

**CABINET**

27 July 2020

Minutes of the Cabinet meeting held remotely on Monday 27 July 2020 at 6.30 pm.

Committee Members present: Councillors D.B. Oliver (Leader), Mrs C.A. Bayliss, J.H.F. Brewerton, T.J.C. Byrne, K.P. Dixon, K.M. Field, S.M. Prochak (Deputy Leader), H.L. Timpe and J. Vine-Hall.

Other Members present: Councillors J. Barnes, Mrs M.L. Barnes, R.K. Bird, J.J. Carroll, S.J. Coleman, Mrs V. Cook, P.C. Courtel, G.C. Curtis, B.J. Drayson, Mrs D.C. Earl-Williams, A.E. Ganly, P.J. Gray, K.M. Harmer, J.M. Johnson, Mrs E.M. Kirby-Green, C.A. Madeley, C.R. Maynard, A.S. Mier, P.N. Osborne and G.F. Stevens.

Advisory Officers in attendance: Executive Director (MJ), Executive Director (TL), Assistant Director Resources, Head of Acquisitions, Transformation and Regeneration, Head of Housing and Community, Finance Manager, Democratic Services Manager and Business Support Assistant.

Also Present: 15 members of the public via the YouTube live broadcast.

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Publication Date: 31 July 2020

The decisions made under PART II will come into force on 10 August 2020 unless they have been subject to the call-in procedure.

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CB20/15. **MINUTES**

(1)

The Chairman was authorised to sign the minutes of the meeting held on 8 June 2020 at a later date as a correct record of the proceedings.

CB20/16. **APOLOGIES FOR ABSENCE**

(2)

There were no apologies for absence.

CB20/17. **DISCLOSURE OF INTERESTS**

(5)

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

Barnes, J                      Agenda Items 6 and 18 – Personal Interest as an elected Member of East Sussex County Council.

Bayliss                        Agenda Items 17 and 18 – Personal Interest as potentially eligible for a grant under the Discretionary Business Grants Scheme and an active campaigner to save affordable childcare provision in Bexhill and one of the nurseries was in

her Ward.

Brewerton	Agenda Items 17 and 18 – Personal Interest as potentially eligible for a grant under the Discretionary Business Grants Scheme and an active campaigner to save affordable childcare provision in Bexhill.
Coleman	Agenda Item 18 – Personal Interest as an active campaigner to support nursery provision in Bexhill and one of the nurseries was in his Ward.
Mrs Cook	Agenda Item 14 – Personal Interest as her son worked as a British Airways Pilot operating out of Gatwick Airport.
Courtel	Agenda Items 14 and 18 – Personal Interest as a member of the GMB and donor to Greenpeace and an active campaigner to support affordable nursery provision in Bexhill respectively.
Mrs Earl-Williams	Agenda Items 6 and 18 – Personal Interest as an elected Member of East Sussex County Council.
Field	Agenda Items 6 and 18 – Personal Interest as an elected Member of East Sussex County Council.
Harmer	Agenda Item 17 – Personal Interest as a previous recipient of the initial Discretionary Business Grants Scheme.
Maynard	Agenda Items 6, 11 and 18 – Personal Interest as an Executive Member of East Sussex County Council.
Vine-Hall	Agenda Item 17 – Personal Interest as a previous recipient of the initial Discretionary Business Grants Scheme.

CB20/18. **THE RAVENSIDE GATEWAY ROUNDABOUT IMPROVEMENT PROJECT**

(6)

Officers, along with the Leader of the Council had been working in conjunction with Highways England (HE) and East Sussex County Council (ESCC) to investigate options and costs to enhance the appearance of the Ravenside roundabout and put a sustainable management solution in place. The roundabout was situated at an important gateway into Bexhill-on-Sea and its unkempt appearance had been a cause of resident dissatisfaction for many years.

HE was agreeable in principle to Rother District Council (RDC) taking on responsibility for improving and maintaining the roundabout and RDC officers had therefore explored the options to do so. ESCC had a successful roundabout sponsorship scheme and their experience in

this and expertise in traffic management and health and safety for works on the Highway, meant that they would play a key role in facilitating the project.

The proposed project had had two phases, clearance followed by the installation of a sculpture and hardstanding. It was envisaged that it would take least 18 months to complete with the first phase potentially commencing in autumn 2020.

