/Others and one speaker for and against for household applications) is appropriate. Visual aids will be acceptable if they have been included in any representations submitted as part of the application process (and received before the Agenda is published). This will take into consideration good timely decision making and time constraints of the Planning Committee. The use of a petition would no longer be required.

11. The Planning Committee is invited to consider and agree the proposals within the report and make any supplementary comments to the OSC. The OSC will be invited to consider these matters, together with any comments from the Planning Committee and recommend to Cabinet and thereafter full Council that the Constitution and the Statement of Community Involvement (SCI) be amended to reflect these changes.

Councillor Jonathan Vine-Hall, Chairman of Planning Committee

Councillor Sue Prochak Vice-Chairman of Planning Committee

**Risk Assessment Statement**

Failure to regularly review and streamline Committee processes may result in unnecessarily protracted meetings, reputational damage and potentially poor decision making.



## Policy concerning planning application petitions and public speaking at Planning Committee

**This note advises on the procedures for submitting a petition in respect of a planning application and the circumstances and practice where there is an opportunity to speak at the Council's Planning Committee meeting.**

**The practice was first adopted at the full Council on 16<sup>th</sup> May 2016**

### **Background**

The Council allows the opportunity for the public to address the Planning Committee in cases where a petition of objection or support has been submitted in respect of a current application *and* where the final decision on that application is to be taken by the Planning Committee, rather than where the application is decided under delegated authority (by officers).

*Note: Representations on planning applications can also be made by individuals or other bodies but those individual objectors to, or supporters of, a planning application are not permitted to address the Committee.*

### **Publicity for planning applications**

Publicity for planning and other applications is undertaken in several ways:

1. By the posting of public "Pink Notices" on and around the application site.
2. By advertisement in the local press where there is a statutory requirement to advertise particular applications.

3. On a published Weekly List of applications posted on the Council website and sent to all Parish and Town Councils.
4. By way of the "My Alerts" system used to notify those residents who subscribe, of any planning application within 400 metres of their property.

### **When a petition may be submitted**

Petitions will only be accepted for planning (and other related) applications that are specifically the subject of statutory publicity.

*Note: Matters that are not subject to publicity include: minor amendments to existing permissions; applications to discharge conditions; notifications from Statutory Undertakers; Householder Prior Notification applications; applications for works to trees in Conservation Areas; applications for the display of advertisements and determinations of lawfulness relating to a proposed use or development.*

### **The grounds a petition may cover**

Any petition must raise material planning matters relevant to the application. The Council cannot deal with non-planning issues. For examples of material planning considerations see

**[https://www.planningportal.co.uk/faqs/faq/4/what\\_are\\_material\\_considerations](https://www.planningportal.co.uk/faqs/faq/4/what_are_material_considerations)**

### **The definition of a petition for the purposes of this procedure**

For the purposes of this procedure a petition (which may contain objections to, or support for, a planning application) shall be one that contains 10 or more signatories.

*Note: Petitions submitted in respect of speaking at Planning Committee are distinct from the Council's general Petition Scheme which operates independently from this scheme and deals with all non-planning related matters.*

### **What form should a petition take?**

Petitions should:

1. Relate to material planning matters relevant to the application.  
*Note: The Council reserves the right to reject any petition which in its opinion contains comments that are deemed to be potentially libelous, defamatory, threatening, abusive or contravenes the provisions of the Equality Act 2010*
2. Be submitted to the Service Manager — Strategy and Planning and make clear reference to the relevant planning application number.
3. Contain a point of contact (Head Petitioner).
4. Contain names and addresses with original signatures. If a petition is submitted 'on-line' the original must also be submitted as an original hard copy.  
*Note: Any petition submitted will become a public document and will be published on the internet, although all signatures will be redacted from the petition before it is posted publicly on the Council's website.*
5. Be an original copy (and not a photocopy) and,
6. If the petition contains multiple sheets, each sheet of signatures should include the application number and the same reasons for objection/comment/support as the front page.

### **Presentation of a petition**

Any petition opposing or supporting an application should be presented clearly and succinctly. Although there is no prescribed format the Appendix sets out a suggested guide to the essential information. Each page should use the same format to relate all signatories to the same grounds of objection or support.

### **Timescale for submitting a petition**

The statutory period for public consultation on planning and related applications is normally 21 calendar days from the date of the relevant statutory advert. Petitions (affording the possibility of speaking at the Planning Committee) will only be accepted within this period.

