

COUNCIL
6 July 2020

Minutes of the Council meeting held remotely on Monday 6 July 2020 at 6:30pm.

Committee Members present: Councillors B.J. Drayson (Chairman), K.M. Harmer (Vice-Chairman), J. Barnes (MBE), Mrs M.L. Barnes, C.A. Bayliss, R.K. Bird, J.H.F. Brewerton, T.J.C. Byrne, J.J. Carroll, C.A. Clark, S.J. Coleman, Mrs V. Cook, P.C. Courtel, G.C. Curtis, K.P. Dixon, Mrs D.C. Earl-Williams, S.J. Errington, K.M. Field, A.E. Ganly, P.J. Gray, A.K. Jeeawon, J.M. Johnson, Mrs E.M. Kirby-Green, L.M. Langlands, C.A. Madeley, C.R. Maynard, A.S. Mier, M. Mooney, Rev H.J. Norton, D.B. Oliver, P.N. Osborne, S.M. Prochak, G.F. Stevens, R.B. Thomas, H.L. Timpe and J. Vine-Hall.

Advisory officer present: Executive Director (MJ), Executive Director (AL), Assistant Director Resources, Democratic Services Manager and Democratic Services Officer.

Also Present: Stewart Drew, Director and Chief Executive – De La Warr Pavilion and 50 members of the public.

C20/15. **MINUTES**

The Chairman was authorised to sign the minutes of the Council meeting held on 1 June 2020 as a correct record of the proceedings.

C20/16. **APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor G.S. Browne.

C20/17. **DECLARATIONS OF INTEREST**

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

Bayliss Agenda Item 8 – Personal and Prejudicial Interest as an owner of a business that could have benefitted from the grant scheme, although she had not made a claim.

Brewerton Agenda Item 8 – Personal and Prejudicial Interest as a small business owner who had applied for a grant under the scheme.

Mrs Cook Agenda Item 7 – Personal Interest as Ward Member for the adjacent District Council Ward and the site was located close to her home address.

Harmer	Agenda Item 8 – Personal and Prejudicial Interest as a small business owner who had applied for a grant under the scheme.
Prochak	Agenda Item 7 – Personal and Prejudicial Interest in CB20/06 as the Council’s appointed representative on the De La War Pavilion Charitable Trust.
Timpe	Agenda Item 7 – Personal and Prejudicial Interest in CB20/06 as the Council’s appointed representative on the De La War Pavilion Charitable Trust.
Vine-Hall	Agenda Item 8 – Personal and Prejudicial Interest as the owner of a self-contained holiday let and had made a claim under the discretionary scheme.

C20/18. **CHAIRMAN'S COMMUNICATIONS**

The Chairman announced that during his first month in office he had attended the following interesting and varied events:

- 1) Since the Annual Meeting he had continued his own education in Local Government and had been fortunate enough to attend four virtual Parish Council Meetings, at Beckley, Rye Foreign, Battle and Etchingham. The local knowledge of Councillors was vital in making the correct decisions for their Parishes and the Chairman urged residents across Rother to take an interest in what was being done on their behalf both at Parish and District level. A new volunteer was co-opted onto Battle Town Council at the meeting he attended reinforcing his view that involvement and co-operation were so much better than just expressing an opinion on social media as some people choose to do. It was noted that both Etchingham and Beckley Parish Councils had vacancies now and there may well be others. [It was confirmed by the Ward Member present that the Etchingham vacancy had in fact been filled].
- 2) The Mayor of Bexhill, Councillor Langlands and the Chairman were both Directors of and volunteer drivers for, the Bexhill Community Bus and were both present in early June to mark a donation of £1,000 from Hastings Direct towards fitting protective screens which has enabled the service to resume from next Monday, 13 July. Rye and District Community Transport restarted their services on 17 June while Battle Area Community Transport had yet to announce a date. The Chairman paid tribute to all the Community Transport providers and their volunteers, not forgetting the Brede Voluntary Car Scheme and the Sedlescombe Lift Scheme, both of which were run by Parish Councillors.
- 3) The Chairman was reminded by Etchingham Parish Council of just how much the Council and residents had been helped by incredible groups of volunteers across Rother. In Etchingham, a village of just 400 people 40 stepped up to support their fellow citizens and this had been replicated across the District. The Chairman thanked all the Rother Volunteers.