The report gave details of the project and necessary actions, summarised as follows:

- RDC would have to enter into a Section 96 Agreement with HE (similar to an existing agreement for the roundabout at Little Common);
- a traffic management plan would be required to support any work carried out and officers were working with HE and ESCC in this regard;
- there would be a one-off tidy up and application of herbicide (phase 1) (could be actioned ahead of Section 96 Agreement being in place, subject to a traffic management plan);
- the installation of a sculpture (phase 2) and the construction of a hard surface across the roundabout (this would require a road closure to be in place); and
- the sculpture would be commissioned through a tender process invited from Sussex-based professional sculptors and decided by a Panel comprising of the Leader of the Council, the Lead Cabinet Member for Communities, Culture & Tourism, the Pebsham and St. Michaels' District Ward Members and the East Sussex County Councillor for East Bexhill.

In order to support the project costs officers would liaise with ESCC and their sponsorship partner to secure sponsors for the roundabout and investigate other sources to provide match funding for the sculpture against RDC's committed funding. Currently, prior to investigations into traffic management and underground facilities having been made, the total cost of the project was estimated to be around £150,000-£200,000 including the clearance of the roundabout, traffic management and the installation of the sculpture. These costs would need to be met from other funding sources as the Council's reserves were under considerable pressure and uncertainty, especially through the impact of the COVID-19 pandemic.

It was therefore suggested that the project progressed, using the allocation of the Bexhill (local) Community Infrastructure Levy (CIL) receipts that currently amounted to £174,709 and that the project funding from CIL be capped at £150,000. The amount of funding required from the CIL would be dependent on the success of the sponsorship.

Members were keen to support the project which had been a source of resident dissatisfaction for a long time and requested that officers give thought to ways of increasing public participation in the project such as a design competition, working with local schools or consultation on a shortlist of designs.

**RECOMMENDED:** That the cost of the Ravenside Roundabout Project be met from external sponsorship and the Bexhill (local) Community Infrastructure Levy, capped at a total contribution of £150,000, and the Capital Programme be amended as appropriate;

**AND**

**\*RESOLVED:** That, subject to the approval of the funding:

- 1) the Ravenside Roundabout Project, including the installation of a bespoke gateway sculpture to Bexhill-on-Sea be supported;
- 2) the Executive Director be authorised to enter into a Section 96 Agreement with Highways England; and
- 3) officers be authorised to commission the sculpture through a tender process with invited Sussex-based professional sculptors and a Ravenside Roundabout Sculpture Panel be established, comprising of the Leader of the Council, the Lead Cabinet Member for Communities, Culture & Tourism, the Pebsham and St. Michaels' District Ward Members and the East Sussex County Councillor for East Bexhill to manage the tender, consultation, design stage and delivery.

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

(Councillors J. Barnes, Mrs D.C. Earl-Williams and Field 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 the consideration thereof).

(Councillor Maynard declared a personal interest in this matter in so far as he was an Executive Member of East Sussex County Council and in accordance with the Members' Code of Conduct remained in the room during the consideration thereof).

CB20/19.  
(7)

## **STREET NAMING AND PROPERTY NUMBERING POLICY**

At the Cabinet meeting held in June, the draft Street Naming and Property Numbering Policy (SNPN) was referred to officers for amendment in three key areas as follows:

- a. clarity over the decision-making process and appeals procedure;
- b. requiring consultation with Parish and Town Councils part of the policy; and
- c. reviewing options for charging for the registration.

The draft SNPN Policy now incorporated these changes and proposed a charging system that was in-line with those implemented by some authorities and Cabinet was requested to recommend the revised Policy to Council as set out at Appendix A to the report.

The SNPN Policy changes were mostly administrative, largely around the increasing use of digital technology to support submission of on-line applications. Improvements had also been made throughout the document to aid general understanding and to reflect the changing technology incorporated into Council processes.

The process for Appeals and Complaints had also been refined with the Licensing and General Purposes Committee listed as the Council's secondary escalation point following a decision by the Street Naming and Property Numbering Officer.

Members were pleased to see the amendments that had been made, particularly the liaison with the Parish and Town Councils across the district who were now actively involved in deciding new street names within their localities. Whilst liaison with local Ward Members was not expressly set out in the Policy, Members were able and encouraged to contact the Street Name and Numbering Officer to put forward suggestions when new local developments were being planned.