*Note: The contents of any late petition will still be considered when the planning application is decided even if there is no opportunity for public speaking.*

*Note: where an application is subject to both a (pink) site notice and a notice in a local newspaper on different dates the 21 day period shall be taken as the latter date.*

### **Submission of a petition**

Petitions may be submitted on-line via [planning@rother.gov.uk](mailto:planning@rother.gov.uk) or sent to:

Service Manager - Strategy and Planning  
Town Hall  
Bexhill on Sea  
TN39 3JX

However, where a petition is submitted by email the original copy of any petition of objection or support must also be posted or delivered to the above address.

### **Consideration of a petition**

Under the Standing Orders of the Council many planning applications are decided under delegated powers by an authorised planning officer, rather by the Planning Committee. However the contents of all petitions accepted will be considered as part of the determination of the particular planning application wherever a final decision is being made.

Invitations for petitioners to address the Planning Committee in person will only be sent where the application is a matter to be determined by the Committee. This means that where an application is to be determined under delegated authority and has not been referred to the Planning Committee, there will be no opportunity for petitioners to address the Planning Committee.

### **Invitation to address the Planning Committee**

In cases where the application is to be considered by the Planning Committee only the Head Petitioner(s) or a nominated representative for the petitioners as well as

the applicant's agent (or the applicant where no agent is employed) will be invited, by letter/email, to speak at the Planning Committee meeting. This invitation will normally be made about one week before the Committee meeting when the agenda is published. At that time speakers will also be advised of the procedures for speaking at the committee.

Where two (or more) petitions of objection have been received relating to the same application, and the matter is being reported to Committee, the Head Petitioners will be invited beforehand to decide together on a single spokesperson to present the case for both.

Where a petition of support has been received and the matter is being reported to committee, the Committee will hear the petition in support, together with the applicant, even if there is no petition against the proposal.

If either a petitioner or the applicant/agent invited to address the Planning Committee chooses not to speak at the meeting, the Committee may still hear the other party.

### **Procedure at Planning Committee**

- At the Planning Committee the application will be called. After any introduction by the planning officer, the Committee Chairman will invite the Head Petitioner (or representative) *objecting* to the application to address the Planning Committee for a maximum of five minutes. The speaker should direct their presentation to the Committee, reinforcing or amplifying representations already made to the Council in writing on the petition. New material should not be introduced and new documents cannot be presented to the Committee. At the end of the five minutes allotted speaking time the Chairman will permit Members to ask questions of the speaker relating to any points made. Members present, who are not members of the Planning Committee may also ask questions at the direction of the chairman of the Committee.
- The process will then be repeated for any petition *supporting* the proposal and finally for the applicant/agent who will have the opportunity to explain the proposal, also having regard to the objections raised. After each presentation the Chairman may

permit Members to ask questions of the speaker relating to any points made

- Following the opportunity for public speaking no further representations can be made and the Committee will then debate the application in public and proceed to make a decision.

*Note: The adopted practice only allows representatives to address the Planning Committee directly. There is no opportunity for objectors/supporters to cross examine one another councillors or officers.*

*Note: Where a matter is deferred to a subsequent Planning Committee neither the petitioners nor the applicant will be invited to address the Committee a second time unless the reason(s) for deferral raise(s) completely new issues and representations have been made on these new issues as a result of any further public consultation.*

# APPENDIX

## Suggested format of a petition

Application Reference:	
Address of application:	
Name of contact (Head Petitioner)	
Contact (address, daytime telephone number and email):	

Type of petition <b>[OBJECT or SUPPORT]</b>
Grounds of objection/support

Name	Address	Signature

Update: November 2018

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## PUBLIC SPEAKING ARRANGEMENTS (PLANNING COMMITTEE) ACROSS EAST AND WEST SUSSEX

