

**CABINET**

11 January 2021

Minutes of the Cabinet meeting held remotely Monday 11 January 2021 at 6:30pm.

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

Other Members present: Councillors J. Barnes, Mrs M.L. Barnes, R.K. Bird, J.J. Carroll, C.A. Clark (in part), S.J. Coleman, Mrs V. Cook, P.C. Courtel, G.C. Curtis, B.J. Drayson, A.E. Ganly, P.J. Gray, K.M. Harmer, J.M. Johnson, L.M. Langlands, Mrs. E.M. Kirby-Green, C.A. Madeley, C.R. Maynard, P.N. Osborne, G.F. Stevens and R.B. Thomas.

Advisory Officers in attendance: Chief Executive, Assistant Director Resources, Head of Acquisitions, Transformation and Regeneration, Head of Housing and Community, Head of Environmental Services, Licensing and Community Safety, Head of Strategy and Planning, Finance Manager and Democratic Services Manager.

Also Present: 13 members of the public via the YouTube live broadcast.

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Publication Date: 15 January 2021

The decisions made under PART II will come into force on 25 January 2021 unless they have been subject to the call-in procedure.

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Prior to the formal start of the meeting Councillors Bayliss, Field, J. Barnes and Maynard each paid tribute to former Councillor Keith Bridger who had recently passed away. Keith Bridger had been both a Rother District Councillor and an East Sussex County Councillor and would be sorely missed by his community and colleagues; condolences and sympathy were extended to his family and friends.

**CB20/83. MINUTES**

The Chairman was authorised to sign the minutes of the meeting held on 14 December 2020 at a later date as a correct record of the proceedings.

**CB20/84. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**CB20/85. DISCLOSURE OF INTERESTS**

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

Bayliss	Agenda Item 11 – Personal Interest as a member of Bexhill Heritage.
Byrne	Agenda Item 11 – Personal Interest as a member of Bexhill Heritage.
Ganly	Agenda Item 13 – Personal Interest as a landlord.
Osborne	Agenda Item 13 – Personal Interest as a landlord.
Prochak	Agenda Item 13 – Personal Interest as a landlord.
Timpe	Agenda Item 11 – Personal Interest as a member of Bexhill Heritage.
Vine-Hall	Agenda Item 13 – Personal Interest as a landlord.

**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 22 January 2021.

CB20/86. **DRAFT REVENUE BUDGET 2021/22**  
(6)

Consideration was given to the report of the Assistant Director Resources on the preparation of the draft Revenue Budget for 2021/22. The report outlined the likely financial position and key issues that Members needed to consider as part of the budget setting process. Appended to the report were details of the summary draft Revenue Budget, the summary information for each service area, main changes from the 2021/22 budget, the Council’s revenue reserves and identified savings and additional income.

All budgets were shown as “Net Operational Expenditure Levels” which excluded capital charges, central costs and support service recharges. In addition, budgets were shown on a departmental basis which provided Members with a clear identifiable cost for each service.

The following key issues were highlighted:

- as the Council no longer received any Revenue Support Grant it was wholly reliant on revenue from business rates, council tax, specific grants, charges for services and income generation in meeting its net budget;
- the draft settlement announced by Government in December confirmed that the Council’s share of business rates remained unchanged from 2020/21, a specific additional COVID-19 grant of £519,000 to support the ongoing effects of the pandemic in 2021/22 would be received and additional support to extend the extra support for residents through the Council Tax Reduction Support scheme (CTRS) amounting to approximately £146,000;

- New Homes Bonus grant was expected to be £271,770 and would be incorporated into the draft budget to reduce the use of reserves, with no ongoing reliance;
- further work to refine the business rate estimate in time for the final approval of the Revenue Budget in February was on-going;
- the 2021/22 council tax base had been calculated at 37,606.6 and showed a reduction of 518 Band D equivalents mostly due to an increase in the number of CTRS claimants expected in 2021/22 as a result of the pandemic; the in-year recovery rate for Council Tax had reduced to 98.2% from 98.5%, taking into account the increased risk of non-payment due to the effects of the pandemic on employment;
- the council tax referendum principle for Rother would allow an increase in council tax of £5 or 2% whichever was the highest; it had been assumed that the Council would increase Council Tax by the maximum allowed before a referendum was required;
- for 2021/22 to ensure the Council remained within the referendum limit, it was assumed that an increase of £4.94 to £189.04 would be agreed for a Band D property, resulting in additional income of £90,000.

