

**To all Members of the Council**

25 June 2020

You are hereby summoned to attend a Meeting of Rother District Council to be held remotely on **Monday 6 July 2020** at 6:30pm, when it is proposed to transact the business stated below.

1. To approve as a correct record and to authorise the Chairman to sign the Minutes of the Annual Council meeting held on 1 June 2020.

2. To receive apologies for absence.

3. Disclosure of Interest

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.

4. To receive the Chairman's communications.

5. To answer questions from members of the public, if any, in accordance with paragraph 10 of the Council Procedure Rules (*time limit 30 minutes).

6. To answer questions from Members of the Council, if any, in accordance with paragraph 11 of the Council Procedure Rules (*time limit 30 minutes).

7. To receive the report of the Cabinet on matters for determination by full Council at its meetings on 9 March and 8 June 2020, as under: (Pages 1 - 8)

9 March 2020

- High Weald Area of Outstanding Natural Beauty (AONB) Housing Design Guide (CB19/105)
- Probity in Planning – Revised Guidance Note on the Role of Councillors and Officers (CB19/106)

8 June 2020

- Residential Development at Blackfriars, Battle (CB20/04)
- Property Investment Strategy (CB20/05)
- De La Warr Pavilion Funding Agreement (CB20/06)
- Members' Allowance Scheme – Proposed Cabinet Spokepersons' Special Responsibility Allowance (CB20/07)

8. To receive the report of the Head of Paid Service

In accordance with paragraph 17a of the Overview and Scrutiny Procedure

**For details of the Council, it's elected representatives and meetings
visit the Rother District Council Website www.rother.gov.uk**

Rules and paragraph 4 of the Budget and Policy Framework Procedure Rules, that there were no decisions taken as matters of urgency at the Cabinet meetings held on 9 March and 8 June 2020.

9. To receive the report of the Audit and Standards Committee of 18 May 2020 including matters for determination by full Council, if any, to include: (Pages 9 - 10)

18 May 2020

- Appointment of an Audit Independent Person to the Audit and Standards Committee (AS19/45)
10. To receive the Annual Report of the Member Development Task Group. (Pages 11 - 14)
11. To receive the Annual Report of the Overview and Scrutiny Committee submitted in accord with Article 6 of the Constitution (Pages 15 - 28)
12. Non decision making debate
- To receive a presentation from Stewart Drew, Director and Chief Executive of the De La Warr Pavilion on the De La Warr Pavilion Charitable Trust annual update.



Dr Anthony Leonard
Executive Director

Town Hall
Bexhill-on-Sea
East Sussex, TN39 3JX

Rother District Council

Report to	-	Council
Date	-	6 July 2020
Report of the	-	Cabinet
Subject	-	References from Cabinet Meetings

The Council is asked to consider recommendations arising from the Cabinet meetings held on 9 March and 8 June 2020, as set out below.

CABINET – 9 March 2020

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

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

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

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

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

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

(Cabinet Agenda Item 10)

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

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

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

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

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

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

(Cabinet Agenda Item 11)

Cabinet – 8 June 2020

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

On 13 January 2020, Cabinet authorised the commencement of the compulsory purchase process for land at Blackfriars, subject to a further report. The report detailed the process of issuing a Compulsory Purchase Order (CPO).

Issuing a CPO involved a two stage process. Firstly, the Council would seek to exercise its compulsory purchase powers to acquire a number of interests in the land to enable the construction of the spine road to serve the Blackfriars residential development, with vehicular access off Harrier Lane and The Spinney, and secondly to construct up to 220 dwellings and associated works.

Outline planning permission was granted for the development at Blackfriars in October 2019, subject to the completion of a Section 106 Agreement. The site was allocated in the 2006 Local Plan to provide at least 220 dwellings. The Council's Planning Core Strategy (2014) identified a need for 475-500 new homes to be delivered in Battle over the plan period until 2028, assuming that a proportion of these homes would be delivered on the Blackfriars site. Construction of the site was a key element in the Council's Corporate Plan (2014-2021).

The Council owned more than 50% of the site however three parcels of land were currently in third party ownership as identified at Appendix 1 to the report. In order to progress housing delivery there was a need to acquire this land, therefore negotiations had commenced. To ensure that the development was not delayed further, it would be necessary to use compulsory purchase powers. In addition, Homes England had awarded a grant of £8.7m from the Housing Infrastructure Fund (HIF), which was subject to specific conditions, including timescale and milestones. The HIF grant was integral to progress the site and if the conditions were not met there was a risk that the funding could be withdrawn. Furthermore, under the conditions of the HIF funding agreement, the Council was required to use all available powers including CPOs to progress the site. Therefore it was recommended that the Council proceed with the CPO.

At Appendix 4 to the report, the CPO powers and processes which included land referencing and a draft timetable were identified. Once the land reference exercise had been completed, the CPO and map would be prepared and reported to Cabinet at a future meeting.

Following approval, the CPO would be submitted to the Secretary of State for confirmation. All those affected would be formally notified and advertisements placed in the local press. Objections would need to be lodged within 21 days. Once the CPO was formally approved by the Secretary of State, the Council had three years to exercise its compulsory purchase powers.

The proposed budget for the land acquisition was detailed at confidential Appendix 5.

Members were assured that a line of communication / consultation would be held with the local residents through relevant media platforms on progression of the site. It was acknowledged that the site would provide much needed affordable housing to the district.

Cabinet supported the recommendation to amend the Capital Programme and agreed that a CPO be made and that the Executive Director be authorised to commence all preparatory work and complete

the acquisitions and disposals of land. It was agreed that the word “with” be replaced with “and” in Recommendation 1).

RECOMMENDED: That the Capital Programme be amended to reflect the new Housing Infrastructure Fund grant of £8.7m and additional uplift budget as outlined in Confidential Appendix 5, to be funded by borrowing as part of the overall development costs.

