

CABINET

30 September 2019

Minutes of the Cabinet meeting held at the Council Chamber on Monday 30 September 2019 at 6.30pm.

Committee Members present: Councillors D.B. Oliver (Leader), Mrs C.A. Bayliss, C.A. Clark, Mrs D.C. Earl-Williams, K.M. Field, S.M. Prochak (Deputy Leader) and J. Vine-Hall.

Other Members present: Councillors R.K. Bird, J.J. Carroll, S.J. Coleman, P.C. Courtel, G.C. Curtis, B.J. Drayson, A.E. Ganly, K.M. Harmer, J.M. Johnson, Mrs E.M. Kirby-Green, L.M. Langlands, C.A. Madeley, C.R. Maynard, M. Mooney and P.N. Osborne.

Advisory Officers in attendance: Executive Director, Executive Director, Assistant Director Resources, Head of Service Strategy and Planning, Head of Service Acquisitions, Transformation & Regeneration and Democratic Services Officer

Also Present: 1 member of the press and 2 members of the public.

Publication Date: 3 October 2019

The decisions made under PART II will come into force on 11 October 2019 unless they have been subject to the call-in procedure.

CB19/45. **MINUTES**

(1)

The Chairman was authorised to sign the minutes of the meeting held on 2 September 2019 as a correct record of the proceedings.

CB19/46. **APOLOGIES FOR ABSENCE**

(2)

An apology for absence was received from Councillor T.J.C. Byrne, Chairman of Council.

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

CB19/47. **PROPOSED OPERATIONAL CHANGES TO THE PLANNING COMMITTEE**

(6)

Members received and considered Minutes PL19/43 and OSC19/21 arising from the Planning Committee and the Overview and Scrutiny Committee (OSC) meetings held on 15 August and 9 September 2019 respectively, that had considered proposed operational changes to the

Planning Committee, together with a report from the Executive Director.

During the discussion, the following points were noted:

- it was recommended and agreed that Members who were not present at site visits would be required to declare and while allowed to stay and contribute, they would not be allowed to vote;
- a Ward Member's unique local knowledge was considered to be hugely beneficial to Committee Members;
- the OSC had raised concerns over recommendation 3 limiting non-planning committee Members to five minutes per application and were recommending its removal;
- however, others felt limiting non-Planning Committee Members to five minutes per application or at the Chairman's discretion, allowed for flexibility if necessary;
- Members could raise a 'point of order' if they felt mis-information had been given at a meeting;
- Ward Members were not quasi-Members of the Planning Committee and therefore did not have equal rights to Committee Members; and
- recommendation 3 would embed in the Constitution the right of a non-Planning Committee Member to speak at Planning Committee.

RECOMMENDED: That the following proposed changes to the operation of the Planning Committee be approved and adopted:

- 1) the cut off time for any late submissions be 9:00am on the Monday before the Thursday Planning Committee;
- 2) all meetings of the Planning Committee be audio recorded in their entirety;
- 3) non-Planning Committee Members addressing Planning Committee be limited to five minutes per application or at the Chairman's discretion;
- 4) attendance at the formal Planning Committee site visits be compulsory for Planning Committee Members. Members who were not present at site visits will be required to declare and while they will be allowed to stay and contribute to the debate, they will not be allowed to vote; and
- 5) the Executive Director be authorised to make all consequential amendments to the Council's Constitution, Council practice and the Statement of Community Involvement.

CB19/48.
(7)

PERFORMANCE REPORT: FIRST QUARTER 2019/20

Members received and considered Minute OSC19/23 arising from the Overview and Scrutiny Committee (OSC) meeting held on the 9 September 2019.

The Head of Service Acquisition, Transformation and Regeneration led Members through a summary of the Council's performance against the selected indicators across four key areas (Housing and Homelessness, Benefits Performance, Waste and Recycling and Asset Income), giving the position at the end of the first financial quarter (1 April to 30 June 2019) for 2019/20.

The original Asset Income target of £1,520,000 was set prior to the budget setting for 2019/20; the budget was forecast at £1,939,000 including the income from the property investment strategy. Therefore, it was recommended the target in the performance indicator be adjusted accordingly to bring it into line with the income requirement included in the approved 2019/20 Revenue Budget.

The OSC had requested two additional recommendations - that Cabinet be requested to consider lobbying Government regarding the introduction of a charge on housing developers for development sites with planning permission that remain unbuilt for three years or more; and that performance indicators not meeting their targets be reported with suggestions for improvement from officers.