Authority	Speaking FOR	Speaking AGAINST	Total speakers	Parish	Ward Member -WM	Question the Speaker	Admin of System DS = Demo Services	Max Time per application
Adur	3 mins max slot	3 mins max slot	6	Can register in For or Against	3 mins	NO	Democratic Services 1 day before	9 mins
Arun	2 x 3 mins	2 x 3 mins	4	3 mins	3 mins	NO	Democratic Services	18 mins
Brighton & Hove	3 mins max slot	3 mins max slot	6	3 mins	3 mins	NO – only on clarification	Democratic Services 4 days before	12 mins
Chichester	3 x 3 mins	3 x 3 mins	6	3 mins	3 mins	NO	Democratic Services 1 day before	24 mins
East Sussex*	3 x 3 mins (inc. Applicant)	3 x 3 mins	6	Can register in For or Against	5 mins	NO	Democratic Services	23 mins
Eastbourne	1 x 3 mins	1 x 3 mins	2	No Parishes	3 mins	NO	Democratic Services 3 days before	9 mins
Hastings	1 x 5 mins Petition System	1 x 5 mins	2	No Parish	Yes	Yes	Democratic Services 3 days before	10 mins +WM + Q&A
Horsham	3 x 2 mins	3 x 2 mins	6	2 mins	Yes	NO	PBS/Democratic Services day before	14 mins + WM
Lowes	1 x 3 mins	1 x 3 mins	2	3 mins	3 mins	NO	Democratic Services 3 days before	12 mins
Mid Sussex	2 x 2 mins inc. Applicant 3 x 3 mins on MAJORS	2 x 2 mins 3 x 3 mins MAJORS	4 6	2 mins 3 mins MAJORS	Yes	NO	Democratic Services/Planning On day of committee	10 mins + WM 21 mins +WM - Major
Rother	1 x 5 mins petition	1 x 5 mins	2	Through petition	Yes	Yes	21 days of pink notice	10 mins + WM + Q&A
Wealden	2 x 2 mins –inc. Applicant 3 x 3 mins - Majors	2 x 2 mins 3 x 3 mins - Majors	4 6	Can register in For or Against	5 mins	NO	Democratic Services up to start of meeting	13 mins 23 mins - Major
Worthing	3 x 3 mins	3 x 3 mins	6	2 mins	5 mins	NO	Democratic Services	25 mins

\* Note time not specified on website

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## PROPOSED PLANNING COMMITTEE PUBLIC SPEAKING

	FOR	AGAINST	PARISH & TOWN	WARD MEMBER	QUESTION THE SPEAKER	ADMIN OF SYSTEM	MAX TIME PER APPLICATION
Rother – Proposed	<b>Householder 1 x 5mins</b>	<b>Householder 1x 5mins</b>	<b>5 mins</b>	<b>5 mins</b>	YES	Democratic Services  <i>Registration will start at 2pm on the date that the agenda is published (Wednesday) and close at 4pm on Monday of Committee week (space subject to availability)</i>	20 minutes+ questions
	<b>Minor/Other** 2 x 5 mins</b>	<b>Minor/Other** 2 x 5 mins</b>	<b>5 mins</b>	<b>5 mins</b>	YES		30 mins + questions
	<b>Major*** 3x 5 mins</b>  <i>(All the above including the applicant/ agent)</i>	<b>Major*** 3x 5mins</b>	<b>5 mins</b>  <i>(Can be from adjoining Parish if application on a Parish Boundary but only one speaker as nominated by the Parish by resolution)</i>	<b>5 mins</b>	YES		40 mins + questions

**Note: No petition will now be required**

\*\*Minor/Other – includes any non-major planning application (i.e listed building consents or developments up to 9 units or up to 1,000 sqm of commercial floorspace)

\*\*\*Major – 10 units and above or above 1,000 sqm of commercial floorspace

Speakers may use visual aids which must have been provided in advance for circulation whether hard copy or computer generated and have been submitted with a comment on the application prior to the officer's report being completed.

Discretion will always sit with the Chairman regarding speaking in relation to speakers and times allowed.

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## PROPOSED PUBLIC SPEAKING AT THE PLANNING COMMITTEE

### Code of Practice

1. This Code of Practice explains the rules that apply to public speaking for planning applications of the Planning Committee. Planning applications which are decided by officers under Rother District Council's (RDC) scheme of delegation do not come before the Planning Committee and so public speaking rights do not apply in respect of them.
2. If you wish to check whether a planning application in which you are interested is on the agenda for the Planning Committee, please look at the Planning Committee agendas published on the Council website:

<https://rother.moderngov.co.uk/ieListMeetings.aspx?CId=135&Year=0>

The Planning Committee public speaking webpage is below:

<http://www.rother.gov.uk/article/528/Planning-Committee>

Agendas are published one week before each Planning Committee meeting.

3. If you wish to speak at a Planning Committee meeting, you **must** have previously made a written representation on the application. You can then register with Democratic Services by telephone on 01424 787811 or email to the following email address:

[Democraticservices@rother.gov.uk](mailto:Democraticservices@rother.gov.uk)

Registration will start at **2pm** on the date that the agenda is published (Wednesday) and close at **4pm** on Monday of Committee week (space subject to availability).