(Cabinet Agenda Item 9)

CB20/05. **PROPERTY INVESTMENT STRATEGY**

In December 2018, full Council had agreed the Property Investment Strategy (PIS), however following Government guidance and legal advice it was considered necessary to revise the PIS, as well as amend the Terms of Reference (ToR) for the Property Investment Panel (PIP).

To date, a total of £24.696m (out of £35m), summarised at Appendix 1 to the report had been either spent or approved which had produced a gross annual income of £886,000. All properties acquired were located within the district and comprised a mixture of retail, industrial and office properties, as well as development sites.

Members were advised that it was unlikely that the Council would be able to meet the Council’s Medium Term Financial Strategy (MTFS) income targets. It would continue to focus on acquiring properties within the district however there was a case for broadening the Council’s search area in order to meet the MTFS targets. This included focus on acquiring commercial properties beyond the district boundaries for investment and revenue generation. Legal and Government guidance would require the Council to develop a Commercial Investment Strategy which would act as a companion strategy to the PIS. A revised draft PIS was attached at Appendix 2 to the report which extended the search area to a radius of approximately 40 miles from the Rother boundary.

Following the elections in May 2019 membership of the PIP had changed, therefore it was recommended that the Panel’s composition be made up of three Executive Councillors and three non-Executive Councillors. A revised draft ToR was attached at Appendix 3 to the report.

A general discussion ensued on the properties that had been acquired since 2018, with particular regard to current decreased values on some, but not all, sites. The Head of Acquisitions, Transformation and Regeneration advised that this was attributed to a number of factors, namely fluctuations in the current market, change of valuer etc. It was considered imperative that the Council expanded its investment portfolio to support regeneration within the district and maintain a steady income to deliver services.

Cabinet recommended that the revised PIS be approved and adopted and agreed the revised Terms of Reference and membership to

include the Cabinet Portfolio Holder for Finance and Performance. They were supportive of Internal Audit's recommendations which included adopting a weighted scorecard system, the production of risks registers and a check list for each acquisition. It was also agreed that all Members of Cabinet, as well as Members and officers of the PIP received property investment training.

RECOMMENDED: That the revised Property Investment Strategy set out at Appendix 2 to the report be approved and adopted.

(When it first became apparent, Councillor Dixon declared a personal interest in this matter in so far as he was a Director of Sea Change Sussex and in accordance with the Members' Code of Conduct remained in the room during the consideration thereof).

(Cabinet Agenda Item 11)

CB20/06. **DE LA WARR PAVILION FUNDING AGREEMENT**

The freehold of the De La Warr Pavilion (DLWP) was owned by the Council and leased to the DLWP Charitable Trust on a 99-year lease from May 2004. The Trust was supported by an annual grant which was match funded by the Arts Council England (ACE).

Following Government guidance in response to the COVID-19 crisis, the DLWP temporarily closed on 18 March 2020. As a result of the cancellation of live events, it was estimated that income of £1.1m would be lost in the financial year 2020/21.

It was anticipated that the DLWP would re-open in July 2020, adhering to social distancing rules. Live events were not expected to commence before March 2021. Despite reducing its outgoings, furloughing staff, it was anticipated that there would be a £500,000 funding gap. The DLWP had applied to the ACE to meet the funding gap, however it was unlikely that a successful bid would attract more than £150,000. Therefore, the DLWP had asked the Council for a rescue package / grant capped at £350,000 which would be recoverable from future years grant funding. Members noted that recovery of the grant would go beyond the normal Service Level Agreement (SLA). The current SLA between the Council and the Trust was due to expire in March 2021. Therefore, it was recommended that the SLA be extended by three years to enable the Trust to plan effectively for its future.

Cabinet agreed that the DLWP played a critical role in supporting the cultural and tourism sectors in Rother and agreed that the SLA be extended. They were supportive of the other recommendations outlined in the report and suggested that the Cabinet Portfolio Holder for Communities, Culture and Tourism be replaced by the Leader of the Council.

RECOMMENDED: That:

- 1) an urgent grant support package of up to £350,000 for the De La Warr Pavilion Charitable Trust be agreed;

- 2) the cost be met from the Medium Term Financial Plan earmarked reserve and recovered through an annual reduction in the annual grant based on an open book assessment of the Trust's finances; and
- 3) the Executive Director be granted delegated authority to finalise any consequential changes to the Trust's funding agreement in consultation with the Leader of the Council.

(Councillors Prochak and Timpe each declared a personal and prejudicial interest in this matter in so far as they were the Council's appointed representatives on the De La Warr Pavilion Trust and in accordance with the Members' Code of Conduct left the meeting during the consideration thereof).

(Cabinet Agenda Item 14)

CB20/07. **MEMBERS' ALLOWANCE SCHEME – PROPOSED CABINET SPOKEPERSONS' SPECIAL RESPONSIBILITY ALLOWANCE**

In accordance with the Members Allowances Regulations 2003, before the Council could agree its allowance scheme, the Council had to have regard to the recommendations made by an Independent Remuneration Panel (IRP). The latest Members' Allowance Scheme (MAS) was approved in February 2019 which commenced in May 2019.

The Leader of the Council requested that the current MAS be amended to include provision for the payment of a Special Responsibility Allowance (SRA) to the designated Cabinet Spokespersons / Champions. Cabinet had appointed two Councillors as Spokespersons on cycling and disability and inclusion (one of whom was the current Cabinet Portfolio Holder). The SRA was intended to recognise the Councillor's expertise in their allocated spokesperson role, the additional time to attend meetings, represent the Council and effectively manage the Council's role on the subject and to be the "resident expert" on the subject. The proposed Role Description was detailed at Appendix 1 to the report.

Members were reminded that in accordance with the current MAS, no Member could be in receipt of more than one SRA, with the highest being paid. It was noted that the proposal would not increase the overall budget and the IRP had been consulted and was supportive of the proposal.

