

**To all Members of the Council**

11 September 2020

You are hereby summoned to attend a Meeting of Rother District Council to be on **Monday 21 September 2020** at 6:30pm at the, 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 Council meetings held on 6 July and 18 August 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 held on 27 July and 7 September 2020 (to note that the recommendation to Council at the meeting held on 17 August 2020 has already been determined) as under: (Pages 1 - 12)

27 July 2020

- The Ravenside Gateway Roundabout Improvement Project (CB20/18)
- Street Naming and Property Numbering Policy (CB20/19)
- Consultation Report – Draft Rother District Council Environment Strategy (CB20/20)

7 September 2020

- Bexhill Community Governance Review (CB20/41)
- Rother District Citizens Advice (CB20/42)
- Alliance Homes (Rother) Ltd, Business Plan (CB20/43)
- Residential development at, Blackfriars, Battle (CB20/44)

8. To receive the report of the Head of Paid Service
In accordance with paragraph 17a of the Overview and Scrutiny Procedure 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 27 July, 17 August and 7 September 2020.
9. To receive the report of the Licensing and General Purposes Committee (Pages 13 - 16)
on matters for determination by full Council at its meetings held on 13 July and 3 September 2020 to include, as under:
- 13 July 2020**
- Temporary Street Closure Orders (LG20/06)
- 3 September 2020**
- Senior Staff Restructure (LG20/14)
10. Appointments to Committee - (Pages 17 - 18)
to receive the report of the Executive Director on changes to committee membership in respect of the Association of Independents Group.



Malcolm Johnston
Executive Director

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

Rother District Council

Report to	-	Council
Date	-	21 September 2020
Report of the	-	Cabinet
Subject	-	References from Cabinet Meetings

The Council is asked to consider recommendations arising from the Cabinet meetings held on 27 July, 17 August and 7 September 2020, as set out below.

CABINET – 27 July 2020**CB20/18. THE RAVENSIDE GATEWAY ROUNDABOUT IMPROVEMENT PROJECT**

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

HE was agreeable in principle to Rother District Council (RDC) taking on responsibility for improving and maintaining the roundabout and RDC officers had therefore explored the options to do so. ESCC had a successful roundabout sponsorship scheme and their experience in this and expertise in traffic management and health and safety for works on the Highway, meant that they would play a key role in facilitating the project.

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

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

- RDC would have to enter into a Section 96 Agreement with HE (similar to an existing agreement for the roundabout at Little Common);
- a traffic management plan would be required to support any work carried out and officers were working with HE and ESCC in this regard;
- there would be a one-off tidy up and application of herbicide (phase 1) (could be actioned ahead of Section 96 Agreement being in place, subject to a traffic management plan);

- the installation of a sculpture (phase 2) and the construction of a hard surface across the roundabout (this would require a road closure to be in place); and
- the sculpture would be commissioned through a tender process invited from Sussex-based professional sculptors and decided by a Panel comprising of the Leader of the Council, the Lead Cabinet Member for Communities, Culture & Tourism, the Pebsham and St. Michaels' District Ward Members and the East Sussex County Councillor for East Bexhill.

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

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

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

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

(Councillors J. Barnes, Mrs D.C. Earl-Williams and Field each declared a personal interest in this matter in so far as they were elected Members of East Sussex County Council and in accordance with the Members' Code of Conduct remained in the room during the consideration thereof).

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

(Cabinet Agenda Item 6)

CB20/19. **STREET NAMING AND PROPERTY NUMBERING POLICY**

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

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

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

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

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

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

RECOMMENDED: That:

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

(Cabinet Agenda Item 7)

CB20/20. **CONSULTATION REPORT – DRAFT ROTHER DISTRICT COUNCIL ENVIRONMENT STRATEGY**

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

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

The Climate Change Steering Group (CCSG) considered the outcome of the consultation at their meeting held on 2 July 2020, which included 10 further suggested recommendations. The CCSG recommended that the draft strategy be amended by the inclusion of the following seven items before submission to Council for approval:

To be included in the Strategy and Action plan:

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

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

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

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

- Reduction in Business Rates and Council Tax for Good Environmental Practice – expensive and unworkable.
- Review strategy again due to environmental effects of social distancing, new Government policy post COVID-19 etc. – the COVID-19 impacts would initially be addressed through the Economic Recovery Steering Group who should ensure that actions

within the Economic Recovery Plan were compliant with and contributed towards the ambitions of the Environment Strategy.