You will need to provide the following details:

- The application(s) in respect of which you wish to speak (including the reference).
  - Confirm that you have sent in a submission before the Planning Agenda was published (including the date and reference to any visuals you sent in).
  - Your name, full postal address, a contact telephone number and email address.
  - The speaker category which applies to you – objector; supporter; the applicant, an agent or another person on behalf of the applicant.
4. Each speaker will be allowed to address the Planning Committee for no more than **5 minutes**.

<b>Householder</b>	1 speaker each for and against
<b>Minor/Other</b>	2 speakers each for and against
<b>Major</b>	3 speakers each for and against

Above categories reflect national application thresholds

5. The Planning Committee meeting will be managed by the Chairman with the advice of the Officers of the Council. Where people have registered to speak, applications will be dealt with as follows:
  - The Chairman will introduce the application by reading out its reference number, address and report page number.
  - The Planning Officer will introduce the application and provide the Planning Committee with any update as necessary.
  - The Chairman will invite those who have registered to speak to come to the designated table and address the Planning Committee.
  - The Chairman will then invite Members of the Planning Committee to ask questions of each speaker on the content of their speech if so required. The Planning Committee will then debate and decide the application.
  
6. The order of speaking is as follows:
  - Nominated Parish representative.
  - Objectors.
  - Supporters including the applicant.
  - RDC Ward Member who does not sit on the Planning Committee.
  
7. You might find it helpful to write out your speech beforehand or at least to make notes about what you want to say to the Planning Committee. Your speech must relate solely to your written submission (which may include any visuals you submitted with your original submission). You must not introduce new arguments, additional information or hearsay which has not been subject to Council and public scrutiny. Please speak slowly and clearly into the microphone. Time limits will be strictly observed.
  
8. You must focus your comments only on your written submission and relevant planning issues, for example:
  - The external design, appearance and layout of the development.
  - The impact on trees and nature conservation or overshadowing and privacy.
  - Highway safety.
  - Planning policy and government guidance.
  
9. You should avoid referring to matters which are not relevant to planning, for example:
  - Boundary disputes or other property rights.
  - The applicant's motives, character or reputation.
  - The loss of property value or loss of a view.
  - Matters covered by other legislation.
  
10. You must not pass written material such as diagrams and photographs around the table to Members of the Planning Committee.

11. When you have finished Members of the Planning Committee will be given the opportunity to ask you questions on the content of your speech.
12. Once you have spoken and answered Committee questions you will not be allowed to speak again on that application at that meeting. However, if the application is deferred, you can register afresh to speak when the application is reconsidered at a subsequent meeting.

RDC 2019

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PL19/57.  
(13)

## **PROPOSED CHANGES TO PUBLIC SPEAKING AT PLANNING COMMITTEE**

Consideration was given to the report of the Chairman and Vice-Chairman of the Planning Committee which detailed a number of proposed changes to the public speaking scheme for referral to the Overview and Scrutiny Committee (OSC), then onward recommendation and approval via Cabinet to full Council.

In 2016, the Council adopted a petition-based Public Speaking Scheme (PSS) that formed part of the Council's Constitution and was to be kept under review for its effectiveness; since its adoption there had been one review undertaken by the previous Planning Committee Chairman and Head of Strategy and Planning. Following research undertaken of neighbouring authorities' schemes, Appendix 3 appended to the report set out a proposed revised scheme. The Chairman thanked the officers for the preparation and research that had gone into compiling the report.

The Chairman highlighted the perceived shortfalls in the current scheme which included the requirement to organise a petition of 10 signatures or more within the 21 day statutory notice period; the requirement to identify one spokesperson to represent all the various views of objectors / supporters; the inability of Parish and Town Councils to speak without a petition; the inability to use visual aids and the Chairman's explicit discretion.

The proposed revised scheme no longer required the submission of a petition, included a slot for Parish and Town Councils, non-Planning Committee Ward Members, up to three speakers in support or against for major applications (up to two for Minor/Others and one speaker for and against for household applications) and was considered a much improved scheme. Visual aids would also be acceptable if they had been included in any representations submitted as part of the application process. It was advised that speakers would be allocated on a first-come, first served basis and the proposal that the scheme be administered by Democratic Services was achievable within current resources.

In order to ensure adherence to the time constraints and for Ward Members to feel that they had sufficient time, it was agreed that non-Planning Committee Ward Members speaking under the scheme be encouraged to submit a brief summary of the issues they would raise in advance of the meeting which would be circulated to the Planning Committee.