It was recommended to award the Cabinet Spokesperson / Member Champions 20% of the current Cabinet Members SRA which equated to £568 per annum, subject to annual increase in line with the staff pay award and that the MAS be amended accordingly. The current Spokespersons were commended for the good work they were doing within their specialist areas.

RECOMMENDED: That the Members' Allowance Scheme be amended by the addition of a Special Responsibility Allowance (SRA) in respect of designated Cabinet Spokespersons / Member Champions of £568 per annum provided that the Member would not be in receipt of any other SRA; that the payment be made from the date of which the policy is adopted; and there being no more than five spokespersons attracting an SRA payment at any one time.

(Cabinet Agenda Item 16)

Councillor D.B. Oliver
Leader of the Council

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Rother District Council

Report to	-	Council
Date	-	6 July 2020
Report of the	-	Audit and Standards Committee
Subject	-	Reference from the Audit and Standards Committee

The Council is asked to consider the recommendation arising from the Audit and Standards Committee meeting held on 18 May, as set out below.

AUDIT AND STANDARDS COMMITTEE – 18 May 2020**AS19/45. APPOINTMENT OF AN AUDIT INDEPENDENT PERSON TO THE AUDIT AND STANDARDS COMMITTEE**

Members received the report from the Executive Director requesting the Audit and Standards Committee to consider the appointment of an Audit Independent Person (AIP) to the Committee. The AIP would be a non-elected member of the public with some experience in the area of audit, similar to the Independent Persons (IPs) appointed under the Localism Act to deal with standards related matters of this Committee's work. The AIP would be a non-voting Member of the Committee and would be there in an advisory/consultative manner.

It was proposed that recruitment was to be on a competitive basis following the Council's employment rules, including an open advertisement and interviews, as undertaken for the IPs appointed under the Localism Act. An advert would be placed on the Council's website and highlighted through social media messages and MyAlerts inviting applications with a closing date to be confirmed once Council had considered the matter. The vacancy would also be notified to all Councillors and all Parish and Town Councils within the Rother area.

The expectation was that the AIP would attend every meeting of the Committee and was likely to have discussions with the relevant officers outside of the formal meetings. It was proposed that an annual allowance of £900 per annum be attached to the role to cover all expenses, including travel to meetings. It was recommended in the report that the AIP was to be appointed for a term of two years with the option of extending for a further two years.

RECOMMENDED: That:

- 1) a non-voting Audit Independent Person be appointed to the Audit and Standards Committee for a period of two years with the option of extending this for a further two years;
- 2) the role description, skills and competencies and person specification at Appendix A to the report be agreed; and
- 3) the Council's Constitution be amended accordingly.

The Committee also **RESOLVED**: That subject to Council's approval of recommendations 1 to 3 above:

- 4) an Interview Panel be appointed comprising the Chairman of the Audit and Standards Committee, Audit Manager and Assistant Director Resources; and
- 5) the proposed appointee be recommended to the next available meeting of the Audit and Standards Committee for onward recommendation to Council.

(Audit and Standards Agenda Item 16)

Councillor A.K. Jeeawon
Chairman of the Audit and Standards Committee

Rother District Council

Report to	-	Council
Date	-	6 July 2020
Report of the	-	Member Development Task Group
Subject	-	Annual Report of the Member Training and Development Task Group

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

Introduction

1. The Member Development Task Group (MDTG) provides a structured and on-going Member-led approach to Member training and development. This report provides Members with the first annual update on Member Training and Development issues since the elections in May 2019.
2. The Membership of the MDTG is usually fixed for the life of the Council and is made up of the Member Training and Development Champion, all Group Leaders or their substitute representative from all political groups serving on the Council together with any non-group Members and two newly elected Members.
3. The current membership is therefore confirmed as: Councillors Brewerton (Member Training and Development Champion and Chairman), Mrs Bayliss (Labour Group Leader), Mrs Cook (newly elected 2019 Member), Dixon (Liberal Democrat Group Leader), Oliver (Independent Group Leader), Stevens (Conservative Group representative) and Timpe (newly elected 2019 Member). All Group Leaders are able to send a substitute if they are unable to attend. Councillor Field has attended once during the past year as a substitute for Councillor Dixon.
4. All Members are encouraged to contact their respective representatives if they have any training and development issues to be brought to the attention of the MDTG.
5. The MDTG has met four times since the last annual report. The minutes arising from the meetings are highlighted within the Members' Bulletin e-zine and published on the Members' Area of the website.
6. The last 12 months has been a very busy period for Member Training and Development following the elections in May 2019 and this report highlights the key events and work of the MDTG during this period.

Member Training Induction Programme 2019

7. In accordance with the Council's Member Training and Development Strategy, a comprehensive induction programme was provided for all Members following the elections in May 2019. It is pleasing to report that all newly elected Members, as well as returned Members embraced the learning and

development opportunities offered to them and the majority of events were well attended.

8. The MDTG has considered the feedback received from each event and this will be used to ensure that the induction programme following the 2023 elections and other training and development events will be adjusted accordingly to take account of the feedback. It is really encouraging to see that the feedback response rate has remained high and this reinforces the importance and commitment Members have to their learning and development.

Training and Development Programme

9. As well as providing a full and thorough Member Induction Programme, Members were asked to complete a Training Needs Analysis (TNA) which has been used to compile the ongoing training and development programme for Members; a 100% return rate was achieved for the TNA.
10. The TNA results were considered by the MDTG at its meeting in September last year when it was agreed that, as Members had been subject to an extensive induction programme since the elections, the training and development activity identified through the TNA would be programmed from December onwards.
11. The information gathered via the TNA will be used to further develop the training programme over the coming 12-18 months. A second TNA will take place in year 3 of this Council (2021/22) to ascertain on going requirements and to help evaluate the success of the programme delivered thus far.
12. A full list of the development activities that have been offered to Members since the elections in May 2019 is available on the Members' Area of the website.