- Hydrogen and Biomethane – elements of this were already being introduced through proposed changes to building regulations.

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

RECOMMENDED: That the Rother Environment Strategy 2020-2030 be approved and adopted, subject to the inclusion of the items listed in paragraph 13 to the report and as detailed above, identified through the consultation process and recommended by the Climate Change Steering Group.

(Cabinet Agenda Item 9)

Cabinet – 17 August 2020

CB20/33. **COMMERCIAL PROPERTY OPPORTUNITY**

Members considered the confidential report of the Executive Director that gave details of a potential commercial property opportunity. The Property Investment Panel (PIP) had met on 28 July 2020 to consider the outcome of a competitive process to keep a private sector business in Rother. It was confirmed that the Council had secured retaining the business in the District of Rother dependent on Rother District Council (RDC) acting as the funder to a relocation scheme and eventual landlord. Appendix A to the confidential report set out the papers considered by the PIP.

The report gave details of the total expected spend on developing an alternative business location and the expected gross rental income. On completion, the scheme would see an increase in overall income for RDC and improve the long-term sustainability of RDC. RDC were only required to provide funding for the project, as part of a development funding agreement and would not need to procure, or commission any contracts or services beyond advisory services required to protect RDC's interests throughout the development.

The business was seeking to complete the relocation by June 2023 and therefore required RDC's commitment to the project as a matter of urgency.

RECOMMENDED: That:

- 1) a budget of £46m for the development of a new location for the business, be funded through borrowing; and
- 2) the project be added to the Council's Capital Programme and be published once commercial contracts between the parties had been agreed.

AND

***RESOLVED:** That delegated authority be granted to the Executive Director to:

- 1) acquire the necessary land at the new location, as indicated in Confidential Appendix A;
- 2) agree a development funding agreement with the appropriate companies for the construction of the new business premises, at this site;
- 3) agree the terms of a lease with the business;
- 4) appoint consultant advisors for specific services, such as legal, project management, and commercial advice; and
- 5) agree and enter into other contracts as necessary to ensure the completion of the project.

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

(This matter was considered exempt from publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended).

(Cabinet Agenda Item 10)

Cabinet – 7 September 2020

CB20/41. BEXHILL COMMUNITY GOVERNANCE REVIEW

Members received and considered Minute OSC20/13 arising from the Overview and Scrutiny Committee (OSC) meeting held on the 20 July 2020 which considered the draft final recommendations of the Community Governance Review Steering Group (CGRSG).

The CGRSG had met on four occasions between October 2019 and May 2020. At its last meeting held on 29 May 2020, the CGRSG had considered the outcome of the public consultation exercise that

demonstrated 78% of all responders supported the creation of a Town Council for Bexhill-on-Sea.

In light of the public support for the creation of a Town Council, demonstrated through both the 2017 and 2020 consultation and in line with the Council's stated objective of delivering a Town Council for Bexhill-on-Sea, the CGRSG recommended that the Council established a Town Council for Bexhill-on-Sea. The Town Council would be based on the current District Council external boundary of Bexhill, with nine wards, each appointing two Members and with the first elections taking place in May 2021. The recommendation would result in the demise of the Bexhill Charter Trustees who would become defunct once the Town Council was established.

Cabinet was supportive of the recommendations and noted that work on engaging with younger residents would be necessary, as support for a Town Council among this group had been disappointing.