The financial risks that may affect the Council's finances were highlighted within the report and these included homelessness demands, staffing costs, the impact of COVID-19 on the Council's commercial tenants, leisure, swimming centres, cultural services delivered through two charitable trusts (Freedom Leisure and the De La Warr Pavilion Trust) and the emerging new Corporate Plan which aspired to accelerate the development of new housing in Rother, both market and affordable, deliver on the commitment to be a carbon neutral district by 2030 and regeneration of the local economy through investment.

The following assumptions had also been made in calculating the draft Revenue Budget:

- a) inflation of up to 1.5% had been applied except for contracts where specific indices were applied;
- b) salaries had been assumed to increase by 2% from September 2021;
- c) Appendix C to the report included details of any growth built into the base budget;
- d) the use of transfers between existing budgets had been encouraged to help enable funding to be re-directed into priority areas; and
- e) where the Council had discretion to increase income, increases should be in line with the increase in costs.

The net Revenue Budget before Government grants, use of reserves and other funding was expected to be £16.206m, an increase of £604,000 over the revised 2020/21 Revenue Budget. There had been a positive change of £1.6m between the financial forecast presented to Cabinet on the 2 November and the latest forecast, which was welcome.

The draft Revenue Budget for 2021/22 utilised £3.2m of reserves in order to meet specific costs (capital and service expenditure). Savings and increased income of £0.956m (excluding the reduction in use of revenue reserves to fund capital) had been assumed and if these were not delivered, further use of reserves may be required to balance the budget. Over the five-year financial forecast, earmarked reserves were predicted to fall to a minimum of £3.2m, rising to £3.8m by 2025/26, in excess of the minimum level of cash backed reserves and balances promoted by the Council's external auditors. However, it was below the minimum level previously agreed by Members at £5m and did not provide for any revenue reserves required to support the future Corporate Plan.

The budget consultation was currently on going and due to on 18 January 2021; interim results would be reported to the Overview and Scrutiny Committee at their meeting on the 25 January 2021.

In conclusion it was noted that the Revenue Budget included a number of assumptions relating to income generation and savings, which if not delivered, would result in an increased call on reserves. Cabinet Members were working with officers and looking at service budgets line by line to identify potential savings, some of which would be difficult to deliver.

**RESOLVED:** That the draft Revenue Budget for 2021/22 be considered by the Overview and Scrutiny Committee at its meeting on the 25 January 2021.

CB20/87.  
(7)

### **CORPORATE PLAN CONSULTATION EXERCISE**

The Council's current Corporate Plan (CP) covered the period 2012-21 and work had commenced to identify and agree a new CP due not only to the expiry of the old CP but the political, social and economic changes that had occurred since 2019. Cabinet had provided clear direction by way of 10 strategic objectives that were the guiding principles in the new draft CP (Appendix A to the report), as follows:

- Climate emergency
- Financial stability
- Increase the supply of affordable home throughout the district
- Housing list reduction
- Housing
- Empowered organisation
- A fairer society
- Development of Rother's economy
- Open Council
- A town council for Bexhill on Sea

There had been excellent collaborative work between Cabinet Members and senior officers in producing the draft CP which had clear deliverable actions to achieve the CP's aims, rather than aspirations which were not achievable. Cabinet agreed the draft CP 2020-2027 for a 6-week period of consultation to ensure residents, statutory partners, voluntary partners and interested parties had an opportunity to

comment on whether the Council had identified the correct vision for the district. Details of the Consultation Plan was set out at Appendix B to the report. Following a period of analysis of the results a final draft CP would be presented to Cabinet in May for onward recommendation to Council. The final agreed CP would provide a clear direction of travel for the Council and officers to work towards and focus on the clear aims and objectives of the Council.