Finance

13. The Council continues to allocate both human and financial resources to Member Development and currently has a Member training budget of £15,000 per annum and is subject to quarterly reporting to the MDTG. To allow for more demand on the budget in year 1 an additional £4,000 was transferred from the 2018/19 budget. A higher expenditure is usual in years 1 and 2 with less activity in years 3 and 4. Any underspent budget is not automatically carried forward year-on-year.
14. In light of budget reductions, and in order to ensure value for money (vfm), it is essential that once Members have requested a place on a training session that the date is reserved, particularly where an external consultant or other additional expenditure such as transport is involved.

Member Training and Development Attendance Statistics

15. The MDTG continues to receive an update at each meeting on the number of training events each Member has attended since the elections in May 2019; this information is primarily for use by the Group Leaders and the most recent update is attached as Appendix 1 to this report.

16. Training and Development is not compulsory, except for those Members serving on the Council's regulatory committees; each Member has very specific training and development requirements, based on their own personal circumstances which will include experience, role (both internal and external to Rother), interests, availability and length of service as a Councillor.

South East Charter for Member Development

17. The Council was awarded the South East Employer's (SEE) Charter for Elected Member Development for a fourth time in March 2018. The Council has successfully retained the Charter continuously for over 10 years. A successful 18 month review took place in October 2019.
18. Renewal of the award was due for consideration in March 2021 with recommitment in January 2020. The renewal fee was £2,000.
19. The MDTG felt that the Council should cease the accreditation and save both financial and officer resources. This was supported by Cabinet and in February 2020, full Council agreed that the Council does not recommit to renewing the SEE Charter for Elected Member Development when it expires in March 2021.

Conclusions

20. This civic year has been a challenging time for Member Training and Development – a new Council to train and develop, which has gone extremely well.
21. This civic year will see the continued delivery of identified training needs, the mandatory annual training for licensing and planning, together with any other service specific training / development requirements as a result of service changes / new legislation etc.
22. I am pleased to take this opportunity to thank formally my fellow Task Group Members, Councillors Mrs Bayliss, Mrs Cook, Dixon, Oliver, Stevens and Timpe for the contribution they have made over the past year and the officer support that is provided both directly by Democratic Services and indirectly through all staff involved in guiding and providing assistance to Members.

Councillor Brewerton
Chairman of the Member Development Task Group

MEMBER TRAINING ATTENDANCE STATISTICS 2019-2023

1. Detailed below is a summary of the number of training events that each individual Member has attended since election in 2019 to date.

COUNCILLOR	TRAINING EVENTS		COUNCILLOR	TRAINING EVENTS	
John Barnes	10	↑ (2)	Polly Gray	28	↑ (8)
Mary Barnes	15	↑ (3)	Kathy Harmer	22	↑ (5)
Christine Bayliss	8	↑ (1)	Sally-Ann Hart	9	↔
Roger Bird	3	↑ (1)	Ashan Jeeawon	12	↑ (1)
Jay Brewerton	21	↑ (1)	Jonathan Johnson	4	↑ (1)
Graham Browne	5	↑ (2)	Eleanor Kirby-Green	2	↔
Terry Byrne	17	↑ (1)	Lynn Langlands	31	↑ (5)
James Carroll	2	↔	Chris Madeley	17	↑ (5)
Charles Clark	1	↔	Carl Maynard	1	↔
Sam Coleman	24	↑ (4)	Andrew Mier	29	↑ (6)
Vikki Cook	15	↑ (2)	Martin Mooney	3	↑ (1)
Paul Courtel	37	↑ (6)	Howard Norton	10	↑ (1)
Gary Curtis	8	↑ (2)	Doug Oliver	27	↑ (5)
Kevin Dixon	11	↔	Paul Osborne	2	↔
Brian Drayson	28	↑ (5)	Sue Prochak	26	↑ (5)
Deirdre Earl-Williams	12	↑ (3)	Gennette Stevens	17	↑ (2)
Sarah Errington	26	↑ (5)	Richard Thomas	26	↑ (4)
Kathryn Field	11	↑ (3)	Hazel Timpe	32	↑ (7)
Tony Ganly	8	↑ (1)	Jonathan Vine-Hall	14	↑ (3)

KEY	
↔	None attended since last MDTG meeting
↑ + (number)	Attended since last MDTG meeting

Rother District Council

Report to	-	Council
Date	-	6 July 2020
Report of the	-	Chairman, Councillor Paul Osborne
Subject	-	Annual Report of the Overview and Scrutiny Committee

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

Introduction

1. The Local Government Act 2000 states that where councils operate an executive style administration, there must be at least one committee that has the power to review or scrutinise decisions or actions which affect the authority's area or its residents. The Overview and Scrutiny Committee (OSC) acts as a critical friend to the Cabinet (Executive) and other local service providers, helping to monitor performance and develop policies. The OSC also has the power to hold the Cabinet to account by "calling in" decisions before or after they have been taken.
2. The OSC cannot make decisions or policies themselves, but they have the power of influence. They make recommendations informed by partner and public opinions, performance information, examples of best practice and professional advice.
3. In accordance with Article 6, paragraph 6.3. (d) of Rother District Council's (RDC) Constitution, the OSC must report annually to Council on their workings and make recommendations for future work programmes and amend working methods, if appropriate.
4. In compiling this report, consideration has been given to the terms of reference contained within Article 6 of the Constitution and how the OSC has fulfilled its role under these terms.
5. This report covers the period from April 2019 through to the end of March 2020; due to the Covid-19 emergency and the suspension of all Committee meetings until further notice on 23 March, the last scheduled meeting of the OSC for the 2019/20 municipal year (27 April) was not held.