RECOMMENDED: That:

- 1) a Parish Council be created for the whole of Bexhill-on-Sea, to be styled a Town Council based on the existing Bexhill Ward External Boundary;
- 2) the Town Council to contain nine Wards, based on the 2019 District Ward Boundaries and that two Town Councillors be elected to each Ward, making a total of 18 Bexhill Town Councillors;
- 3) the first elections be held in May 2021;

Subject to the approval of 1), 2) and 3) above,

- 4) the dissolution of the Bexhill Charter Trustees following the formation of the Bexhill Town Council be noted; and
- 5) the consultation results be taken into account when the transfer of services / powers to Bexhill Town Council are discussed.

(Councillors Bayliss, Byrne, Coleman, Courtel and Gray each declared a Personal Interest in this matter in so far as they were former members of Democracy4Bexhill and supporters of a Town Council for Bexhill-on-Sea and in accordance with the Members' Code of Conduct remained in the meeting during the consideration thereof).

(Cabinet Agenda Item 6)

CB20/42. ROTHER DISTRICT CITIZEN'S ADVICE

Cabinet had previously agreed, when discussing the Service Level Agreement for Rother District Citizen's Advice (CA) located in Bexhill, to assist the CA in finding and locating alternative premises within Bexhill, and a number of options had been discussed by the Council's Member representative, the Executive Director and CA, as detailed in the report.

The report gave details of an alternative premises located by the CA that their current landlord had agreed to purchase and lease to them, in order that he could redevelop the remainder of the building the CA currently leased.

The alternative premises in St Leonards Road, Bexhill would meet the CA's specification with some modifications and their current landlord had also agreed to contribute to the modifications. CA had funds of their own and were proposing to use these towards the costs, but there was still a shortfall of some £30k to £40k. They had approached the Council to fund the shortfall in addition to contacting other funding bodies/organisations to potentially reduce the gap further.

In order to meet their timetable for the relocation of their offices, the CA needed to undertake the refurbishment works of the new premises as a matter of urgency. Cabinet agreed that a loan of up to £40,000 be granted to the CA and any Community Grant applied for and awarded, would be deducted from the outstanding value of the loan.

RECOMMENDED: That a loan of up to £40,000 be granted to the Rother District Citizens Advice and the Capital Programme for 2020/21 be increased accordingly;

AND

***RESOLVED:** That:

- 1) Rother District Citizens Advice be invited to apply to the Council's Community Grants scheme;
- 2) any amount awarded under the Community Grants Scheme will be deducted from the loan amount; and
- 3) the Executive Director, in consultation with the Portfolio Holder for Finance and Performance Management, be authorised to agree an appropriate rate of interest and repayment schedule for the loan.

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

(Councillor Gray declared a Personal Interest in this matter as she was the Council's appointed Member representative on the board of the Rother District Citizens Advice and in accordance with the Members' Code of Conduct remained in the meeting during the consideration thereof).

(Cabinet Agenda Item 7)

In December 2019, Council approved the establishment of a Local Housing Company with the initial aim to complete 1,000 new homes by 2035 and in July 2020, Cabinet resolved that the name of the new company would be Alliance Homes (Rother) Ltd and agreed the Articles of Association and the Shareholder's Agreement. Following approval of four Members as board members of the Company in August 2020, the Articles of Association were formally registered with Companies House. The Company Secretary was Christopher Crichton, Solicitor Legal Services for Wealden and Rother District Councils.

The Business Plan, attached at Appendix A to the report, had been developed to articulate the ambitions of the Company in its first year. The Company would seek to accelerate the delivery of quality housing throughout the district, in addition to seeking to:

- a. deliver homes built to the highest environmental standards – reducing costs to the occupier whilst moving towards the Council's ambitious zero carbon agenda;
- b. develop more affordable rented housing – to support the Council in meeting its statutory functions;
- c. develop housing for ownership, targeted at first time buyers including younger families;
- d. deliver stalled sites – aim to unlock sites with planning permission that have become stalled for various reasons;
- e. produce a return to the Council; and
- f. assist the Council in discharging its statutory homelessness duties, including development of interim accommodation.

Sites to be reviewed were included in the business plan and would be assessed against a series of criteria to determine their suitability to the Company.

