

CABINET

9 March 2020

Minutes of the Cabinet meeting held at the Council Chamber, Town Hall, Bexhill-on-Sea on Monday 9 March 2020 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 J. Barnes, Mrs M.L. Barnes, G.B. Browne, T.J.C. Byrne, J.J. Carroll, S.J. Coleman, Mrs V. Cook, G.C. Curtis, S.J. Errington, A.E. Ganly, P.J. Gray, K.M. Harmer, J.M. Johnson, Mrs E.M. Kirby-Green, C.A. Madeley, C.R. Maynard, P.N. Osborne, R. Thomas and H.L. Timpe.

Advisory Officers in attendance: Executive Director (MJ) (in part), Executive Director (TL) (in part), Head of Acquisitions, Transformation and Regeneration, Head of Strategy and Planning, Conservation Officer (in part), Housing Development, Programme Office and Policy Manager (in part), Finance Manager (in part), Human Resources Manager and Democratic Services Manager.

Also Present: Professor Andrew Larner and Dr Mike Blanch, Innovation, Incremental and Inventing Public Services, a member of the local press and 4 members of the public.

Publication Date: 13 March 2020

The decisions made under PART II will come into force on 23 March 2020 unless they have been subject to the call-in procedure.

Prior to the formal start of the meeting Councillor Mrs Earl-Williams paid tribute to former Councillor Patrick Douart who had recently passed away.

CB19/101. MINUTES

(1)

The Chairman was authorised to sign the minutes of the meeting held on 10 February 2020 as a correct record of the proceedings.

CB19/102. APOLOGIES FOR ABSENCE

(2)

An apology for absence was received from Councillor J.H.F. Brewerton.

CB19/103. DISCLOSURE OF INTERESTS

(5)

Declarations of interest were made by Councillors in the Minutes as indicated below:

J. Barnes	Agenda Item 6 – Personal Interest in so far as he was an elected Member of East Sussex County Council.
Bayliss	Agenda Item 9 – Personal and Prejudicial Interest as a Sponsor of Light Up Bexhill Community Interest Company.
Byrne	Agenda Item 9 – Personal and Prejudicial Interest as a Director of Light Up Bexhill Community Interest Company.
Clark	Agenda Item 6 – Personal Interest in so far as he was an elected Member of East Sussex County Council.
Mrs Cook	Agenda Item 8 – Personal Interest the application submitted by Battle Community Singers.
Mrs Earl-Williams	Agenda Item 6 – Personal Interest in so far as she was an elected Member of East Sussex County Council.
Field	Agenda Item 6 – Personal Interest in so far as she was an elected Member of East Sussex County Council.
Madeley	Agenda Item 9 - Personal and Prejudicial Interest as a Member of Light Up Bexhill.
Maynard	Agenda Item 6 – Personal Interest in so far as he was an elected Member of East Sussex County Council.
Timpe	Agenda Item 9 – Personal and Prejudicial Interest as a Director of Light Up Bexhill Community Interest Company.

CB19/104. **EXCLUSION OF PRESS AND PUBLIC (EXEMPT INFORMATION)**
(12)

RESOLVED: That the press and public be excluded whilst matters containing exempt information, as prescribed by Part 1 of Schedule 12A of the Local Government Act 1972, as amended and relating to Minute CB19/111 was under consideration. The report submitted in connection with this item and which contains information exempt from publication by virtue of Part 1 of Schedule 12A to the Act shall remain confidential if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

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

CB19/105. **HIGH WEALD AREA OF OUTSTANDING NATURAL BEAUTY (AONB) HOUSING DESIGN GUIDE**

(10)

The High Weald Area of Outstanding Natural Beauty (AONB) Partnership, which included the 15 local authorities with land in the AONB, had prepared a Design Guide for new housing development in the High Weald to support the objectives of High Weald AONB Management Plan 2019-2024, adopted by this Council in February 2019.