Scrutiny at Rother

6. Currently, Rother District Council has 38 elected Members who represent the 21 wards within the boundaries of Rother. With 8 Cabinet Members, this enables 30 Members to have the opportunity to be involved in Scrutiny.
7. During the period of this report, 63% of non-Cabinet Members have been involved in Scrutiny either through membership of the Council's Scrutiny Committee or in the Task and Finish Group(s).

Structure of Scrutiny Committees

8. During the period of this report, one Task and Finish Group has been in operation. In addition to Scrutiny meetings, the Council can have up to four active Task and Finish Groups in place at any one time provided that the same service officers are not being involved in more than one active group at any one time.
9. There are 12 Members appointed on the OSC and they meet formally eight times a year. The OSC is politically balanced in that its make-up reflects that of the Council as a whole and its Chairman and Vice-Chairman are elected annually from amongst its membership.

Overview and Scrutiny Committee

10. The following Members were appointed by Full Council to the OSC in May 2019:

P.N. Osborne (Chairman), B.J. Drayson (Vice-Chairman), J. Barnes, T.J.C. Byrne (ex-officio), J.J. Carroll, Mrs V. Cook, P.C. Courtel, S.J. Errington, P.J. Gray, A.K. Jeeawon, L.M. Langlands, C.R. Maynard and M. Mooney.
11. Following the introduction of a formal substitute system in September 2019, the following substitute Members were appointed to the OSC: S.J. Coleman (Labour), C.A. Madeley (Association of Independents), G.F. Stevens (Conservative) and R. Thomas (Liberal Democrat). In accordance with the system a formal substitution has been made on 2 out of a possible 5 occasions since its introduction.
12. The Committee has met nine times between April 2019 and the end of March 2020, which includes an extra meeting for a Call-in in February 2020. This figure does not include the meeting of the Committee directly following the Annual Council Meeting when the Chairman and Vice-Chairman are elected.
13. Attendance at meetings by Members appointed to the Committee has been good with an average of 91% of the Committee attending the meetings during the period of this report.
14. The average number of reports on the agenda for each meeting was four and the average length of a meeting was one hour and forty-five minutes. The press attended seven meetings and a total of 28 members of the public were in attendance at eight of the Committee meetings held during the period of this report. Dependent on the business to be considered, the relevant Cabinet Portfolio Holders continued to be invited to attend meetings.
15. Between April 2019 and the end of March 2020, the OSC received reports on a number of issues including:
 - Anti-Poverty Task and Finish Group Terms of Reference
 - Civil Parking Enforcement
 - Corporate Plan Delivery Programme
 - Corporate Plan Delivery Programme Consultation Exercise
 - Draft Empty Homes Action Plan
 - Environment Strategy Consultation

- Formal Substitute Procedure for Committees
- Housing Allocations Policy
- Housing Development Programme
- Medium Term Financial Plan 2020/21 to 2024/25
- Poverty in Rother
- Project Management
- Proposed Changes to Public Speaking at Planning Committee
- Proposed Operational Changes to the Planning Committee
- Recommendations of the Tourism Task and Finish Group
- Role and Functions
- The Colonnade, Bexhill
- The Council's Constitution and UK Exit from the European Union (Brexit)
- The Progression of the Rother District Public Realm Strategic Framework
- Voluntary Sector Service Level Agreements

16. Standing items reviewed by the Committee included:

- Annual Property Investment Update
- Annual Work Programme
- Call-in and Urgency Procedures
- Draft Annual Report to Council
- Draft Revenue Budget
- Key Performance Targets
- Quarterly Progress Reports on the Annual Performance Plan
- Revenue Budget and Capital Monitoring Programme

Informal Annual Work Programming Meeting

17. The Annual Scrutiny Work Programme meeting was not held this year, but the Work Programme circulated by email to Members of the OSC, other non-Executive Members, the Strategic Management Team and Heads of Service and examined alongside key work priorities of the Council for 2020/21. Ideas and suggestions for issues to be considered for inclusion in the Work Programme for the year as a result were collated, given a priority rating of 1-3 (1 being the highest) by Members and attached at Appendix 1 to the Annual Work Programme report to be considered at a later item on the Agenda.

Crime and Disorder Committee

18. In 2009, the Scrutiny Committee was designated as the Council's 'Crime and Disorder Committee' under section 19 of the Police and Justice Act 2006. This is not a separate working or steering group; it simply means that on an annual basis, as part of their regular Scrutiny business, the OSC reviews the work of the Safer Rother Partnership (SRP) as the Council's Crime and Disorder Committee.

- The opportunities and challenges for 2019/20 included: provision of a safe space for young people after school in The Pelham, CCTV coverage for Bexhill Museum, Egerton Park and outside public toilets, rough sleeping and members of the street community, White Ribbon and Deer Awareness campaigns, Safety in Action workbooks for school children, support for Community Speedwatch, start-up equipment and bedding packs for people leaving a refuge, victim domestic abuse support, tackling modern

slavery and human trafficking, drug supply and cuckooing and delivering interventions to reduce the impact of ASB through multi agency interventions, Council interdepartmental working, use of Public Space Protection Orders and Community Protection Notices.

Scrutiny Reviews

July 2019

19. **The Colonnade, Bexhill:** Members received the report of the Executive Director on the Colonnade, Bexhill, which detailed its useage since the refurbishment of the seafront under the Next Wave programme in 2010/11 and in particular, the events leading up to the letting of the café/restaurant to Wingrove House Ltd. The total rental income generated from the café plus kiosks generated a return on investment of 9.54%, which compared favourably to the target figure of 6% for the Council's commercial property as a whole

September 2019

20. **Project Management:** Members received a presentation on Project Management Framework, Approach, Tools and Methodologies in addition to a presentation on the Development Framework and an example of a successful project delivered end-to-end. Members felt confident that the Council was deploying the best tools and approach to project management, but that the process may benefit from a more formalised approach to how involved Members were in projects.