During discussion the following points were noted:

- performance against the Waste and Recycling target mostly represented the performance of the previous contractor;
- East Sussex County Council was responsible for processing recycling, Rother District Council was responsible for increasing rates of recycling. This was a challenge requiring further education for residents for which there was currently no budget;
- Members raised concerns over the difficulties incurred in identifying suitable temporary accommodation to suit different circumstances, i.e. families or individual applicants; and
- it was acknowledged that the time to process benefit claims applications depended on the correct information being provided by applicant in the first instance.

RECOMMENDED: That: the Asset Income target be increased to £1,939,000, to bring it into line with the income requirement included in the approved 2019/20 Revenue Budget; AND

***RESOLVED:** That

- 1) Government be lobbied regarding the introduction of a charge on housing developers for development sites with planning permission that remain unbuilt for three years or more; and

- 2) reports of performance indicators that have not met their target be accompanied by suggested recommendations for improvement from officers.

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

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 10 October 2019.

CB19/49. **ESTABLISHMENT OF A CLIMATE CHANGE STEERING GROUP**
(8)

Members considered the report of the Executive Director which outlined the proposed establishment of a Climate Change Steering Group and the terms of reference.

It was recommended and agreed to increase the number of Members sitting on the Steering Group to seven, and the Group to be made up as follows: Councillors S.J. Coleman, K.M. Field, P.J. Gray, L.M. Langlands, P.N. Osborne, S.M. Prochak and Mrs S. Hart.

Members recommended and agreed that officers explore resource implications of a designated officer to work with the Steering Group. It was also suggested that officers look into the possibility of an inter-officer group to work alongside the Steering Group and report back to the Group.

RESOLVED: That

- 1) a cross-party Steering Group be established in accordance with the Council's Motion declaring a climate emergency and the need to develop an action plan, comprising of the following seven Members - Councillors S.J. Coleman, K.M. Field, P.J. Gray, Mrs S. Hart, L.M. Langlands, P.N. Osborne and S.M. Prochak;
- 2) the terms of reference attached at Appendix 1 be agreed; and
- 3) officers be requested to explore resource implications of a designated officer to work with the Steering Group.

CB19/50. **COMBE VALLEY COUNTRYSIDE PARK COMMUNITY INTEREST COMPANY**

(9)

Members considered the report of the Executive Director which gave details of the Combe Valley Countryside Park Community Interest Company (CVCP CIC) whom had approached Rother District Council (RDC) to assist in formalising their financial arrangement with

Groundworks South, by providing a guarantee to pass the first phase of the Bovis Homes Ltd contributions from RDC to the CVCP CIC.

The CVCP CIC was set up to administer the Countryside Park in 2015 and it had been anticipated that this would be funded largely by financial contributions to RDC payable under Section 106 of the Town and Country Planning Act 1990 by the developers of the allocated land North East of Bexhill. However, the development had not progressed at the pace expected and this had left the CVCP CIC in financial difficulties. The next payment by the developers would be made on the occupation of 25% off the dwellings of the first phase of the development.

The contributions were to be used 'towards the improvement of the Combe Valley Countryside Park' but did not necessarily have to be provided to the CVCP CIC. The CVCP CIC had advised that their financial situation was such that, without certainty that the contribution would be paid, they could not continue to operate. However, the CVCP CIC was established by East Sussex County Council (ESCC), Hastings Borough Council (HBC) and Rother District Council (RDC), businesses, landowners and community stakeholders as the vehicle to direct the money for the delivery of the Countryside Park infrastructure.

The CVCP CIC had a board of directors including representatives of the three Councils, local businesses, landowners and stakeholders, including the Friends of Combe Valley and oversaw the strategic direction of the Countryside Park. The Board appointed a company 'Groundwork South' to assist in the administration and co-ordination of projects within the Countryside Park.

Initially, the three Councils each contributed c£18,000 per annum to administer Section 106 money of £400,000, payable by Southern Water, as a requirement of their waste water treatment works planning permission. Along with a Section 106 financial contribution from Biffa of £45,000, these funds had been spent on making the park accessible through the establishment of footpaths, bridges signage, etc. and had been spent in the timeframe required by the agreements. The CVCP CIC was reliant on future funding obtained through Section 106 agreements or grant funding they could secure.

The Countryside Park was intrinsically linked to the North East Bexhill development allocation and was reliant on this funding to continue delivering projects. Obligations to pay contributions towards the improvement of the Countryside Park were secured by Section 106 legal agreements attached to planning permissions relating to the development of land at North East Bexhill by both BDW Trading Ltd (Barratt Homes) and Bovis Homes Ltd. Barratt Homes paid a contribution of £101,088 to RDC which was transferred to the CVCP CIC through an Indemnity Agreement in August 2017.