**RESOLVED:** That:

- 1) the draft Corporate Plan be approved for consultation purposes, as submitted; and
- 2) the timetable for public consultation as set out at Appendix B to the report be agreed.

CB20/88.

**BATTLE CIVIL PARISH NEIGHBOURHOOD PLAN - ROTHER DISTRICT COUNCIL REPRESENTATIONS TO THE REGULATION 16 CONSULTATION**

(8)

Battle Parish Council had prepared a Battle Civil Parish Neighbourhood Plan (BCPNP) following designation of the parish as a Neighbourhood Area in 2015. The BCPNP was currently subject to a formal public consultation until 29 January 2021 and representations received would be considered by an independent Examiner to determine whether the BCPNP met the 'basic conditions' required. The Council was a statutory consultee and therefore was able to make representations as part of the process; the Council's proposed response to the consultation was attached as Appendix 1 to the report.

The BCPNP consisted of 23 policies and additional community aspirations relating to the period 2019-2028 in line with the end date of the Council's Core Strategy (CS). It was considered that overall the BCPNP was in 'general conformity' with the policies of the adopted Local Plan Core Strategy. The BCPNP had been submitted to RDC for a pre-submission review and many of the comments made had been taken on board, resulting in a much-reduced number of comments made at this stage; an approach welcomed by the planning officers.

There were a number of issues identified in the consultation response in relation to the retail and employment policies, housing mix and other matters that were outside the remit of planning policy. None were unsurmountable and recommended rewording to improve and ensure conformity had been suggested by the planning officers and included within the response. It would be for the examiner to determine whether these would be taken on board.

The local ward Members and Councillor Vine-Hall, Cabinet Portfolio Holder for Strategic Planning acknowledged the vast amount of work and effort that had gone into the production of the BCPNP by the Steering Group, Battle Town Council, residents of Battle and Council planning officers. It was agreed that the Council's representation be forwarded to the Independent Examiner for consideration by 29 January 2021, as submitted.

**RESOLVED:** That:

- 1) the main body of the report and the representations set out at Appendix 1 to the report be submitted, together with supporting material, for consideration by the Examiner in relation to the submitted Battle Civil Parish Neighbourhood Plan; and
- 2) the Chief Executive be authorised to consider any potential modifications to the Neighbourhood Plan that may be raised through the examination process in order to secure a Neighbourhood Plan in general conformity with the adopted Core Strategy and Development and Site Allocations Local Plan.

CB20/89.

**LETTING OF DEVELOPMENT SITE AT WAINWRIGHT ROAD, BEXHILL**

(9)

Cabinet considered the proposed letting of a development site at Wainwright Road to Medical Centre Developments Ltd. to develop a larger and more modern GP premises for the Collington and Pebsham and Sea Road / Albert Road practices, as well as Sidley Surgery who would take space within the development. The proposal would enable the practices to combine under a single roof, to meet current operational standards and to accommodate a growing patient list.

The site related to the northern half of the former Sharwoods factory site at 1-7 Wainwright Road which had recently been demolished and cleared by the Council; the whole site was currently occupied on a temporary basis as a COVID-19 testing centre which was due to end on 21 March or any time thereafter on 20 working days' notice. It was noted that the site would not be required until planning permission had been achieved which would be some time off, when the site would hopefully no longer be required as a testing centre; the development of the GP practice would not be delayed by the testing centre.

To facilitate the request, it was proposed that Medical Centre Developments Ltd. be offered a ground lease of the northern half of the site in order to invest in the development of a new surgery and pharmacy. The scheme had the support of the East Sussex and Brighton CCG who would be responsible for approving the business case from the GP practices and approving the NHS funding for the development. Following receipt of external advice, Heads of Terms had been agreed in principle for the ground lease, subject to Cabinet approval. The ground lease would only be exercisable once planning permission and the Final Business Case had been approved by the Council and NHS respectively and site investigations revealed no serious adverse ground conditions / contamination.

Whilst the Council had received enquiries from other third-party developers to redevelop the site for light industrial or trade counter uses, these proposals offered a less favourable financial return to the Council. The recommended proposal required no capital funding from the Council and limited officer resources to monitor progress of the scheme, as the developer would make the application for planning permission and manage the development.