October 2019

21. **Poverty in Rother:** Members received and considered a report from the Executive Director responding to questions raised by Members, citing a report from the Sussex Community Foundation, which sought to establish the scale of child poverty and its effects within the Rother District. The questions posed also asked how Council policy and services impacted on poverty, particularly when delivering key service functions such as the Housing Needs and Housing Benefits services.
22. The OSC also scrutinised the performance of services and the resources they use on a quarterly basis. In conjunction, the OSC looked into the wider, strategic implications for the district and the lives of residents that are represented by individual indicators and targets. Just some of the themes addressed over the period were:
 - **Housing and Homelessness:** Members were advised that demand for all forms of affordable housing continued to increase, with the supply of social housing being a key tenure failing to keep pace with the demand. The lack of affordable housing supply locally alongside the impact of welfare benefit reforms were the principle drivers of increasing levels of homelessness, sofa surfing, poor quality living conditions and rough sleeping and Members therefore agreed it was important that the Council continued to monitor performance. In November 2019, Members received the report of the Executive Director which advised how the Council could directly intervene in the housing market, as a developer, to accelerate

housing delivery and increase overall housing supply. The number of weeks spent in Temporary Accommodation did not meet its target, often due to better quality self-contained units now being used rather than hostels or hotel rooms which enabled other services to be accessed for clients at the same time. The Council was looking to split this type of accommodation into 'emergency' and 'interim'.

- **Waste and Recycling:** Members were concerned that the figures for Re-use, Recycling and Composting had decreased over the year, a trend that had also been seen nationally, and the Government were looking to address this with legislation. Increased promotion of recycling and re-use was required and would be addressed through the Environment Strategy and Climate Change Action Plan. Recycling rejection rates were within tolerance levels, but these could become stricter in time.
- **Benefits Performance:** Members were pleased to note that both of the performance indicators relating to benefits performance had met or exceeded their targets and the service continued to work on improvements in its systems and processes in accordance with the adopted business improvement plan.
- **Asset Income:** Performance in 2019/20 remained strong and included additional rent being collected as a result of the four properties purchased through the Property Investment Strategy (PIS) in 2018/19. The original income target of £1,520,000 was set prior to the budget setting for 2019/20; the budget was forecast at £1,939,000 including the income from the PIS, therefore, the target in the performance indicator had been adjusted accordingly. Although further properties had been acquired during the year through the PIS, the expected target for asset income would not be met by the end of the financial year. A number of properties were under consideration which were the subject of negotiation and may come forward in 2020/21.

Recommendations to Cabinet

23. During the period of the report a total of 18 recommendations were made to Cabinet, 17 of which were supported and at the time of writing the report, one was to be considered by Cabinet at its meeting on Monday 8 June 2020. Details of all recommendations made to Cabinet by the OSC can be seen at Appendix 1.

Call-In

24. The OSC has only found it necessary to Call-In one decision of the Cabinet for further scrutiny during the last year. This Call-In was for the redevelopment of the existing Bexhill Leisure Centre which had been considered by Cabinet at their meeting on 10 February 2020. The Call-in enabled the OSC to scrutinise the decision and invite the Members who had initiated the Call-in to explain their reasons to clarify their opposition to the Cabinet decision.
25. After debate over the original decision, the OSC recommended that Cabinet be requested to reconsider their decision and approve the recommendations in the original Cabinet report.
26. Cabinet met on 9 March 2020 where after some discussion, their original recommendations made on 10 February 2020 were upheld.

27. The annual report on the Call-In and Urgency Procedures can be seen elsewhere on the Agenda for this meeting.

Task and Finish Groups

28. During the period of this report, the OSC established one new Task and Finish Group: Service Level Agreement (SLA) Task and Finish Group. The Tourism Task and Finish Group (TT&FG) was dissolved in April 2019 having completed its Terms of Reference with its recommendations and draft Visitor Economy Chapter of the Economic Regeneration Strategy recommended to Cabinet in June 2019.
29. Terms of Reference were agreed for an Anti-Poverty Task and Finish Group in January 2020, but the Group has yet to meet.
30. Members have previously requested that this Annual Report to Council incorporates a cumulative examination of the results of working groups, when they have concluded their work, to see if their recommendations and outcomes have delivered their set objectives.

Tourism Task and Finish Group (completed objectives / disbanded)

31. The TT&FG was established to review the current support to the tourism sector, including a summary of available visitor research across the district; agree work within the four areas of Future Opportunities and Trends Within the Tourism Sector, Marketing, Events and Visitor Accommodation; consult relevant identified partners and key stakeholders to inform discussions; and produce a draft revised visitor economy chapter within the Economic Regeneration Strategy. The desired outcomes of the group were to review and inform Rother's visitor economy chapter and present a draft revised visitor economy chapter to Cabinet within the Economic Regeneration Strategy following the review. The Group comprised of Councillors Mrs M. Barnes, K.P. Dixon (Chairman), Mrs D.C. Earl-Williams, S.D. Elford, G.F. Stevens and M.R. Watson whilst undertaking its Terms of Reference.
32. The TT&FG had met six times and representatives from several organisations have attended including Blue Sail Consultancy, Tourism South East, Brochure Connect, East Sussex County Council, Battle Marketing Group, 1066 Country, HEM Events, 18 Hours, De La Warr Pavilion, Rye International Jazz Festival and Strand House Guest Accommodation. The recommendations from the Group were presented to the OSC on 29 April 2019 for onward recommendation to Cabinet on 3 June but are not replicated here in the interests of economy.
33. **OUTCOME:** A comprehensive set of recommendations were developed and a draft Visitor Economy Chapter of the Economic Regeneration Strategy recommended and approved, as amended, by Cabinet in June, with the final draft chapter of the strategy being approved and adopted by the Council in July 2019.

Having fulfilled its terms of reference, the TT&FG was disbanded.