Whilst not directly related to the public speaking scheme, Members raised concern over Councillors who called-in applications to the Planning Committee and who were then not present to address the Planning Committee on the rationale for the call-in; there had been one such occurrence at this meeting. Clearly, there would be occasions where extenuating circumstances prevented a Member from attending

the Planning Committee, even if they had called-in an application for consideration. The Committee agreed to recommend that Members calling in an application must attend the relevant Planning Committee, send a Member on their behalf, or provide an apology / reason for non-attendance.

**RESOLVED:** That:

- 1) the proposed revised public speaking scheme as set out in Appendix 3 to the report and revised Code of Practice document as set out in Appendix 4 to the report be agreed and referred to the Overview and Scrutiny Committee for onward recommendation and approval; and thereafter any minor changes to the public speaking system and/or the Code of Practice to be delegated to the Executive Director in consultation with the Chairman of Planning;
- 2) non-Planning Committee Ward Members speaking under the scheme be encouraged to submit a brief summary of the issues they would raise in advance of the meeting to be circulated to the Planning Committee; and
- 3) Members calling in an application must attend the relevant Planning Committee, send a Member on their behalf or provide an apology / reason for non-attendance.

## Rother District Council

Report to	-	Overview and Scrutiny Committee
Date	-	14 October 2019
Report of the	-	Executive Director
Subject	-	Poverty in Rother

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**Recommendation:** It be **RESOLVED:** That: an anti-poverty Task and Finish group be established to investigate the causes and effects of poverty locally and make recommendations to Cabinet to inform future Council policy.

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**Head of Service: Joe Powell**

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### Introduction

1. A report from the Sussex Community Foundation (SCF) has presented data to indicate rates of child poverty in East Sussex. The report highlighted that three wards within the Rother District are among the highest for rates of child poverty in East Sussex. Sidley is ranked as having the 12<sup>th</sup> highest rate with 47.6% of children living in poverty; Rye 31<sup>st</sup> with 40.4% and Bexhill Central 33<sup>rd</sup> with 40.3%. The full table can be found at Appendix A.
2. The purpose of this report is to respond to questions raised by Members, citing the SCF report, that seek to establish the scale of child poverty and its effects within the Rother District. The questions posed also ask how Council policy and services impact on poverty, particularly when delivering key service functions such as the Housing Needs and Housing Benefit services. The detail of the questions from Members and corresponding answers that relate to Council services can be found at Appendix B.
3. The causes of poverty and child poverty are multiple and complex. To this end, the report will focus on poverty in general and not on child poverty exclusively. The environment in which partners operate to tackle poverty has changed in recent years as we have faced new challenges following the financial crisis of 2008. While in the intervening period we have seen welcome increases in rates of employment nationally, we have also experienced a reduction in public sector budgets as a result of the austerity agenda. We have, for example, seen reductions in working age and housing benefits alongside a rise in homelessness and food bank use. The reductions in funding for public sector services have occurred in parallel with a rise in demand for social care and health services associated with supporting an ageing population.
4. This report will summarise some of the key indicators of poverty locally, providing an overview of the scale of the challenges faced. The report will also provide an overview of current Council policy that relates to poverty and child poverty through policy aims and objectives.

5. The report makes the recommendation that Members consider a more formal review of the causes of poverty and investigate the role of Council services in supporting the delivery of effective solutions with its partners. It is recommended that Members consider the formation of an anti-poverty task and finish group with the following objectives:
- investigate the ‘whole system’ of partner services that exists to prevent and alleviate the effects of poverty;
  - review the role and effectiveness of Council policy within the context of the whole system and
  - make recommendations to inform future Council policy direction that support the system and avoid service duplication.

## **Policy Context**

6. Poverty and its effects have wide ranging implications on the lives of some of the poorest and most vulnerable members of the community. There are implications for low education and employment outcomes; poor health and reduced life expectancy as well as barriers to accessing safe and affordable housing. To this extent, in order to tackle poverty effectively a range of services and agencies must work together, across sectors, these include:
- Social Care Services
  - NHS
  - Education
  - Criminal Justice
  - Department for Work and Pensions
  - Local Housing Authorities
  - Registered Providers
  - Third sector organisations
  - Voluntary groups
7. The Council has a longstanding role in tackling poverty and raising aspirations with its partners, something that is at the centre of the aims of its Corporate Plan 2014-2021:
- An Efficient, Flexible and Effective Council
  - Sustainable Economic Prosperity
  - Stronger, Safer Communities
  - A Quality Physical Environment
8. The Council’s Housing, Homelessness and Rough Sleeping Strategy 2019–2024 and its action plan has objectives focused on alleviating the symptoms of poverty associated with homelessness, high housing costs and poor quality housing. The priorities of the Strategy are to:
- Support the provision of well-designed homes, across all tenures, that are affordable, sustainable and suitable for people's needs; bring into use long term empty homes.
  - Work with partners to reduce homelessness by meeting the housing and support needs of those who are homeless or at risk of or homelessness, including rough sleepers.