Cabinet was very pleased to support the proposal and authorised the Chief Executive to enter into a lease with Medical Centres Ltd at 1-7 Wainwright Road, Bexhill, on terms to his satisfaction in consultation with the Cabinet Portfolio Holder for Finance and Performance Management. This would bring about much needed improvements to the GP facilities within Bexhill-on-Sea which had been an aspiration of the Primary Care Trust and other stakeholders for some time.

**RESOLVED:** That the Chief Executive be granted delegated authority to agree a lease with Medical Centres Ltd for the land at 1-7 Wainwright Road as indicated in Appendix A to the report.

CB20/90.

**REVIEW OF THE HOUSING, HOMELESSNESS AND ROUGH SLEEPING STRATEGY (2019-2024)**

(10)

Cabinet received and considered Minute OSC20/33 arising from the meeting of the Overview and Scrutiny Committee (OSC) held on 23 November 2020 regarding the Review of the Housing, Homelessness and Rough Sleeping Strategy (2019-2024). It was noted that the report should relate to all wards (not just Bexhill as stated) and all four recommendations from the OSC were being considered and resolved by Cabinet.

The OSC had considered in detail the update on the progress of the Improvement Delivery Plan of the Housing, Homelessness and Rough Sleeping Strategy (2019-2014), in particular the three strategic priorities: Increasing the Supply of Housing; Rough Sleeping, Homelessness and Meeting Housing Aspirations; and Improving the quality and suitability of existing housing and new build housing.

Cabinet was pleased to note that a number of targets had already been achieved and would be updated by new targets to ensure continued delivery of the strategy. The additional Government funding provided as a result of COVID-19 to ensure all rough sleepers were brought into temporary accommodation and supported would end in March and how this would be managed post funding would be challenging. It was agreed that a review of the strategy should be undertaken by the OSC annually.

**RESOLVED:** That

- 1) the 'targets achieved' as listed in Appendix B to the report be removed from the Improvement Delivery Plan and replaced with the proposed new/amended targets at Appendix C to the report, with revised Outcomes included;
- 2) the progress made against the Housing, Homelessness and Rough Sleeping Strategy included in the Improvement Delivery Plan (Appendix A to the report) be noted;
- 3) investigations be undertaken to identify sites on which pre-fabricated buildings could be installed to be used for Temporary Accommodation; and
- 4) a review of the Housing, Homelessness and Rough Sleeping Strategy be undertaken annually.

CB20/91.  
(11)

## **BEXHILL EAST PROMENADE SHELTER ONE**

In total there were four shelters on Bexhill East Parade Promenade all of which were Grade II listed and located within the conservation zone. A map detailing the position of each shelter was attached as Appendix A to the report. Shelters Two and Three had recently been repln total there were four shelters on Bexhill East Parade Promenade all of which were Grade II listed and located within the conservation zone. A map detailing the position of each shelter was attached as Appendix A to the report. Shelters Two and Three had recently been repaired and Shelter Four would be repaired within existing budgets.

Shelter One was the shelter near Channel View East and Bexhill Sailing Club and Bexhill Heritage (a charitable organisation formed in October 2017 as a society for the conservation, protection and improvement of Bexhill's built environment caring for the past, present and future) had proposed to utilise their volunteer network and support the aspects of the restoration that need to be contracted from specialist suppliers.

Following conservation advice, it was intended to restore aspects of Shelter One so that it was more in keeping with the original structure. The shelter had already been shrouded to allow for preliminary investigative works; the cost of the works to be undertaken by specialist external contractors was estimated to be £60,000 and would need to be accommodated within the overall revenue budget. A detailed breakdown of costs was at Appendix C to the report.

Bexhill Heritage's contribution to the restoration was to provide labour resources, utilising its network of volunteers which was estimated to be around 1,500 hours, equivalent to a value of £31,000 of costs that would be avoided by utilising Bexhill Heritage volunteers. It was intended to commence preparatory works during the winter with the shelter restored and open to the public during summer 2021.

