

Cabinet

Date and Time - **Monday 11 January 2021 – 6:30pm**

Venue - **Remote Meeting**

Councillors appointed to the Committee:

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

AGENDA

1. MINUTES

To authorise the Leader to sign the Minutes of the meeting held on 14 December 2020 as a correct record of the proceedings.

2. APOLOGIES FOR ABSENCE

3. ADDITIONAL AGENDA ITEMS

To consider such other items as the Leader decides are urgent and due notice of which has been given to the Head of Paid Service by 9:00am on the day of the meeting.

4. URGENT DECISIONS

The Leader to give details of those reports that have been referred to the Chairman of the Council to consider designating as urgent, in accordance with Rule 17 of the Overview and Scrutiny Procedure Rules contained within Part 4 of the Council Constitution, and to which the call-in procedure will not therefore apply.

5. DISCLOSURE OF INTERESTS

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

6. DRAFT REVENUE BUDGET 2021/22 (Pages 1 - 20)

7. CORPORATE PLAN CONSULTATION EXERCISE (Pages 21 - 46)

At the discretion of the Leader, the order of the items set out in the agenda may be varied

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8. **BATTLE CIVIL PARISH NEIGHBOURHOOD PLAN - ROTHER DISTRICT COUNCIL REPRESENTATIONS TO THE REGULATION 16 CONSULTATION** (Pages 47 - 60)
9. **LETTING OF DEVELOPMENT SITE AT WAINWRIGHT ROAD, BEXHILL** (Pages 61 - 66)
10. **REVIEW OF THE HOUSING, HOMELESSNESS AND ROUGH SLEEPING STRATEGY (2019-2024)** (Pages 67 - 70)
11. **BEXHILL EAST PROMENADE SHELTER ONE** (Pages 71 - 94)
12. **RADIO-CONTROLLED CAR TRACK FOR 1066 RACING** (Pages 95 - 100)
13. **PRIVATE SECTOR HOUSING ENFORCEMENT POLICY AND CIVIL PENALTIES AND FINANCIAL PENALTIES POLICY** (Pages 101 - 110)
14. **REVIEW OF THE COUNCIL'S CONSTITUTION** (Pages 111 - 114)

Malcolm Johnston
Chief Executive

Agenda Despatch Date: 23 December 2020

Rother District Council

Report to:	Cabinet
Date:	11 January 2021
Title:	Draft Revenue Budget 2021/22
Report of:	Antony Baden – Finance Manager
Cabinet Member:	Councillor Dixon
Ward(s):	All
Purpose of Report:	To present the draft Revenue Budget 2021/22 for approval
Decision Type:	Key
Officer	
Recommendation(s):	It be 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.
Reasons for Recommendations:	To agree the draft Revenue Budget 2021/22

Introduction

1. The Council is required to set a balanced budget each year. The Local Government Finance Act 1992 requires the Council to estimate revenue expenditure and income for the forthcoming year from all sources, together with contributions from reserves, in order to determine a net budget requirement to be met by Government Grant, Business Rates and Council Tax.
2. This report updates Members on preparation of the draft Revenue Budget for 2021/22; the report outlines the likely financial position and the key issues Members need to consider. Appendix A details the summary draft Revenue Budget, Appendix B gives summary information for each service area and Appendix C details the main changes from the 2020/21 Budget. Appendix D provides details of the Council’s Revenue Reserves.
3. All Budgets, for the purposes of Cabinet and Overview and Scrutiny Committee presentation, are shown at “Net Operational Expenditure Levels”, that is, to exclude capital charges, central costs and support service recharges. This ensures Members are provided with a clear identifiable core cost for each service.

Government Grant Settlement

4. As Members will be aware, the Council no longer receives any Revenue Support Grant and is 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 was announced by the Government on the 17

December 2020. The settlement confirmed that the assumed baseline for the Council's share of business rates remains unchanged from 2020/21. The settlement did however confirm a specific additional COVID-19 grant of £519,000 to support the ongoing effects of the pandemic in 2021/22. The announcement also included extra support to extend the extra support for residents through the Council Tax Reduction Support scheme (CTRS). Based on the provisional numbers, this is approximately £146,000 for Rother, £1.46m in total including preceptors. This funding only effects the Collection Fund and does not meet the loss of income due to the increase in the number of households claiming CTRS.

5. As part of the settlement, indicative New Homes Bonus grant was confirmed. For Rother the total grant is expected to be £271,770 which is higher than in the previous forecast. In line with the previous agreement of Cabinet, this has been incorporated into the draft budget to reduce the use of reserves. However as this is just a one-year grant, no ongoing reliance of this income can be assumed, pending the outcome of the review of this grant.

Business Rates

6. Members will be aware that the Council is part of a 50% Business Rate pooling arrangement with the other East Sussex local authorities. Due to the COVID-19 pandemic, the Government significantly increased the amount of rate relief for businesses and charities and this is reflected in the forecast outturn for 2020/21. For 2021/22, the estimate is based on the assumption that there will be a return to normal exemptions and reliefs of business rates. Further work is in progress to refine the business rate estimate in time for the final approval of the Revenue Budget in February. This will include an updated estimate of the amount of Section 31 grants if the Government extends further the additional reliefs for businesses and charities.

Council Tax Base

7. The 2021/22 council tax base has been calculated at 37,606.6 and shows a reduction of 518 Band D equivalents over the equivalent December 2019 figures. The main reason for the change is an increase in the number of Council Tax Reduction claimants expected in 2021/22 due to the pandemic. The in-year recovery rate has been reduced to 98.2% for 2020/21 compared to 98.5% in the current financial year. This is to take account of the increased risk of non-payment due to the effects of the pandemic on employment. The calculation makes little allowance for potential growth during 2021/22 but for future years average growth of 2% per annum has been assumed. This is felt to be a prudent estimate but will be updated to reflect the effectiveness of the push for housing delivery by the Government and when the timing of delivery by the Council's own housing company becomes clearer.
8. The draft settlement confirms the 2021/22 council tax referendum principles for Shire districts, like Rother, will allow an increase in council tax of £5 or 2% whichever is the highest. As Council Tax is a major source of income to the Council, the draft Revenue Budget and forecast assumes that the Council will increase Council Tax by the maximum allowed before a referendum is required. For 2020/21 to ensure the Council remains within this limit, including the effect of special expenses, it is assumed, after taking account of any changes in Special Expense charges, that an increase of £4.94 to £189.04 will be agreed

for a Band D property. This increases the income from Council tax by £90,000 to an estimated total of £7.109m.

Financial Risks

9. Members are aware that there are a number of financial risks that may affect the Council's finances. These are discussed below.
10. **Homelessness demands** – the Council continues to experience pressure on this budget as a result of an increase in the number of cases and as at quarter 2, it is projected that there will be a £430,000 overspend in 2020/21. High levels of demand are expected to continue into 2021/22 although Members will be aware that the Council is trying to hold costs through the purchase of high-quality temporary accommodation. This is designed to alleviate budget pressure by reducing the use of more expensive private rented accommodation. The draft Revenue Budget assumes an increase of £299,000 over the current year budget.
11. **Staffing Costs** – the forecast assumes an increase of 2% each year for the annual pay award (excluding increment increases), estimated to add £88,000 (part year from September 2021), to the overall budget requirement. Members will be aware of the recent Government announcement regarding a public sector pay freeze for 2021/22. Rother is not part of the national pay negotiations and can set its own pay award. It is likely however, that there will be an expectation by Government that the Council will be in line with the national position. No decisions are required as of now and the national position will be monitored. Staff budgets are calculated at their expected grade including any in-grade increment increases, but a decrease of 3% has also been applied to the overall cost of salaries, which allows for staff turnover. This reduces the Revenue Budget requirement by £288,000 for 2021/22.
12. **COVID-19 impact** – there are a number of areas that have potential to increase costs or reduce income through the ongoing impact of COVID-19. These include:
 - a. Commercial Tenants – the Council supported its commercial tenants through the COVID-19 lockdown period by deferring their rental payments. The ongoing trading difficulties now suggests that part of this income will be foregone and potentially there will be protracted period of voids with some of the Council's older commercial property stock. At the time of writing, no additional provision has been made in the draft Revenue Budget for loss of rental income above the standard allowance. However, this will need to be kept under review until the Revenue Budget is set and into next financial year.
 - b. Leisure, Swimming Centres, Cultural Services – the Council largely delivers these through two charitable trusts, Freedom Leisure is focused on Sports and the De La Warr Pavilion Trust is focused on the arts and culture. The Council has committed significant resources to supporting these two organisations. Should COVID-19 restrictions continue into 2021/22 then this will severely curtail their recovery and may require the Council to maintain a level of financial support, even if to only ensure buildings and plant are adequately maintained. Cabinet has also agreed to a new 3-year contract for the continued provision of leisure services in Rother at an

expected cost of £130,000 per annum and this has been reflected in the draft Revenue Budget.

13. **Corporate Plan** – the Council is in the process of developing its next Corporate Plan. There is expected to be an emphasis within the plan to:
 - a. Accelerate the development of new housing in Rother, both market and affordable.
 - b. Deliver on the commitment to be a carbon neutral district by 2030.
 - c. Regenerate the local economy through investment.
14. To deliver on these ambitions will cause the Council's borrowing commitment to increase substantially and this brings a risk to the Revenue Budget if the projects fail to cover their costs and deliver the returns expected. The financial framework that will underpin the Corporate Plan is currently being developed. At this stage no additional provision has been included in the draft Revenue Budget.

Budget Assumptions

15. As the Section 151 Officer, the Assistant Director Resources confirms that, in accordance with Section 25 of the Local Government Act 2003, these estimates have been prepared on a robust basis. The following assumptions were made when calculating the draft Revenue Budget:
 - a. **Inflation** – inflation of up to 1.5% has been applied except for contracts where specific indices are applied.
 - b. **Salaries** – salaries have been assumed to increase by 2% from September 2021.
 - c. **Growth** – Appendix C to the report includes details of any growth built into the base budget.
 - d. **Transfers** – the use of transfers between existing budgets has been encouraged to help enable funding to be re-directed into priority areas.
 - e. **Income** – where the Council has discretion, increases should be in line with the increase in costs.

Draft Budget

16. The net Revenue Budget before Government grants, use of reserves and other funding is expected to be £16.206m. This is an increase of £604,000 over the revised 2020/21 Revenue Budget. This is analysed in Appendix C. The capital expenditure charged to revenue will be funded from earmarked reserves. Appendix A summarises the Revenue Budget and the Council Tax calculations.
17. There has been a positive change of £1.6m between the financial forecast presented to Cabinet on the 2 November and the latest forecast. The main reasons are shown overleaf:

	November Forecast 2021/22	Draft Budget 2021/22	change
	£000	£000	£000
Total Net Cost of Service	16,940	16,206	(734)
Freedom Leisure	285	130	(155)
Temporary Accommodation increase	92	308	216
Reduced cost of borrowing	2,263	1,530	(733)
Other	N/A	N/A	(62)
Total Income	12,447	13,270	(823)
Council Tax	7,090	7,109	(19)
Collection Fund deficit	0	(115)	115
COVID Grant		519	(519)
New Homes Bonus	12	272	(260)
Reserves – Capital Expenditure	184	324	(140)
Total Change			1,557

Reserves and General Fund Balance

18. The draft Revenue Budget for 2021/22 utilises £3.2m of reserves in order to meet specific costs. Of this, £0.324m will be used to support capital expenditure with the remaining £2.9m being used to support service expenditure. The draft Revenue Budget identified savings and increased income of £0.956m, excluding the reduction in use of revenue reserves to fund capital. If these are not delivered, it may be that to balance the Revenue Budget during the year, further use of reserves may be required.
19. The total earmarked reserves by the end of March 2022 is estimated to be £7.1m including the General Fund balance. Over the five-year financial forecast, earmarked reserves are predicted to fall to a minimum of £3.2m, rising to £3.8m by 2025/26. This is in excess of the minimum level of cash backed reserves and balances promoted by the Council's external auditors, Grant Thornton, but is below the minimum level previously agreed by Members at £5m and does not provide for any revenue reserves required to support the future Corporate Plan.

Budget Consultation

20. The budget consultation is due to close in January 2021 and interim results will be reported to the Overview and Scrutiny Committee at their meeting on the 25 January 2021. If possible, a verbal update will be given to Members at this meeting.

Conclusion

21. The draft Revenue Budget shows an increase of £604,000 in the cost of services over the 2020/21 position. As explained in the report, the Revenue Budget includes a number of assumptions relating to income generation and savings, which if not delivered, will result in an increased call on reserves. Cabinet is aware of the actions Members and Officers are putting in place to

deliver these, some of which will be difficult to deliver. The Government's fair funding review and business rate reset coming in from 2022 adds to the very uncertain backdrop to Council funding for some time to come.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	Consultation	Yes
Environmental	No	Access to Information	No
Sustainability	No	Exempt from publication	No
Risk Management	No		

Assistant Director, Resources:	Robin Vennard
Report Contact Officer:	Anthony Baden, Finance Manager
e-mail address:	Anthony.baden@rother.gov.uk
Appendices:	Appendix A - 2021/22 Revenue Budget Summary and Five-Year Forecast Appendix B - Revenue Budget Summary - Cost of Services Appendix C - Main changes in net cost of services between 2020/21 and 2021/22 Appendix D - Earmarked Reserves
Relevant Previous Minutes:	None
Background Papers:	Local Government Settlement 2021/22
Reference Documents:	None

2021/22 REVENUE BUDGET SUMMARY AND FIVE-YEAR FORECAST

	Original 2020/21 Budget £ (000)	Revised 2020/21 Budget £ (000)	Projected 2020/21 Outturn at Qtr 2 £ (000)	2021/22 Budget £ (000)	2022/23 Budget £ (000)	2023/24 Budget £ (000)	2024/25 Budget £ (000)	2025/26 Budget £ (000)
Chief Executive and Corporate Core	2,042	1,981	2,136	2,034	1,870	1,870	1,870	1,870
Environmental Services	698	505	680	658	513	513	513	513
Strategy and Planning	993	971	1,198	1,090	1,121	1,121	1,121	1,121
Acquisitions, Transformation and Regeneration	(188)	(313)	55	(299)	(940)	(2,354)	(3,506)	(3,682)
Housing and Community Services	8,374	8,312	9,799	8,715	8,308	8,308	8,308	8,308
Resources	3,402	3,178	4,361	3,400	3,140	3,140	3,140	3,140
Total Cost of Services	15,321	14,634	18,229	15,598	14,013	12,598	11,446	11,271
Non-Pay Inflation	0	0	0	0	102	153	204	255
Pay Inflation	0	0	0	0	376	564	752	940
Vacancy Provision	(282)	0	0	(288)	(299)	(316)	(338)	(366)
Interest from Investments	(400)	(400)	(302)	(326)	(370)	(370)	(370)	(370)
Capital Expenditure Charged to Revenue	1,359	1,359	1,839	324	185	186	187	130
MRP and Interest - Property Investment Strategy	242	242	160	523	934	1,228	1,241	1,209
MRP and Interest - Other	610	610	368	1,007	1,283	1,231	1,128	1,111

	Original 2020/21 Budget £ (000)	Revised 2020/21 Budget £ (000)	Projected 2020/21 Outturn at Qtr 2 £ (000)	2021/22 Budget £ (000)	2022/23 Budget £ (000)	2023/24 Budget £ (000)	2024/25 Budget £ (000)	2025/26 Budget £ (000)
Savings and Income generation								
(i) Increase income - Property Investment Strategy	(544)	(544)	0	0	0	0	0	0
(ii) Increase income (net) - other	(14)	(14)	0	(107)	(202)	(202)	(202)	(202)
(iii) Lean and Demand	(90)	(90)	0	(180)	(180)	(180)	(180)	(180)
(iv) Service Prioritisation/Devolution	(100)	(100)	0	(250)	(1,600)	(1,660)	(1,720)	(1,720)
(v) Reduced Staffing Structure	(500)	(95)	0	(95)	(95)	(95)	(95)	(95)
(vi) Shared Services	0	0	0	0	0	0	0	0
Net Cost of Services	15,602	15,602	20,294	16,206	14,147	13,137	12,053	11,982

	Original 2020/21 Budget £ (000)	Revised 2020/21 Budget £ (000)	Projected 2020/21 Outturn at Qtr 2 £ (000)	2021/22 Budget £ (000)	2022/23 Budget £ (000)	2023/24 Budget £ (000)	2024/25 Budget £ (000)	2025/26 Budget £ (000)
Special Expenses	(687)	(687)	(687)	(687)	0	0	0	0
Business Rates								
Local Share of business rates 44% 2019/20 and 40% thereafter	(7,157)	(7,157)	(2,868)	(7,043)	(7,043)	(7,043)	(7,043)	(7,043)
s31 Grants	(1,892)	(1,892)	(6,161)	(2,019)	(2,019)	(2,019)	(2,019)	(2,019)
Tariff	5,121	5,121	5,121	5,121	5,121	5,121	5,121	5,121
Pooling Levy	195	195	195	195	195	195	195	195
Non-Specific Revenue Grants								
New Homes Bonus Grant	(247)	(247)	(247)	(272)	0	0	0	0
Rural services delivery grant	(50)	(50)	(31)	(31)	(32)	(32)	(33)	(34)
Local Council tax Support Grant	(102)	(102)	(102)	(104)	(106)	(108)	(110)	(113)
Benefits Administration Grant	(238)	(238)	(215)	(215)	(219)	(224)	(228)	(233)
New Burdens Grant and other non-specific Grants	0	0	(30)	0	0	0	0	0
Homelessness Grant - New Burdens	(126)	(126)	(126)	(129)	(131)	(134)	(136)	(139)
Homelessness Grant - Preventions	0	0	0	0	0	0	0	0
Flexible Homeless Support Grant	(275)	(275)	(276)	(281)	(286)	(292)	(298)	(304)
COVID-19 Support Grants	0	0	(2,372)	(519)	0	0	0	0
Council Tax Requirement (Rother only)	(7,019)	(7,019)	(7,019)	(7,109)	(7,227)	(7,397)	(7,620)	(7,850)
Other Financing								
Collection Fund (Surplus)/Deficit	(849)	(849)	(849)	115	115	115	0	0
Contribution from reserves to fund capital expenditure	(1,359)	(1,359)	(1,839)	(324)	(185)	(186)	(187)	(130)
Total Income	(14,685)	(14,685)	(17,506)	(13,301)	(11,818)	(12,004)	(12,359)	(12,548)
Contribution from Reserves/Funding Gap	917	917	2,788	2,905	2,329	1,134	(305)	(565)