**RECOMMENDED:** That:

- 1) the revised Street Naming and Property Numbering Policy be approved and adopted; and
- 2) the Functions and Responsibilities of the Licensing and General Purposes Committee be amended to include the determination of appeals under the Public Health Act 1925, Sections 17 - 19, with regard to Street Naming and Numbering.

CB20/20.

## **CONSULTATION REPORT - DRAFT ROTHER DISTRICT COUNCIL ENVIRONMENT STRATEGY**

(9)

Following the Climate Emergency Motion agreed at full Council in September 2019, the development of the draft Rother Environment Strategy and Action Plan was approved for public consultation by Cabinet in February 2020.

The report gave details of the consultation exercise that ran from 25 February until 18 May 2020, the groups that had been directly targeted to take part and the promotional activities undertaken to alert all stakeholders to the consultation. It was noted that the Bexhill Environmental Group had been made aware of the consultation and had responded in partnership with the Rother Environmental Group. In total 135 responses were received via the online survey, email, letter and organisations directly targeted. The ability to promote the draft strategy and engage local champions had been hindered by the COVID-19 measures and whilst this resulted in a lower than expected return for a consultation of this prominence, the quality of the response was good.

The Climate Change Steering Group (CCSG) considered the outcome of the consultation at their meeting held on 2 July 2020, which included 10 further suggested recommendations. The CCSG recommended

that the draft strategy be amended by the inclusion of the following seven items before submission to Council for approval:

To be included in the Strategy and Action plan:

- Supply Chains – to ensure that procurement assessment gave greater weight to the environmental impact of the companies with which the Council contracts, including assessments of their supply chains.
- Public Transport – To include activity that would improve the standard, environmental impact and frequency of Public Transport throughout the District as well as promoting its use amongst residents.

To be referred to in the strategy but not included in the action plan at this stage:

- Light Pollution and Dark Skies – to be addressed initially in the Local Plan review.
- References to the High Weald Management Plan - to be addressed initially in the Local Plan review.
- Address Ecological Collapse and Biodiversity Crisis - to be addressed initially in the Local Plan review.
- Include Farmland and the Working Countryside - to be addressed initially in the Local Plan review.
- Vehicle Noise – To be reviewed again at a later date.

That the following three recommendations be kept out of the strategy at this time for the reasons indicated but continue to be considered for inclusion in future years once delivery of the strategy was underway:

- Reduction in Business Rates and Council Tax for Good Environmental Practice – expensive and unworkable.
- Review strategy again due to environmental effects of social distancing, new Government policy post COVID-19 etc. – the COVID-19 impacts would initially be addressed through the Economic Recovery Steering Group who should ensure that actions within the Economic Recovery Plan were compliant with and contributed towards the ambitions of the Environment Strategy.
- Hydrogen and Biomethane – elements of this were already being introduced through proposed changes to building regulations.

It was noted that a revenue budget had been approved for the delivery of the Environment Strategy and the appointment of the Environment and Policy Manager, who was due to commence employment soon. There would likely be a need for further expenditure as a programme of activity was developed, in order to meet the Council's target of a 'Carbon Neutral District' by 2030. Members paid tribute to Ben Hook and former member of staff Alison Spring who had been instrumental in the development of this Strategy.

**RECOMMENDED:** That the Rother Environment Strategy 2020-2030 be approved and adopted, subject to the inclusion of the items listed in paragraph 13 to the report and as detailed above, identified through the

consultation process and recommended by the Climate Change Steering Group.

CB20/21.  
(10)

## **INCORPORATION OF A LOCAL HOUSING COMPANY**

Following the Council decision in December 2019 to establish a Local Housing Company (the Company) it was now necessary for the Articles of Association and the Shareholders Agreement to be agreed and appoint the Company Directors to enable the corporation of the Company. The draft Articles of Association and Shareholders' Agreement were attached at Appendices A and B to the report respectively.

The Council's legal service, based at Wealden District Council, would act as the Company Secretary to ensure compliance with the Articles, and the appropriate conduct of meetings.

It was proposed that the Company be established as a 'company limited by shares' with the Council as the sole shareholder. It was suggested that the name of the Company be Alliance Homes (Rother) Limited; subject to officers confirming that this was a name that could be used. Once registered with Companies House the Articles, along with the nomination of Directors, would formally incorporate the Company. Whilst as sole shareholder the Council would have full decision-making power in relation to the Company, the Shareholder's Agreement would allow day to day operations of the Company to run smoothly. The Agreement defined the relationship between the Board of the Company and the shareholder and outlined the expectations of the shareholder in relation to the governance and management of the Company.