The Housing Design Guide aimed to give succinct, practical and consistent advice to set clear design expectations for new housing development within the High Weald AONB. This would help to ensure higher quality and landscape-led design that reflected intrinsic High Weald character, and was embedded with a true sense of place, without stifling innovation and creativity. It was noted that whilst the Design Guide was not a formal planning policy document as such, it would be a material consideration in relation to planning policy and the determination of planning applications. It was considered by some Members that the Housing Design Guide did not go far enough to reinforce the need for sustainability policies.

The Housing Design Guide aligned well with the adopted Rother Local Plan Core Strategy, in particular – Policy EN3: Design Quality. The Guide would help support this Council's various roles in the planning process, from Plan-Making, through to Neighbourhood Plan liaison, and the Development Management process, helping to successfully deliver housing requirements and meet National Planning Policy Framework and Core Strategy policy objectives. Following adoption, it was intended that the Design Guide would be promoted on the Council's website, circulated directly to Parish and Town Councils and Neighbourhood Planning groups, and to housing developers working in the district.

It was considered that the High Weald AONB Housing Design Guide was a supportable and appropriate framework for considering housing design in the AONB and could be adopted as a material consideration in the determination of planning applications.

RECOMMENDED: That the High Weald Area of Outstanding Natural Beauty Housing Design Guide be formally adopted as a material consideration in the determination of planning applications.

CB19/106. **PROBITY IN PLANNING - REVISED GUIDANCE NOTE ON THE ROLE OF COUNCILLORS AND OFFICERS**

(11)

Cabinet received and considered Minute PL19/117 arising from the meeting of the Planning Committee held on 13 February 2020 that had considered the revised Probity in Planning Advice for Councillors and Officers making planning decisions issued by the Local Government Association and Planning Advisory Services.

The revised guidance reflected on changes to legislation and the 2019 National Planning Policy Framework. It clarified how Councillors could get involved in planning discussions on plan making and on applications, on behalf of their communities, in a fair, impartial and transparent way. Three areas were specifically highlighted, as the advice had significantly changed or been updated, namely how Councillors dealt with social media; predisposition, predetermination or bias; and the role of legal support.

A Member of the Planning Committee raised concern that the Cabinet Portfolio Holder for Strategic Planning was also the Chairman of the Planning Committee which gave rise to a potential conflict of interest and went against the guidance. It was noted that the guidance advised that in smaller Councils it was acceptable for Cabinet Portfolio Holders to be on the Planning Committee and exercise caution regarding possible conflicts of interest.

The purpose of the guide was to assist Members in their community engagement role whilst making good standards of probity. It was recommended that the guidance be adopted and incorporated into the Council's Constitution.

RECOMMENDED: That the best practice advice 'Probity in Planning: for Councillors and officers' second revised edition 2019 be adopted as guidance and incorporated into the Council's Constitution.

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 20 March 2020.

CB19/107. CALL-IN - DESTINATION LEISURE: BEXHILL REDEVELOPMENT OF EXISTING LEISURE FACILITIES

(6)

At Cabinet's last meeting consideration was given to a comprehensive report on the background and progress made to date to bring forward a complex project of the redevelopment of the existing leisure facilities in Bexhill. Cabinet had resolved to defer the matter until the Bexhill Leisure Centre Steering Group had met to consider the project in more detail. Their findings would be reported to Cabinet in April 2020.

The decision had subsequently been called-in by the Overview and Scrutiny Committee and considered at its meeting on 26 February 2020. A copy of the report and Minute arising from this meeting had been circulated to Members of Cabinet for their reconsideration.

The Chairman of the Overview and Scrutiny Committee, Councillor Osborne, addressed Cabinet and reported that the Scrutiny Committee had conducted a review of the decision and requested that Cabinet reconsider its previous decision for the following reasons:

- land ownership issues were still prevalent and that access rights were still to be settled;

- the whole project and, in particular, the housing element had, as a consequence of the decision been delayed by Cabinet's decision to defer the recommendations. The Council's lack of a current 5-year supply of land for housing was significant and cause for concern;
- further delays opened the project up to increased costs and risks; and
- consideration be given to extending an invitation to Councillor Carroll to join the Steering Group.