The Company would favour modern methods of construction, including the use of modular housing, offsite manufacture and timber frame development, where mortgageable. The Business Plan outlined the likely revenue costs for the Company over the following three financial years as well as high level capital expenditure and would be reviewed annually by Cabinet. Costs would be met through a mixture of Share Capital and Loan Funding at commercial rates provided by the Shareholder, in agreement with the Council's Section 151 Officer.

No capital income forecasts had been provided in the Business Plan as house types and phasing would be agreed as part of the full planning permission process, after which time negotiations with registered providers could be entered into, who would be key to providing cashflow for each scheme. Income and cashflow plans for each development would be provided to the Shareholder and updated in the Business Plan in advance of any commitments being made.

The Company would be staffed by Council staff and a fee paid to the Council through a Service Level Agreement.

Cabinet was pleased to agree the recommendations and thanked officers for their work in establishing the Company.

RECOMMENDED: That:

- 1) the Business Plan 2020-2023 for Rother District Council's Local Housing Company – Alliance Homes (Rother) Ltd, be approved as submitted;
- 2) the issuance of up to 300,000 shares with a value of £1 each, to be drawn down in agreement with the Council's Section 151 officer and the Shareholder's Representative be approved;
- 3) a £200,000 loan facility to the Company, to be drawn down in agreement with the Council's Section 151 officer and the Shareholder's Representative be approved; and
- 4) an annual report be made to Cabinet on the Business Plan.

(Councillors Barnes, Drayson and Thomas each declared a Personal Interest in this matter as they were potential board members of Alliance Homes (Rother) Ltd and in accordance with the Members' Code of Conduct remained in the meeting during the consideration thereof).

(Cabinet Agenda Item 10)

CB20/44. RESIDENTIAL DEVELOPMENT AT BLACKFRIARS, BATTLE

In June 2020, Cabinet authorised the preparatory work required for the making of the Compulsory Purchase Order (CPO) at Blackfriars, Battle including the completion of land referencing and budget.

The Council had now issued notices under S16 of the Local Government (Miscellaneous Provisions) Act 1976 to those with registered and identified interests in the land that was proposed to be compulsorily acquired (Order Land). The draft Rother District Council (Blackfriars) CPO 2020 (the Order) attached at Confidential Appendix 1 to the report identified the various interests and rights in the Order Land, and those who owned them or had the benefit of them; the land to be acquired was identified in the redline plan at Appendix 2 the report (the Order Map).

The draft Statement of Reasons attached at Appendix 3 to the report set out the Council's reasons for making and seeking confirmation of the proposed Order. This document formed part of a suite of information to be prepared to support the proposed Order. The report provided a description of land to be acquired which comprised of eight separate plots of land.

Whilst formal written offers had been sent to the relevant landowners by the Council in March 2020, agreements to acquire the parcels of land by private treaty had not yet been finalised. Advice received from specialist compensation valuers demonstrated that the financial offers made in March 2020 by the Council were reasonable, and likely to be

in excess of any compensation settlement calculated based on the Compulsory Purchase Compensation Code. Following this advice, further correspondence had been sent to the relevant landowners in August 2020, reiterating the Council's previous offer to acquire the land without the need for CPO. Confirmation of any responses received would be confirmed at the meeting.

It was noted that the Council would continue to use reasonable endeavours to assemble the land by agreement or private treaty rather than use the CPO powers which was a last resort.

With regard to the development of the site, it was confirmed that the scheme had been granted Outline Planning Permission in terms of access, alignment of the spine road and scale of development across the site, subject to the signing of a Section 106 Agreement. Architects had been appointed to work up the detailed design for a Reserved Matters Application, with a target for submission of October 2020.

Cabinet was pleased to confirm the making of the Order and note the progress made on this project that would deliver housing choice, increase local economic activity and deliver environmental improvements for Battle and the surrounding area. The new development would be highly sustainable and futureproofed for carbon zero in line with the Council's climate emergency declaration and associated targets. In addition, the construction phase of the development was scheduled to occur over a four year period and was estimated to support the employment of 620 people. It was intended that the project be delivered by Alliance Homes (Rother) Ltd, the Council's wholly owned housing company.