REVENUE BUDGET SUMMARY – COST OF SERVICES

Revenue Budget Summary – Cost of Services	Revised Budget 2020/21	Budget 2021/22		
		Gross Expenditure	Income	Net Expenditure
	£	£	£	£
Acquisition, Transformation and Regeneration	(313,000)	1,771,015	(2,069,945)	(298,930)
Environmental Services, Licensing and Community Safety	505,390	937,850	(280,350)	657,500
Chief Executive and Corporate Core	1,980,930	2,155,190	(120,870)	2,034,320
Housing and Community	8,312,070	12,702,720	(3,987,465)	8,715,255
Resources	3,177,250	23,277,750	(19,878,240)	3,399,510
Strategy and Planning	970,610	2,080,110	(990,000)	1,090,110
Total	14,633,250	42,924,635	(27,326,870)	15,597,765

	Revised Budget 2020/21	Budget 2021/22		
		Gross Expenditure	Income	Net Expenditure
Acquisitions, Transformation and Regeneration				
	£	£	£	£
Ancient Monuments and Gazebo	4,810	25,930	0	25,930
Business Improvement	304,870	316,580	0	316,580
Committee Property Account	(70,750)	41,700	(98,920)	(57,220)
Community Strategy	8,470	8,200	0	8,200
Cultural Development	23,340	23,350	0	23,350
Economic Development	251,250	326,340	(47,500)	278,840
Elva Business Centre, Bexhill	(163,250)	86,440	(235,100)	(148,660)
Environment Sustainability Strategy	42,500	42,500	0	42,500
Head of Service Acquisitions, Transformation and Regeneration	89,080	97,180	0	97,180
Housing Development Team	0	110,420	(62,080)	48,340
Housing Policy, Strategy and Development	31,300	6,795	0	6,795
Investment properties	(146,240)	17,580	(187,700)	(170,120)
Major Projects unit	61,540	169,970	(55,000)	114,970
Miscellaneous Land and Buildings	(12,020)	8,690	(16,970)	(8,280)
NLPG - E-Government	(18,000)	9,000	(20,000)	(11,000)
Peasmarsh Workshops	(11,520)	11,500	(22,120)	(10,620)
Performance Management	14,110	13,900	0	13,900
Programme and Policy Office	241,280	174,250	0	174,250
Property Investment Strategy	(847,300)	56,270	(953,810)	(897,540)
Property Management	62,900	8,750	0	8,750
Regeneration	54,440	57,240	(2,800)	54,440
Residual Housing Land	(240)	0	(125)	(125)
Tourism	127,850	125,750	0	125,750
Udimore Workshops	(3,660)	3,310	(7,090)	(3,780)
Watch Oak Estate	(39,500)	500	(40,000)	(39,500)
West Trading Estate	(318,260)	28,870	(320,730)	(291,860)
Total	(313,000)	1,771,015	(2,069,945)	(298,930)

Environmental Services, Licensing and Community Safety	Revised Budget 2020/21	Budget 2021/22		
		Gross Expenditure	Income	Net Expenditure
	£	£	£	£
Alcohol Licencing	(19,580)	68,760	(89,000)	(20,240)
Animal Welfare	1,170	1,160	0	1,160
Caravan Licences and Travellers	18,100	18,100	0	18,100
Community Safety	17,260	17,330	0	17,330
Crime and Disorder Initiatives	8,300	31,750	(23,450)	8,300
Dog Control	35,530	35,560	0	35,560
Environmental Services-Admin	20,190	15,450	0	15,450
Food and Safety Team	(40,850)	0	0	0
Food Hyg/Idc/Water Purity	127,920	133,450	(900)	132,550
Health and Safety and IDs	91,680	91,030	0	91,030
Houses Multiple Occupation	(1,000)	0	(1,000)	(1,000)
Licences and Registration	34,540	69,770	(37,000)	32,770
Licensing Team	(34,340)	170	0	170
Pest Control	2,990	20,770	(18,000)	2,770
Pollution	269,370	378,110	(28,000)	350,110
Private Sector Housing	650	650	0	650
Sub Standard Housing	230	230	0	230
Taxi and Private Hire Licences	(27,970)	55,060	(83,000)	(27,940)
Watercourses, Ditches and Drains	1,200	500	0	500
Total	505,390	937,850	(280,350)	657,500

	Revised Budget 2020/21	Budget 2021/22		
		Gross Expenditure	Income	Net Expenditure
Chief Executive and Corporate Core				
	£	£	£	£
Administrative Offices - Print Room	12,650	13,450	0	13,450
Administrative Offices - Rear Depot	2,330	2,380	0	2,380
Administrative Offices - T.H. Annex (NOT CHP)	(45,870)	44,000	(85,970)	(41,970)
Administrative Offices - Town Hall	195,390	195,920	0	195,920
Committee Service General Exp	173,870	175,180	0	175,180
Communications	50,810	51,490	0	51,490
Communications-Postages	67,510	62,200	0	62,200
Corporate Policy Making	4,330	4,550	0	4,550
District Council Elections	7,220	7,240	0	7,240
Electoral Registration	172,440	187,670	(8,500)	179,170
Emergency Planning	35,980	32,490	0	32,490
Chief Executive/Executive Directors	280,810	236,140	0	236,140
Facilities Management	126,740	132,450	0	132,450
Human Resources	271,970	324,050	(26,400)	297,650
Internal Audit	148,650	155,360	0	155,360
Joint Waste Contract Client Unit including contract procurement	(45,440)	0	0	0
Legal Services	265,600	265,600	0	265,600
Public Accountability C/Ex	700	980	0	980
Representing Local Interest	256,900	264,040	0	264,040
Sussex Training Partnership	(1,660)	0	0	0
Total	1,980,930	2,155,190	(120,870)	2,034,320

	Revised Budget 2020/21	Budget 2021/22		
		Gross Expenditure	Income	Net Expenditure
Housing and Community	£	£	£	£
Abandoned Vehicles	2,770	2,820	0	2,820
Allotments - Bexhill	1,350	2,980	(1,630)	1,350
Amenities Administration Account	550	0	0	0
Battle Community Help Point	5,270	5,270	0	5,270
Battle Sports Centre	6,000	6,000	0	6,000
Bexhill Leisure Centre	11,500	142,930	(1,520)	141,410
Bexhill Leisure Pool	12,450	41,520	(29,500)	12,020
Bexhill Parks and Open Spaces	814,790	874,950	(55,500)	819,450
Bexhill Promenade and Foreshore	21,600	107,060	(100,000)	7,060
Camber Beach and Foreshore	102,590	132,140	(25,660)	106,480
Car Parks	(1,180,530)	550,070	(1,624,450)	(1,074,380)
Care in the Community	5,100	5,100	0	5,100
Cemeteries	(14,880)	146,970	(160,800)	(13,830)
Churchyards	10,060	10,580	0	10,580
Coast Protection	38,860	42,190	(3,000)	39,190
Customer Services and Development	475,070	526,290	0	526,290
De La Warr Pavilion - Client	485,120	485,890	0	485,890
Head of Service Housing and Community Services	90,220	91,750	0	91,750
Housing Administration Account	560,130	615,580	(76,270)	539,310
Housing Loans Account	0	86,000	(86,000)	0
Housing Needs - Housing Benefit	792,800	1,550,800	(508,000)	1,042,800
Maintenance Services	35,330	37,510	0	37,510
Neighbourhood Services	786,990	806,090	0	806,090
Property Maintenance Team	213,840	215,930	0	215,930
Public Conveniences	417,270	424,950	(5,000)	419,950

	Revised Budget 2020/21	Budget 2021/22		
		Gross Expenditure	Income	Net Expenditure
Housing and Community – cont'd				
	£	£	£	£
Recycling	(21,300)	1,700	(7,200)	(5,500)
Refuse Collection	3,120,840	3,927,090	(970,000)	2,957,090
Residual Highway Services	20,810	20,520	(3,000)	17,520
Rother Museum Services	26,680	32,790	(5,700)	27,090
Rother Tenant Finder (previously Rother Letting Service)	135,040	137,030	0	137,030
Rough Sleeping Initiative	0	69,290	(69,290)	0
Rural Open Spaces and Amenities	33,810	34,880	(95)	34,785
Rye Area Parks and Gardens	87,760	98,390	(7,620)	90,770
Rye Community Help Point	10,180	10,200	0	10,200
Rye Sports Centre and Pool	6,030	9,560	(3,240)	6,320
Sports Development	(3,400)	42,870	(45,490)	(2,620)
Street and Beach Cleansing	1,201,370	1,184,350	(24,000)	1,160,350
Syrian Refugees Support	0	137,230	(140,000)	(2,770)
Temporary Accommodation Properties	0	85,450	(34,500)	50,950
Total	8,312,070	12,702,720	(3,987,465)	8,715,255

Resources	Revised Budget 2020/21	Budget 2021/22		
		Gross Expenditure	Income	Net Expenditure
	£	£	£	£
Accountancy	446,350	526,490	(9,060)	517,430
Benefit Investigation	(12,290)	0	(12,290)	(12,290)
Communications - Phones	80,000	65,530	0	65,530
Computer Services	763,370	790,840	0	790,840
Corporate Management	116,390	129,390	0	129,390
Cost of Collection	(156,660)	245,620	(402,280)	(156,660)
Internal Drainage Boards	130,000	130,000	0	130,000
Printing Services	62,580	141,260	(75,200)	66,060
Procurement	25,000	25,000	0	25,000
Public Accountability - Resources	6,000	6,000	0	6,000
Reliefs and Benefits - Council Tax Benefit	74,140	67,800	0	67,800
Reliefs and Benefits - Housing Benefit	(402,290)	18,938,120	(19,335,410)	(397,290)
Revenue and Benefits	1,043,520	1,164,130	0	1,164,130
Risk Management/Insurance	0	0	0	0
Service Manager Finance and Welfare	112,340	114,770	0	114,770
Stationery	0	44,000	(44,000)	0
Support to Elected Bodies/Grant	140,300	140,300	0	140,300
Treasury Management	8,500	8,500	0	8,500
Unapportion Central Overheads	740,000	740,000	0	740,000
Total	3,177,250	23,277,750	(19,878,240)	3,399,510

	Revised Budget 2020/21	Budget 2021/22		
		Gross Expenditure	Income	Net Expenditure
Strategy and Planning				
	£	£	£	£
Building Control	48,290	56,540	0	56,540
Complaints, Compliance, Enforcement	111,200	115,000	0	115,000
Conservation and Preservation	11,200	11,200	0	11,200
General Planning Expenses	0	9,330	0	9,330
Land Charges	(99,010)	81,610	(180,000)	(98,390)
Local Development Framework	150,000	150,000	0	150,000
Planning Appeals	4,500	4,500	0	4,500
Planning Applications	196,880	933,370	(710,000)	223,370
Planning Business Support	220,300	246,850	(10,000)	236,850
Planning Dept E-Government	4,000	4,000	0	4,000
Planning Enquiries	(42,000)	13,200	(50,000)	(36,800)
Planning Policy	267,370	362,920	(40,000)	322,920
Service Manager Strategy and Planning	97,880	91,590	0	91,590
Total	970,610	2,080,110	(990,000)	1,090,110

MAIN CHANGES IN NET COST OF SERVICES BETWEEN 2020/21 AND 2021/22

	£'000	£'000
Revised Revenue Budget 2020/21		15,602
Draft Revenue Budget 2021/22		16,206
Net Increase in Cost of Services		604

Analysis of Variations

Expenditure		Change Type
Staff restructuring	(110)	ongoing
Loss of Joint Waste Contract – contribution to corporate costs	46	ongoing
West Trading Estate roof repairs	10	one off
Budget adjustment for cyclical valuations undertaken every 5 years	(55)	ongoing
Landgate site clearance	20	one off
Rent voids	71	one off
Cessation of support for the Community Led Housing project	(19)	one off
Increase in Temporary Accommodation costs	299	one off
Extension of Leisure facilities contract	130	one off
New car parking machines	55	one off
Car parks maintenance	13	one off
Increased costs of car parking income collections	45	ongoing
Increase in volumes reducing price of Refuse and Street and Beach cleansing contracts	(141)	ongoing
Garden Waste Collection promotional material	30	one off
Reduced Recycling income	18	ongoing
Increase in business rates on car parks	14	ongoing
Additional post and temporary resource to provide technical support and advice to strategic projects	77	ongoing
Reduce use of external resource to manage the Council's ERP system	(10)	ongoing
Reduced Interest income from Investments	74	ongoing
Lower funding of capital expenditure from revenue	(1,035)	one off
Increase in MRP charge due to increased capital investment	281	ongoing
Increase in Interest Payments due to increased capital investment	397	ongoing
Property Investment Strategy rental income not achieved	544	ongoing
Lean and Demand	(90)	ongoing
Service Prioritisation/Devolution	(150)	ongoing
Inflation	401	ongoing
Other Minor Changes	67	ongoing

Income	£'000	£'000
Increase in staff costs charged to capital projects	(62)	
Increased rental income from properties	(61)	ongoing
Uplift in tenant recharges	(28)	ongoing
Housing and Community - additional Garden Waste collections	(100)	ongoing
Additional rental income - Bexhill promenade	(10)	ongoing
Housing and Community - additional car parking income	(24)	ongoing
Increase Income (net) - other	<u>(93)</u>	ongoing
		(378) ongoing
<hr/> Total Increase in Cost of Services		604

EARMARKED RESERVES

Reserves	Quarter 2					
	2020/21 Forecast £ (000)	2021/22 Budget £ (000)	2022/23 Budget £ (000)	2023/24 Budget £ (000)	2024/25 Budget £ (000)	2025/26 Budget £ (000)
Earmarked Reserves and General Reserves	14,970	10,343	7,114	4,600	3,280	3,398
Use of Reserves	(4,627)	(3,229)	(2,514)	(1,320)	0	0
Contribution to Reserves	0	0	0	0	118	435
Total Reserves	10,343	7,114	4,600	3,280	3,398	3,833
<u>Use of/Contribution to Reserves</u>						
To fund Capital Expenditure	(1,359)	(324)	(185)	(186)	(187)	(130)
To balance the Revenue Budget	(3,268)	(2,905)	(2,329)	(1,134)	305	565
Total	(4,627)	(3,229)	(2,514)	(1,320)	118	435

Rother District Council

Report to: Cabinet

Date: 11 January 2021

Title: Corporate Plan Consultation Exercise

Report of: Head of Service – Acquisitions, Transformation, and Regeneration

Cabinet Member: Councillor Vine-Hall

Ward(s): All

Purpose of Report: To approve the draft Corporate Plan and agree the programme for public consultation

Decision Type: Key

Officer

Recommendation(s): It be **RESOLVED:** That:

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

Introduction

1. The purpose of this report is to present to Members a draft Corporate Plan 2020-2027 for a 6-week period of consultation. It is important for the Council to have in place a Corporate Plan so it is clear in its strategic direction and planned approach to delivering progress against its vision for the district.
2. The aim of the consultation is to ensure residents, statutory partners, voluntary partners and interested parties have an opportunity to comment on whether the Council has identified the correct vision for the district and to give a wide audience the opportunity to forward their views on what the priorities for the district should be.

Analysis / Details of the proposals

3. The current Corporate Plan (2014-21) is based upon the priorities, in priority order, set out below:
 - An Efficient, Flexible and Effective Council
 - Sustainable Economic Prosperity
 - Stronger, Safer Communities
 - A Quality Physical Environment
4. As part of the Plan, a programme of projects was developed, designed to meet one or more of the priorities above. A total of 29 projects were included in the programme in 2014. The programme has since expanded to 32 Projects. Of

these, 16 (50%) are complete, and 16 (50%) projects are in progress. A list of the current projects is available at <http://www.rother.gov.uk/corporateplan>.

The Draft Corporate Plan 2020-27

5. Since the current Corporate Plan was agreed there have been a number of changes; political, social and economic, which together, with increasing demand for Council services, have proved challenging and will require a change in priorities.
6. Cabinet, through the Leader and the Lead Member, has provided a clear direction in the form of a set of 10 strategic objectives which have been the guiding principles in the new draft Corporate Plan (Appendix A). In summary, the strategic objectives relate to the following:
 - 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

The Consultation

7. The consultation exercise will last 6 weeks and then a period of analysis of the results will be required to prepare a final draft Plan for Cabinet to consider on 4 May 2021. The consultation will focus on the following:
 - a. Is the draft vision the right vision and if not what our *Vision* for the district should be.
 - b. Are the priorities correct and if not what the *Priorities* for the Council should be.
 - c. What further *Actions* we should take to deliver on the priorities and contribute to our vision for the district.
8. External consultation will consist of an on-line survey (back up postal survey). Internal consultation will focus on developing the delivery programme. Further details regarding the consultation exercise are available in the Consultation Plan set out at Appendix B.

Conclusion

9. The Corporate Plan will set the strategic direction and planned approach to delivering progress against the vision for the district. The draft document and consultation begin the process for ensuring the Council has a Plan in place which meets stakeholder and resident expectations and is able to meet future challenges and service demands.

Financial Implications

10. The draft Corporate Plan has significant influence on Council priorities and spend. This includes creating a financially sustainable Council but also significant spend commitments on housing development and tackling climate change.

Human Resources Implications

11. The draft Corporate Plan outlines actions with regards to a reorganisation of the Council's staffing structure with identified savings targets

Environmental

12. The draft Corporate Plan makes significant commitments to tackling climate change and improving the environment detailing a wide range of activities that will be taking place throughout the life of the Plan.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	Yes
Crime and Disorder	No	Consultation	Yes
Environmental	Yes	Access to Information	No
Sustainability	Yes	Exempt from publication	No
Risk Management	No		

Head of Service:	Ben Hook
Report Contact Officer:	Ben Hook
e-mail address:	ben.hook@rother.gov.uk
Appendices:	A – Draft Corporate Plan B – Consultation Programme
Relevant Previous Minutes:	N/A
Background Papers:	-
Reference Documents:	-

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www.rother.gov.uk

Rother District Council
Corporate Plan 2020 - 2027

www.rother.gov.uk

Financial stability

Prosperity and economic development

OUR VISION

To put residents at the heart of all we do

Increasing the supply of affordable homes across the District

Delivering more effective services

Protecting the natural environment and tackling climate change

Empowering our people and strengthening our processes and resources

PRIORITY OBJECTIVES

CLIMATE EMERGENCY

To establish and deliver a plan to ensure Rother District Council is carbon neutral by 2030.

FINANCIAL STABILITY

To rectify the financial deficit and bring the Council to a secure financial footing by the end of 2025/26.

INCREASE THE SUPPLY OF AFFORDABLE HOMES THROUGHOUT THE DISTRICT

To deliver 400 affordable rent homes by end 2023.

HOUSING LIST REDUCTION

To reduce the Rother Housing list from 1,600 (as at December 2019) to 1,200 by the end of 2023.

HOUSING

To bring Rother above a 5-year land supply by the end of 2023.

EMPOWERED ORGANISATION

To create an organisational structure that allows for a clearer, more effective resident focused organisation by the end of 2023.

A FAIRER SOCIETY

To build a fairer society by promoting acceptance and equality in the District, developing an Anti-Poverty Strategy to improve existing support services and identifying new ways of working in collaboration with the voluntary sector to reduce poverty and hardship within the District.

DEVELOPMENT OF ROTHER'S ECONOMY

To lift the average indexed wage in the Rother District from the bottom of the national league table by the end of 2023.