It was recommended that the Board of Directors (the Board) be made up of up to eight directors, a maximum of four Elected Members of Council (who would receive relevant training) and a maximum of four others who were not Elected Members of the Council. It was recommended that the four non-Council Members, appointed by the shareholder, should be sought from a range of backgrounds including finance, legal, commercial housing, and affordable housing.

To safeguard against conflicts of interest between the Housing Company and the Council as the sole shareholder, it was necessary that certain officers and Members were excluded from appointment to the Board, as follows: the Council Leader, the Chairman of the Audit and Standards Committee, an elected Member responsible for planning or any other Member appointed to the Council's Cabinet; or an officer of the Council who had responsibility for undertaking a statutory monitoring officer role or an executive director. It was noted and agreed that no Substantive Member of the Planning Committee would be appointed as a Board Director and that only full Council as the Shareholder could remove and appoint Board Members.

Schedule 1 of the Agreement outlined the powers that the Council choose not to delegate to the Board. However, it would be necessary to seek approval to exercise these powers from time to time and to

ensure effective decision making it was recommended that delegated authority to exercise these powers be granted to a 'Shareholder's Representative'. It was recommended that the Executive Director act as the Shareholder's Representative, exercising powers in consultation with the Cabinet Portfolio Holder for Finance and Performance Management.

It was recommended that the Head of Acquisitions, Transformation, and Regeneration was appointed under Section 3.2 of the Shareholder's Agreement as 'Chief Operating Officer' to oversee the day to day running of the Company and progression of the development of the Business Plan until the Board was convened.

It was noted that other matters related to the business would be considered as part of the business plan to be presented to Members at a later meeting, following the incorporation of the company.

**RECOMMENDED:** That:

- 1) up to four Elected Members of the Council (excluding any Substantive Member of the Planning Committee) and up to four other independent persons be appointed as Executive Directors of the company; and
- 2) the Executive Director be granted delegated authority to act as the 'Shareholder's Representative' allowing the use of reserved powers, in consultation with the Cabinet Portfolio Holder for Finance and Performance Management.

**AND**

**\*RESOLVED:** That:

- 1) Rother District Council's Local Housing Company's name be Alliance Homes (Rother) Limited (subject to confirmation);
- 2) the Articles of Association, attached at Appendix A, be agreed;
- 3) the issuance of a single share for the value of £1 to Rother District Council be approved;
- 4) the Shareholder's Agreement be agreed;
- 5) the Head of Acquisitions Transformation and Regeneration be appointed to act as the Chief Operating Officer, until such a time as the Board of Directors are able to convene; and
- 6) Wealden District Council to act as company secretary (named individual to be confirmed).

CB20/22.  
(8)

## **BEXHILL LEISURE FACILITIES OPERATION AND DEVELOPMENT**

At the Cabinet meeting held in June, it was agreed that due to the COVID-19 pandemic and the impact on leisure facilities and Council finances, the project Steering Group review the current situation and

options available for leisure provision. The 'Development of Former Bexhill High School site' was a long-standing Corporate Plan priority project consisting of a new leisure centre and housing.

The Steering Group met on 25 June 2020 and considered the following four options:

- a. Option 1: delivery of a new-build facility on the existing or an alternative site.
- b. Option 2: major refurbishment of the existing facilities.
- c. Option 3: continue with the existing facilities in their current condition (the 'do nothing' option).
- d. Option 4: do not retender the contract and close the Bexhill facilities.

Appendix A to the report provided detail on the analysis of each option, and a summary of the financial forecast supplied by the existing operator, as considered by the Steering Group. It was noted that the current operational contract was 'nil fee', it was expected that this would no longer be viable beyond March 2021.

The Steering Group's recommendation to Cabinet was that the Council should not rebuild or carry out a major refurbishment of the centres at this moment in time but undertake a modest programme of refurbishment with a view to seeking a new contract. Given the unknown financial implications of COVID-19 on the economy generally and the leisure sector, the Council should be mindful not to undertake a significant investment with the funding source being unknown and not relied upon. The Council would continue to review leisure requirements in the longer-term, including the possibility of a new facility as demand for leisure services and the financial climate became clearer.