Members thanked the Head of Acquisitions, Transformation and Regeneration for his work and it was agreed that officers and the Ward Members would meet to discuss how best to present the scheme to local residents.

RECOMMENDED: That:

- 1) the draft Rother District Council (Blackfriars) Compulsory Purchase Order 2020 as attached at Confidential Appendix 1 ("the Order"), the map comprising the land that is proposed to be compulsorily acquired ("Order Land"), as may be subject to amendment pursuant to paragraph (3 a. below) as attached at Appendix 2 and referred to in the Order ("the Order Map") be approved;
- 2) the draft Statement of Reasons made in support of that Order and attached at Appendix 3 ("the Statement of Reasons") be approved; and
- 3) the Executive Director be granted delegated authority to:
 - a. Make changes to the draft Order, the Order Map (within the red line boundary as shown on the Order Map) and Statements of Reasons as considered necessary.
 - b. Exercise powers in the Town and Country Planning Act 1990 to secure the removal of any apparatus of statutory undertakers.

- c. Acquire by agreement all third-party interests in and over the Order Land under Section 227 of the 1990 Act before and after confirmation of the Order and in respect of any new rights required for the development or use of the Order Land.
- d. Take all necessary steps to secure confirmation of the Order and the acquisition of all third party interests in the Order Land, including: the publication and advertisement of the Order, serving appropriate notices, seeking confirmation of the Order, taking all steps to acquire relevant interests and such other steps as deemed appropriate to facilitate the development, redevelopment or improvement of the Order Land.
- e. Enter into agreements and make undertakings, contracts and transfers on behalf of the Council with third party interests in the Order Land or for the creation of new rights in favour of or over the Order Land or with parties otherwise affected by the Order, including for the withdrawal of objections to the confirmation of the Order and also including the offering back of any part of the Order Land or rights over it, or acquisition of additional land or interests in or over any such land and the removal of any land from the Order.
- f. Defend any proceedings challenging these decisions, and the making, confirmation or implementation of the Order or any notice, general vesting declaration or anything else made pursuant to the Order.
- g. Publish and serve all appropriate notices of confirmation of the Order and to make one or more general vesting declarations or serve notices to treat and notices of entry (as appropriate) in respect of the Order Land.
- h. Initiate or take part in any arbitration or proceedings before the Upper Tribunal (Lands Chamber) or the Courts in order to resolve any disputes as to compensation or other payments payable for any interests in the Order Land or arising from the making or confirmation of the Order or securing possession of any part of the Order Land or title to any part of the Order Land or the removal of any occupants or apparatus of statutory undertakers or communication code operators.

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

(Cabinet Agenda Item 13)

Councillor D.B. Oliver
Leader of the Council

Rother District Council

Report to	-	Council
Date	-	21 September 2020
Report of	-	Licensing and General Purposes Committee
Subject	-	References from the Licensing and General Purposes Committee

The Council is asked to consider the recommendations arising from the Licensing and General Purposes Committee meetings held on 13 July and 3 September as set out below.

LICENSING AND GENERAL PURPOSES COMMITTEE – 13 July 2020

LG20/06. **TEMPORARY STREET CLOSURE ORDERS**

Members received the report of the Executive Director outlining a policy for approving temporary street closure orders for public celebrations, deferred from the last meeting of the Licensing and General Purposes Committee.

Although the legislation defined circumstances when the District Council could make a road closure order, a policy would assist officers in determining applications. Events were not to be promoted for private gain and were to be for a genuinely public event.

It was outlined to Members that the following points were to be incorporated into the policy:

- In all cases except Remembrance, a fee of £100 or a fee set by Cabinet would be payable.
- Applicants must comply with Police requests made to ensure the safety of a public event (e.g. carnival).
- A list of cultural or community events, or similar, that a road closure would facilitate was provided within the policy.
- For events not on the list, Orders would only be made if the previous year's audited accounts showed that over 50% of the profit from the event was paid to a registered or local charity, unless the Licensing Committee approved a lower percentage. For first-time applications, an undertaking must be given that this would apply.
- Applicants must provide an adequate event management plan (including risk assessments) with the application to show how the event could take place without creating unnecessary or uncontrolled hazards to the public.
- Applicants undertake to litter pick the road after the event as far as reasonably practical, or if this does not occur pay for any exceptional street cleaning costs.
- Applicants provide evidence of having adequate Public Liability Insurance.