SLA Task and Finish Group (completed objectives / disbanded)

34. The SLA Task and Finish Group was established to comprehensively review a number of existing SLAs with organisations due to expire in March 2020; receiving detailed reports from the SLA Monitoring Officers and Member Representatives; hearing first hand evidence from five of the larger organisations and receiving financial information. The main desired outcome of the Group was to conduct a thorough and fair review of the SLAs and potentially achieve a saving for the Council whilst securing much needed services. The Group comprised of Councillors Mrs M.L. Barnes, K.P. Dixon and B.J. Drayson.
35. The SLA Task and Finish Group met twice and the following recommendations were presented to the OSC on 25 November 2019 for onward recommendation to Cabinet on 13 January 2020:
- 1) That the OSC be asked to recommend to Cabinet the renewal of the following four-year Voluntary Sector SLAs (unless another term stipulated) from 1 April 2020, and subject to a six-month termination clause:
 - a) Hastings Advice and Representation Centre – £19,000 per annum;
 - b) Hastings and Rother Mediation Service – £8,400 per annum;
 - c) Rother District Citizens Advice Bureau – £85,000 per annum, to be reviewed after two years and:
 - i. the Council assist the organisation with sourcing and, if required, relocating to suitable premises within Bexhill Town Centre; and
 - ii. further funding through Parish Councils be explored.
 - d) Rother Voluntary Action – £38,000 per annum and grant applications be made to the Council for individual projects;
 - e) Bexhill Museum – £8,500 per annum with a review after two years;
 - 2) Cabinet be requested to approve:
 - a) the four-year unrestricted contribution of £1,000 per annum be renewed from 1 April 2020 to Rye Harbour Nature Reserve and details of how the funding is utilised be provided; and
 - b) that core funding to the Hastings Furniture Service and Action in Rural Sussex cease but that they are encouraged to continue accessing other Council funding streams.

36. **OUTCOME:** The OSC agreed all recommendations with the following amendment: that the Rother District Citizens Advice Bureau provide a robust business plan for the two-year review, which were endorsed by Cabinet.

Having fulfilled its terms of reference, the SLA Task and Finish Group was disbanded.

Overview and Scrutiny Chairman's Statement

37. From the contents of this report it is evident that this has been another busy and productive year for the OSC. As Chairman, I am pleased with the progress that has been made in terms of improved scrutiny processes and comprehensive contributions from outside representatives. I would like to thank the Members of the Committee for their attendance and their input to the many debates that have taken place.

38. The Task and Finish Groups that we have established continue to do a lot of good work with regard to the individual tasks that they have been set. I would particularly like to thank the Members of these Task and Finish Groups, as well as outside representatives and officers for their time and input.
39. I would like to thank Councillor Brian Drayson, my Vice-Chairman and Democratic Services, in particular Louise Hollingsworth, for their continued support throughout the year.

Councillor Paul Osborne
Chairman, Overview and Scrutiny Committee

Risk Assessment Statement

Failure to produce this report would be in breach of Article 6, paragraph 6.3. (d) of the Constitution.

REFERENCES TO CABINET

From April 2019 until March 2020, the Overview and Scrutiny Committee (OSC) referred the following reports to Cabinet:

29 APRIL 2019

1. **TOURISM TASK AND FINISH GROUP RECOMMENDATIONS:** The OSC received a report detailing the recommendations arising from the Tourism Task and Finish Group (TTFG) and the recommended revised Tourism chapter of the Council's Economic Regeneration Strategy.

Cabinet approved and adopted the draft Visitor Economy Chapter of the Economic Regeneration Strategy and were supportive of the OSC's recommendations, but with several amendments.

2. **CALL-IN AND URGENCY PROCEDURES:** The OSC received a report on the Council's Call-In and Urgency Procedures. The previous year the Committee requested an amendment be made that any two non-executive Members of Council who need not be Members of the OSC be able to call-in a decision with effect from the new civic year and the Constitution be amended accordingly.

Cabinet had agreed to support the recommendation to Council on the proviso that at least one of the two Members requesting a call-in must have been present at the Cabinet meeting in question and have heard first-hand the debate and reasons for decision; the proposed new structure would also be subject to review after one year.

Despite the revised provisions there had been no increase in the number of executive decisions called-in resulting in the need for additional meetings. As a consequence of this review the OSC requested Cabinet to approve that the current arrangements for calling-in an executive decision remained, which Cabinet were in agreement with.

10 JUNE 2019

3. **HOUSING ALLOCATIONS POLICY:** The OSC considered the report of the Executive Director detailing the proposed changes to the Housing Allocations Policy, which was to provide a framework for the equitable, effective and accountable allocation of social housing, together with a draft consultation plan.

The main changes to the policy were to revise the banding structure from four to two and the revise the order in which households were nominated for social housing according to their level of need. Members were supportive of the proposals and draft Consultation Plan.

Cabinet was supportive of the OSC's recommendation submitted.

22 JULY 2019

- 4. PROPOSED FORMAL SUBSTITUTE PROCEDURE FOR COMMITTEES:** The OSC received the report of the Executive Director outlining a proposed formal substitute procedure for committees following a reference from the Member Development Task Group. Each political group would nominate one substitute Member from their Group on each of the relevant committees at the Annual Council Meeting when substantive appointments were made – Planning, Licensing and General Purposes (main committee only) and the Overview and Scrutiny Committee. Members were supportive of the recommendations outlined in the report.

Cabinet was supportive of the OSC's recommendation submitted.

- 5. CORPORATE PLAN DELIVERY PROGRAMME:** Members considered the report of the Executive Director which presented a project plan and timeframe for the implementation of a new Corporate Plan designed to supersede the current Corporate Plan. The current Corporate Plan had been in place since 2014 and was due to expire in March 2021. Members were supportive of the programme of a review for a new Corporate Plan to enable adoption in December 2020.

Cabinet agreed with the OSC's recommendation submitted.