In April 2020, it was agreed to provide Freedom Leisure (FL) with financial support under delegated powers (Officer Executive Decision 003 (OED003)). The decision provided FL with up to £38,000 per month to meet the financial gap in their revenue brought about by closure due to the COVID-19 pandemic on an open book accounting arrangement; the support was time limited until the leisure centres became operational again.

Whilst FL had reopened on the 25 July 2020, many restrictions remained in place and the number of customers FL could accommodate would continue to affect their revenue income in the short to medium term and continued financial support was being requested. Confidential Appendix B to the report gave details of the financial modelling FL had provided in order to operate the contract under the COVID-19 restrictions for the period August 2020 to March 2021. The total value of financial support that could be provided by the Council to FL was detailed at Confidential Appendices B and C to the report.

The Council was finalising the terms under which financial support payments were being reconciled as well as the terms under which future payments would be made between August 2020 and March

2021. The agreement would be in line with Public Procurement Notices (PPN) that had been produced by the Government to support such financial support packages between local authorities and their leisure services providers through the COVID-19 pandemic and the recovery phase. It was the intention of the Council to include within the agreement clawback clauses.

Without the Council's continued financial support, the contract between FL and the Council was unlikely to remain viable and the Council would need to explore alternative options to deliver leisure centre services. An additional recommendation was tabled and agreed that the PPN and legal agreement currently being drafted include confirmation that the funding support was being extended as an interest free loan or repayable grant to be repaid when FL reported an annual surplus of income or against any future charges from FL to the Council. In addition, FL be requested to supply forthwith the demographic data for the current membership for all FL members across the three sites.

With the proposed suspension of the Bexhill Leisure Centre redevelopment, officers would need to procure a new contract to maintain existing leisure services up to 31 March 2024. Legal advice confirmed that an operator could be appointed on the basis of a three year agreement whilst ensuring compliance with public procurement rules as the estimated value was under the threshold of the Concession Contracts Regulations 2016 and the Council's own Procurement Procedure Rules.

Members were disappointed that this project was effectively now on hold but recognised the rationale for doing so; thanks were expressed to the officers for the work over many years to progress the project thus far.

Members were reassured that the proposed housing strategy for the site would continue, therefore the necessary land acquisition and planning permissions for the residential development to the north of the existing leisure centre would progress. It was noted that from this point forward, the redevelopment of the leisure centre and the housing delivery on the site would be progressed as two separate projects.

**RESOLVED:** That:

- 1) the Bexhill Leisure redevelopment project be suspended;
- 2) a new leisure services contract be procured for the period March 2021 up to March 2024;
- 3) the Council continues to support Freedom Leisure with financial support - detailed at Confidential Appendices B and C - and support the mobilisation of leisure services across the three sites from August 2020 until March 2021;
- 4) a specification be developed for a modest refurbishment of the existing centres to be agreed at a later meeting;

- 5) the housing development on the site be continued and progressed, including work required to develop and submit a reserved matters planning application for the rear of the site;
- 6) the land acquisition and Compulsory Purchase Order be progressed where necessary; and
- 7) the legal agreement being drafted in line with recent Government Policy Procurement Notes includes the condition that the current period of funding support being provided to Freedom Leisure is repaid at such time that Freedom Leisure reports a surplus of income. In addition, Freedom Leisure be requested to supply forthwith the demographic data for the current membership for all Freedom Leisure members across the three sites.

(The Confidential Appendices in relation to this matter, as set out at Agenda Item 16 were considered exempt from publication by virtue of Paragraph 3 of Schedule 12A of the Local Government Act 1972, as amended. In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 Cabinet did not consider it necessary to exclude the press and public whilst considering this matter).

CB20/23. **REVENUE BUDGET AND CAPITAL PROGRAMME OUTTURN 2019/20**

(11)

Members received and considered the report of the Executive Directors on the Provisional Revenue Budget and Capital Programme Monitoring Quarter 4 2019/20. This report updated Members on the Council's finances as at the end of March 2020 and included a draft outturn for 2019/20. It was noted that this could change as a result of the external audit of the Council's financial accounts due to take place in August 2020.

The Council incurred a deficit of £207,000 in 2019/20, which was £491,000 lower than the Quarter 3 forecast. The Cost of Services showed a deficit of £748,000, which was £105,000 higher than the Quarter 3 forecast. This was partially offset by under spends on Non-Service budgets and Income, which reduced the Net Deficit at line to £207,000.