AN OPEN COUNCIL

To improve access to Council meetings, ensuring increased transparency, meaningful consultation and better visibility by the end of 2023.

A TOWN COUNCIL FOR BEXHILL-ON-SEA

To form a Parish (Town) Council for Bexhill with effect from 1 April 2021 with the first elections in May 2021.

CLIMATE EMERGENCY

To establish and deliver a plan to ensure Rother District Council is carbon neutral by 2030.

ACTIONS TO ACHIEVE OUR AIMS	MILESTONES	BY WHEN
By ensuring that the new Local Plan (2019-39) includes policies that demand higher bio-diversity net gain measures from developments than required by the National Planning Policy Framework, subject to evidence gathering and allowances within the regulations.	Evidence gathering 2020-22. Investigate the extent to which the Local Plan can demand additional environmental measures in developments. Progression through Local Plan.	Regulation 18 consultation - Autumn 2021, Regulation 19 consultation Autumn/Winter 2022, Submission to PINS Spring 2023, Adoption Winter 2023.
By focusing a proportion of the Rother Community Grants and Community Infrastructure Levy on infrastructure projects which reduce carbon emissions.		
Increase the proportion of waste that is recycled by Rother residents.	Proportion of recycling is increased to 53%.	31/12/23
By actively managing our green spaces to maximise carbon reduction effectiveness.	Develop an Asset Management Plan for green assets.	31/12/21
By ensuring carbon reduction clauses are included in all new Council contracts.	Each new contract as it arises.	31/12/23
By installing Electric Vehicle charging points to be installed in appropriate Rother District Council car parks.	Installation of Electric Vehicle Charging into Rother District Council Car Parks to begin where viable.	31/12/21

ACTIONS TO ACHIEVE OUR AIMS	MILESTONES	BY WHEN
By developing a plan to ensure all Rother District Council assets are carbon neutral or have carbon offsets scheduled equally over the period 2021-2030.	Proposals for dealing with Town Hall, Bexhill.	31/03/21
	Develop an Asset Management Plan and improvement programme for entire estate.	31/12/22
By Incentivising Parish and Town Councils to adopt climate emergency policies.	Establish list of the Parish and Town Councils Climate policies.	31/03/21
	Make the adoption of such a policy a requirement for accessing environment related funding or grants.	31/03/22

FINANCIAL STABILITY

To rectify the financial deficit and bring the Council to a secure financial footing by the end of 2025/26.

ACTIONS TO ACHIEVE OUR AIMS	MILESTONES	BY WHEN
Continue to bring forward secure property investments which generate current net income.	Extra income £73,000 Extra income £1,716,000 Extra income £2,995,000 Extra income £3,353,000 Extra income £3,449,000	31/03/22 21/03/23 31/03/24 31/03/25 31/03/25
Monetising and maximising financial return on income from Rother assets wherever possible.	Rent reviews Surplus assets disposal Strategic redevelopment	2025
	Identify secondary income opportunities from assets (e.g. energy storage/production).	2022
Devolve discretionary assets and services to Parish and Town Councils and other bodies where possible.	Devolve non charged-for Car Parks to Parish and Town Councils.	31/03/22
	Devolve control of Parks and Gardens to Parish and Town Councils.	31/03/22
	Devolve control of public conveniences to Parish and Town Councils.	31/03/22
	Savings of £1,350,000	31/03/25

ACTIONS TO ACHIEVE OUR AIMS	MILESTONES	BY WHEN
	Additional income generation through increased or new fees for discretionary services: £107,000 £202,000	31/03/22 31/03/23
Increase the amount of business rates generated and collected locally.	Proactively attract and retain high value businesses in the Rother District through new developments: <ul style="list-style-type: none"> • Barnhorn Green • Beeching Road/Wainwright Road • Bexhill Enterprise Park Other developments throughout the District where possible.	2023 2024 2023
Reorganise the Council's corporate structure to reduce cost delivering and greater efficiency.	Removing incorrect discounts/exemptions. Bringing unrated businesses into NNDR (Business Rates Baseline).	31/03/24 31/03/23
	Savings of £78,000 staffing structure.	31/03/22

ACTIONS TO ACHIEVE OUR AIMS	MILESTONES	BY WHEN
	Savings of £180,000 council transformation through delivery of lean/demand recommendations.	31/3/22
Investigating shared services to improve resilience.	Identify potential partners where shared service viable and report to Cabinet.	31/12/21
	Prioritise Services to be delivered as shared service and develop delivery programme.	31/03/22
Bring forward a programme of innovative plans to generate income enabling costs to be offset and improvements in service delivery.	Create Member/Officer work group to identify and develop proposals.	31/03/21
	Prioritise proposals and develop delivery programme.	30/09/21

INCREASE THE SUPPLY OF AFFORDABLE HOUSING THROUGHOUT THE DISTRICT

To deliver 400 affordable rent homes by end 2023

ACTIONS TO ACHIEVE OUR AIMS	MILESTONES	BY WHEN
By ensuring that schemes being progressed by Registered Providers and private developers are delivered within expected timescales.	85 new affordable homes delivered.	31/03/21
	106 new affordable homes delivered.	31/03/22
	118 new affordable homes delivered.	31/03/23
Work with landowners and Registered Providers to begin delivery on stalled sites with planning permission.	Begin development on two stalled sites to deliver at least 30 Affordable Rent homes.	31/12/23
Direct development of Affordable Rent homes through the Alliance Homes (Rother) delivery vehicle.	61 affordable rent homes delivered.	31/12/23

HOUSING LIST REDUCTION

To reduce the Rother Housing list from 1600 (as at December 2019) to 1200 by end 2023.

ACTIONS TO ACHIEVE OUR AIMS	MILESTONES	BY WHEN
Increase supported housing options to meet identified temporary accommodation needs.	20 new units of supported temporary accommodation delivered.	31/03/22
	30 further new units of supported temporary accommodation delivered.	31/03/23
Increase the number of adaptations made to the homes of disabled people and support them to sustain their accommodation through the provision of Disabled Facilities Grants (DFGs)*.	150 DFGs completed annually.	31/03/22
Support those at risk of homelessness to sustain their accommodation through the provision of Discretionary Housing Benefit*.	Provide help to at least 200 households annually.	31/12/23
Direct development of new homes through the Alliance Homes (Rother) delivery vehicle to increase the supply of housing in all tenure types across the District.	253 Homes completed.	31/12/23
Prevent and relieve homelessness by improving access to the private rented sector through the Rother Tenant Finder Scheme (RTF).	The RTF Scheme to achieve 100 private rented sector tenancies per annum.	31/03/23
Support the most vulnerable households with multiple and complex support needs to access accommodation through multi-agency service delivery.	Through continued investment in the East Sussex Rough Sleeping Initiative relieve or prevent 30 people from rough sleeping annually.	31/03/21

ACTIONS TO ACHIEVE OUR AIMS	MILESTONES	BY WHEN
	Grow and sustain the Bexhill Safe Space in collaboration with local support groups.	31/03/21
Deliver effective social housing allocations through the implementation of a revised Housing Allocations Policy for Rother and by adjusting the Rother Local Plan to prioritise the type of affordable housing delivered for those in Band A.	New Social Housing Allocations Policy implemented.	30/10/21

* Some targets will indirectly contribute towards a reduction in the housing list through increasing overall supply and homelessness prevention measures.

HOUSING

To bring Rother above a 5-year land supply by end 2023.

ACTIONS TO ACHIEVE OUR AIMS	MILESTONES	BY WHEN
<p>Deliver a new Local Plan 2019-2039 with policies that:</p> <ul style="list-style-type: none"> • Speed up the overall planning process. • Incentivise delivery of smaller sites. • Create an environment of certainty for developers. 	<p>Evidence gathering 2020-22. Progression through Local Plan.</p>	<p>Regulation 18 consultation - Autumn 2021, Regulation 19 consultation Autumn/Winter 2022, Submission to PINS Spring 2023, Adoption Winter 2023.</p>
<p>By achieving planning permission on Council-owned land and land owned or purchased through Alliance Homes (Rother).</p>		
<p>By working with the Sussex Community Housing Hub and Registered Providers to bring forward applications on rural exception sites.</p>		
<p>By attracting higher indexed wage business employment (supported by DES and the Local Regeneration Company) to new employment sites and incentivising businesses with higher indexed wages (than our current position) to both Bexhill and Rural areas which will support further housing demand. In addition to ensure the Rother Local Plan reflects a housing mix which supports the needs of incoming businesses.</p>		

EMPOWERED ORGANISATION

To create an organisational structure that allows for a clearer more effective, resident focused organisation by end 2023.

ACTIONS TO ACHIEVE OUR AIMS	MILESTONES	BY WHEN
<p>To review and amend the organisational structure to ensure services are delivered in an efficient and resident focused manner:</p> <p>Our aim is to reduce the number of complaints through improved self-help and the digitalisation of services:</p> <ul style="list-style-type: none"> • we will empower officers to make decision at the right level; • we will design out demand on the organisation; and • we will conduct an annual perception survey to identify areas in need of improvement. 	<p>To install a temporary management structure to reflect short-term priorities and immediate capacity issues.</p>	<p>31/01/21</p>
	<p>Conduct review of organisational structure and present recommendations for consultation.</p>	<p>31/01/22</p>
	<p>Implement new organisational structure.</p>	<p>31/06/22</p>

A FAIRER SOCIETY

To build a fairer society by promoting acceptance and equality in the District, developing an Anti-Poverty Strategy to improve existing support services and identifying new ways of working in collaboration with the voluntary sector to reduce poverty and hardship within the District.

ACTIONS TO ACHIEVE OUR AIMS	MILESTONES	BY WHEN
For the Anti-Poverty Task and Finish Group to develop an anti-poverty strategy for the District.	Recommendations for a new Anti-Poverty Strategy made for Council's consideration.	01/12/21
Improve employment access and readiness among vulnerable homeless groups.	40 homeless people supported into employment and employment readiness training annually through the Live, Work, Thrive Project.	31/03/22
Improve levels of physical activity amongst residents experiencing socio-economic deprivation and poor health outcomes.	New leisure contract delivers demonstrable improvement in levels of activity amongst residents experiencing deprivation.	31/03/21

DEVELOPMENT OF ROTHER'S ECONOMY

To lift the average indexed wage in Rother District from the bottom of the national league table by end 2023.

ACTIONS TO ACHIEVE OUR AIMS	MILESTONES	BY WHEN
By delivering on key actions within the Rother Economic Recovery Plan.	500 additional rural homes with access to ultrafast (1GB) broadband infrastructure.	31/12/23
	15 new sustainable tourism events across Bexhill, Battle, and Rye (five per year).	31/12/23
Completion of Council-Led Commercial Developments increasing employment levels in the District.	15,000sqm of new commercial space across: Barnhorn Green, Bexhill Beeching Road, Bexhill Bexhill Enterprise Park	31/12/23
Development of new space to encourage growth of the creative sector in the District.	Phase 1 of the Bexhill Studios project to be completed and operating.	30/07/21
	Phase 2 of the Bexhill Studios project to secure funding.	30/12/23

OPEN COUNCIL

To improve access to Council meetings, open the council to the public ensuring increased transparency, meaningful consultation and better visibility by end 2023.

ACTIONS TO ACHIEVE OUR AIMS	MILESTONES	BY WHEN
To live-stream all formal public Council meetings held in the Council Chamber to accessible platforms.	To get Cabinet approval agreeing costs/budget.	31/01/21
	To enter necessary contracts/commission installation and assess the viability of streaming directly to social media platforms.	31/09/21
	To commence live streaming of all formal public Council meetings.	31/01/22
By developing a customer service strategy, we will ensure customers are at the heart of what we do by improving accessibility to all Council Services and customer service standards across the organisation.	Customer Service Strategy developed and adopted.	31/12/21
Ensure an equality of access to all Council services to meet the diverse needs of our residents.	Strategy fully implemented	31/03/22
To modernise the way the Council operates by updating the Constitution.	Establish a Constitution Review Steering Group.	31/01/21
	Identify key areas for change.	31/03/21

ACTIONS TO ACHIEVE OUR AIMS	MILESTONES	BY WHEN
	Consultation with all Members/Overview and Scrutiny Committee.	30/07/21
	Cabinet consider and recommends changes to Council.	31/09/21
	Full Council approval.	31/12/21
	New Constitution implemented.	31/01/22
Listening and responding to the needs and experiences of our residents.	Council survey of the needs and experiences of residents completed annually.	31/03/21

A TOWN COUNCIL FOR BEXHILL-ON-SEA

To form a Parish (Town) Council for Bexhill with effect from 1 April 2021 and first elections in May 2021.

ACTIONS TO ACHIEVE OUR AIMS	MILESTONES	BY WHEN
Draft the Community Governance Order (CGO) to enact the final recommendations of the Community Governance Review of Bexhill-on-Sea and establish a Parish (Town) Council.	Council approval of CGO.	31/12/20
Appoint an interim administrator to take all necessary steps to set up the initial governance structure for the Council and all other necessary administrative tasks prior to the election of the Parish (Town) Council, including the promotion of the election including the holding of events and briefing prospective candidates.	Interim Administrator appointed.	07/02/21
	Publicise the up and coming elections.	28/02/21
Work with the new Parish (Town) Council to identify and agree which assets and services will be transferred from Rother District Council to the Parish (Town) Council.	Establish a formal process for consulting with the new Parish (Town) Council on the transfer of services.	31/09/21
	Identify and agree which services will transfer from April 2022.	31/12/21
The Community Governance Review Steering Group to work with the interim administrator to make arrangements for the appointment of a permanent Parish (Town) Council clerk following the elections in May 2021.	Advertise position widely in February with closing date end of March.	31/03/21
	Shortlist drawn up ready for the new Parish (Town) Council.	30/04/21
	Interviews conducted by new Parish (Town) Council.	31/05/21

ACTIONS TO ACHIEVE OUR AIMS	MILESTONES	BY WHEN
Conduct the election of the new Parish (Town) Council in accordance with electoral legislation.	Publicise the up and coming election.	28/02/21
	Give formal notice of the election.	29/03/21
	Publish list of persons nominated.	09/04/21
	Conduct the election.	06/05/21

Glossary of Terms – TO BE COMPILED

Bexhill Studios Project

DFGs

Live, Work, Thrive Project

NNDR

PINS

Regulation 18

Regulation 19

RTF

Rother District Council Corporate Plan 2020-27 Consultation Plan

The Corporate Plan aims to set out the Council's priorities for the district and will include a plan of how we will meet these priorities. Those priorities should be firmly based upon a two-way dialogue between the Council and its partners and residents.

Development of the Corporate Plan will follow the process set out below:

TASK	TIMEFRAME
Report to Cabinet – agreement to Engagement Exercise	January 2021
6-week Consultation Exercise	1 February – 15 March 2021
Consultation Exercise Analysis	March - April 2021
Analysis of Equality Impact Assessment	April 2021
Drafting of Corporate Programme	February – April 2021
Cabinet	4 May 2021
Full Council	17 May 2021

Aims of the engagement exercise:

- To validate the Plan with internal audiences.
- To give a wide audience of partners, residents and interested parties the opportunity to give their views on what the priorities for the Council should be.

External consultation: Who we will engage with:

Resident Target Groups	Statutory Partners	Business	Voluntary Sector Partners
<ul style="list-style-type: none"> • Parish Councils • Citizens panel • Residents Associations 	<ul style="list-style-type: none"> • DWP • ESCC • Sussex Police • NHS/CCGs • Neighbouring Local Authorities • Schools/colleges 	<ul style="list-style-type: none"> • Local businesses • Organisations representing business interests 	<ul style="list-style-type: none"> • CAB • AiRS • RVA

How we will engage:

1. Twelve week internal and external consultation on:
 - Vision
 - Priorities
 - Actions

External consultation will consist of an on-line survey (back up postal survey)

2. Internal consultation on programme development.

Following the Consultation Period:

Following the consultation period, all feedback will be analysed and used to develop a final Plan. Alongside this, the Corporate Programme will be developed as the framework for delivery of the Plan. The Council's Programme Office has been set up as a means to develop and monitor the delivery of this framework.

Cabinet and Full Council approval of the Corporate Plan 2020-2027 and Corporate Programme will be sought in May 2021.

Rother District Council

Report to: Cabinet

Date: 11 January 2021

Title: Battle Civil Parish Neighbourhood Plan – Rother District Council Representations to the Regulation 16 Consultation

Report of: Tim Hickling, Head of Service - Strategy and Planning

Cabinet Member: Councillor Vine-Hall

Ward(s): North Battle, Netherfield & Whatlington, South Battle & Telham

Purpose of Report: To present the Council's representations made for the Regulation 16 Consultation on the Battle Parish Neighbourhood Plan.

Decision Type: Non-Key

Officer

Recommendation(s): It be **RESOLVED** That:

- 1) the main body of this report and the representations set out at Appendix 1 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.

Introduction

1. The Battle Civil Parish Neighbourhood Plan (BCPNP) has been prepared by Battle Town Council following designation of the parish as a Neighbourhood Area in 2015. It is currently the subject of a statutory public consultation ending on 29 January 2021 during which period representations may be made. Duly-made representations will be considered through an examination process by an independent Examiner to determine whether the Plan meets the 'basic conditions' required in order for the Plan to proceed to referendum.
2. This report is to enable Cabinet to make representations on behalf of the Council as part of this process.

Analysis

3. The Neighbourhood Plan, together with supporting documents, can be viewed on the Council's website at <https://www.rother.gov.uk/planning-and-building-control/planning-policy/neighbourhood-plans/battle-neighbourhood-plan/>.

The submitted documents are:

- Battle Civil Parish Neighbourhood Plan 2019-2028
- Basic Conditions Statement
- Battle Civil Parish Design Guidelines
- Battle Civil Parish Character Appraisal
- Strategic Environmental Assessment
- Consultation Statement
- Consultation Statement Appendix 1 – Communications Strategy
- Consultation Statement Appendix II – Questionnaire Survey
- Consultation Statement Appendix III- -Photographs
- Consultation Statement Appendix IV – Resources and Literature

4. The Neighbourhood Plan contains 23 planning policies and additional community aspirations which are as follows:

List of BCPNP Planning Policies

Housing and Development

- HD1 Development Boundaries
- HD2 Site Allocations
- HD3 Housing Mix
- HD4 Quality of Design
- HD5 Protection of Landscape Character
- HD6 Local Connection
- HD7 Integration of New Housing
- HD8 Protection of the Green Gaps Between Settlements
- HD9 Town Centre Boundary

Infrastructure

- IN1 Traffic mitigation
- IN2 Maintain and improve existing infrastructure
- IN3 Parking and new development
- IN4 Pedestrian provision and safety

Environment

- EN1 Local Green Space Designations
- EN2 Conservation of the natural environment, ecosystems and biodiversity
- EN3 The High Weald AONB and Countryside Protection
- EN4 Historic Environment
- EN5 Locally important historic buildings, other structures and other non-designated heritage assets

Economy and Tourism

- ET1 Tourism and Local Economy
- ET2 Sustaining local retail and encouraging employment opportunities
- ET3 Developer Contributions
- ET4 Protection of Assets of Community Value
- ET5 Community leisure and cultural facilities

Community Aspirations

Ambition 1 - Battle and the hamlet of Telham: To reduce road traffic congestion both local and through traffic, especially at peak times

AMBITION 2 – Battle and the hamlet of Telham: To improve footways and pedestrian safety

AMBITION 3 – Battle, Netherfield and the hamlet of Telham: To protect and encourage wildlife, flora and fauna within the Civil Parish.