- 4) Last Friday, the Chairman attended a Virtual Tea Party hosted by The Lord Lieutenant of East Sussex, Mr Peter Field, together with The Mayors of Bexhill, Battle, and Winchelsea. As 'virtual' may be the way for some time yet, the Chairman assured Members that he was not going to be cheated of an afternoon tea, so he had made his own arrangements. The Lord-Lieutenant gave an account of his responsibilities as The Queen's Representative which included some involvement in the delivery of Her Majesty's 100th Birthday Cards to East Sussex residents. The Chairman and the Mayors present would like to play some role in this and Members were requested to alert them when they knew one of their residents was reaching this milestone. Given the demographics across Rother it might mean they would be busier than colleagues elsewhere, but what a lovely thing to be busy doing.
- 5) With regard to Super Saturday, the Hasting and Rother Police Commander had informed the Chairman that the vast majority of hospitality venues that did open, and their customers, followed the required distancing rules and very little police intervention was required.

The Chairman also announced that:

- 6) in accordance with paragraph 3.2(a) of the Council Procedure Rules, he had used his discretion in favour of varying the order of business so that Agenda Item 12, the presentation from Stewart Drew was taken after Agenda Item 5, public questions; and
- 7) there was an updated Agenda Item 8, Report of the Executive Director, that had been circulated separately to the Agenda.

C20/19.

PUBLIC QUESTION TIME

1. Pursuant to Paragraph 10 of the Council Procedure Rules the following question was put by Mr Bernard Brown and answered by Councillor Vine-Hall.

Question: How many times since April 2015 has Rother District Council issued a Temporary Stop Notice on a development where planning applications have not yet been heard by the Planning Committee. To complement this answer will the Council either publish or republish the detailed narrative of the Tests to be met before the decision to Issue or decline to issue a Temporary Stop Notice is made.

Answer:

1 Temporary Stop Notice issued.

Other Formal Enforcement Action over the same period is as follows:

64 x Enforcement notices (4 further notices in the process of being served)

1 x Stop Notice

18 x Section 215 Notices (where the local planning authority considers that the condition of land or buildings adversely affects the amenity of an area)

24 x Prosecutions (4 further prosecutions in process)

To answer your question on the publishing aspect, the narrative of Enforcement is already contained in the Rother Local Enforcement Plan which can be viewed on the Council Website at the following link:

https://www.rother.gov.uk/wp-content/uploads/2020/01/Local_Enf_Plan_-_Policy_2016_Final.pdf

Supplementary Oral Question: Rother District Council issues less than 30% of the average number of Temporary Stop Orders of the local planning authorities in England. In 2015 the Government made it easier to issue TSNs to help counter a surge of intentional unauthorised development. Recently the Council demonstrated extreme unwillingness to issue such a notice in an uncontroversial case for a breach of planning control and intentional unauthorised development, even despite the development posing a significant safety risk. This was for a situation related to gypsy and traveller pitches and the parish of Battle now has the overwhelming majority of such pitches in Rother District Council's jurisdiction. All the sites under Rother District Council's jurisdiction originated from unauthorised development without planning permission on AONB agricultural land, followed by retrospective planning applications. Although the issue of TSNs is a delegated matter, it is presumed officers are working within Council Policy. So the question is, is it the policy of the Rother Alliance controlling group not to issue Temporary Stop Notices in cases of unauthorised development by authenticated gypsy and traveller families due to the assuage failure to identify appropriate sites for this use in rother?

Answer: Is it a Policy of the Rother Alliance not to initiate stop notices for that group? The best answer I can give is that the Alliance currently follows the existing process and policy for stop notices and you are referring to a specific case and generally the officers take a very pragmatic view and there is a balance between pragmatism and any other action you might consider. There is also the consideration of exactly what might happen if you issue a stop notice and whether that will be successful and really very much depends on what action is being taken in terms of development on a site.

(It was clarified by the Chairman of Council that there had been no change to the existing policy and the decisions were based on the narrative of enforcement provided above.)