As part of the 2020/21 revenue budget considerations, the seeking of voluntary redundancies was one of the measures taken to balance the budget. The cost of redundancies was £316,851 and was paid in 2019/20. The gross ongoing saving was expected to be £490,000 per annum.

The main reasons for the variations as detailed in the report were attributed to underspends/savings on Disabled Facilities Grant (DFGs), staff vacancies and planning policy. The £207,000 deficit was attributed to purchase of IT equipment, Telephony costs etc. in response to the Coronavirus pandemic, redundancy payments, net rental income shortfalls, loss of income arising from the closure of car parks due to the pandemic, increase in housing benefit payments to

people in Temporary Accommodation and interest from investments, which was below the budgeted figure.

Members were disappointed to note that there had been an underspend of £351,000 on DFGs and this was attributed to a number of complex challenges including turnover of contractors, nationally set criteria, the COVID-19 pandemic which impacted DFGs due to be completed in March and reduced East Sussex County Council (ESCC) social services resources. It was noted that an annual report was made to ESCC on the level of spend and Members could assist by promoting DFGs within their Wards.

There continued to be a national problem recruiting to professional planning posts and the Council was looking at a number of internal measures that could be taken to free-up the professional officers' time to allow for an increased determination rate.

The council tax collection rate was at a surplus of £956,000; Rother's share was approximately £95,000. There had been an increase in applications for the Council Tax Reduction Scheme which would therefore have an impact on the current financial year.

Business Rates Collection Fund was in surplus by £462,000 after taking account of actual collection against the original estimate and adjustments to the bad debt provision and provision for rating appeals. Rother's share was approximately £200,000. This was likely to decline over the current financial year as some businesses struggled to meet costs.

The final Capital outturn for 2019/20 was £14,173,000 million, which was £3,072,000 lower than the revised budget.

The largest project underspend was £1,000,000 on the purchase of Temporary Accommodation, which was delayed by a combination of the pandemic and availability of suitable properties. Members were advised that purchases had since been progressed. Works at the Beeching Road site (part of the Property Investment Strategy) were delayed, which resulted in an underspend of £484,000. The Bexhill Leisure Centre development was currently on hold whilst Members considered its future, and this had resulted in an under spend of £381,000. Finally, there was a lower than anticipated uptake in DFGs, which was under spent by £273,000.

The net impact on Reserves of the 2019/20 outturn was a reduction of £2,392,000, which was £35,000 lower than the revised budget. However, this was not sustainable and further savings would need to be made.

The final Council outturn for 2019/20 was a deficit of £207,000, including redundancy costs of £317,000. Excluding redundancy costs, the surplus was £110,000, which represented just 0.8% of the total Net Cost of Services budget.

**RESOLVED:** That the report be noted.

CB20/24. **REVISED TERMS OF REFERENCE FOR THE CABINET COMMUNITY INFRASTRUCTURE LEVY STEERING GROUP**

(12)

Council approved the setting up of the Community Infrastructure Levy Steering Group (CILSG) to consider the allocation and spending of the strategic Community Infrastructure Levy (CIL) money and report back to Cabinet. Originally the membership was set as the Leader, Deputy Leader, Portfolio Holder for Strategic Planning and Portfolio Holder for Regeneration and Bexhill Affairs.

However, following Councillor Dixon's appointment as Cabinet Portfolio Holder for Finance and Performance Management, with responsibility for Community Grants/CIL Awards, it was necessary to amend the Terms of Reference.

**RESOLVED:** That the Cabinet Community Infrastructure Levy Steering Group Terms of Reference, be amended to include the Cabinet Portfolio Holder for Finance and Performance Management.

CB20/25. **PAVEMENT LICENCES**

(13)

The Business and Planning Act 2020 received Royal Assent on 22 July 2020. The Act made the provisions a non-executive function, including setting the fee. This report was therefore withdrawn from the Cabinet's Agenda.

CB20/26. **SUPPORT TO THE AVIATION INDUSTRY**

(14)

Consideration was given to a Motion set out at Appendix 1 to the report received from the GMB, Southern Region concerning support to the Aviation Industry. Whilst such a Motion would ordinarily be considered by full Council, as the next scheduled meeting was not until 21 September, the Leader of the Council had requested that Cabinet consider the Motion.