AMBITION 4 – Battle and the hamlet of Telham: To monitor for adequate provision of Community Facilities and Amenities

AMBITION 5 – Battle and the hamlet of Telham: To protect the Town’s History and Buildings

AMBITION 6 – Battle, Netherfield and the hamlet of Telham: To improve local public transport

AMBITION 7 - Netherfield: To reduce local congestion and improve footways

AMBITION 8 - Netherfield: To improve car parking

AMBITION 9 - Netherfield: To ensure adequate provision of Community Facilities

AMBITION 10 - Netherfield: To improve infrastructure and utilities

AMBITION 11 – Battle, the hamlet of Telham and Netherfield: To encourage a diverse mixture of dwellings.

5. The Neighbourhood Plan relates to the period 2019-2028 in line with the end date of the Core Strategy.

General conformity and other ‘basic conditions’ requirements

6. As stated in the National Planning Policy Framework (NPPF) 2019: *‘Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.’* Paragraph 29 goes on to state:

‘Neighbourhood plans should reflect these policies and neighbourhood plans should plan positively to support them. Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies.’

7. Other basic conditions relate to: having regard to national policies and advice contained in guidance issued by the Secretary of State; having special regard to the desirability of preserving any listed building (or its setting) or conservation area; contributing to the achievement of sustainable development; and compatibility with EU obligations.
8. Hence, a critical function of this Council is to consider and advise on whether each Neighbourhood Plan policy – and the Plan overall – is in ‘general

conformity' with the policies of the adopted Local Plan Core Strategy. The BCPNP was submitted to RDC for a pre-submission review. The Steering Group responded to many of the comments made, resulting in a much-reduced number of comments made at the Regulation 16 consultation and we welcome this approach.

Key Core Strategy policies and housing provisions

9. The BCPNP includes policies relevant to both Battle and Netherfield and as such relevant strategic spatial policies from the Core Strategy relate to both Battle and the Rural Areas. In considering 'general conformity' of the Neighbourhood Plan's development provisions, reference is made to the overall spatial strategy for development across the District as set out in policy OSS1 of the Core Strategy. Part (iii) of this policy is to:
- (iii) Identify suitable sites in accordance with the following spatial distribution:*
- (b) Provide for some development in Battle and Rye that helps maintain their small market town roles and is consistent with their respective environmental constraints and settings*
 - (c) Facilitate the limited growth of villages that contain a range of services and which contributes to supporting vibrant, mixed rural communities, notably in relation to service provision and local housing needs, and is compatible with the character and setting of the village;*
 - (d) Allow for small-scale infill and redevelopment, and otherwise enable local needs for housing and community facilities to be met in other villages; and*
 - (e) Give particular attention to the ecological, agricultural, public enjoyment and intrinsic value of the countryside, and continue to generally restrict new development to that for which a countryside location is necessary or appropriate to promoting sustainable land-based industries and sensitive diversification, primarily for employment uses.*
10. The spatial strategy is elaborated upon for Rural Areas, including Netherfield, through policy RA1, which sets out the approach to villages in policies RA2-RA4 in relation to development in the countryside. Of particular relevance, Part (v) of policy RA1 states:
- (v) In order to meet housing needs and ensure the continued vitality of villages, the provision of 1,670 additional dwellings (comprising existing commitments, new allocations and windfalls) in villages over the Plan period 2011 to 2028. This will be located in accordance with Figure 12, subject to refinement in the light of further investigation via the Development and Site Allocations Local Plan and/or Neighbourhood Plans.*
11. The objectives for Battle are listed in policy BA1: Policy Framework for Battle, which sets out the approach to development in Battle as follows:
- (i) Maintain the essential physical form, local distinctiveness, character and setting of the town, particularly in and adjacent to the Conservation Area;*
 - (ii) Implement the ESCC Battle Local Area Transport Strategy, particularly measures that minimise the demand for cross-town vehicular traffic; and*

- improve pedestrian and cycle access to services/ facilities from new and existing development;*
- (iii) Provide for 475-500 net additional dwellings in Battle over the Plan period 2011-2028, by developing new housing via opportunities both within the development boundary, and modest peripheral expansion opportunities that respects the setting of Battle within the High Weald AONB and supports community facilities;*
 - (iv) Enable new local employment opportunities by providing for at least 10,000 sq m of employment floorspace within the town centre, adjacent to Station Approach, at sites on Marley Lane and at other sites as necessary (including by assessing the potential for mixed use with housing development);*
 - (v) Enable growth in sustainable tourism by allowing the development of new tourist accommodation, particularly by the conversion and extension of suitable properties closely related to the town centre;*
 - (vi) Maintain a vibrant and distinctive town centre and encouraging additional restaurants, cafes and/or retail service establishments as well as seeking opportunities for increased convenience shopping floorspace of some 1,000 sq m sales area within or adjacent to the town centre, as well as facilitating some additional comparison shopping floorspace;*
 - (vii) Implement improvements to the provision of open space, sport and recreation facilities, in accordance with adopted standards and strategies;*
 - (viii) Ensure that new development does not put pressure on local infrastructure, and that it makes appropriate contribution to community and other infrastructure;*
 - (ix) Seek opportunities for habitat creation, restoration and enhancement, particularly in identified Biodiversity Opportunity Areas to the east and west of the town.*

12. BA1 sets out that Battle must provide for 475-500 net additional dwellings over the Plan period 2011-2028. 48 additional dwellings are to be identified in Netherfield as set out in table 12 of policy RA1. As at 1st April 2019, the residual number for Battle is 18, once the developments of the Blackfriars, Tollgates and Lillybank sites and other smaller developments are accounted for. The equivalent residual number for Netherfield is 23 as of April 1 2019.

13. In addition to Policies OSS1, RA1BA1, other significant core policies are:

- OSS2 – the basis for determining development boundaries
- OSS3 – other factors for the location of development
- OSS4 – general development considerations
- EN1 – for the good stewardship of the landscape, notably the character and features of the High Weald AONB
- EN2 – for stewardship of the historic built environment
- DHG1 – for affordable housing

Key Issues

General

14. The policies and supporting text of the BCPNP have been crafted to positively support development which is demonstrated throughout the document and

welcomed by RDC. The housing site allocations meet the residual targets for both Battle and Netherfield.

Retail and employment policies

15. It is appreciated that the policy for the retail and employment element, ET2, is worded to accommodate future development, however the outstanding target figures of 1,000sq m of retail and 10,000sq m of employment floorspace set when the neighbourhood area was designated in 2015, have not been allocated within the Neighbourhood Plan, and this causes some concern.
16. The supporting document *Battle CP Call for Sites for Retail and Employment 2020* confuses the issue by highlighting potential sites but these are not taken forward within the Neighbourhood Plan as allocations.
17. Discussions between the Neighbourhood Plan Steering Group and the RDC Property Estates and Regeneration Manager regarding retail development in Battle have been on-going. The Property Estates and Regeneration Manager has confirmed to the Steering Group that as the freehold owner of the site where Jempsons convenience store is located, the District Council would be open to the suggestion of a potential Jempsons' expansion, and it was hoped that the relevant policy ET2 would reflect this support with an allocation of 1000sq m to meet the retail requirement. The policy would then wholly be in conformity with Core Strategy BA1 Policy Framework for Battle which sets out the requirement for 1000sq m 'within or adjacent to the town centre'.
18. The District Council would not wish the BCPNP to fail on this point and therefore it is considered that policy could be reworded to include reference to the outstanding requirement for retail floorspace and its suitability in this locality without the need for a specific allocation, wording such as '*It is the intention to support the retention of existing retail outlets within the town centre boundary and further support the provision of the outstanding target for additional convenience goods floorspace primarily at the market square site.*' would ensure conformity.
19. The employment floorspace requirement for Battle Parish is set out in BA1 for 10,000sq m, with 9,358sq m being allocated in existing permissions and the DaSA allocation at Marley Lane, plus the extant Rutherfords allocation of 2,700sq m which will continue to be carried forward from the 2006 Local Plan Policy EM4, leaving a residual requirement for 642sq m. Again, the supporting document identifies potential employment sites, and the SG has been in discussion with RDC officers about these allocations, however the residual requirement has not been met in the BCNP. It is appreciated that the policy is positively worded, but the omission of the employment allocations potentially leaves the parish open to speculative development, which should be avoided. The continued 'saving' of the extant Rutherfords policy from the 2006 Local Plan assists to protect the parish from large scale speculative employment land development.

Housing Mix

20. There are some concerns regarding the wording of HD3 Housing Mix, which were highlighted at the Regulation 14 consultation and again at the pre-submission review, but these have not been addressed in the Plan. The wording of the policy relating to 'a proportion of affordable housing and shared ownership flats' could be seen to undermine the strategic policy DHG1 - Affordable Housing. Shared ownership is affordable housing as defined in national policy and the term 'a proportion' conflicts with the local plan policy. The policy also implies that shared ownership units must be flats, which may not be appropriate in all cases and would preclude all development without flats. It is unclear why single level dwellings are specified, and sheltered accommodation provision is expected as part of the policy. The wording of Policy HD3 may make it difficult for decision makers to interpret as it conflicts with the respective strategic policies in the Local Plan. It is considered that wording such as this could undermine the strength of the Plan. However, these elements described above could be resolved with some careful rewording of the policy.

Matters outside the remit of planning policy

21. There are policies in the Plan which attempt to deal with matters outside the remit of planning policy, the precise comments are in the appendix below. Officer's recommended at Regulation 14 that these policies were deleted or amended, and these comments still stand. HD6 Local Connection sets out criteria for selecting occupiers and tenants for affordable housing which are not applied via the planning process. Policy ET3 Developer Contributions is unnecessary in its current edit, we have recommended that the wording of the policy and the intentions should be re-visited. The policy cannot operate in the way it is set out in the Plan, however it could sit comfortably in the aspirations section of the Plan where a list of projects and objectives could be identified and advanced for funding by CIL monies or negotiation via S106 Obligations.
22. The same applies to policy ET4 Protection of Community Assets, which would also be better placed in the aspirations section of the Plan. The procedures for registering Assets of Community Value are not via the planning system.

Environmental/Sustainability Implications

23. Neighbourhood plans must contribute to the achievement of sustainable development in order to meet the Basic Conditions. Through the Examination process, the appointed independent Examiner, will conclude whether the BCPNP meets the Basic Conditions and has followed the proper legal process required of a Neighbourhood Plan and whether it should proceed to a referendum.
24. The BCPNP is also accompanied by a Strategic Environmental Assessment of the plans and policies. The Examiner will consider this document alongside the evidence base supporting the submitted BCPNP.

25. Once the BCPNP has been through the Examination process, a subsequent report will be presented to a future Cabinet meeting. That report will detail the findings of the Examiners Report, the response to the findings and the requisite recommendation/s.

Conclusion

26. The BCPNP is well structured and well-presented with a strong evidence base. A clear commitment from the Steering Group to represent the views of the parish residents is evident from the development of the Plan after extensive community consultation. We are pleased to see the positive stance towards development and the BCPNP is a document that can largely be used effectively by a decision maker, however there are certain recommendations made at Regulation 14 and beyond have not been taken into account, such as those set out in paragraph 20 above for example, which may make it difficult for decision makers to interpret as it conflicts with the respective strategic policies in the Local Plan. It is considered that current wording used could undermine the strength of the Plan.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	Consultation	No
Environmental	Yes	Access to Information	No
Sustainability	Yes	Exempt from publication	No
Risk Management	No		

Chief Executive:	Malcolm Johnston
Report Contact Officer:	Tim Hickling – Head of Strategy and Planning
e-mail address:	Tim.Hickling@rother.gov.uk
Appendices:	Appendix 1 – RDC Representations
Relevant Previous Minutes:	None
Background Papers:	Battle Civil Parish Neighbourhood Plan 2019-2028
Reference Documents:	Basic Conditions Statement Battle Civil Parish Design Guidelines Battle Civil Parish Character Appraisal Strategic Environmental Assessment Consultation Statement Consultation Statement Appendix I – Communications Strategy Consultation Statement Appendix II – Questionnaire Survey Consultation Statement Appendix III – Photographs Consultation Statement Appendix IV – Resources and Literature

Rother District Council Representations

1. **General comments on the Neighbourhood Plan itself**

The Battle Parish Neighbourhood Plan is a well-researched document. The structure of the Plan is clear and well formatted, making it easy to navigate and use in decision making. The maps are clear and well placed and the photos illustrate well the identity of the parish. More photos could have been used throughout the document as the parish has a wealth of photogenic locations, although it is appreciated that the supporting document the Battle Civil Parish Design Guidelines is fully illustrated with images of many aspects of the parish.

Each policy is presented alongside the community objective it supports, the local policy it is in conformity with and the key evidence base that can be found in appendices and elsewhere online, creating a user-friendly document. The policy intent section offers helpful supporting text for each policy. The consultation statement demonstrates the community consultation process and how the Plan has developed accordingly. It is clear that the Plan has progressed since the Regulation 14 consultation, taking into account the comments from the community and statutory bodies.

2. **HD1 Development Boundaries**

No specific comments.

3. **HD2 Site Allocations**

Officers recommended at the Regulation 14 stage that site BA32a Glengorse which is proposed to be allocated for 20 dwellings is only suitable for 15 dwellings. A layout diagram, taking into account the substantial tree and hedged field boundaries, and the realities of a street network, indicates that circa 15 would be a more realistic number for this site. This recommendation still stands and it should be noted that amending the site capacity to 15 does not impact on the BCPNP's ability to meet the outstanding housing target. Other comments made at Regulation 14 have been taken into account.

4. **HD3 Housing mix**

Comments made at Regulation 14 and the pre-submission review still stand. This policy must take account of strategic policies - Core Strategy Policy LHN1 Achieving Mixed and Balanced Communities and DaSA Policy DHG1 Affordable Housing. The wording of this policy relating to 'a proportion of affordable housing and shared ownership flats' could be seen to undermine the strategic policy DHG1 (affordable housing). Shared ownership is affordable housing as defined in national policy and the term 'a proportion' conflicts with Policy DHG1. The wording is vague and difficult for developers to ascertain the more detailed requirements that it is trying to achieve and undermines the strategic policy LHN1 in the Core Strategy. The policy implies that shared ownership units need to be flats which may not be appropriate in all cases - this would preclude developments without flats. It is unclear why single level dwellings (bungalows) are specified and sheltered accommodation provision is expected as part of the policy. These elements could be resolved with some careful rewording of the policy wording.

- 5. HD4 Quality of Design**
No specific comments.
- 6. HD5 Protection of Landscape Character**
Officers advised at Regulation 14 that the first line of the policy line should be proceeded with 'When appropriate' to avoid this policy being applied to developments of all sizes, which would be unviable in many cases. The final sentence of the policy would be better placed in the supporting text.
- 7. HD6 Local Connection**
Officers recommended in the pre-submission review that this policy is deleted. There are various issues relating to affordable housing and to the criteria for selecting occupiers and tenants, which are not applied via the planning process. The requirements outlined in this policy are inappropriate and it is within the planning policy remit to be legally applied. Similar policies put forward in other Neighbourhood Plans in the district when examined have had these policies removed by the Examiner.
- 8. HD7 Integration of New Housing**
No specific comments.
- 9. HD8 Protection of the Green Gaps between Settlements**
No specific comments.
- 10. HD9 Town Centre Boundary**
The inclusion of this policy in the Submission Plan and the policy statement within HD9 that supports the refurbishment of existing retail premises within the Town Centre area is welcomed. Rother District Council is the freehold owner of the principal food retail outlet in Battle, and during the production of the Neighbourhood Plan, the Estates Department of the Council has communicated its position to the steering group of the BCNP that it would be open to discuss proposals to consolidate and enhance the commercial offer in this location.

It would be clearer for the reader if the term 'town centre' was used consistently in place of the term 'main shopping area' considering the policy context. It is not clear why the amalgamation of existing ground floor retail space is resisted and what evidence there is to support this position. Similarly, it is not clear what is meant by development of 'small scale dwellings' being supported and whether this refers to upper floors of building or all floors. The supporting text should refer to Core Strategy policy BA1 Battle Policy Framework to underline its conformity.
- 11. IN1 Traffic Mitigation**
No specific comments.
- 12. IN2 Maintain and Improve Existing Infrastructure**
Officers commented at Regulation 14 that the requirements of this policy are a little vague, particularly as many works elements relating to utilities and highways are permitted development. This policy would be better placed in the aspirations section and discussions can take place with the appropriate agencies concerning highways, telecommunications, utilities etc.

- 13. IN3 Parking and New Development**
Officers commented at Regulation 14 that the policy does not expand on the East Sussex County Council parking standards and as such to avoid duplication of the development Plan recommended that this policy is deleted. This position still stands.
- 14. IN4 Pedestrian Provision and Safety**
Suggested changes made by Officer's at the Regulation 14 stage have been integrated into the policy and this is welcomed. It is further recommended that the line 'The Neighbourhood Plan will, where appropriate, require proposals to' is amended to 'Where appropriate, proposals will be required to'.
- 15. Policy EN1: Local Green Space Designations**
No specific comments.
- 16. Policy EN2: Conservation of the Natural Environment, Ecosystems and Biodiversity**
Comments made at the pre-submission plan review stage have largely been taken on board and this is welcomed.
- 17. Policy EN3: The High Weald AONB and Countryside Protection**
Officers commented at the pre-submission review that this policy will have a disproportionate impact for small development applications. It is unlikely that this could be enforced for smaller applications e.g. an extension being refused for not using local materials. Minor re-wording to the policy such as '*Where appropriate, development must demonstrate that it will*' would overcome this concern.
- 18. Policy EN4: Historic Environment**
No specific comments.
- 19. EN5 Locally Important Historic Buildings, Other Structures and Other Non-Designated Heritage Assets**
No specific comments.
- 20. ET1 Tourism and Local Economy**
Please note that only the Bannatyne Spa Hotel is located in Rother District, the Bannatynes Health Club is within the Hastings administrative boundary. As such, only the Spa Hotel should be listed in the policy.
- 21. ET2 Sustaining Local Retail and Encouraging Employment Opportunities**
Officers stated during the Regulation 14 consultation, that the employment and retail targets agreed at the neighbourhood area designation have not been included for allocation. The supporting document *Battle CP Call for Sites for Retail and Employment 2020* highlights that there are employment sites which are suitable but they have not been allocated. The Rutherfords employment site will continue to be carried forward from the 2006 Local Plan Policy EM4 (some 2.700sq m of the requirement). Once planning permissions and completions have been taken into account the residual figure (from the 10,000sq m target) is 642 sq m of employment space. It is appreciated that the policy is positively worded, but the omission of the employment allocations potentially leaves the parish open to speculative development, which should be avoided. The continued 'saving' of the extant Rutherfords policy from the 2006 Local Plan

assists to protect the parish from large scale speculative employment land development.