Once restored, Bexhill Heritage had requested to lease Shelter One and manage it. The shelter would offer a range of cultural events and activities, whilst maintaining open access to the public for continued use as a shelter. Details of their proposals and the benefits were attached at Appendix B to the report. If agreed, Bexhill Heritage proposed to make a nominal charge for bookable events and would use the revenue generated to clean, repair, and maintain the shelter in its restored condition and contribute to electricity costs (the shelter would not be operated for profit).

As the award of a lease of Shelter One would qualify as a disposal of public open space, authority was sought to advertise the proposed disposal in accordance with S.123 (2A) of the Local Government Act 1972. Subject to no objections being received the Council would grant a lease for a maximum period of ten years at a peppercorn rent with full repairing obligations (except for structural timbers) on Bexhill Heritage as the tenant.

Whilst it remained an option to simply repair Shelter One the costs were slightly higher than the cost of to fully restore it in partnership with Bexhill Heritage, given the volunteer labour contribution from them. Leasing the asset to Bexhill Heritage, on a full repairing lease (with the exception of structural timbers,) would also avoid future maintenance and repair costs for the Council. Members were fully supportive of the project and proposal to lease the Shelter to Bexhill Heritage on completion of works; it was further proposed that the project costs be met from the local Bexhill Community Infrastructure Levy funding pot.

**RESOLVED:** That:

- 1) the proposals for Shelter One and the benefits of its restoration and lease to Bexhill Heritage for the community and cultural heritage of Bexhill, be noted;
- 2) the proposed disposal by lease of Shelter One be advertised on two consecutive weeks as required by Section 123 of the Local Government Act 1972 with any objections to be reported to a future meeting of Cabinet;
- 3) subject to completion of this process, a lease be granted to Bexhill Heritage for a term of ten years at a peppercorn rent and other terms and conditions to the satisfaction of the Chief Executive; and
- 4) the project costs be met from the local Bexhill Community Infrastructure Levy funding.

(Councillors Bayliss, Byrne and Timpe each declared a Personal Interest in this matter as members of Bexhill Heritage and in accordance with the Members' Code of Conduct remained in the room during the consideration thereof).

CB20/92.  
(12)

### **RADIO-CONTROLLED CAR TRACK FOR 1066 RACING**

Consideration was given to awarding 1066 Racing a five-year non-secure full repairing and maintenance lease for a peppercorn rent of £1 per annum to enable 1066 Racing to hold regular club meetings and occasional larger events on land at St Mary's Recreation Ground, Bexhill-on-Sea. A taster event had been held in August last year which had been successful with no adverse comments being received from the neighbourhood. The racing cars were electric 1/10th scale radio-controlled which generated very little noise and zero emissions. 1066 Racing had no intention of racing internal combustion model cars and this would be stipulated in the lease, if granted.

The site at St. Mary's Recreation Ground was considered suitable for the required facilities, consisting of a small astro-turf track within a fenced area no bigger than 40 meters by 40 meters along, with a rostrum and a designated area for parking. It was considered that the loss of this small section of land would have no significant impact on the recreational value of the site to other users.

The introduction of a radio-controlled car racing track at St. Mary's Recreation Ground would increase the use and enjoyment of this under-utilised public open space to residents across Rother, but

particularly those in Bexhill at no additional cost to the Council and without detriment to the possibility of a cricket facility being accommodated at the site in the future. 1066 Racing was made up of a diverse group of enthusiasts from all age ranges and backgrounds and would provide an additional activity for residents to enjoy and participate.

Cabinet was pleased to approve that officers proceed with disposing of the small area of public open space within the recreation ground for use as a racing track, in accordance with the provisions of Section 123(2A) of the Local Government Act 1972 (as amended), with all associated costs to be met by 1066 Racing. It was noted that whilst the site was subject to a Fields in Trust (FiT) 'Deed of Dedication' under the QEII Playing Fields scheme, the proposed short-term lease did not require consent from FiT's Land and Planning Committee and that there was no reason why the proposed track should not be permitted when the Heads of Terms are formally submitted for approval.