- The applicant has a right of appeal against a refusal to the Licensing and General Purposes Committee.

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

- any profit made that was not to be paid to a registered or local charity should be invested into the following year's event and event organisers would need to indicate the level of spending required. This should not be excessive;
- the table of events listed in the policy was not a definitive list and similar events would be added over time;
- any matters that did not fall within the policy (e.g. a for-profit event) would be referred to the Licensing and General Purposes Committee;
- it was requested and agreed that the following paragraph be removed from the policy: *"For events not falling within this definition, Orders will only be made if the previous years' audited accounts show that over fifty percent (50%) of the profit from the event was paid to a registered or local charity. For first-time applications, an undertaking must be given that this will apply"* and replaced with wording to ensure that *"all proceeds of the event must be donated to a registered or local charity, allowing for a small carry-over in monies that is deemed reasonable to support the continuation of the event for future years."*

RECOMMENDED: That the policy for approving temporary street closure orders, as amended, be approved and adopted.

(Licensing and General Purposes Committee Agenda Item 8)

LICENSING AND GENERAL PURPOSES COMMITTEE – 3 September 2020

LG20/14. SENIOR STAFF RESTRUCTURING

Members received the report of Cabinet which outlined a proposal to establish a single Chief Executive and to delete the two posts of Executive Director (ED).

Given the current fragility of Council finances following COVID-19, the uncertainties of a potential local government reorganisation and the heavy levels of change and transformation programmes underway, it was proposed to ringfence recruitment to this new post to within the two EDs, who currently undertook Head of Paid Service responsibilities and for the successful candidate to be appointed on a one year contract in the first instance. It was Cabinet's intention that a report be brought before Full Council in one year's time to consider whether that appointment be made substantive, or whether, at that stage, the Chief Executive (CE) post should be opened up to external competition and would review the position in the context of the needs of the authority, as well as being better able to judge the prospects for the future of Rother District Council.

All matters pertaining to the restructure were delegated to the Licensing and General Purposes Committee (L&GP) who were also invited to consider matters relating to the salary for the first year and the framework of potential severance terms for the other ED, both for recommendation to Full Council.

A draft Job Description and Person Specification were attached to the report for consideration, together with UNISON's response to the Cabinet report.

Competitive salaries for strategic CEs of District Councils in the South East were within the range of £110,000 to over £135,000 (not including car allowance or on costs). For an internal appointment, it was recommended to consider the bottom of the range; it was noted that the top of the current ED range was £102,000 and a lift of 10-15% would acknowledge the greater accountability and therefore a salary of around £115,000 for the first year was recommended in the report.

Members were advised that the salary of the new CE of £115,000 with on costs would be to the order of £155,000; the gross saving of deleting the two ED posts and replacing with one CE post would be around £111,000 per annum.

Only one ED had indicated at that stage that he wished to compete for the post, therefore the confidential Appendix D to the report contained the maximum benefits and costs of severance for the other ED only, provision for which would need to be made from the Revenue Reserve.

Cabinet had agreed that iESE (Incremental, Innovation and Inventing Public Services) assist in establishing a Behaviour Framework for the post and for implementation more widely throughout the Council, to progress Performance Management.

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

- Members were concerned about the impact of creating a strategic CE post freed of day-to-day management responsibilities, particularly during the current pandemic, on Council staff and services;
- the new CE would be responsible for any further staff reorganisation;
- Members raised concerns about staff morale at the current time;
- Cabinet had agreed at their meeting in March 2020 that costs for services received from iESE would be met from the Medium Term Financial Plan Revenue Reserve. The Assistant Director Resources advised that to date, no payments had been made; and
- the Chairman and other Councillors thanked the EDs for their long and loyal service and all Council staff for their hard work during the current difficult times.