Bovis Homes commenced construction of the first phase of their development in February 2019. A contribution of £187,200, exclusive

of interest and indexation, towards the improvement of the Countryside Park was payable to RDC on occupation of 25% of the first phase (occupation of 50 out of 200 dwellings within this phase). Bovis Homes had indicated that 25% occupation would be reached in 12-18 months from the current time; however, this was subject to the sales rate they achieved. There was therefore no certainty as to when 25% occupation would be reached.

Currently the CVCP CIC had no money, but Groundwork South had continued to assist with administering them despite being owed £61,145.10 (including VAT) in fees. Groundwork South had continued their support in 'good faith', on the basis that the CVCP CIC would receive the Section 106 money and settle the accruing debt.

RDC had been approached by the CVCP CIC, who had requested assistance to pay the monies currently owed to Groundwork South, which in turn RDC would recover from the Section 106 payable by the developer (Bovis Homes Ltd) to RDC on the occupation of 25% of the dwelling of the first phase.

Given the strategic importance of the Countryside Park and the CVCP CIC's work to date in progressing the project, it was recommended that RDC advance £61,145.10 to CVCP CIC in order to settle their debt with Groundwork South and confirm that RDC would transfer the balance of the 'Countryside Park Contribution' of £126,055, plus interest and indexation relating to the first phase of the Bovis development to the CVCP CIC on receipt, subject to the engrossment of an Indemnity Agreement. It was also recommended that no further payments of Section 106 monies were paid until a plan had been submitted and approved by the Council. The plan would need to address how the CVCP CIC would in future not get into debt.

RESOLVED: That:

- 1) the Combe Valley Countryside Park Community Interest Company be paid the sum of £61,145.10 to meet the amount outstanding to Groundwork South, which would be recovered from the Section 106 legal agreement financial contribution payable by Bovis Homes Ltd;
- 2) the Combe Valley Countryside Park Community Interest Company be assured that Rother District Council will pay on receipt the balance of the Section 106 legal agreement financial contribution of £126,055 and indexation and inflation receivable from the first phase of the Bovis Homes Ltd development towards the improvement of the Combe Valley Countryside Park, subject to the engrossment of an Indemnity Agreement; and
- 3) no further monies will be paid until a plan has been submitted and approved by the Council.

CHAIRMAN

The meeting closed at 7.02pm

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**Rother District Council
Climate Change Steering Group
Terms of Reference**

1. Purpose

On 16 September 2019 Full Council passed a motion declaring a 'Climate Emergency' and made a carbon neutrality commitment for Rother District with a target date of 2030. The Climate Change Steering Group has been established by Cabinet to **develop, plan and initiate the steps that the Council will need to take to meet this highly ambitious target.**

2. Objectives

- To produce an action plan or strategy that is designed to ensure that the operations of the Council are carbon neutral by 2030.
- To identify relevant existing powers that the Council may exercise, and any additional powers to be requested from Central Government, that could be used to encourage carbon neutrality throughout the district.
- To identify which policies, strategies and working practices of the Council might require amendment, and to outline a timescale for reviewing these.
- Identify and consult with existing external bodies and partnerships; and make recommendations on new partnerships that should be established to help achieve the 2030 target.
- Identify citizens across Rother who are climate champions for their communities and to use them to inform on ideas to implement locally.
- To investigate all possible sources of external funding and match funding to support this commitment.
- Investigate what Rother District Council can do to minimise the emission of gases other than CO₂ which adversely affect climate change.
- To present a pre-consultation draft action plan to Council for consideration no later than 24 February 2020, including recommendations for next steps and resource requirements.

3. Scope

For the purposes of this initiative, the operations of the Council are considered to be any action taken by the Council either institutionally or through its Members, staff, volunteers, and contractors in the discharge of its duties.

In developing the action plan the Steering Group will need to consider the existing carbon footprint of the Council, existing and emerging carbon reducing technologies, opportunities for change in institutional and personal

behaviour, the impact of Council property assets, and the likely financial cost and resource requirements for meeting the 2030 target.

The Steering Group will also consider wider issues related to climate change over which the Council might wield influence, but do not directly contribute to our own carbon footprint.

4. Membership and structure

The Climate Change Steering Group will be a cross party group of seven Members. The Group will be chaired by the Lead Member for Environment and Transport and will consist of one other Executive Member and five non-Executive Members, reflecting a broad political balance.

5. Meetings

The Steering Group will meet regularly, the frequency, time and venue to be decided by the Members in liaison with officers. Meetings will not be open to the general public, however Members may wish to organise public engagement events as part of the action plan development.