It is noted and welcomed the statements within Policy ET2 supporting the retention of retail spaces within the defined Battle town centre.

The commentary accompanying policy ET2 does not make a recommendation regarding the allocation of land for identified target set out in Policy BA1 of the Core Strategy for additional retail space. The District Council considers that the Council-owned site at Market Square where the Jempsons convenience store is located offers the most appropriate location for any expansion of convenience retail capacity in Battle and we believe that it would be appropriate to allocate this site for this purpose. However, the District Council would not wish the BCPNP to fail on this point and therefore it is considered that policy could be reworded to include reference to the outstanding requirement for retail floorspace and its suitability in this locality without the need for a specific allocation, wording such as *'It is the intention to support the retention of existing retail outlets within the town centre boundary and further support the provision of the outstanding target for additional convenience goods floorspace primarily at the market square site.'* would ensure conformity.

22. ET3 Developer Contributions

Officer comments made for this policy at the Regulation 14 stage have not been taken on board.

At Regulation 14 Officer's commented that:

The wording of this policy and its intentions need to be rethought. CIL will be collected on new eligible residential development and 25% of monies collected will be forwarded to BTC if the Neighbourhood Plan is made. (15% if the NP is not made). BTC is free to spend these funds on whatever infrastructure projects it chooses within the Parish. S106 contributions where appropriate and relevant to the development will be negotiated on a site by site basis for elements such as affordable housing, highway works, greenspace, local community facilities etc. S106 funds and/or works or facilities are negotiated whereas CIL monies are collected. The policy cannot operate in the way that it is set out in the draft plan. The Policy might be better placed in the aspirations section of the plan where a list of projects and objectives could be identified and advanced for funding by CIL monies or negotiation via S106 Obligations. It is noted that a Health Centre within Netherfield is an objective.

It is recommended that this policy is omitted from the BCNP as its intentions are impossible through the planning system. As stated in our Regulation 14 comments above, the collection and distribution of distribution of CIL monies is not managed through planning policy, however this intention could be placed in the aspirations section.

23. ET4 Protection of Community Assets

Officers recommended at Regulation 14 to move this policy to the community aspirations section. The procedures for registering Assets of Community Value are not via the planning system as such it is outside the scope of planning to implement the intention set out in the policy wording.

24. ET5 Community Leisure and Cultural Facilities

Comments made at the Regulation 14 stage have not been taken into account when developing this policy, including the criteria and the wording of the policy. The objective of the policy is not clear and it is recommended that the policy in its current wording is omitted.

25. Strategic Environmental Assessment

Officer comments made the Regulation 14 stage have been taken into account and no further comments are made at this time.

26. Battle Civil Parish Design Guidelines

The objectives of the Design Guidelines are to provide design guidance which will influence development coming forward in the parish, and masterplanning which draws on the design guidance, and gives strategic recommendations on how best to accommodate the Blackfriars site. Generally, the Design Guide is a thoughtful and well-set out document, containing much good and useful advice, particularly in Chapter 3 Design Guidelines.

Specific comments are made below, referenced by pages in the document:

p.6 – This sets out that the masterplanning work focusses on the Blackfriars site. While this is undoubtedly the biggest of the allocated sites, it is important that the design guide is promoted as having wider use (there are other allocated sites, plus speculative sites may come forward as applications). Under the ‘Design’ paragraph, the text might better read ‘The design guidelines are intended to inform the design of all new housing development proposals in the parish’ – and omit the Blackfriars reference, but leave this in the ‘Masterplanning’ paragraph. The ‘Design’ paragraph might also usefully reference the High Weald AONB Housing Design Guide – perhaps suggesting that this be read alongside it.

p.12 – It would be useful if the introduction here (in ‘Local Character Analysis’) included reference to the adopted Battle Conservation Area Appraisal, explaining for example that this section develops the character analysis contained in that Appraisal.

p.38/39 (paving materials/street furniture) - This might also make useful reference to the need to conserve and repair characterful historic paving materials, streetlighting and other street furniture within the NP area, in works to the Highway or by utilities companies. It might also be useful to include here a reference to the Rother Public Realm Strategic Framework. This section is fairly ‘urban’ based, appearing to relate more to the context of Battle Town; the NP covers a wider area of Battle Parish, and we feel that more comment should be made of the differing character, particularly of public realm, in the rural areas within the NP area.

p.42 – The ‘Permeable Pavement’ text and imagery doesn’t seem to relate well to the previous advice about Battle context and character and it is questioned whether there are there any better examples? It is debatable whether the second, third and fifth bullet points are relevant for Battle examples; it may be better to delete those three.

p.43 – This all seems fairly generic, and doesn’t relate to Battle character – it is questioned whether there local images that could be used to better explain this

section? Examples are very urban and it is considered that there are better examples of well-designed bin storage.

p.44 (solar roof panels) – The advice set out here is concerning, and contrary to advice in the High Weald AONB Housing Design Guide for new buildings, which seeks a fabric-first approach to building sustainability, that is maximising the performance of the components and materials that make up the building fabric itself before considering the use of ‘add-on’ equipment that may impact adversely on the appearance of buildings, particularly in long landscape views. A similar approach is advocated by Historic England with regard to retrofitting on historic buildings. It is requested the text be amended here to reflect the High Weald Design Guide for new buildings, and Historic England advice for historic buildings.

p.50 Applying the Guidelines – it is suggested that this section is renamed ‘Masterplanning example – Applying the Guidelines’. This will better relate to how this section is introduced on p.6. The name change also helps make clear that this is just one example of applying the guidelines, and that they will also apply to other sites.

Rother District Council

Report to:	Cabinet
Date:	11 January 2021
Title:	Letting of development site at Wainwright Road, Bexhill
Report of:	Ben Hook – Head of Acquisitions, Transformation and Regeneration
Cabinet Member:	Councillor Dixon
Ward(s):	Central, Bexhill
Purpose of Report:	To facilitate development of a new GP Surgery at Wainwright Road, Bexhill
Decision Type:	Non-Key
Officer Recommendation(s):	It be RESOLVED: That the Chief Executive be granted delegated authority to agree a lease with Medical Centre Developments Ltd for the land at 1-7 Wainwright Road as indicated in Appendix A.

Introduction

1. The two GP practices operating at Collington and Sea Road surgeries have for some time identified a requirement for larger and more modern premises; to enable the two existing surgeries to combine under a single roof, to meet current operational standards and to accommodate a growing patient list. The GP practices are working with a developer, Medical Centre Developments Ltd., to work with them in meeting this requirement.
2. A proposal had initially been agreed in principle with the Diocese of Chichester to refurbish St Barnabus Church in Sea Road for this purpose; however, this scheme has stalled due to delays in securing the necessary approvals at the Diocese, and the GPs and the developer approached the Council to see what alternatives may be open to them.
3. At the same time, the Council was also approached by the GP practice operating Sidley surgery regarding their future requirements.

Details of the proposals

4. Discussion with the GPs and Medical Centre Developments Ltd have focussed around the West Trading Estate at Beeching Road / Wainwright Road, and in particular the northern half of the former Sharwoods factory site at 1-7 Wainwright Road. This site has recently been demolished and cleared by the Council after buying out the ground lease from Mars Pension Fund. A plan of the site is attached as Appendix A, with the area proposed for the GP surgery shown coloured blue.

5. The whole site is currently occupied on a temporary basis for a COVID-19 testing centre. This arrangement is timed to end on 21 March 2021 or can be terminated at any time thereafter on 20 working days' notice.
6. The GPs have now formally confirmed Wainwright Road as their preferred option, in place of St Barnabus Church. It is proposed that Medical Centre Developments Ltd will take a ground lease of the northern half of the property from the Council, in order to invest in the development of a new surgery and pharmacy, on completion of which they will receive rent from the GP practices, based on a formula approved by the Clinical Commissioning Group (CCG).
7. Sidley Surgery has also confirmed that it will form part of the scheme and will take space within the proposed new premises.
8. The scheme has the support of the East Sussex and Brighton CCG who will be responsible for approving the business case from the GP practices and approving the NHS funding for the development.
9. Following receipt of external advice, Heads of Terms have been agreed in principle for a ground lease, subject to Cabinet approval.
10. It is proposed that the Council will initially enter into an Agreement for Lease, which will be exercisable once the following conditions have been met:
 - a) Planning permission for a GP surgery/pharmacy
 - b) Final Business Case approval from the NHS for the surgery
 - c) Site investigations revealing no serious adverse ground conditions / contamination.

Options

11. Following the acquisition of the ground lease from Mars Pension Fund and subsequent demolition of the site, the Council has a number of options open to it regarding the redevelopment. These should be seen in the wider context of the Council's holdings in the West Trading Estate.
12. The Council has received enquiries from other third-party developers interested in either acquiring the freehold or taking a long ground lease, in order to redevelop the site for light industrial or trade counter uses. However, the financial return to the Council from these proposals is less favourable.
13. The Council also has the option to carry out its own direct development of the site; most likely for light industrial premises similar to those at Elva Way. This would require adding to the Council's existing borrowing commitments through other development projects already in the pipeline; and would rely on having officer capacity to deliver. This would also apply if the Council were to develop the GP surgery itself.
14. The recommended proposal requires no capital funding from the Council and will require only limited officer resources to monitor progress of the scheme, as the developer will make the application for planning permission and manage the development.

15. In addition, as the proposal only concerns the northern part of the site it leaves the southern half of the site free for other development, with the potential to realise further financial and regeneration benefits in the future.

Conclusion

16. The proposal represents best value for money for the Council by facilitating much-needed improvements to local healthcare provision, meeting the requirements of the GP practices and the CCG. It also represents a good financial return for the Council in the longer term, with the potential for additional financial and regeneration benefits from the remainder of the site.
17. It is recommended that the Chief Executive be authorised to enter into a lease with Medical Centres Ltd at 1-7 Wainwright Road, Bexhill, on terms to his satisfaction in consultation for the Cabinet Portfolio Holder for Finance and Performance Management.

Financial Implications

18. The proposal will generate a financial return to the Council.

Legal Implications

19. The Agreement for Lease and the Lease will be subject to the usual legal advice and due diligence.

Environmental Implications

20. The proposed development will be required to meet BREEAM Excellent standards for sustainable design and operation and the Council will encourage the developer to meet the highest possible environmental standards wherever feasible.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	Consultation	No
Environmental	Yes	Access to Information	No
Sustainability	Yes	Exempt from publication	No
Risk Management	No		

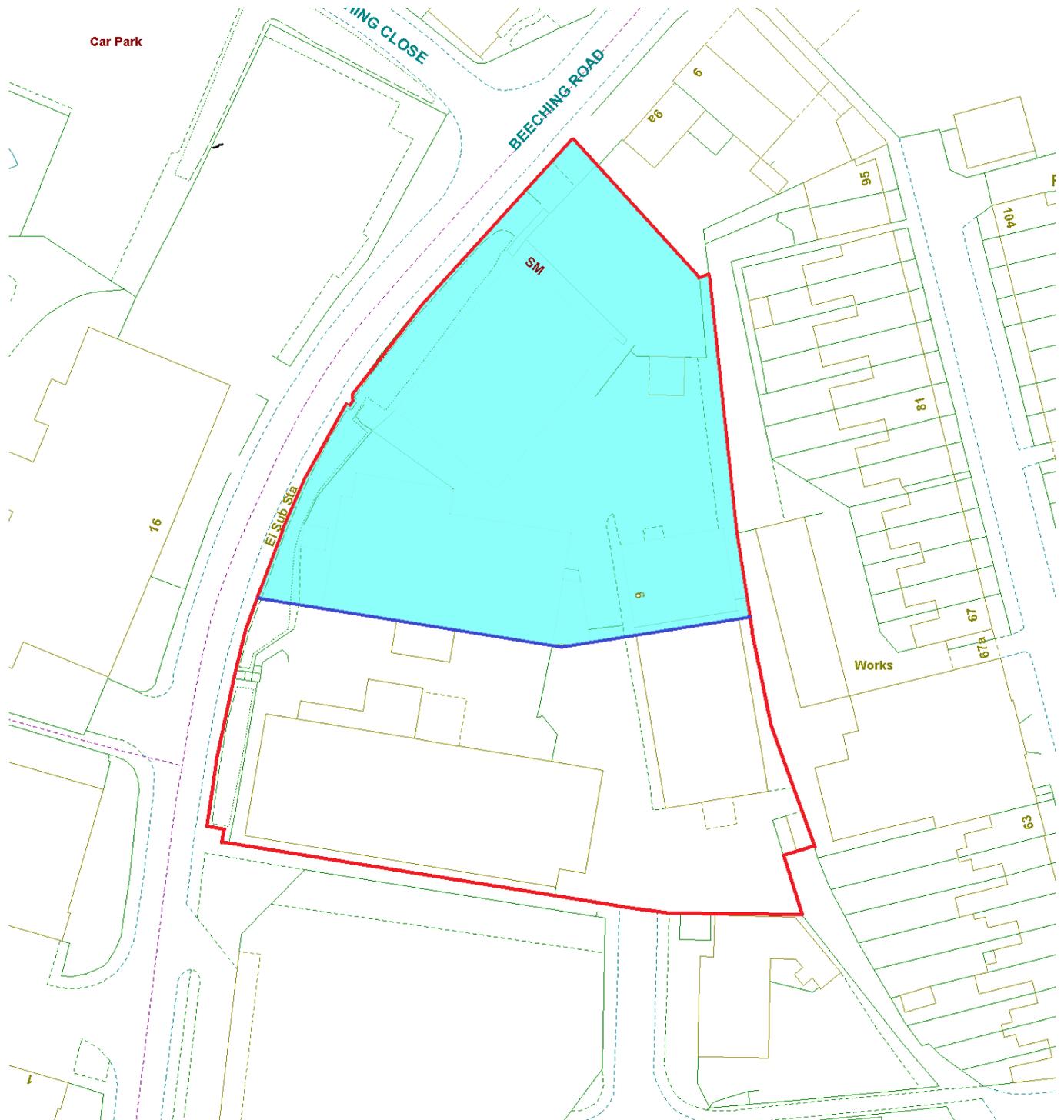
Head of Service:	Ben Hook
Report Contact Officer:	Graham Burgess
e-mail address:	graham.burgess@rother.gov.uk
Appendices:	Appendix A - Site Plan
Relevant Previous Minutes:	N/A
Background Papers:	N/A
Reference Documents:	N/A

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Rother District Council

Ref: 1-7 Wainwright Road, Bexhill BEXWEST178

Date: December 2020



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Rother District Council

Report to: Cabinet

Date: 11 January 2021

Title: Review of The Housing, Homelessness and Rough Sleeping Strategy (2019-2024)

Report of: Heads of Service – Housing and Community & Acquisitions, Transformation and Regeneration

Cabinet Member: Councillor Byrne

Ward(s): All (Bexhill)

Purpose of Report: To consider the recommendations arising from the Overview and Scrutiny Committee meeting held on 23 November 2020, regarding the Review of the Housing, Homelessness and Rough Sleeping Strategy. The recommendations and Minute arising are reproduced below.

Decision Type: Key

Officer

Recommendation(s): **Recommendation to COUNCIL:** That 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.

Reasons for Recommendations: To replace the targets achieved in the Improvement Delivery Plan of the Housing, Homelessness and Rough Sleeping Strategy (2019-20214) with new/amended targets.

RESOLVED: That:

- 1) Cabinet be requested to agree that 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) 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.

OSC20/33. REVIEW OF THE HOUSING, HOMELESSNESS AND ROUGH SLEEPING STRATEGY (2019-2024)

Members received the report of the Heads of Service which provided an 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. The outcome of the full review was in the Improvement Delivery Plan at Appendix A to the report and a summary of all actions achieved so far at Appendix B.

Key highlights from the Improvement Delivery Plan were outlined to Members:

PRIORITY 1: Increasing the Supply of Housing

- In December 2019, the Council had approved setting up a local authority owned housing company, Alliance Homes (Rother) Ltd, which had been legally incorporated and the Business Plan approved;
- the main priority of the company was to accelerate delivery of all forms of housing in Rother, with an ambitious target of delivering 1,000 new homes over the following 15 years. The Business Plan set out an initial 3-year delivery plan focused on developing sites already in Council ownership with planning permission/planning potential or that had been acquired as part of other Council-led projects. The delivery of the site at Blackfriars, Battle was of significant importance;
- the Company would seek opportunities to acquire sites allocated for housing in the Rother District Local Plan and associated Neighbourhood Plans;
- the Company had pledged to deliver all new homes to high environmental standards where feasible, taking a fabric first approach to design and maximising thermal efficiency; and
- the Strategy had identified empty homes as a wasted resource in view of the chronic shortage of housing to meet need, to include affordable housing; a draft Empty Homes Action Plan had been developed to bring back empty properties into use.

PRIORITY 2: Rough Sleeping, Homelessness and Meeting Housing Aspirations

- Rother Tenant Finder was launched in October 2019 to improve access to accommodation in the private sector to reduce homelessness, by incentivising landlords to consider homeless households and supporting tenants to access and sustain private sector tenancies;
- up until March 2020, 55 households had been helped through the service, resulting in private sector tenancies being agreed. However, the COVID-19 pandemic had reduced the numbers of tenancies secured in recent months; and

- the Council commissioned the Homelessness Unity Group (HUG) to deliver a new 'Safe Space' service from March 2020. Safe Space, delivered from St Barnabas Church in Bexhill, was designed to support the reduction of rough sleeping through the provision of a community meeting space available twice weekly. The service was designed to improve access to a range of vital services including housing, health and social care via its own outreach support worker who operated alongside various multiagency initiatives.

PRIORITY 3: Improving the quality and suitability of existing housing and new build housing

- Services provided by Environmental Health had already exceeded targets in 2020 to improve the condition of five dwellings in the private sector, as a result of licensing or statutory notices being served;
- the Council had undertaken a number of inspections of new properties falling into the Housing in Multiple Occupation category since mandatory licensing had been extended to cover properties less than three storeys high; and
- a further 21 assessments of private sector dwellings had been carried out since the beginning of April 2020, with improvements made to property conditions required to meet appropriate standards. (A number of these inspections had been a direct consequence of the increased number of temporary accommodation units secured by the Council during the previous couple of years and, in particular, during the COVID-19 pandemic to ensure the homes were safe for occupants, demonstrating the importance of the relationship between the supply and quality of all housing.)

Members congratulated officers on the work that had been done to purchase an additional five properties in order to house people in temporary accommodation (TA) within the district. The additional properties also helped to ensure families with children in particular, were in self-contained units. Members recommended and agreed that sites on which pre-fabricated buildings could be installed be investigated in order to provide further TA.