The Leader thanked the OSC for their consideration of the decision made by Cabinet. Through the call-in process it had become apparent that there had been some Cabinet Member confusion over what had been resolved at the previous meeting. Cabinet confirmed that it had intended to agree an extension to the Bexhill Leisure Centre and Bexhill Leisure Pool contracts to secure continued operation of the existing facilities from 1 April 2021 and that the Compulsory Purchase Order process be commenced. Cabinet did not agree however that Councillor Carroll be invited to join the Steering Group. The Leader hoped that all Members would take an interest in this important Project and attend meetings of the Steering Group in any event.

RESOLVED: That project progress be noted and the Executive Director, in consultation with the Cabinet Portfolio Holder for Safer Communities and Communications, Young People, Sport and Leisure, be granted delegated authority to:

- 1) agree an extension of the Bexhill Leisure Centre and Bexhill Leisure Pool contracts to secure continued operation of the existing facilities from 1 April 2021 up to the planned closure, of each centre;
- 2) begin the Compulsory Purchase Order process for land at the former high school site and access, subject to a full report to follow;
- 3) establish a Bexhill Leisure Centre Steering Group as per the Terms of Reference attached at Appendix 5 (to the original report dated 10 February 2020); and
- 4) that further progression of the project be deferred (save for recommendations 1, 2 and 3 above) and referred to the Bexhill Leisure Centre Steering Group for recommendation to Cabinet in April 2020 and the following recommendations from the original report dated 10 February NOT be supported at the current time:

Recommendation to COUNCIL: That £5m from either the Strategic Community Infrastructure Levy fund or borrowing (subject to affordability) or other funding sources be allocated to this project, noting the overall funding approach set out at Appendix 3; and that the Capital Programme be updated for the estimated costs and funding as detailed in the report; and

3) to appoint an Employer's Agent and an Architect to carry out detailed design work and preparation of a reserved matters application to be funded from capital project budget previously committed.

(Councillors J. Barnes, Clark, Mrs Earl-Williams, Field and Maynard each declared a personal interest in this matter in so far as they were elected Members of East Sussex County Council and in accordance with the Members' Code of Conduct remained in the room during consideration thereof).

(This executive decision is not subject to call-in procedure under Rule 16 of the Overview and Scrutiny Procedure Rules as it has already been subject to the call-in procedure).

CB19/108. REVENUE BUDGET AND CAPITAL PROGRAMME MONITORING - QUARTER 3 2019/20

(7)

Members received and considered the report of the Executive Directors on the Revenue Budget and Capital Programme Monitoring Quarter 3 2019/20. The report contained details of the significant variations of the Revenue Budget and updated Capital Programme.

Since the last report to Cabinet, there had been one reportable variation following a review of the Council's capital expenditure financing requirement.

Overall the cost of services identified a deficit of £698,000 which represented a decrease of £390,000 from the Quarter 2 forecast reported in November 2019. The voluntary redundancy programme was likely to cost in the region of £450,000 to £500,000 but would deliver on-going savings in excess of this amount. If these costs were incurred in the 2019/20 financial year they would be additional to the £698,000 above.

The main reasons for the variations since the last forecast report were attributed to additional income from the Community Infrastructure Levy administration, Land Charges and rent income as well as lower than anticipated spend on waste services, homelessness, staff vacancies and Housing Benefit payments recovered from the Department for Work and Pensions. However these reductions were offset by further spending in respect of legal costs for planning appeals, payroll consultancy costs, the replacement of broken play equipment in Rye and accountancy restructuring costs.

Investment returns were in-line with the budget although the final year end position would depend on treasury management and property investment decisions made between now and finalising the financial year accounts. Reserves would be used to meet £650,000 of capital expenditure; which was a small reduction of £46,000 compared to the last forecast. Delays in acquiring properties under the Property Investment Strategy had reduced the anticipated level of external borrowing, which in turn reduced the amount required to be set aside for the Minimum Revenue Provision by £428,000.

The council tax part of the Collection Fund was currently forecast to be in surplus by £744,000 at year end and Rother's share was estimated to be £91,000. This has been reflected in the 2020/21 budget.