RECOMMENDED: That, subject to the results of consultation with the two Executive Directors and their representative body ALACE and more widely the observations by trade unions and employee representatives:

- 1) delete both Executive Director posts;
- 2) establish a new post of strategic Chief Executive as set in the Job Description attached (Appendix A);
- 3) the appointment to this new post be ringfenced to the two existing Executive Directors;
- 4) the appointment be made on a one year initial basis at a salary of £115,000;
- 5) a severance package for the departing Executive Director as considered in Exempt Appendix D, be agreed;
- 6) the costs of the redundancy be met from the Medium Term Financial Plan Earmarked Reserve;
- 7) subject to the agreement of full Council to the above, the new structure to take effect from 28 September 2020; and
- 8) the Council's pay policy statement be amended accordingly.

(The Confidential Appendix D in relation to this matter, as set out at Agenda Item 7 was considered exempt from publication by virtue of Paragraph 3 of Schedule 12A of the Local Government Act 1972, as amended. In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 the press and public were excluded whilst considering this matter).

(Licensing and General Purposes Committee Agenda Item 5)

Councillor A.S. Mier
Chairman, Licensing and General Purposes Committee

Rother District Council

Report to	-	Council
Date	-	21 September 2020
Report of the	-	Executive Director
Subject	-	Appointment to Committees

Recommendation: It be **RESOLVED:** That the change in Substantive and Substitute Membership for the Audit and Standards, Licensing and General Purposes, Planning and Overview and Scrutiny Committees for the Association of Independents Group and Liberal Democrat Group as set out in the report, and in accordance with the Group Leaders' wishes, be approved with immediate effect.

Introduction

1. Following the appointment of Members to the Council's Committees at the Annual Council Meeting held on 1 June 2020 (Minute C20/13 refers), Council is asked to give effect to a number of changes of Committee Membership for the Association of Independents and Liberal Democrat Groups on the Audit and Standards, Licensing and General Purposes, Overview and Scrutiny and Planning Committees at the request of the relevant Group Leader.
2. On the 9 July 2020, the Leader of the Council advised that Councillor Mrs D.C. Earl-Williams had given notice that she was no longer able to sit on the Licensing and General Purposes Committee.
3. On the 14 August 2020, the Leader of the Council advised that Councillor L.M. Langlands had given notice that she was not able to sit on any of her allocated committees for the remainder of the current civic year (Audit and Standards, Overview and Scrutiny and Planning).
4. Since that time, and until replacement Substantive Members could be confirmed by full Council, both Members have remained on their respective Committees as Substantive Members and have been substituted, or attended, as appropriate.
5. Following the appointment of Members to the Council's Local Housing Company Board (Alliance Homes (Rother) Ltd, Councillor Richard Thomas is no longer able to act as a Substantive Member of the Planning Committee. It is proposed that the current Substitute (Councillor Norton) becomes the Substantive Member and Councillor Thomas becomes the Substitute.

Consequential Changes

6. The changes to Committee Membership are therefore confirmed as follows:

Audit and Standards Committee
 Councillor Langlands **OFF**
 Councillor Madeley **ON**

Licensing and General Purposes Committee

Councillor Mrs Earl-Williams **OFF – to become named substitute**

Councillor Madeley **ON**

Councillor Mrs Earl-Williams **(Substitute)**

Overview and Scrutiny Committee

Councillor Langlands **OFF – to become named substitute**

Councillor Madeley **ON**

Councillor Langlands **(Substitute)**

Planning Committee

Councillor Langlands **OFF – to become named substitute**

Councillor Cllr Hazel Timpe **ON**

Councillor Langlands **(Substitute)**

Councillor Thomas **OFF – to become named substitute**

Councillor Norton **ON**

Councillor Thomas **(Substitute)**

Conclusion and Recommendation

7. Any mandatory training for Members who are new to serve on either the Licensing and General Purposes or Planning Committees will be arranged as soon as possible.
8. Full Council is asked to approve that changes to the Committee Membership as set out within the report.

Malcolm Johnston
Executive Director

Risk Assessment Statement

There are no risks associated with this report.