The Motion had been circulated to council leaders in response to the crisis faced in the aviation industry, not only at the major airports hubs such as Heathrow and Gatwick but also at the many other regional airports as well. This crisis not only threatened the jobs of staff employed directly by the airline companies but also the many thousands of jobs at the airports and in the aviation sector's supply chain.

The GMB were hopeful that the Council would pass the Motion and follow this up by contacting and lobbying both the Chancellor of the Exchequer, Rishi Sunak and the Secretary of State for Transport, Grant Shapps.

Given that the environmental impact of aviation was significant and was at odds with the Council's environmental aspirations and the climate emergency facing the world, not all Members were supportive. The Executive Director on behalf of Leader of the Council had canvassed all Members of the Council prior to the meeting and it was

confirmed that 23 had been favour, five against and one abstention; nine Members had not responded. Following a minor amendment to change airline to aviation and include directly and indirectly employs in the opening sentence, the Motion was agreed by five votes to four.

**RESOLVED:** That the Motion attached at Appendix 1 be approved.

(Councillor Mrs Cook declared a personal interest in this matter in so far as her son worked as a British Airways Pilot operating out of Gatwick Airport and in accordance with the Members' Code of Conduct remained in the room during the consideration thereof).

(Councillor Courtel declared a personal interest in this matter in so far as was a member of the GMB and a donor to Greenpeace and in accordance with the Members' Code of Conduct remained in the room during the consideration thereof).

CB20/27. **DISCRETIONARY BUSINESS GRANTS SCHEME - ADDITIONAL ITEM**

(17)

Following the Government announcement of the closure of the business grants scheme on the 28 August, authority was sought to open a second round and agree an expansion of the scheme to help spend as much of the funding as possible. The initial scheme had been agreed previously under emergency decision making provisions in March 2020.

The new scheme was designed to help those businesses and charities that had fixed property costs but were not eligible for the previous schemes. The discretionary scheme had a total fund of £1.476m and since its launch on the 5 June 2020 had helped 76 businesses and paid out some £946,000 of grants. This left a balance in the fund of £530,000 and it was proposed to reopen the scheme to encourage further businesses to apply. Whilst the second round would continue to use the existing eligibility criteria, it was proposed to expand the criteria.

Following a review of those applications that had not met the criteria for previous grant schemes, it was proposed that the following business sectors be targeted for support:

- Cultural and tourist venues
- Supply Chain businesses to the retail, hospitality and leisure sectors
- Small Campsites
- Entertainment industries

It was not proposed to extend the scheme to predominately home-based businesses not included in the above sectors.

The Government were closing all three grant schemes on the 28 August 2020 and therefore it was important to maximise the use of the available funding to support local businesses and charities as any unspent funds at this date would have to be repaid to the Government.

**RESOLVED:** That:

- 1) the additional eligible business sectors outlined in the report be included in the Council's discretionary business grant scheme; and
- 2) the Executive Director be granted delegated authority in consultation with the Cabinet Portfolio Holders for Finance and Regeneration to determine the amounts of grants and detailed criteria.

(The Leader had accepted this item onto the Agenda as an Additional Agenda Item in order for Cabinet to agree to open a second round and an expansion of the scheme to help spend as much of the funding as possible).

(Councillors Bayliss and Brewerton each declared a personal interest in this matter in so far as they were potentially eligible for a Discretionary Business Grant and in accordance with the Members' Code of Conduct remained in the room during the consideration thereof).

(Councillors Harmer and Vine-Hall each declared a personal interest in this matter in so far as they had been a previous recipient of the initial Discretionary Business Grants Scheme and in accordance with the Members' Code of Conduct remained in the room during the consideration thereof).

CB20/28. **CHILDREN'S NURSERY PROVISION IN BEXHILL - ADDITIONAL ITEM**  
(18)

Consideration was given to the report of Councillor Bayliss regarding children's nursery provision in Bexhill. In July 2019, the Council responded to East Sussex County Council's (ESCC) consultation on Children's Services Early Help Draft Strategy 2020-2023 and objected to the proposals to:

- a. withdraw the subsidy and to no longer provide the Cygnets (Egerton Park) and Rainbow (Sidley) nurseries in Bexhill;
- b. encourage expressions of interest from other nursery providers to operate in these children's centres (privatise); and
- c. relocate children's services currently delivered from the Children's Centre in Egerton Park, Bexhill to Sidley Children's and Youth Centre.