9 SEPTEMBER 2019

- 6. PROPOSED OPERATIONAL CHANGES TO THE PLANNING COMMITTEE:** Members considered a report of the Executive Director which had been considered by the Planning Committee detailing a number of proposed operational changes to the Planning Committee. After some discussion, the OSC amended the recommendations to Cabinet from the Planning Committee.

Cabinet noted the OSC's comments and the final recommendations to Council were amended.

14 OCTOBER 2019

- 7. PROPOSED CHANGES TO PUBLIC SPEAKING AT PLANNING COMMITTEE:** Members considered the report of the Chairman and Vice-Chairman of the Planning Committee, previously considered by the Planning Committee, detailing a number of proposed changes to public speaking at the Planning Committee. After some discussion, the OSC added two further recommendations.

Cabinet considered the OSC's comments and were supportive of the recommendations submitted.

25 NOVEMBER 2019

- 8. MEDIUM TERM FINANCIAL PLAN 2020/21 TO 2024/25:** The OSC considered the report of the Executive Director the latest forecast budget for 2020/21 and updated the Medium Term Financial Plan for the period 2020/21 to 2024/25. The report gave Members the latest view of the Council's likely

finances over the five year period, ahead of confirmation of Government funding and a number of other factors that would affect the Council's finances.

Cabinet considered the OSC's comments and were supportive of the recommendations submitted.

9. **VOLUNTARY SECTOR SERVICE LEVEL AGREEMENT:** (see paragraphs 34 to 36 in main report).
10. **THE PROGRESSION OF THE ROTHER DISTRICT PUBLIC REALM STRATEGIC FRAMEWORK:** The OSC gave consideration to the report of the Executive Director that detailed the results of the public consultation (including key stakeholders) of the Rother District Public Realm Strategic Framework (PRSF). The responses from that consultation had informed the final draft of the PRSF, which was attached at Appendix 1 to the report for Members' consideration and recommendation to Cabinet and then to Council for approval and adoption. The OSC requested a number of minor amendments to be incorporated into the draft PRSF in respect of Strategic Objective 3, promoting the natural environment and climate change references.

Cabinet was pleased to recommend the PRSF for adoption to Council, as amended.

11. **HOUSING DEVELOPMENT PROGRAMME:** The OSC received and considered the report of the Executive Director, which advised how the Council could directly intervene in the housing market, as a developer, to accelerate housing delivery and increase overall housing supply. Following the work of the Housing Task and Finish Group (HT&FG) in 2018, the Housing, Homelessness and Rough Sleeping Strategy (HHRSS) was developed and adopted by Council on 19 February 2019.

The HHRSS 'Improvement Delivery Plan' (IDP) listed 'Increasing the Supply of Housing' as its first priority. The report before Members outlined the actions necessary to meet objective 1.1 of the delivery plan and in line with the HT&FG recommendations, which provided Members with an opportunity to consider and make recommendations to Cabinet in regard to a Council led housing development programme.

Cabinet was supportive of the seven recommendations submitted, with amendments, for onward approval by Council.

12. **THE COUNCIL'S CONSTITUTION AND UK EXIT FROM THE EUROPEAN UNION (BREXIT):** The OSC considered the report of the Executive Director detailing proposed changes to the Council's Constitution to be effective from the date the UK left the European Union (EU). To ensure that the Council's Constitution remained robust and actions undertaken by officers in accordance with current EU legislation referenced within the Constitution were not open to legal challenge, it was recommended and agreed by the Committee that a clause be inserted into the current Constitution, to be effective from the date at which the UK left the EU, to that effect.

Cabinet was supportive of the OSC's recommendation for onward approval by Council.

27 JANUARY 2020

13. **DRAFT REVENUE BUDGET 2020/21:** The OSC considered the draft Revenue Budget proposals which detailed the financial settlement figures for 2020/21 and made recommendations to Cabinet, to be considered at its meeting on 10 February 2020.

Cabinet noted the OSC's comments and agreed to increase Council Tax at Band D by £4.65 (2.6%) per annum and set at £184.10.

14. **KEY PERFORMANCE TARGETS 2020/21:** The OSC considered the report of the Key Performance Targets for 2020/21, which proposed that the Council measured 12 Key Performance Indicators (KPI) reported within four themed areas: Housing and Homelessness (5 indicators), Waste and Recycling (2 indicators), Asset Income (2 indicators) and Other Income (3 indicators).

Cabinet was supportive of the OSC's recommendations. It was acknowledged that the KPIs selected would adequately reflect a review of the Council's performance.

15. **ENVIRONMENT STRATEGY CONSULTATION:** The OSC considered the report of the Executive Director which outlined the draft Environment Strategy and Action Plan for a 12 week consultation, the feedback from which would enable the development of a final document to be presented to Cabinet and then full Council in September 2020. In addition, that East Sussex County Council Pension Advisers source alternative investments in non-fossil fuel providers for the pension fund.

Cabinet was supportive of the OSC's recommendations submitted.

16. **HOUSING ALLOCATIONS POLICY:** The OSC considered the report of the Executive Director detailing the revised Housing Allocations Policy that had been subject to consultation.

Cabinet were pleased to approve and adopt the new Housing Allocations Policy as submitted.

17. **DRAFT EMPTY HOMES ACTION PLAN:** The OSC considered the report of the Executive Director which outlined the draft Empty Homes Action Plan that set out a number of methods for bringing empty homes back into use, to be implemented in 2020 subject to liaison with interested parties, such as letting agents and landlords, including social landlords.

Cabinet were supportive of the OSC's recommendation submitted.

16 MARCH 2020

18. **CORPORATE PLAN AND DELIVERY PROGRAMME CONSULTATION EXERCISE**

The OSC considered the report of the Executive Director which presented a draft Corporate Plan 2020-2027 for a 12-week period of consultation. Members considered the four action plans in turn which had been set out to compliment and deliver on the visions of the priority areas identified in the Corporate Plan and made amendments accordingly.

To be considered by Cabinet on 8 June 2020

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