Members were given the opportunity to ask questions and the following points were noted:

- the Community Led housing scheme at Cemetery Lodge, Bexhill was making progress, with a planning application expected the following year;
- the Floating Housing Support Service was a county commissioned service of approximately 90 support workers visiting clients across the county dedicated to delivering housing support needs;
- concealed homelessness was a further problem to address, with many properties housing multigenerational households given away by the number of vehicles outside the house;
- the Local Plan Housing Target had not been met and Members felt that a more realistic target should be set; and

- Members suggested consideration be given to marketing the establishment of Community Land Trusts and exceptions sites to Parish Councils.

(Overview and Scrutiny Committee Agenda Item 6).

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	Consultation	No
Environmental	No	Access to Information	No
Sustainability	No	Exempt from publication	No
Risk Management	No		

Chief Executive:	Malcolm Johnston
Report Contact Officer:	Ben Hook – Head of Service ATR
e-mail address:	Ben.hook@rother.gov.uk
Appendices:	N/A
Relevant Previous Minutes:	None.
Background Papers:	Report to Overview and Scrutiny Committee
Reference Documents:	None.

Rother District Council

Report to: Cabinet

Date: 11 January 2021

Title: Bexhill East Promenade Shelter One

Report of: Joe Powell, Head of Housing and Community

Cabinet Member: Councillor Timpe

Ward(s): Bexhill Sackville

Purpose of Report: To inform Members of the restoration of Bexhill Promenade Shelter One with the support of Bexhill Heritage and to seek approval to grant a lease to Bexhill Heritage upon completion of the works.

Decision Type: Non-Key

Officer

Recommendation(s): It be **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 2 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; and
- 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.

Reasons for Recommendations: To support Bexhill Heritage to provide residents and visitors with a space for cultural activities and information as well as somewhere in which to rest and shelter along East Parade. To devolve this heritage asset to Bexhill Heritage by way of a lease, to include responsibility for future maintenance and repair.

Introduction

1. The seafront shelters are a valued and popular community asset that are well used by residents and visitors alike; they offer a unique feature and contribute significantly to the Edwardian character that defines Bexhill as a place to live, work and visit. As such, in recent years it has been a priority of successive Council administrations to ensure that the restoration of the shelters is prioritised and that they are returned to their former glory.
2. The investment will transform the shelter into a vibrant cultural hub and bandstand to be leased and operated by Bexhill Heritage.

3. In total there are four shelters on Bexhill East Parade Promenade all of which are Grade II listed and located within the conservation zone. Shelter One refers to the shelter near Channel View East and Bexhill Sailing Club. Please see Appendix A where a map of the location of all four shelters is included.
4. Shelter Two was repaired by the Council in 2019, and Shelter Three has recently been repaired with some investment from Section 106 monies being committed to undertake restoration works. Bexhill Heritage volunteers have provided a large portion of the labour and local expertise with the restoration of Shelter Three. Shelter Four is also in need of repair to prevent it dilapidating further. The costs of repairing Shelter Four are more modest and will be met from within existing budgets.
5. Bexhill Heritage propose to utilise their volunteer network and support the aspects of the restoration that need to be contracted from specialist suppliers. Once restored, Bexhill Heritage have requested to lease Shelter One from the Council. Bexhill Heritage have the ambition of developing Shelter One into a cultural and information centre and bandstand, as well as supporting its continued use as an open access space for the public in which to shelter. Details of their proposals and the benefits are attached at Appendix B.

Proposed Restoration

6. Shelters One and Four need immediate repair to prevent further dilapidation.
7. Over the years various changes have been made to the structure of Shelter One and, following conservation advice, it is intended to restore aspects of the bandstand so that they are more in keeping with the original structure.
8. The shelter has already been shrouded to allow for preliminary investigative works to determine the extent of the restoration required, and an estimated cost of the works to be completed. The cost of the works that will need to be met from specialist external contractors is estimated to be £60,000 and will need to be accommodated within the overall revenue budget. A more detailed breakdown of costs can be found at Appendix C.
9. Bexhill Heritage's contribution to the restoration will be to provide labour resources, utilising its network of volunteers. The value of the labour contribution is estimated to be around 1,500 hours, equivalent to a value of £31,000 of costs that will be avoided by utilising Bexhill Heritage volunteers.
10. In 2018, the Council commissioned a structural condition report on Shelter One. The report estimated that the cost of simply repairing the shelter and its roof would be £61,000; therefore, the cost to the Council of a full restoration at £60,000 (in partnership with Bexhill Heritage) is slightly lower than the estimated cost of a simple repair at £61,000 – equivalent to the level of repair works undertaken at Shelter Two, for example.
11. It is intended to commence preparatory works during this winter with the shelter restored and open to the public during summer 2021.

Lease Shelter One to Bexhill Heritage

12. Once restoration is complete, Bexhill Heritage have 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; other proposed uses for the shelter include:
 - A pop-up tourist information point;
 - A Heritage Hub;
 - A community facility for events including music, charity fundraising, educational groups and craft demonstrations.
13. If a lease is granted Bexhill Heritage propose to make a nominal charge for the 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.
14. The award of a lease of Shelter One would qualify as a *disposal of public open space* and authority is therefore sought to advertise the proposed disposal in accordance with S.123 (2A) of the Local Government Act 1972. Any objections received will be reported to a future Cabinet. If no objections are 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. Although the detailed terms are not yet determined, it is recommended that the lease clearly defines the use of the shelter and includes a rolling break clause for both parties.

Conclusion

15. Shelters One and Four are in need of immediate repair to prevent their dilapidating further. Members should note that it also remains an option to also simply repair Shelter One; however, the costs of such are slightly higher than the cost of to fully restoring it in partnership with Bexhill Heritage, given the volunteer labour contribution from them. It is also a consideration that leasing the asset to Bexhill Heritage, on a full repairing lease (with the exception of structural timbers,) will avoid future maintenance and repair costs for the Council.
16. The disposal of a restored Shelter One by way of a lease to Bexhill Heritage for a term of ten years at a peppercorn rent has a range of benefits. It will enable Bexhill Heritage to work with a range of community partners to transform the shelter into a vibrant and valued community asset for the future. Further, there is financial benefit to the Council in that Bexhill Heritage will be responsible for the repair and utility costs associated with managing the shelters reducing future costs.
17. It is recommended that the final detail of the lease terms be developed by the relevant Council officers and authorised by the Chief Executive to the Council in consultation with the Portfolio Holder for Environmental Management.

Financial Implications

18. The financial implications of the proposals are detailed within the main body of the report.

Legal Implications

19. The legal implications of the proposals are detailed in the main body of the report.

Equalities and Diversity

20. The proposed works include removing the step and levelling the access to both shelters on all sides to improve access to the public and disabled users.

Sustainability

21. The restoration of the shelters sustains the cultural heritage of Bexhill and ensures they can be enjoyed for future generations. Those aspects of the works that need to be contracted from specialist suppliers will be done so from local suppliers.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	Yes
Crime and Disorder	No	Consultation	No
Environmental	No	Access to Information	No
Sustainability	Yes	Exempt from publication	No
Risk Management	No		

Chief Executive:	Malcolm Johnston
Report Contact Officer:	Joe Powell, Head of Housing and Community
e-mail address:	joe.powell@rother.gov.uk
Appendices:	Appendix A – Location Map Appendix B – Bexhill Heritage Proposals (separate document) Appendix C – Shelter One Estimated Restoration Costs
Relevant Previous Minutes:	
Background Papers:	-
Reference Documents:	-

Appendix A

Shelter Locations



Appendix C

Shelter One: estimated restoration costs:

Scaffolding	£1,100
Joinery contractor	£22,500
Roof works	£14,000
Electrical	£1,800
Landscape DDA compliance	£6,000
Paint and consumables	£2,500
Glazing	£3,500
Ironmongery	£500
Contingency 15%	£7,785
TOTAL	£59,185

Note: Bexhill Heritage estimate volunteers will contribute 1,575 hrs to the restoration project, which, based on a consultant architects estimated contractor costs provided to RDC in 2018, would be equivalent in value to £31,250 in savings.

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Restoring Bexhill's Seafront Bandstand



Popular and proud – the 1895 bandstand, a focal point of Bexhill's eastern promenade

Blot on the landscape – unloved and underused shelter 2020



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The Mission

To restore the town's bandstand original function as a focus for community activity and engagement while, at the same time, creating a heritage landmark of which the town can be proud.

Proposed outcomes

Following consultation with stakeholders including: De La Warr Pavilion; Bexhill Gets Creative; Bexhill Writers and the leaseholders of the Old Bathing Station we suggest that, with appropriate management, the bandstand could fulfil all the following functions:

1. A congenial and comfortable shelter for people using the promenade.
2. A refreshment venue for picnics and for the consumption of food and drink purchased from nearby outlets.
3. A place to meet, chat, play board games, read and dream.
4. A start and finish point for walking and cycling routes and events
5. A pop-up Tourist Information Point
6. A 'Heritage Hub'
7. A bookable facility (on limited dates and times) for:
 - drama, poetry and prose reading, comedy, magic, puppetry and mime
 - demonstrating hobbies and crafts
 - recruiting to local non-political clubs, organisations and groups
 - charity fundraising and awareness raising
 - displays
 - use by educational groups conducting fieldwork.

Impact on the community

We suggest that this new facility would be popular with local residents across the age range. It would attract more people to the promenade. It would entertain, educate and inform as well as facilitating conversation and debate. Through its activities, it would broaden horizons, enable people to make new friends and engender greater pride in our community.

We are confident it would help to attract more visitors to Bexhill and encourage them to return.

Management

Bexhill Heritage is willing and able to lease the restored bandstand and run it on a 'not for profit' basis. We would work with the local authority and local stakeholders to establish protocols and regulations for its use.

We intend set up a management committee and appoint an experienced volunteer manager to promote the facility and organise bookings. Revenue from bookings would be used for repair, maintenance and cleaning.

Our strategy for managing the facility will be informed and guided by examples taken from other similar ventures in the UK such as the 'Performance Platform' at Wareham in Dorset.

Origins and development

The bandstand was built by Earl De La Warr in 1895 to provide classical music to people using the promenade. It was the first structure to be built on East Parade and was enclosed by a fence. Seating was provided to the east of the bandstand within the enclosed area (photos 1, 2 and 3). The enclosed area was significantly below the level of the bandstand making it possible for the public to see the conductor and orchestra above (photo 2). Lights on posts were placed at approximately 3 metre intervals around the enclosure (photo 1)

The fence and lighting were removed when the bandstand was converted into a shelter in around 1906 (photos 4 and 5). The 'sunken' enclosure was raised to the level of the Kursaal Parade and one of the south-facing panels was removed to provide an entrance from the Parade (photo 4).

The former bandstand is a Grade 2 Listed Building and is owned by Rother District Council. It was last restored in 2011 at a cost of £10,000. That restoration has proved unsuccessful due to the use of inappropriate materials and construction methods. The building is currently in a state of considerable disrepair. In June 2018, the Council commissioned a feasibility study and obtained costings for a major restoration and conversion of the building to a Heritage Hub. At

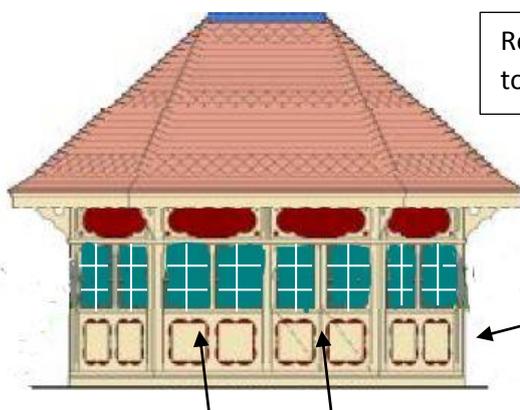
Bexhill Heritage’s proposals and recommendations

We suggest that the shelter be restored to its former use as a place for relaxation, recreation, education and entertainment using the original 1895 design and colour scheme (photo 1 on page ...) as a guide to our work.

We are proud to work in partnership with Rother District Council to achieve an asset of considerable community value for Bexhill.

The following pages outline our proposals for each aspect of the restoration. The concept diagrams below, adapted from the Council’s 2018 feasibility study, offer an overview of the proposed restoration.

Renovated bandstand – south elevation (north elevation similar but without doors)



Replacement clay tiles including three rows of scallop tiles to match the 1895 bandstand

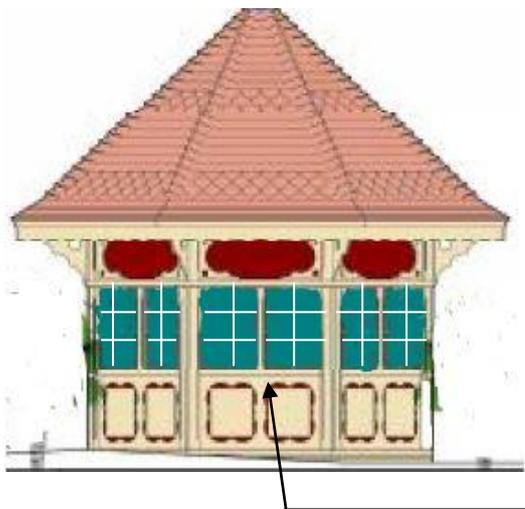
Colour scheme to match the 1895 bandstand

Lower panels to reference the design of the 1995 bandstand

Two lockable bi-fold doors to open up the south elevation to the promenade

Ground level slightly raised to enable access for all

Renovated bandstand – east elevation (West elevation similar but without doors)



One lockable bi-fold door to open up the east elevation to the promenade (to be opened for performances)

Roof

The original roof was built of clay tiles incorporating three bands of scallop tiles spaced as shown on page 5. Each of these bands were four tiles wide. 'Bonnet' roof tiles were used to cover the six external hips. On top of the roof was an ornamental iron ridge crest mounted on a lead hip capping. (photos 1-5). The ridge crest is similar to that extant on Shelter 2.

The roof no longer has its ridge crest and concrete tiles have been used as a cheap but heavier, replacement for the clay originals. The roof is felted. The felt appears to be in good condition. There are no distinctive bands of scallop tiles. Concrete pointing on the lower sections of the external hips is in poor condition. As a result, there is water ingress to the lower part of the roof. Several concrete tiles are cracked or loose.

The original scalloped fascia board remains but is now red rather than cream (photo 1). It is in poor condition and requires part replacement and part renovation where the latter is possible.

We propose that:

- *The roof be replaced with handmade plain and scalloped clay tiles with bonnet tiles on the hips.*

We estimate that the following will be required but the manufacturer should be asked to complete a pre-order check:

- ***Ordinary 2500***
- ***Scallop 850***
- ***Hip 250***
- ***Ridge 6***
- *The felt lining be repaired or replaced as necessary.*
- *A lead capping should be placed on the ridge, as on the original, incorporating fittings for an iron ridge crest*
- *A replica iron ridge crest be commissioned and installed in 2022*
- *The scalloped fascia boards be replaced or repaired and painted in Leyland Swan White oil-based gloss paint to match the original.*
- *Cusps be restored or replaced depending on their condition and painted in Swan White.*

Structure

The bandstand was supported originally by eight vertical wooden columns and a substantial top beam of 100mm thickness. This structure now supports a roof that is substantially heavier than the original and that it was not designed for. (We are concerned about this potential threat to the structural integrity of the building.)

Load-bearing columns

At least four of the eight columns are in poor condition and must be replaced, at least in part. We are of the opinion that the wooden columns penetrate well below ground level (by as much as 2 meters). It is likely that, below ground level, the columns are in poor condition and that this may be seriously compromising the structural integrity of the building.

We very strongly recommend that a professional assessment of the columns is undertaken to assess their condition below ground level. Columns should then be replaced or repaired according to the professional recommendations received.

Framework

A simple wooden framework was fitted between the columns using two horizontal cills and a base plate to accommodate a ventilation panel, a window panel and a base panel.

- Top – wooden ventilation panels and cills. Approx. 540mm high.
- Middle – window panels and cills (removable to the east and north-east sides). Approx. 1500mm high
- Base panel and base plate incorporating wooden panelling decorated with coats of arms. Approx. 700mm high.

By altering the position of the two horizontal cills, it is possible to alter the height of the ventilation panels, window panel or base panel. (Any or all of these panels can be removed for repair or renovation without affecting the integrity of the structure as they were at the time of the building's most recent renovation by Rother District Council in 2011.)

Base panels

The bandstand's decorative base panels were a particularly distinctive feature of its original design. Photographic evidence shows a single piece of wood in Swan White framed by a decorative border also in Swan White with green highlighting to give a distinctive third dimension to the panels. A delicate rectangular board in Swan White was inserted within the frame. These rectangles each carried a painted coat of arms. These are indistinct on the photos 1 and 2, but we suspect that they were added to the bandstand in preparation for Queen Victoria's jubilee and then removed (photo 3).

In 1906 the panels were removed and replaced with horizontal planking (photo 4) By 1910, window cills had been raised to reduce the height of the windows and allow for a higher base panelling (photo 5).

The original base panels are likely to have been constructed in a similar fashion to the ventilation panels using substantial tongue and grooved planking on a morticed or pegged frame. Photographic evidence suggests that the panels were faced with solid wood externally. It's likely that the panels were also faced with solid wood on the inside and that decorative wooden mouldings were added. Photographic evidence also shows that the external faces were overlaid with decorative wooden frames painted in Signal Red. The frame was shaped to match the cusps attached the top and base of the ventilation panel cills and to the tops of the window panels. These were painted in Swan White. A circular wooden plaque was attached centrally to the external face of each wooden panel. The 1895 photo shows that crests appropriate to Queen Victoria's jubilee had been fixed to these circular plaques.

The base panels were replaced in 2011 following serious vandalism of the building. They have been poorly constructed from unsuitable materials. The lower part of the current 30mm softwood framework shows serious signs of wet rot. The framework has been butt-jointed rather than morticed or pegged. This has resulted in movement and exacerbated water ingress. The inner part of the panels is constructed from interior-grade 12mm plywood. Delamination and wet rot are prevalent. The outer face of the panels is constructed from vertically-aligned tongue and grooved softwood planking. It is likely that these were not caulked on installation. As a result of heat expansion / contraction the boards have divided and twisted. They no longer form a weather-resistant 'skin' to the base of the building.

Existing base panels



30mm softwood frame. Butt jointed. No damp proof membrane. Wet rot present.

12mm interior plywood internal face. Poor quality. Delaminating and degrading.

Warped tongue and groove planking exterior face. Wet rot present. Gapping between boards.

We propose that Bexhill Heritage make replacement base panels to match the originals. These would be constructed on a morticed wooden frame built from 30mm timber and protected by a damp proof membrane. The external face would be formed from 18mm marine ply with a decorative 9mm marine ply overlay. The internal face would be 12mm marine ply with the addition of a rectangular decorative moulding to match the existing (Richard Burbidge decorative moulding 44x20mm). The marine ply would be sealed with a two-part epoxy resin primer followed by an undercoat and two coats of 'Toplac' gloss in line with International Paint guide AW044.*

On two panels, either side of the southern entrance, we propose fixing rectangles of 3mm Dibond coated with an anti-graffiti coating to display the logos / arms of Rother District Council and Bexhill Heritage.