- Address fuel poverty issues and improve the quality and suitability of housing in the district.
9. As Members will be aware the Council fulfils its duties under the Housing Act 1996 through its Housing Needs Service. The Council service offers advice, assistance and support and is focussed on homelessness prevention. We are able to offer practical assistance in the form of social housing, rent in advance and deposits to support access to private rented accommodation and temporary accommodation to all households with children. We work closely with our partners in social and health services to ensure households with children are supported.
  10. Housing Benefit is administered by the Council. It is a heavily regulated benefit and its scope is determined by National Government. It supports low income households meet the rental cost of accommodation. Since the introduction of Universal Credit there has been a steady decline in the number of working households in Rother eligible to claim Housing Benefit.
  11. As Members will be aware from the work of the Housing Task & Finish Group, the amount of Housing Benefit does not necessarily cover the full rental cost. This is primarily the case for those households renting in the private sector. Rents in the private sector can be significantly more than Housing Benefit is allowed to pay. The Council does have access to funds from the Government to help households on a temporary basis with their rent until more affordable property can be found. In total for 2019/20 £171,000 is available through the Council's Discretionary Housing Payment Scheme.
  12. The Council also helps to alleviate poverty through its Council Tax Reduction Scheme. This provides relief from Council Tax up to a maximum of 80% for working households. Pensioners still have access to the nationally set scheme which provides up to 100% relief from Council Tax.
  13. This means low income households in a Council Tax Band C property could typically pay £350 per annum towards their Council Tax against a full charge of around £1,740. There is an Exceptional Hardship Fund in place to help those households experiencing severe financial difficulties. As part of accessing this fund the Council works closely with organisations such as Citizens Advice to provide guidance and support in households to manage their money.

### **Levels of Poverty**

14. In Rother 30.5% of households are defined as being in income poverty. This is above the average for the South East (22.9%) and England (28.3%). Income poverty is defined by an income that is below 60% of national median household income, which in 2015 was £17,217.

## Households in poverty – Rother relative to East Sussex, South East and England

	Total number of households	Number of households below 60% of national median	Percentage of households below 60% of national median
England	22,818,109	6,453,002	28.3
South East	3,692,838	845,538	22.9
East Sussex	239,884	68,802	28.7
Rother	41,741	12,731	30.5

## Households in poverty – Rother relative to East Sussex districts and boroughs

	Total number of households	Number of households below 60% of national median	Percentage of households below 60% of national median
Eastbourne	46,264	15,085	32.6
Hastings	41,994	14,588	34.7
Lewes	44,037	11,549	26.2
Rother	41,741	12,731	30.5
Wealden	65,848	14,850	22.6

Source: CACI household income estimates, 2014

15. However, aspects of poverty are related to more than just low incomes. There are a range of poverty indicators that include low education and employment outcomes; poor health and reduced life expectancy as well as barriers to accessing safe and affordable housing. The Indices of Multiple Deprivation (IMD) brings these factors together to provide an indication of the relative poverty of different areas within England. Rother is the 148<sup>th</sup> most deprived of English local authorities. The table below indicates that residents in Rother are experiencing particular challenges in employment and barriers to housing.

Indicator	Rother Ranking
Income	144
Employment	114
Education	128
Health	176
Barriers to Housing	121

16. While the average IMD score for poverty is not particularly high overall - compared to the rest of England - a more detailed view of the distribution of poverty throughout the district highlights a polarised picture between areas. The IMD segments England into Local layer Super Output Areas (LSOAs). Council wards are comprised of multiple LSOAs to enable a more precise statistical picture of England.
17. Rother has one LSOA (within Sidley) that is in the most deprived 10% in the UK. Rother also has five further LSOAs that are in the bottom 20% (within

Sidley, Rye, Bexhill Central (x2) and Eastern Rother). Rother also contains some of the least deprived LSOAs in England with five in the top 20% and one in the top 10% - all of which are in rural areas of the district.