**RESOLVED:** That:

- 1) by virtue of Section 123(2A) of the Local Government Act 1972 (as amended), the Council gives formal notice of its intention to dispose of a small parcel of land at St. Mary's Recreation Ground as public open space;
- 2) subject to the above, a lease of five years term at a peppercorn rent of £1 per annum be granted to 1066 Racing for land on which to construct and operate a radio-controlled racing car track at the club's own cost with other terms and conditions to the satisfaction of the Chief Executive; and
- 3) to grant a licence to the club allowing a designated area of the Recreation Ground to be used for parking at specified times in connection with the permitted activity.

CB20/93.

### **PRIVATE SECTOR HOUSING ENFORCEMENT POLICY AND CIVIL PENALTIES AND FINANCIAL PENALTIES POLICY**

(13)

Following the commencement of the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 made under the Housing and Planning Act 2016 it was necessary for the Council to update the Private Sector Housing Enforcement (PSHE) Policy and Civil Penalties and Financial Penalties Policy.

The Council had a variety of statutory duties and powers relating to the enforcement of regulatory housing standards. One of the principal roles was to investigate cases of potential non-compliance and apply the legislative framework. The PSHE policy identified the practical applications of enforcement procedures used to achieve improvements to housing.

The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 made under the Housing and Planning Act 2016 required electrical installations to be safe and periodically inspected.

The Council could impose a financial penalty of up to £30,000 for failing to do so.

Cabinet was requested to approve that delegated authority be granted to the Chief Executive and Head of Service - Environmental Services, Licensing and Community Safety to enforce these powers and adopt a policy for calculating a financial penalty under the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020. Members welcomed this amendment and the enforcement work that was actioned under this legislation by the Environmental Health Team to improve standards in the private rented sector across the district.

**RESOLVED:** That:

- 1) the Private Sector Housing Enforcement Policy be amended to include the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020; and
- 2) delegated authority be granted to the Chief Executive and Head of Service - Environmental Services, Licensing and Community Safety powers and duties under the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 in relation to housing conditions and safety enforcement actions including regulations made thereunder and the imposition of financial penalties with reference to the Council's Civil Penalties and Financial Penalties Policy.

(Councillors Ganly, Osborne, Prochak and Vine-Hall each declared a Personal Interest in this matter as landlords and in accordance with the Code of Conduct remained in the room during the consideration thereof).

CB20/94.  
(14)

## **REVIEW OF THE COUNCIL'S CONSTITUTION**

The Council's emerging Corporate Plan included a priority objective to create an open Council by improving access to Council meetings, opening the Council to the public to ensure increased transparency, improving consultation and increased visibility by the end of 2023. In order help achieve this objective, a review of the Constitution had been requested by Cabinet.

The Constitution set out how the Council operated, how decisions were made and the procedures which were followed to ensure that these were efficient, transparent and accountable to local people.

It was noted that whilst the Overview and Scrutiny Committee (OSC) had a constitutional role in reviewing the Constitution (Article 15), Cabinet was keen to play an active role in the review and proposed that a Cabinet Steering Group was established which would feed into the OSC. All Members of the Council would have an opportunity to feed into the work of the Steering Group and ultimately any constitutional changes would have to be agreed by full Council. It was noted that external professional input would also be required.

It was noted that should public consultation be required, depending on the scale and nature of any proposed changes to the way in which the Council operated that may impact on the public, this would be after consultation with the OSC and not at the same time. This would be made clear in the terms of reference. It was also agreed that meetings of the Group would be held in the public domain.

To ensure that the Steering Group reflected a broad cross section of Members, it was agreed that the Steering Group comprised a minimum of eight Members in accordance with political balance requirements, or as otherwise determined to ensure that each political group serving on the Council was represented. Proposed draft Terms of Reference (ToR) for the Steering Group were attached at Appendix A to the report. Group Leaders would be contacted in due course for their nominations to serve on the Group.

**RESOLVED:** That:

- 1) a Constitution Review Steering Group be established, comprising a minimum of 8 Members, in accordance with the political balance requirements, or as otherwise determined to ensure each political group is represented; and
- 2) the Terms of Reference be approved subject to clarification over consultation with the public and at what stage, if at all, and that meetings of the Group would be held in the public domain.

**CHAIRMAN**

The meeting closed at 8:35pm