2. Pursuant to Paragraph 10 of the Council Procedure Rules the following question was put by Mr Michael Hedges and answered by Councillor Vine-Hall.

Question: Please advise the success rate in ultimately vacating and restoring sites where any intentional unauthorised development was

undertaken and a retrospective planning application subsequently refused (including dismissed appeals) during the last five years?

Answer: Thank you very much for your question.

350 Retrospective planning applications
Of which -

46 refused

37 of these refusals (including appeals) have been resolved – which might be a new application coming forward or an appeal decision.

Leaving 9 cases, as follows:

3 active enforcement in play

3 in the process of prosecution or injunction

1 in the process of a new application with the proposed building being moved

1 in the process of a new retrospective application and if that is refused, enforcement will be considered

1 that has just been refused so the prosecution action is about to progress

Supplementary Oral Question: Can you clarify the difference between the term resolved for the 37 refusals and the question which I asked which was specifically how many of the sites had been ultimately restored and or vacated?

Answer: Of those 9 I gave you the detail of each one and none of those have required at this point in time to be restored or vacated because they are in the process of some form of prosecution or the enforcement notice being served. Until it is served and until either the person will move out at the appropriate time or move to prosecution, nothing can happen; but those 9 are all in play, going through the appropriate process.

The Chairman of Council permitted a further exchange to clarify answer given as follows:

Mr Hedges: My question Councillor Vine-Hall was not to do indeed with the 9 cases, which you kindly explained what is happening with those, but with the 37 remaining.

Councillor Vine-Hall: The 37 refusals have all been resolved by either a successful appeal by the applicant or by the person who the enforcement action was taken against or by a new application or a retrospective application on that land which has resulted in some form of approval.

Mr Hedges: In other words, for those 37 as far as you are aware, they have not been necessarily restored or vacated.

Councillor Vine-Hall: They have not been required to be vacated.

C20/20. **DE LA WARR PAVILION CHARITABLE TRUST**

In accordance with the Constitution, the Chairman of Council had agreed to the Council receiving a presentation on the De La Warr Pavilion Charitable Trust from Stewart Drew, Director and Chief Executive of the De La Warr Pavilion (DLWP).

The Chairman of the Council welcomed Stewart Drew to the meeting who proceeded to present to Members on the impact of the COVID-19 pandemic on the DLWP since closing on 16 March 2020, the resulting financial losses currently being experienced and the plans to re-open some parts of the business, in accordance with government guidelines.

It was moved, seconded and agreed that Council Procedure Rules 3.2 (a) (varying the order of business), 14.4 (content and length of speeches) and 14.5 (when a member may speak again) be waived for the duration of this item.

Following the presentation Members asked a number of questions and were reassured that the DLWP, under Stewart Drew's leadership and that of the Board of Trustees, was in safe hands and the organisation would be rebuilt. The Chairman thanked Stewart Drew for his informative and interesting presentation.

C20/21. **MEMBER QUESTION TIME**

1. Pursuant to Paragraph 11 of the Council Procedure Rules the following oral question was put by Councillor J. Barnes and answered by Councillor Byrne.

Oral Question: Can the lead Member for Housing and Homes confirm what progress we have made with the idea of extending our housing stock by the purchase of pre-fabricated units for erection on Council owned land?

Answer: Pre-fabricated or system built housing really has two applications in our housing strategy. The first is quite straight forward, wherever we are building new houses and when we have our new Local Housing Company, certainly they will be looking to use system built houses; they will also be looking for housing design that minimises environmental impact and maximises the use of alternative energy and degradable materials. That is the easy one. The more obvious but slightly more complicated area is that of building homes or acquiring homes for the homeless or potentially homeless or to expand our accommodation available for those people who would otherwise be in bed and breakfast. Pretty much like the pre-fabs schemes after the second world war. Now this looks very easy, however, if you carry on with the tenant finder scheme and if we carry on acquiring buildings to rent they will already have some kind of maintenance in place, either by the landlord or by the housing association or similar organisation. If we start building / using pre-fabricated buildings we will have to put in place similar maintenance arrangements to wrap around that housing. So it looks like it is a very quick win, it will probably be a quick-ish win

but it is not quite as simple as it seems but yes we are definitely looking at it but be aware those implications have to be looked at as well.