## **Conclusion**

18. The questions raised by Councillors raise important questions about the nature and scale of poverty in the district and the Council's role as a lead agency in coordinating an effective response. The questions posed invite Councillors to review the role of the Council in meeting the challenges poverty presents as well as the role it wishes to take in the future.
19. The report highlights that there are pockets of significant deprivation in Rother concentrated in parts of Bexhill and Rye. The causes of poverty and child poverty are multiple and complex and effective solutions that address the causes of poverty are likely to be similarly complex to achieve. The Council will be required to continue to coordinate with the full range of services tasked with alleviating the symptoms of poverty.
20. There are significant constraints in the influence the Council and local partner agencies can have on the factors that cause poverty and future activity is likely to continue to focus on alleviating its symptoms.

## **Recommendation**

21. The Committee consider the formation of an anti-poverty Task and Finish group, consisting of six Members, to investigate the causes and effects of poverty locally and make recommendations to Cabinet to inform future Council policy. If agreed, Terms of Reference for the Task and Finish group will be developed.

Malcolm Johnston  
Executive Director

## **Risk Assessment Statement**

The ability of households to meet the cost of daily living has become more challenging in recent years and has contributed to a rise in homelessness, food bank use and associated costs to the Council. There is a risk that costs to the Council will be higher than they would otherwise have been if the Council chooses not to review its effectiveness within the wider system of agencies tasked with alleviating the symptoms of poverty, as is recommended.

Child Poverty rates in East Sussex

Rank	LSOA	Ward	Local Authority District name (2013)	Income Deprivation Affecting Children Index (IDACI) Score (rate)	National rank out of 32,844 LSOAs in England.
1	Hastings 005A	Baird	Hastings	75.50%	11
2	Hastings 005D	Tressell	Hastings	65.90%	56
3	Brighton and Hove 002D	Moulsecoomb and Bevendean	Brighton and Hove	61.30%	114
4	Hastings 004B	Ore	Hastings	50.10%	767
5	Hastings 011D	Central St Leonards	Hastings	49.80%	811
6	Brighton and Hove 008C	Hollingdean and Stanmer	Brighton and Hove	49.40%	866
7	Hastings 011A	Central St Leonards	Hastings	49.40%	867
8	Brighton and Hove 025C	East Brighton	Brighton and Hove	49.30%	882
9	Brighton and Hove 008A	Hollingdean and Stanmer	Brighton and Hove	48.20%	1052
10	Hastings 003A	Hollington	Hastings	48.10%	1068
11	Brighton and Hove 025E	East Brighton	Brighton and Hove	48.00%	1086
12	<b>Rother 007E</b>	<b>Sidley</b>	<b>Rother</b>	<b>47.60%</b>	<b>1146</b>
13	Brighton and Hove 025B	East Brighton	Brighton and Hove	47.50%	1161
14	Hastings 011B	Central St Leonards	Hastings	47.30%	1201
15	Hastings 009C	Castle	Hastings	46.80%	1285
16	Brighton and Hove 009C	Moulsecoomb and Bevendean	Brighton and Hove	45.60%	1503
17	Brighton and Hove 002C	Moulsecoomb and Bevendean	Brighton and Hove	45.00%	1614
18	Arun 004B	Ham	Arun	45.00%	1620
19	Hastings 009B	Castle	Hastings	44.80%	1661
20	Arun 014A	Bersted	Arun	44.30%	1780
21	Brighton and Hove 027E	St. Peter's and North Laine	Brighton and Hove	43.60%	1924
22	Brighton and Hove 009D	Moulsecoomb and Bevendean	Brighton and Hove	43.10%	2020
23	Brighton and Hove 025F	Hanover and Elm Grove	Brighton and Hove	42.40%	2177
24	Brighton and Hove 013B	Hangleton and Knoll	Brighton and Hove	42.30%	2203
25	Brighton and Hove 008E	Moulsecoomb and Bevendean	Brighton and Hove	42.20%	2229
26	Arun 004A	Ham	Arun	42.10%	2260
27	Brighton and Hove 025A	East Brighton	Brighton and Hove	41.10%	2527
28	Hastings 007E	Tressell	Hastings	41.10%	2530
29	Hastings 008E	Gensing	Hastings	40.70%	2646
30	Chichester 008A	Chichester East	Chichester	40.50%	2713
31	<b>Rother 004E</b>	<b>Rye</b>	<b>Rother</b>	<b>40.40%</b>	<b>2731</b>
32	Crawley 013D	Broadfield South	Crawley	40.40%	2738
33	<b>Rother 011C</b>	<b>Central</b>	<b>Rother</b>	<b>40.30%</b>	<b>2766</b>