The Council objected on the basis that the services supported the Council's core aim to provide 'Stronger, Safer Communities'; and the broad outline 'addressing deprivation and welfare needs', and in particular, that the proposal to withdraw subsidised nursery places, placed a barrier to work for families in one of the most deprived wards in East Sussex.

Following the Early Help Review, ESCC had now decided to close the two nurseries from 31 December 2020 with the potential loss of 18 jobs which had been confirmed in the last few days. It was confirmed that

ESCC's role was to ensure that there was capacity for the service, but not to directly provide the service.

Cabinet was concerned at the impact of the decision, in particular that 164 children would have to find alternative nursery provision in Bexhill, uncertainty over the continuing status of some of the existing nurseries and whether there were sufficient spaces available with other providers, the impact of the closures of the local job market in Bexhill and the implications for employers.

Given that time was of the essence and a solution to the issue was moving at a pace, it was agreed not to refer the matter to the Council's Overview and Scrutiny Committee. It would be more expedient for a report back direct to Cabinet in August with options for the future delivery of the nursery services, perhaps through the formation of a Community Interest Company (CIC).

**RESOLVED:** That:

- 1) the current position with regard to East Sussex County Council's provision of children's nursery services in Bexhill be noted; and
- 2) a report be presented to Cabinet at the August meeting exploring possible options for the future delivery of the nursery services operating from the buildings in Egerton Park and Sidley, both of which were owned by the Council.

(The Leader had accepted this item onto the Agenda as an Additional Agenda Item in order for Cabinet to consider this matter due to the impending closure of the nursery provision).

(Councillor Bayliss declared a personal interest in this matter in so far as she had been an active campaigner to save affordable childcare provision in Bexhill and one of the nurseries was in her Ward and in accordance with the Members' Code of Conduct remained in the room during the consideration thereof).

(Councillor Brewerton declared a personal interest in this matter in so far as she had been an active campaigner to save affordable childcare provision in Bexhill and in accordance with the Members' Code of Conduct remained in the room during the consideration thereof).

(Councillor Coleman declared a personal interest in this matter in so far as he had been an active campaigner to support nursery provision in Bexhill and one of the nurseries was in his Ward and in accordance with the Members' Code of Conduct remained in the room during the consideration thereof).

(Councillor Courtel declared a personal interest in this matter in so far as he had been an active campaigner to support nursery provision in Bexhill and in accordance with the Members' Code of Conduct remained in the room during the consideration thereof).

(Councillors J. Barnes, Mrs D.C. Earl-Williams and Field 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 the consideration thereof).

(Councillor Maynard declared a personal interest in this matter in so far as he was an Executive Member of East Sussex County Council and in accordance with the Members' Code of Conduct remained in the room during the consideration thereof).

**CHAIRMAN**

The meeting closed at 9.40 pm.

**Appendix 1**

**Support to Aviation Industry – Motion  
(Agenda Item 14)**

Rother District Council is deeply concerned at the effects the COVID-19 pandemic is having on the aviation industry, which directly and indirectly employs tens of thousands of people across London and the South East.

Rother District Council calls on Her Majesty's Government to do all in its power to protect this vital sector of the British economy and specifically:

- To extend the 80% furlough scheme for 12 months for workers in the aviation

industry but with the possibility to 'taper' where necessary.

- The Government must recognise the vital role aviation workers continue to play in ensuring food and medical supplies still enter the country.
- The Government must also recognise the damaging effects the collapse of the aviation sector will have on the economy across London and the South East and must commit to supporting the sector in its hour of need, through an economic package that helps both airports and the wider supply chain to survive without redundancies.
- Any state aid must come with guarantees to protect jobs before shareholders and with environmental safeguards to create a greener industry. State aid discussions should not take place behind closed doors. Trade unions must be involved in those negotiations and powerful airline companies should not be at the front of the queue (the supply chain and regional airports are just as important).
- As the sector starts to reopen Trade Unions Health and Safety representatives must be involved in all stages of the risk assessment process, to ensure appropriate levels of PPE are provided without delay to ALL aviation staff and travelling members of the public.
- The Government must continue to work with and meet the trade unions representing all transport workers to ensure front line transport workers' voices are brought to the fore.
- Whilst recognising and supporting the employment provided, the environmental impact of aviation is significant and we would encourage the industry to work with Government to reduce this impact through the development of more fuel efficient aircraft and a clear commitment to reduce greenhouse gas emissions from airport operations.