Supplementary Oral Question: I trust that we will have a report in the autumn on this, in addition to other aspects of the housing strategy, but my question is would it not be possible if we do the building for us to make arrangements with Optivo or some other housing provider to do the management or are we not going to use the management of our other existing properties – are they going to be handed over or are they going to be a management organisation which we could use?

Answer: Thank you Councillor Barnes, yes, of course we are looking at how we fit system-built housing into our current strategy and all the elements you mentioned are obviously going to be considered. It is a bit new, I do not know the traditional firms that do traditional house maintenance are necessarily immediately equipped to look after pre-fabricated or system built housing but again, provided that we look at all those options and do not drag our feet be assured that we will get something in place as quick as we can but we do have to look at the whole picture, it is not as simple as putting a few pre-fabs up and hope, we do have to have proper maintenance arrangements in place.

C20/22. **REPORT OF THE CABINET ON MATTERS FOR DETERMINATION BY FULL COUNCIL**

1. It was moved by Councillor Oliver and seconded that the reports of the meetings of the Cabinet held on 9 March and 8 June as set out in the Agenda be approved and adopted.

2. The Chairman of the Council having called over the reports, the following Minutes was reserved for discussion:

Cabinet 9 March 2020	CB19/105 and CB19/106
Cabinet 8 June 2020	CB20/04

3. On the Motion of the Chairman of the Council, duly seconded, the Council approved, adopted and received the following reports, with the exception of the minutes reserved for discussion:

CB20/05	-	Property Investment Strategy
CB20/06	-	De La Warr Pavilion Funding Agreement
CB20/07	-	Members' Allowance Scheme – Proposed Cabinet spokespersons' Special Responsibility Allowance

C20/23. **RESERVED MATTERS**

Cabinet – 9 March 2020

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

**CB15/106 – PROBITY IN PLANNING – REVISED GUIDANCE NOTE
ON THE ROLE OF COUNCILLORS AND OFFICERS**

Cabinet – 1 June 2020

**CB20/04 – RESIDENTIAL DEVELOPMENT AT BLACKFRIARS,
BATTLE**

RESOLVED: That Minutes CB19/105, CB19/106 and CB20/04 be approved and adopted, as submitted.

**C20/24. REPORT OF THE HEAD OF PAID SERVICE ON DECISIONS TAKEN
BY CABINET AS MATTERS OF URGENCY**

It was moved by Councillor Oliver and seconded that the report of the Head of Paid Service detailing an officer decision taken as both a decision outside of the budget or policy framework and as a matter of urgency under the Covid-19 pandemic emergency procedure agreed by full Council in March be received. It was also noted that no urgent decisions had been taken by Cabinet at its meetings held on 9 March and 8 June 2020.

RESOLVED: That the report be noted.

C20/25. REPORT OF THE AUDIT AND STANDARDS COMMITTEE

1. It was moved by Councillor Jeeawon, Chairman of the Audit and Standards Committee, and seconded that the report of the Audit and Standards Committee held on 18 May 2020 be approved and adopted.
2. The Chairman of the Council having called over the report no Minute was reserved for discussion.
3. On the Motion of the Chairman of the Council, duly seconded, the Council approved and adopted AS19/45 – Appointment of an Audit Independent Person to the Audit and Standards Committee.

C20/26. MEMBER DEVELOPMENT TASK GROUP ANNUAL REPORT

It was moved by Councillor Brewerton and seconded that the Annual report of the Member Development Task Group as set out within the Agenda be received. In moving the report it was noted that Councillor Coleman had also attended one meeting as substitute Member for Councillor Bayliss.

RESOLVED: That the report be received.

C20/27. OVERVIEW AND SCRUTINY COMMITTEE ANNUAL REPORT

It was moved by Councillor Osborne and seconded that the Annual Report of the Overview and Scrutiny Committee as set out within the Agenda be received. In accordance with Article 6, paragraph 6.3 (d) of

the Constitution, the Overview and Scrutiny Committee was required to report annually to Council on its workings, make recommendations for future work programmes and amended working methods as appropriate.

RESOLVED: That the report be received.

CHAIRMAN

The meeting closed at 8:26pm.