<b>34</b>	<b>Hastings 011C</b>	<b>Central St Leonards</b>	<b>Hastings</b>	<b>40.00%</b>	<b>2835</b>
<b>35</b>	<b>Eastbourne 014C</b>	<b>Sovereign</b>	<b>Eastbourne</b>	<b>39.40%</b>	<b>3038</b>
<b>36</b>	<b>Eastbourne 001B</b>	<b>Langney</b>	<b>Eastbourne</b>	<b>39.30%</b>	<b>3059</b>
<b>37</b>	<b>Crawley 010A</b>	<b>Bewbush</b>	<b>Crawley</b>	<b>39.00%</b>	<b>3166</b>

**Answers to questions from Councillors**

1. How many families with dependent children were living in temporary accommodation on 1st August 2017, 2018 and 2019 and where were they located?
  - 2017 = 17 families - total 36 children
  - 2018 = 21 families – total 43 children
  - 2019 = 35 families – total 77 children
  
2. How long are families with dependent children living in temporary accommodation for? (What's the average stay in reporting year ending 2017, 2018 and 2019?)
  - 2017 = 8.4 weeks
  - 2018 = 10.7 weeks
  - 2019 = 15.6 weeks
  
3. How many families with dependent children have had council-related debt during 2017/19 and 2018/19?

The main Council related debt relating to household will be Council Tax. Unfortunately Council Tax Records only hold details of liable parties and not the household make up. The Council does hold information on children within households if they are in receipt of Housing Benefit. It would need to be investigated whether it is possible to carry out further analysis to derive some information on Council Tax debt from cross matching these two data sets.

It has however been possible to extract from the Council's Housing Benefit System, those households with children who owe the Council overpaid housing benefit. This normally arises from a change in the finances of a household. The following table provides some detail on this type of debt:

Year	All overpayments	Overpayments on claims with children	% of overpayment amount with children in household	Total Number	Number with children	% of overpayment number with children in household
2017/18	£1,312,996.70	£772,756.23	59%	2985	1682	56%
2018/19	£1,196,074.64	£636,532.09	53%	3274	1724	53%
2019/20 (to 31/8/19)	£250,145.44	£152,854.94	61%	994	597	60%

If debts with the council are related to other services, again it is unlikely that household make up is known and therefore further cross referencing of data sets would be required.

4. How many families with dependent children have been subject to visits by bailiffs during 2017/18 and 2018/19?

As indicated above, this information is not held by the Council or the instructed Enforcement Agents, as Council Tax Records only hold details of liable parties they do not hold any information on children within the households. The Council normally only uses Enforcement Agents for Council Tax debts and this follows an extensive recovery process undertaken by Council Officers.

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## OVERVIEW AND SCRUTINY COMMITTEE

<b>WORK PROGRAMME 2019 – 2020</b>		
<b>DATE OF MEETING</b>	<b>SUBJECT – MAIN ITEM (Capitalised)</b>	<b>Cabinet Portfolio Holder</b>
<b>14.10.19</b>	<ul style="list-style-type: none"> <li>• Review of Child Poverty</li> </ul>	<b>Clark</b>
<b>25.11.19</b>	<p><b>REPORT OF SERVICE LEVEL AGREEMENT TASK AND FINISH GROUP</b></p> <ul style="list-style-type: none"> <li>• Environmental Policy proposals</li> <li>• Performance Progress Report: Second Quarter 2019/20</li> <li>• Revenue Budget and Capital Programme Monitoring to September 2019</li> <li>• Housing (including affordable and social)</li> <li>• Medium Term Financial Strategy 2020/21 to 2023/24</li> </ul>	<b>Clark Field Oliver</b>
<b>27.01.20</b>	<p><b>DRAFT REVENUE BUDGET PROPOSALS 2020/21 KEY PERFORMANCE TARGETS 2020/21</b></p>	<b>Oliver</b>
<b>16.03.20</b>	<p><b>CRIME AND DISORDER COMMITTEE: TO RECEIVE A REPORT FROM THE COMMUNITY SAFETY PARTNERSHIP</b></p> <ul style="list-style-type: none"> <li>• Performance Progress Report: Third Quarter 2019/20</li> <li>• Revenue Budget and Capital Programme Monitoring to January 2020</li> </ul>	<b>Brewerton Oliver</b>
<b>27.04.20</b>	<p><b>WASTE CONTRACT REVIEW</b></p> <ul style="list-style-type: none"> <li>• Call-in and Urgency Procedures</li> <li>• Draft Annual Report to Council</li> <li>• Review of Task and Finish Groups / Outcomes</li> </ul>	<b>Oliver Prochak</b>
<b>ITEMS FOR CONSIDERATION</b>		
Tourism Review [Minute OSC18/52 – 29 April] Regeneration		

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