Business rates were forecast to be in surplus of £1.8m by year end and Rother's share was estimated to be £758,000. This had also been reflected in the 2020/21 budget.

Capital spend to the end of December 2019 totalled £13.6m which included the purchase of the freehold of Market Square, Battle, as identified in Appendix A to the report.

Monitoring spend and income would continue in order to mitigate additional costs and its impact on the Council's reserves.

RESOLVED: That the report be noted.

CB19/109. COMMUNITY GRANT SCHEME - ROUND 2

(8)

The Council's Community Grant Scheme (CGS) made provision for up to £130,000 per annum to be made available to community groups or organisations that met the specific grant criteria of the Scheme. In September 2019, Cabinet awarded a total grant of £67,541 including £500 through the Small Grants Scheme, £10,000 towards Victory in Europe Day celebratory events and £15,000 towards the Healthy Aging and Innovation in Rural Europe project. Therefore the opening balance of the Rother CGS was £36,959. Round 2 for 2019/20 closed on the 15 January 2020; 11 applications had been recommended for approval, subject to specific conditions as detailed within the report.

Cabinet was reminded that conditions were applied when awarding grants; specifically, that full funding was required to be obtained in advance of any Rother payments being made and that Rother District Council was acknowledged in any publicity and promotional material associated with any project. It was noted that the total amount committed from the overall budget would be £171,008, an overspend of £41,008. After discussion, Cabinet approved all 11 grants and agreed that the shortfall be funded from the Medium Term Financial Plan earmarked reserves. It was noted that the final shortfall may be less than the £41,008 as not all projects would proceed to delivery and completion.

Members thanked the officers and Panel members for their work in supporting the community grants process. It was noted that the level of match-funding brought into the projects as a result of this Council's funding was calculated every year and this information would be made available to Members in due course.

Members were also keen to explore alternative funding methods such as a local lottery, use of local Community Infrastructure Levy (CIL) money or crowd funding and tasked the Community Grants Panel to consider these other options and report back to the CIL Steering Group and ultimately Cabinet in due course.

RESOLVED: That:

- 1) the Community Grants listed below, as recommended by the Grants Panel be approved, subject to specific conditions relating to each application:

Battle Community Singers – £1,400
Battle Memorial Hall – £4,000
Camber Parish Council – £29,340
Hastings & Rother Furniture Service – £7,350
Robertsbridge Cricket Club – £10,000
Stonegate Village Hall – £6,000
St. James The Great Church – £5,000
Strandliners – £877
The Archive Resource Centre, Pett Village Hall – £3,000
Camber Memorial Hall – £5,000
Battle Local Action Planning Group – £5,000;

- 2) should each application proceed to delivery and completion, any resulting shortfall be funded from the Medium Term Financial Plan earmarked reserve; and
- 3) the Community Grants Panel be requested to review the Community Grants Scheme and consider alternative funding methods such as a local lottery, use of local Community Infrastructure Levy money or crowd funding and report back to the CIL Steering Group and ultimately Cabinet in due course.

(Councillor Mrs Cook declared a personal interest in this matter in so far as she was involved with the Battle Community Singers and in accordance with the Members' Code of Conduct remained in the room during consideration thereof).

CB19/110. **FUNDING GRANT TO LIGHT UP BEXHILL COMMUNITY INTEREST COMPANY TO SUPPORT THE DELIVERY OF VE DAY CELEBRATION EVENT**

(9)

A request had been received from Light Up Bexhill Community Interest Company (LUBCIC) for a grant of £5,000 towards the cost of delivering a Victory in Europe (VE) Day celebration event on the De La Warr Pavilion lawns on 8 May 2020 (VE Day).

LUBCIC was a 'not for profit' organisation consisting of three Directors, two of which were Rother District Councillors. The objective of LUBCIC was to provide Christmas Lights and festivities in Bexhill. The report outlined the planned celebratory events and breakdown of expected costs which totalled £6,630.