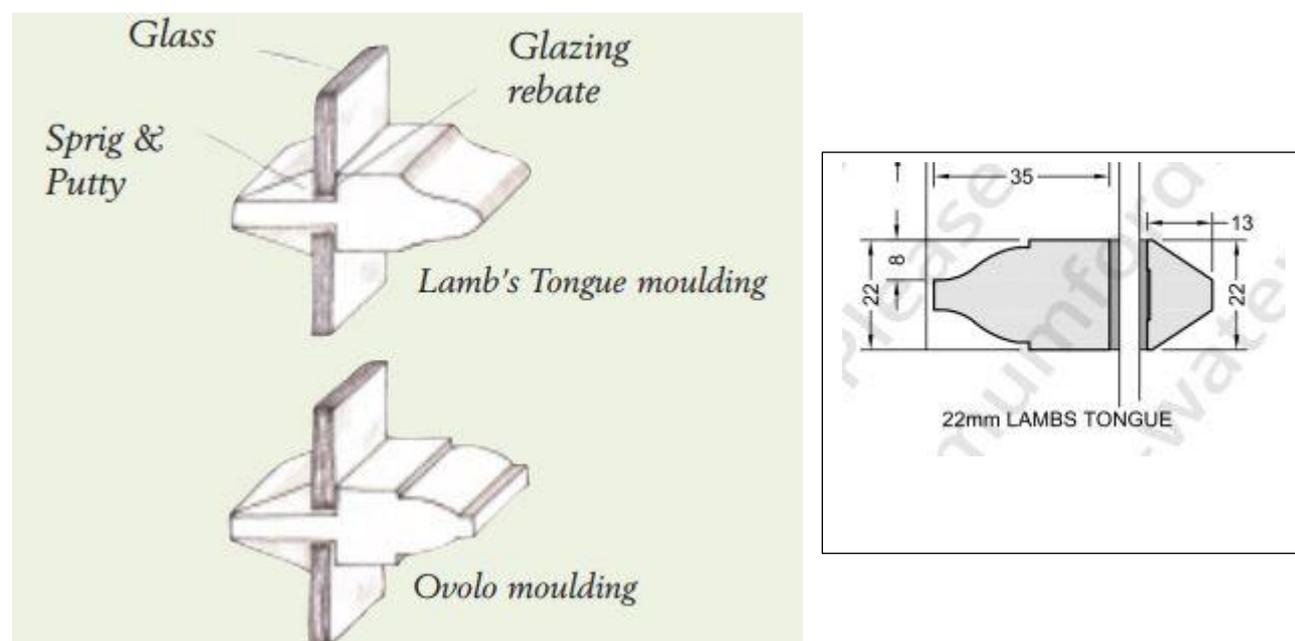
*Marine Ply is a type of hardwood plywood. It's made with thin layers of 100 percent hardwood, which is stronger and harder and has a finer grain than softwood. It is recommended for external works where high humidity or damp maybe a concern, these properties mean that it can be exposed to high moisture for a long period of time. Bexhill Heritage would use fully structural ply with no surface defects manufactured to BS1088.

Window frames

Window frames are in poor condition. The acrylic glazing has deteriorated through exposure to UV light. It has also been 'etched' by vandals.

Window glazing bars have been replaced as part of the 2011 restoration. The existing softwood bars are simple and square-edged. They lack the durability required in this location. Square-edged styles

were familiar to the Victorians and were widely used in sash windows for terraced housing. They are insufficiently interesting and decorative for the Victorians to have used them in any prestigious seafront building. Two main decorative styles were used for Georgian, Victorian and Edwardian glazing – Ovolo and Lambs Tongue. Photographic evidence does not show which of these was used in Bexhill’s bandstand. Lambs Tongue incorporates more rounded edges than the other two styles and so paint would more easily adhere to the wooden surfaces. Ovolo matches the bars used in Shelter 3. In order to optimise durability without compromising aesthetics, we would recommend a Lambs Tongue bar 22mm wide and 54mm deep.



We propose that local joinery companies be asked to quote for frames, using 22mm Lambs Tongue glazing bars, to incorporate window panels and cills but not base panels. The latter would be constructed by Bexhill Heritage and fitted to the frames. We propose that a more durable alternative glazing be explored.

Ventilation panels and cusps

Ten wooden ventilation panels were provided above each of the window panels. These remain in place and are of identical size and design to those featured in photographic evidence from the time (photo 5). They are likely to be original. Eight appear to be in good condition and the other two can be renovated. The panels are made of vertical tongue and groove planks painted in Swan White. They have lasted well in this less exposed and less vulnerable position. The thickness of the planks and their well-constructed frames have meant that the planks remain solid. There is minimal warping. The outer edge of each panel rests against a substantial decorative wooden frame painted in Signal Red. The frame has been shaped to match the cusps under the fascia boards and at the top of the window panels. Originally the wooden frames and panels were painted in Swan White. Four small holes in the shape of a cloverleaf have been cut into each panel to provide some degree of ventilation when the panels were in their closed position.

Examination of the building’s interior shows hinges at the base of each panel indicating that the panels were top-opening. Simple restrictor stays at either side were designed to limit the extent to

which each panel could open. Careful examination of the current shelter shows the location of these stays.

Photographic evidence (photo 2) shows that vertical exterior blinds were fixed to the top plate above the ventilation panels. We do not propose to reinstate these blinds.

We propose that the ventilation panels are removed as soon as possible and taken to the Bexhill Heritage workshop where they can be restored and painted in Leyland Swan White and Signal Red oil-based gloss paint prior to refitting with stainless steel hinges, and brass restrictor stays and butterfly catches. Cusps should be restored and repainted by Bexhill Heritage.

Verticality

The original bandstand was well proportioned in a ratio of 5:14:9 (photo 1).

Ventilation panels = 540mm high

Windows = 1350mm

Base panels = 900mm

(The above measurements are approximate based on photographic evidence)

Conversion to a shelter around 1906 very significantly reduced the height of the base panels (from 900mm to 300mm) but left the height of the ventilation panels and windows unaltered (photo 4). Although there is some limited written evidence that Earl De La Warr had the shelter 'cut down', photographic evidence shows that raising the level of the surrounding land may have had a more significant part to play in altering the shelter's vertical proportions to a ratio of (5:14:3) (photos 4 and 5)

We are unsure when these proportions were further adjusted but assume that this will have taken place by 1910. A photograph from that time (photo 5) shows that the window cills will have been raised to reduce the height of the windows to 1170mm and to recreate a more recognisable base panel with a height of approximately 1000mm. The ventilation panel height was not changed. Arguably this restored some sense of verticality to the shelter by achieving a ratio of 5:12:10.

Unfortunately, though, the ventilation panels, windows and base panels in combination fail to provide a pleasing sense of verticality. A restoration in 2011 missed the opportunity to rectify the problem.

We propose that:

- *The Bandstand be brought closer to its original proportions as far as possible by lowering the window cill. This will increase window height to 1265mm (including the cill) and reduce base panel height to 715mm. We recommend that the height of the original ventilation panels should be unchanged.*
- *Window design be amended to refer to the original but not replicate it, and further restore verticality. (See below.) As an alternative it would be possible to revert to the original window design, but this would compromise the aim of restoring overall verticality.*
- *Window frames be painted in Leyland Swan White oil-based gloss paint with Signal Red 'coach lines' to match the original.*

- *The existing southern entrance be fitted with twin bi-fold doors. This could replicate the designs of window and base panels throughout the building.*
- *Door furniture.*
Doors: Fittings should be stainless steel throughout except for the exterior handles. Hinges should be parliament hinges to allow clear opening. Heavy duty Espagnolette stainless steel bolts should be fitted to each of the folds together with a draw-bolt locking mechanism at the point where the south-facing door abuts the central pillar. Oval handles on both sides. The exterior handles should be brass.

Ceiling

Internal inspection shows that the ceiling is likely to be original.

We propose that we retain the ceiling and install an 'invisible' lockable hatch on the north side to allow access to the roof space. We would use original tonge and groove boards where possible. The ceiling would be stripped to bare wood and repainted in Swan White oil-based gloss. Existing lighting would be replaced with two lights similar to those used in Shelter 3.

Further details

External

For 2021

- Disabled access to southern entrance while maintaining a level floor inside the building.
- AI – size information board at a location to be agreed.
- Under-eave lighting to match Shelter 3 – controlled on timer for daylight hours.
- Installation of 6 classic heritage cycle hoops to the north of the building to avoid bikes being propped up against the paintwork.

For 2022

- Planters to the western side of the building for salt and wind-tolerant plants as provided on West Parade.
- Flagpole to the east of the building to replicate the original (photo 2) with circular bench surrounding and planters for hardy spring bulbs and summer bedding.

Internal

For 2021

- 25 amp power supply in security box with two 'mains' sockets and timer control for lighting.
- Four adjustable LED spotlights in ceiling – wall mounted light switches with override switch in security box
- Two central 'warm' lights in ceiling to match external lighting – wall mounted light switches with override switches in security box
- Two discreet speakers in roof space – as in Shelter 3.
- Two wall-mounted touch-free switches to activate sound system in roof space.

Landscaping

We propose that a landscaping scheme be designed to place the bandstand in an appropriate setting and include references to its enclosure, the adjacent flagpole and the nearby cycle shelter. (For budget and installation in 2022.)

Photographs

1. Bandstand in 1897. A celebration of Queen Victoria's Jubilee



2. Bandstand from the north in 1895. Note removable window panels, flagpole and the audience position well below the level of the road and bandstand.



3. Bandstand from the East 1896. Notice the sunken enclosure for an audience, the removable window panels. Base panel plaques have been removed.



4. Bandstand following its conversion to a shelter. Note that window height is unchanged but base panel height is significantly reduced. The enclosure has been filled in.



5. Shelter in 1910. Note reduced window height has been reduced and the base panel height has been increased. Notice ventilation panel detail.



Estimated volunteer hours (excluding contingency)

Task	Estimated hours	Notes
Remove, renovate and fit ventilation panels	140	Includes, where applicable, stripping to a bare surface, priming, filling and fairing, and applying 2 coats of undercoat and two coats of gloss.
Remove existing base panels. Construct and fit replacements	160	
Paint internal and external walls	600	
Paint main ceiling	100	
Paint external ceilings	340	
Paint fascias and cusps	110	
Fit additional wiring, new lighting and switches	30	
Make and fit loft hatch	15	
Periodic cleaning, and transporting materials and equipment	20	
Training and supervision	40	
Liaison with contractors and RDC	20	
TOTAL	1575	

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Rother District Council

Report to: Cabinet

Date: 11 January 2021

Title: Radio-controlled car track for 1066 Racing

Report of: Anna Evett, Neighbourhood Services Team Leader

Cabinet Member: Councillor Brewerton

Ward(s): Sidley, Bexhill

Purpose of Report: To approve plans to construct a radio-controlled car racing track at St. Mary's Recreation Ground for exclusive use by 1066 Racing.

Decision Type: Non-Key

Officer

Recommendation(s): It be **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.

Reasons for

Recommendations: To provide 1066 Racing with an outdoor base in Bexhill thus enabling the club to develop and expand its membership, whilst increasing the community value of an under-used public open space.

Introduction

1. 1066 Racing is an off-road radio-controlled car racing club founded in 2013 to give local enthusiasts a place to race locally instead of making a 100-mile round trip to the nearest track.
2. Currently between 40 and 80 competitors meet and compete once a fortnight at an indoor track at the Horntye Park, in Hastings, but this is a temporary venue and the club wishes to establish a 'permanent' base in Bexhill.

3. The activity of racing has no barriers to age, gender or ability and is one of very few sports where everyone can compete on equal terms. Membership of the club is open to all.
4. Discussions with 1066 Racing have identified St. Mary's Recreation Ground as being a suitable site for the required facilities, which will consist 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 - see Appendix A attached.

Proposal

5. It is proposed to award 1066 Racing a non-secure full repairing and maintenance lease for a five-year term at a peppercorn rent of £1 per annum to enable 1066 Racing to hold regular club meetings and occasional larger events.
6. 1066 Racing aspire to using St. Mary's from the spring of 2021 and officers are keen to facilitate this timing by moving the process forward expediently.

Impact on residents and Environment

7. The area of land required is sufficiently small that its loss would have no significant impact on the recreational value of the site to other users who at the current time are primarily dog-walkers.
8. The racing cars are electric 1/10th scale radio-controlled cars which generate very little noise and zero emissions. 1066 Racing have no intention of racing internal combustion model cars and this will be stipulated in the lease.
9. A demonstration of the cars held by 1066 Racing at St. Mary's Recreation Ground in August 2020 afforded residents and Members the opportunity to witness the cars in action. This was well received by attendees, and residents commented that they would be supportive of the site being better used for such activities.

Impact on alternative site uses

10. Officers are in discussion with Sidley Cricket Club with a view to the club relocating to St. Mary's Recreation Ground from their existing temporary ground in Hastings. Plans are at an early stage and it is not yet clear whether this will be feasible financially or practically.
11. Initial discussions between Sidley Cricket Club, 1066 Racing and Officers have concluded that if the racing track is positioned towards the site edge, there is adequate room to accommodate both facilities without creating conflict. This may in fact bring about mutual benefits.

Conclusion

12. The introduction of a radio-controlled car racing track at St. Mary's Recreation Ground will 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.

13. It is therefore recommended that approval be granted for officers to proceed with disposing of a 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).

Financial Implications

14. The costs to create the proposed racing track and rostrum are low and would be funded entirely through 1066 Racing, as would the initial costs associated with the disposal of public open space and any on-going maintenance costs. As this open space does not generate any income for the Council currently, disposing of part of the open space in this way does not cause any additional financial burden and there would be no additional on-going costs to the Council.

Legal Implications

15. In order for a lease to be granted to 1066 Racing, the proposed demised area must be disposed of as public open space.
16. The site is subject to a Fields in Trust (FiT) 'Deed of Dedication' under the QEII Playing Fields scheme. FiT have advised that a short-term lease does not require consent from FiT's Land and Planning Committee and that there is no reason why the proposed track should not be permitted when the Heads of Terms are formally submitted for approval.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	Consultation	No
Environmental	No	Access to Information	No
Sustainability	No	Exempt from publication	No
Risk Management	No		

Chief Executive:	Malcolm Johnston
Report Contact Officer:	Anna Evett
e-mail address:	Anna.evett@rother.gov.uk
Appendices:	A Plan showing area to be leased
Relevant Previous Minutes:	N/A
Background Papers:	N/A
Reference Documents:	N/A

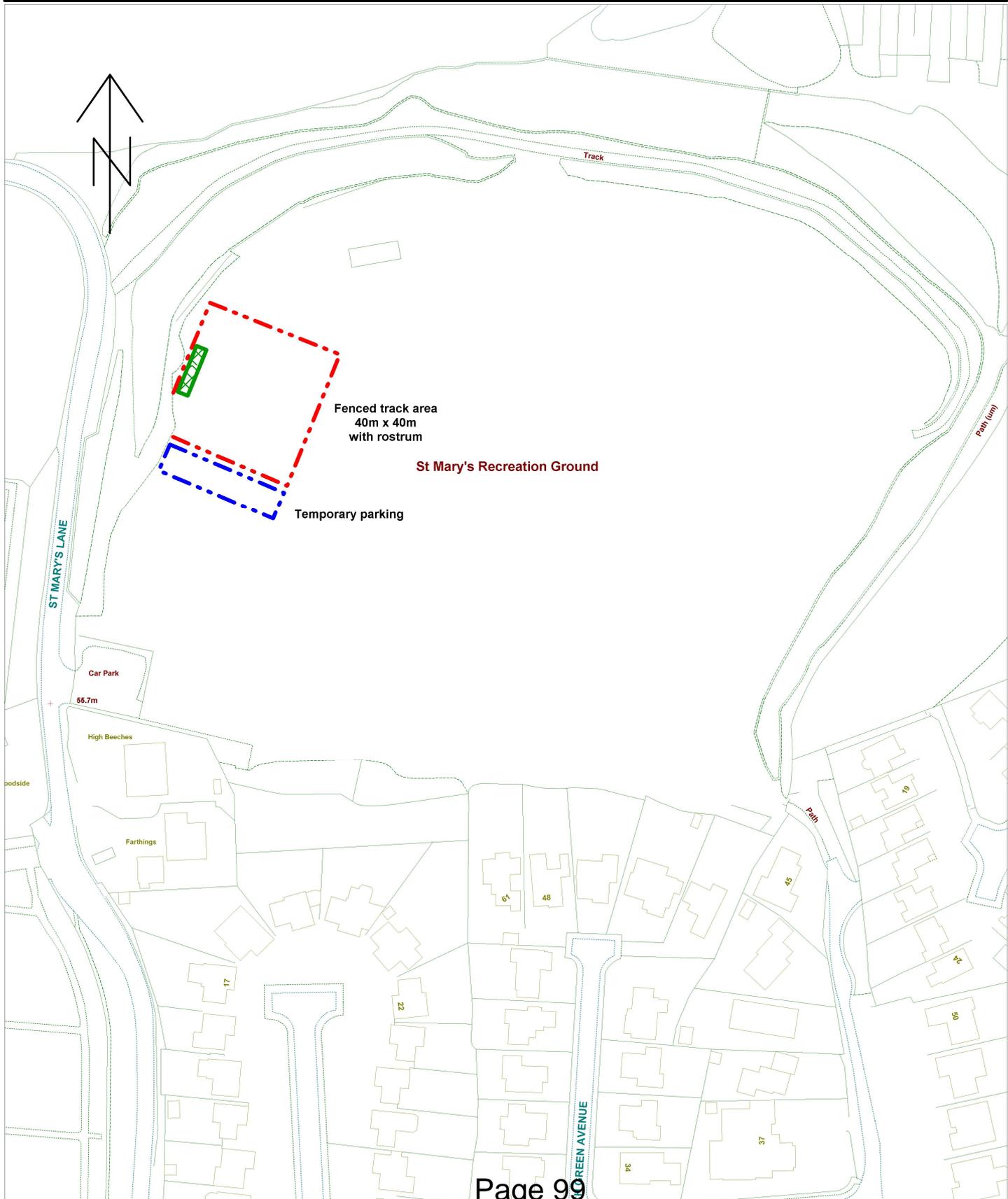
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Title: Indicative layout of proposed racing track area

Drawn: RO

Survey: _____

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Rother District Council

Report to: Cabinet

Date: 11 January 2021

Title: Private Sector Housing Enforcement Policy and Civil Penalties and Financial Penalties Policy

Report of: Richard Parker-Harding – Head of Environmental Services, Licensing and Community Safety

Cabinet Member: Councillor Byrne

Ward(s): All

Purpose of Report: To agree an amendment to the Private Sector Housing Enforcement Policy to include the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 and to request delegated authority to officers to undertake action under the revised Civil Penalties and Financial Penalties Policy.