Cabinet had previously agreed to ring-fence £10,000 from the Council's Community Grant Scheme (CGS) budget to match fund small grants up to £500 for VE Day celebrations. Members were advised that additional funding of £18,000 was available through the Rother Visitor Events (RVE) budget. The fund was open Rother wide and bids were encouraged between £250 and £2,000. It was noted that LUBCIC's

application did not meet the criteria for either schemes. Therefore the following options were available for consideration:

- up to £5,000 from the Medium Term Financial Plan (MTFP);
- up to £2,500 (50% of grant request) from (MTFP);
- £500 from VE Day CGS; or
- up to £2,000 from RVE scheme.

After consideration, Cabinet agreed to support the event by awarding a grant of £2,000 from the VE Day CGS that had sufficient funds remaining, subject to the following conditions being met:

- evidence of the total costs for the day were provided;
- a full risk assessment was completed (submitted) and been agreed as satisfactory;
- evidence of event insurance cover was submitted; and
- evidence of sponsorship or further funding to cover any shortfall.

RESOLVED: That funding of up to £2,000 be offered from the Rother VE Day Community Grant Scheme, subject to the conditions set out above.

(Councillor Mrs Bayliss declared a personal and prejudicial interest in this matter in so far as she was a Sponsor of Light Up Bexhill Community Interest Company and in accordance with the Members' Code of Conduct left the room during the consideration thereof).

(Councillors Byrne and Timpe each declared a personal and prejudicial interest in this matter in so far as they were Directors of Light Up Bexhill Community Interest Company and in accordance with the Members' Code of Conduct left the room during the consideration thereof).

(Councillor Madeley declared a personal and prejudicial interest in this matter in so far as she was a Member of Light Up Bexhill and in accordance with the Members' Code of Conduct left the room during the consideration thereof).

CB19/111. COUNCIL TRANSFORMATION: STAGE 1 (PARAGRAPHS 1, 2 AND 4)

(13)

Earlier in the meeting when the Leader of the Council gave notice of this additional agenda item, the Conservative Group Leader had queried the rational for the report to be taken as an additional agenda item and taken in confidential session and requested that the report be deferred until the April meeting of Cabinet to enable all Members to fully digest the report; these comments were noted.

Members gave consideration to the confidential report of the Leader of the Council that set out the rationale for an ambitious plan to transform the Council to enable it to improve services, the wellbeing and development of the communities and create a more open and democratic local governance.

The plan involved proposals for a senior officer restructure at the top of the organisation followed by a reorganisation lower down the authority. Cabinet requested that the Licensing and General Purposes Committee be tasked with considering the proposals and making recommendations to Full Council in due course.

It was recommended that in order to avoid “reinventing the wheel”, support was sought from neighbouring councils which had already been through a successful transformation and guidance from local government partners, including the Local Government Association (LGA) and Innovation, Incremental and Inventing Public Services (iESE), the public sector transformation partner. To this end it was recommended that the £42,300 costs be met from the revenue reserve. In order to allow the Council to procure the services from iESE who had already provided support to the Leader of the Council, it would be necessary to waive procurement procedure rules.

RESOLVED: That:

- 1) the proposed senior officer structure outlined in the report be supported in principle;
- 2) the matter be referred to the Licensing and General Purposes Committee to consider the proposals contained therein and report to Full Council;
- 3) the engagement of the not for profit social enterprise Innovation, Incremental and Inventing Public Services, working with the Local Government Association and local authorities, to assist and guide this process and the wider transformation agenda be approved, with costs to be met from the revenue reserve; and
- 4) procurement procedure rules be waived under the Teckal exemption for Innovation, Incremental and Inventing Public Services, the public sector transformation partner.

(This matter was considered exempt from publication by virtue of paragraphs 1, 2 and 4 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended).

(The Leader had accepted this item onto the Agenda as an Additional Agenda Item in order for the matter to be progressed and referred to the Licensing and General Purposes Committee without any undue delay).

(In accordance with Regulation 5(7) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 the Chairman of the Overview and Scrutiny Committee had agreed that this item was urgent and compliance with the above regulations in respect of private meetings was impractical).

CHAIRMAN

The meeting closed at 7:20pm.