Decision Type: Key

Officer

Recommendation(s): It be **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.

Reasons for

Recommendations: To delegate to Officers the power to impose financial penalties, in accordance with the adopted policy, if landlords commit offences including failure to comply with notices served and electrical safety regulations etc.

Introduction

1. The Council has numerous enforcement powers in relation to privately rented homes. The Council has adopted a Private Sector Housing Enforcement (PSHE) Policy that needs to be updated to take into account the commencement of new regulations, specifically the requirement for the safety

of and periodic inspection of electrical installations. The relevant Acts also give Councils the authority for issuing civil or financial penalties. It is good practice for officers to be granted enforcement powers whilst working to a policy approved by Members.

Details

2. In February 2016, the Council approved and adopted the current PSHE policy. Appendix A to the PSHE Policy details the legislation commonly enforced by the Private Sector Housing Service and outlines the provisions – this will need to be amended to include the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 made under the Housing and Planning Act 2016. In May 2018, Council subsequently approved and adopted a policy for imposing civil penalties, which forms Appendix B of the PSHE policy (attached as Appendix A to this report).
3. 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 identifies the practical applications of enforcement procedures used to achieve improvements to housing.
4. The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 made under the Housing and Planning Act 2016 requires electrical installations to be safe and periodically inspected. The Council can impose a financial penalty of up to £30,000 for failing to do so.
5. It is recommended that the Civil Penalties and Financial Penalties Policy be approved to instruct Officers in how to set the financial penalty (attached at Appendix A). This policy was originally adopted and applied to the imposition of civil penalties for landlords failing to comply with notices served under the Housing Act 2004. The Council has only had to apply one such penalty, which was subject to an unsuccessful appeal to the Property Tribunal. This policy has therefore been tested and is robust.

Options

6. To delegate enforcement powers and adopt a policy for calculating a financial penalty under the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.

Conclusion

7. It is good practice for officers to be granted enforcement powers whilst working to policies approved by Members.

Human Rights

8. Right to life and right to a fair trial.

Risk Management

9. Failure to have effective and efficiency delegation to Officers may unreasonably delay enforcement. Failure to have clear policies to guide Officers may hinder enforcement.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	Yes	Equalities and Diversity	No
Crime and Disorder	No	Consultation	No
Environmental	No	Access to Information	No
Sustainability	No	Exempt from publication	No
Risk Management	Yes		

Chief Executive	Malcolm Johnston
Proper Officer:	Richard Parker-Harding
Report Contact Officer:	Richard Parker-Harding
e-mail address:	Richard.parker-harding@rother.gov.uk
Appendices:	Appendix A - Civil Penalties and Rent Repayment Orders Policy
Relevant Previous Minutes:	Cabinet Minute CB15/70: Council Minute C15/58. CB17/87
Background Papers:	None
Reference Documents:	https://www.rother.gov.uk/wp-content/uploads/2020/03/Private-Sector-Housing-Enforcement-Policy.pdf

Civil Penalties and Rent Repayment Orders Policy

This policy sets out the criteria for using a civil penalty as an alternative to prosecution, the use of Rent Repayment Orders and the methodology to be used in setting civil penalty fines. It takes into account the statutory guidance that has been issued by the Government under Schedule 9 and Section 41 of the Housing and Planning Act 2016.

1. Introduction

Section 126 and schedule 9 of the Housing and Planning Act 2016 came into force on the 6 April 2017. These provisions give the Council as the local housing authority the power to issue a financial penalty for certain Housing Act 2004 offences after the 6 April 2017 as an alternative to prosecution.

The offences include:

- Failing to comply with an Improvement Notice (section 30)
- Offences in relation to licensing of Houses in Multiple Occupation (section 72)
- Offences in relation to licensing of houses under part 3 of the Act (selective Licensing) (section 95)
- Offences in relation to the contravention of an overcrowding notice (section 139)
- Failure to comply with management regulations in respect of Houses in Multiple Occupation (section 234)

A civil penalty can only be imposed as an alternative to prosecution. The legislation does not permit the Council to impose a civil penalty and prosecute for the same offence. If a person has been convicted or is currently being prosecuted the Council cannot impose a civil penalty in respect of the same offence. Similarly, if a civil penalty has been imposed, a person cannot then be convicted of an offence for the same conduct.

The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 made under the Housing and Planning Act 2016 requires electrical installations to be safe and periodically inspected. The Council can impose a financial penalty of up to £30,000 for failing to do so. This policy will be used to determine the financial penalty.

Future regulations that permit the authority to issue civil or financial penalties as an alternative to prosecution will also abide by this policy.

2. Policy approach and decision-making

As set out below, a civil penalty of up to £30,000 can be imposed where a serious offence has been committed and the Council may decide that a significant financial penalty (or penalties if there have been several breaches), rather than prosecution, is the most appropriate and effective sanction in a particular case.

The decision on whether to use civil penalty powers (and to what extent) or to seek a prosecution will be made by the Chief Executive or the Head of Service—Environmental Services, Licensing and Community Safety.

Overall, each case will be considered on an individual basis, however the principles in determining the form of action will be:

- What outcome are we trying to achieve – e.g. set an example, get the works done or a deterrent to committing future offences (a civil penalty will not be in the public domain unlike a prosecution).
- Severity of the offence – is prosecution a better option based on the significance of the offence and the impact it has had.
- Type of property and its occupiers – are the occupiers particularly vulnerable.

Where the civil penalty is considered the most appropriate course of action the Council must provide guidance on how the fine levels will be set. Section 6 of this policy provides a proposed fine setting methodology; each case will need to be assessed on an individual basis using this framework as a guide.

3. Burden of proof

The same criminal burden of proof is required for a civil penalty as for a prosecution. This means that before formal action is taken the Council must be satisfied that if there was a prosecution there would be a realistic prospect of conviction.

The Council must determine beyond reasonable doubt that the offence has been committed and this evidence would be required if an appeal is made against the civil penalty.

As also outlined in the Enforcement Policy, the local authority will have regard to the Code for Crown Prosecutors when determining whether to take action. There are two stages to this code:

- The evidential stage, and
- The public interest stage.

4. Procedure and appeals

The procedure for imposing a civil penalty is set out in Schedule 13A of the Housing Act 2004 and summarised in the MHCLG guidance https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/606653/Civil_Penalties_guidance.pdf.

There is no scope for the Council to deviate from this procedure.

At any time, if circumstances dictate, the Council may withdraw a notice or reduce the amount specified in a notice in relation to a civil penalty.

A landlord receiving the final notice of a civil penalty may appeal to the First Tier Tribunal against the decision to impose a penalty or the penalty amount. The appeal has the effect of suspending the notice and requirement to pay until determined.

5. Enforcement and other consequences

Where the landlord or property agent fails to pay a civil penalty, the Council will refer the case to the county court for an Order of that Court. If necessary, the Council will use county court bailiffs to enforce the order and recover the debt.

The Council's powers to carry out works in default under the Housing Act 2004 are unaffected by the civil penalty provisions.

If a landlord receives a civil penalty, that fact can be taken into account if considering whether the landlord is a fit and proper person to be the licence holder for a House in Multiple Occupation (HMO) or any other property subject to licensing.

Where a landlord receives two or more civil penalties over a 12 month period, the Council will include that person's details in the database of rogue landlords and property agents. While it is not a compulsory requirement, under the MHCLG guidance, Councils are strongly encouraged to do so. This will help ensure that other Councils are made aware that formal action has been taken against the landlord.

6. Proposed Civil Penalties

In setting a civil penalty level the Council should consider the following factors:

- Severity of the offence
- Culpability and track record of the offender
- The harm caused to the tenant
- Proportionate punishment of the offender
- Deter the offender from repeating the offence
- Deter others from committing similar offences
- Remove any financial benefit the offender may have obtained as a result of committing the offence
- Assessment of assets and income

Determining the offence category – Harm

In determining the level of harm the Council will have regard to:

- The person i.e. physical injury, damage to health, psychological distress
- To the community i.e. economic loss, harm to public health
- Other types of harm i.e. public concern/feeling over the impact of poor housing conditions on the local neighbourhood

The nature of harm will depend on the personal characteristics and circumstances of the victim e.g. tenant.

Where no actual harm has resulted from the offence the Council will consider the relative danger that persons have been exposed to as a result of the offender's conduct, the likelihood of harm occurring and the gravity of harm that could have resulted.

Factors that indicate a higher degree of harm include:

- Multiple victims
- Especially serious or psychological effect on the victim

- Victim is particularly vulnerable

Examples of Harm Categories

High	Housing defect giving rise to the offence poses a serious and substantial risk of harm to the occupants and/or visitors; e.g danger of electrocution, carbon monoxide poisoning or serious fire safety risk
Medium	Housing defect giving rise to the offence poses a serious risk of harm to the occupants and/or visitors; e.g falls between levels, excess cold, asbestos exposure
Low	Housing defect giving rise to the offence poses a risk of harm to the occupants and/or visitors; e.g localised damp and mould, entry by intruders

Determining the offence category – Culpability

In determining culpability the Council will have regard to 4 levels of culpability. Where the offender –

- Has the **intention** to cause harm, the highest culpability where an offence is planned.
- Is **reckless** as to whether harm is caused i.e. the offender appreciates at least some harm would be caused but proceeds giving no thought to the consequences, even though the extent of the risk would be obvious to most people.
- Has **knowledge** of the specific risks entailed by their actions even though they do not intend to cause the harm that results.
- Is **negligent** in their actions.

Examples of culpability

High (Deliberate Act)	An intentional breach by a landlord or property agent or flagrant disregard for the law. For example, by failing to comply with a notice or regulations.
High (Reckless Act)	An actual foresight of, or wilful blindness to the risk of offending, but decides to take the risk nevertheless. For example, failing to comply with a strict liability in the HMO regulations.
Medium (Negligent Act)	The failure of the landlord or property agent to take reasonable care to put in place and enforce proper systems for avoiding the offence. For example, partial compliance with a schedule of work to an enforcement notice but failure to fully comply with all schedule items.
Low (Low or no culpability)	The offence committed has some fault on the part of the landlord or property agent but there are other circumstances for example obstruction by the tenant to allow a contractor access for repairs, or damage caused by tenant negligence.

Determining the Civil Penalty Amount

The table below provides an indication of the level of fine that is likely to be appropriate taking into account both culpability and harm.

Level	Culpability	Harm	Maximum Civil Penalty
1	Low or more	Low	£2,500
2	Low	Medium	£5,000
3	Low	High	£10,000
4	Medium or High	Medium	£20,000
5	Medium	High	£25,000
6	High	High	£30,000

Mitigating Factors

Landlords will be notified of the intended civil penalty and given the opportunity to explain any mitigating circumstances. The penalty may then be decreased by up to fifty percent, if a similar offence has not been committed by the same landlord in the last 3 years.

7. Civil Penalties - Multiple Offences

Where the Council is satisfied that more than one offence is being committed concurrently in respect of a single property, they may issue multiple Civil Penalty Notices, (for example, where there are multiple breaches of the HMO management regulations).

However, where satisfied on the merits of the case and/or where the Council consider that issuing multiple penalties at the same time would result in an excessive cumulative penalty, nothing in this policy shall require the Council to do that. The Council may take action in respect of one or some of the offences and warn the offender that future action in respect of the remaining offences will be taken if they continue.

8. Rent Repayment Orders

Section 40 of the Housing and Planning Act 2016 came into force on the 6 April 2017. This confers a power on the First Tier Tribunal to make a rent repayment order where a landlord has committed one of a number of offences.

The Housing Act 2004 initially introduced rent repayment orders to cover situations where the landlord of a property had failed to obtain a licence for a property that was required to be licensed, specifically offences in relation to licensing of HMOs. The Housing and Planning Act 2016 extended this to include Rent repayment Orders for a much wider range of offences including:

- Failure to comply with an Improvement Notice (under section 30 of the Housing Act 2004)
- Failure to comply with a Prohibition Order (under section 32 of the Housing Act 2004)

- Breach of a banning order made under section 21 of the Housing and Planning Act 2016 (due to be enacted in November 2017)
- Using violence to secure entry to a property (under section 6 of the Criminal Law Act 1977)
- Illegal eviction or harassment of the occupiers of a property (under section 1 of the Protection from Eviction Act 1977).

Rent repayment orders can be granted to either the tenant or the local housing authority. If the tenant paid their rent themselves, then the rent must be repaid to the tenant. If rent was paid through Housing Benefit or through the housing element of Universal Credit, then the rent must be repaid to the local housing authority. If the rent was paid partially by the tenant with the remainder paid through Housing Benefit/Universal Credit, then the rent should be repaid on an equivalent basis.

A rent repayment order can be made against a landlord who has received a civil penalty in respect of an offence, but only at a time when there is no prospect of the landlord appealing against that penalty.

The Council must consider a rent repayment order after a person is the subject of a successful civil penalty and in most cases the Council will subsequently make an application for a rent repayment order to recover monies paid through Housing Benefit or through the housing element of Universal Credit.

The Council will also offer advice, guidance and support to assist tenants to apply for a rent repayment order if the tenant has paid the rent themselves.

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Rother District Council

Report to: Cabinet

Date: 11 January 2021

Title: Review of the Council's Constitution

Report of: Malcolm Johnston, Chief Executive

Cabinet Member: Councillor Oliver

Ward(s): N/A

Purpose of Report: To agree the process, scope and timescale for undertaking a review of the Constitution.

Decision Type: Non-Key

Officer

Recommendation(s): It be **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 as attached at Appendix A.

Reasons for

Recommendations: To enable the establishment of an executive convened Steering Group to undertake a review of the Constitution and fulfil one of the Council's priority objectives within the emerging Corporate Plan.

Introduction and background

1. The Constitution of Rother District Council (RDC) sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the Council to choose.
2. It is the role of the Monitoring Officer to ensure that the Constitution is maintained, reviewed and monitored. However, this is an on-going task, and keeping it up to date, following amendments / policy changes / legislation / restructures etc. is challenging within the resources available; the Constitution is published on the Council's website and can be found at the following link:

<https://www.rother.gov.uk/strategies-policies-and-plans/constitution/>
3. Part II of the Local Government Act 2000 contained provisions for new political management structures for local authorities in England and Wales, including local authority executives and executive arrangements. At that time, there was no choice but to adopt a new style of decision-making structure, following

consultation with residents. The objective of the Act was to deliver greater efficiency, transparency and accountability with the new arrangements intending to ensure that decisions could be taken more quickly and efficiently than in the existing committee system, that the individuals or bodies responsible for decision-making could be more readily identified by the public, and that those decision-makers could be held to account in public by overview and scrutiny committees.

4. RDC adopted the current style of decision-making structure from November 2001 and the current Constitution was based on a model Constitution provided by Government. This model was worked through and tailored to RDC's needs and aspirations at that time and took account of the consultation results. The majority of local authority constitutions that operate this style of decision-making structure are based on this model and the style and structure can be seen in our neighbouring authorities' constitutions.
5. There have been numerous tweaks to the decision-making structure since adoption in 2001, essentially concerning the number of overview and scrutiny committees, the creation of an Audit Committee and more latterly the merger of the Audit and Standards Committees, following the 2011 Localism Act.
6. The Council's emerging Corporate Plan will include a priority objective to create an open Council by improving access to Council meetings, opening the Council to the public to ensure increased transparency, proper consultation and better visibility by the end of 2023. This review of the Constitution will be one of the actions to achieve this objective.

Considerations

7. Whilst the Overview and Scrutiny Committee has a constitutional role in reviewing the Constitution (Article 15), as this review forms part of the Council's emerging corporate plan, which reflects the aspirations of the current administration, it is proposed that the review is conducted by way of a Cabinet formed Steering Group, that feeds into the Overview and Scrutiny Committee. This will ensure that lead Cabinet Members who seek constitutional change are able to contribute effectively; if the Overview and Scrutiny Committee was tasked with undertaking the review, Executive Members would not be permitted to sit on the Group. All Members of the Council will have an opportunity to feed into the work of the Steering Group and ultimately any constitutional changes will have to be agreed by full Council.
8. To ensure that the Steering Group reflects a broad cross section of Members, it is proposed that the Steering Group comprises 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 is represented. More importantly, it will be essential to appoint Members who are interested and keen to actively take part in the work of the Steering Group. It is also recognised that external expert assistance and advice will be required to support the work of this Steering Group.
9. Draft Terms of Reference (ToR) for the Steering Group are attached at Appendix A. Depending on the scale of any changes proposed, consultation with residents may be required and this may have an impact on the overall

timescales given in the ToR. It may also be appropriate, depending on the nature of the changes proposed, to implement changes from the commencement of the new civic year in May 2022.

Environmental

10. The Steering Group will consider the Council's Environment Strategy and pledge to become carbon neutral by 2030 when considering constitutional change and how any proposed changes may have an environmental impact.

Conclusion

11. This report brings forward the establishment of a Constitutional Review Steering Group to meet a priority objective within the emerging Corporate Plan to improve access to Council meetings, open the Council to the public to ensure increased transparency, proper consultation and better visibility by the end of 2023.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	Consultation	Yes
Environmental	Yes	Access to Information	No
Sustainability	No	Exempt from publication	No
Risk Management	No		

Chief Executive:	Malcolm Johnston
Report Contact Officer:	Lisa Cooper, Democratic Services Manager
e-mail address:	lisa.cooper@rother.gov.uk
Appendices:	Appendix A – Terms of Reference
Relevant Previous Minutes:	None.
Background Papers:	None.
Reference Documents:	None.

THE CONSITUTION REVIEW STEERING GROUP

TERMS OF REFERENCE

Aims

For the Steering Group to consider and make recommendations to the Overview and Scrutiny Committee on changes to the Council's Constitution.

Scope & Objectives

To modernise the way the Council operates by undertaking a complete review of the Constitution.

Approach

1. Review current Constitution and consider areas for revision – identify the areas of concern.
2. Compare practice / arrangements from neighbouring authority's Constitutions.
3. Carry out public consultation, depending on nature of proposed changes, including with the Overview and Scrutiny Committee.
4. Consider outcome of consultation / propose final recommendations to Council, via Cabinet.

Timescales

Action	By when
Establish the Constitution Review Steering Group	31/01/21
Identify key areas for change	31/03/21
Consultation with all Members / OSC / public	30/07/21
Cabinet consider and recommends changes to Council	31/09/21
Full Council approval	31/12/21
New Constitution implemented	31/01/22

Membership

A minimum of 8 Members, to be appointed in accordance with political balance requirements, or as otherwise determined to ensure that each political group serving on the Council is represented.

The Chairman will be elected from amongst the eight elected Members at the first meeting. Meetings will require at least three elected Members to attend to be quorate.

Officers

Chief Executive and Democratic Services Manager.

Additional input from other elected Members and officers as and when required, as well as expert external advisers.

Meetings

Meetings of the Steering Group will not be open to the public.