

CABINET

8 June 2020

Minutes of the Cabinet meeting held remotely on Monday 8 June 2020 at 6:30pm.

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

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

Advisory Officers in attendance: Executive Director (MJ), Executive Director (TL), Assistant Director Resources, Head of Acquisitions, Transformation and Regeneration, Head of Environmental Services, Licensing and Community Safety, Head of Housing and Community (in part) and 2 x Democratic Services Officers.

Also Present: 24 members of the public.

Publication Date: 11 June 2020

The decisions made under PART II will come into force on 19 June 2020 unless they have been subject to the call-in procedure.

CB20/1. **MINUTES**

(1)

The Chairman was authorised to sign the minutes of the meeting held on 9 March 2020 as a correct record of the proceedings.

CB20/2. **APOLOGIES FOR ABSENCE**

(2)

There were no apologies for absence.

CB20/3. **DISCLOSURE OF INTERESTS**

(5)

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

Dixon Agenda Item 12 – Personal Interest in so far as he was a Director of Sea Change Sussex.

Prochak Agenda Item 14 – Personal and Prejudicial Interest in so far as she was the Council's appointed representative on the De La Warr Pavilion Trust.

Timpe Agenda Item 14 – Personal and Prejudicial Interest in so far as she was the Council’s appointed representative on the De La Warr Pavilion Trust.

PART I – RECOMMENDATIONS TO COUNCIL – not subject to call-in procedure under Rule 16 of the Overview and Scrutiny Procedure Rules.

CB20/4. RESIDENTIAL DEVELOPMENT AT BLACKFRIARS, BATTLE
(9)

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 Compulsory Purchase Order (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.

AND

***RESOLVED:** That:

- 1) the Council seeks to exercise its power under Section 226(1)(a) of the Town and Country Planning Act 1990 through the drafting of a Compulsory Purchase Order to acquire interests in land to enable the construction of a spine road to serve a residential development, with vehicular access off Harrier Lane and The Spinney, and up to 220 dwellings and associated works;
- 2) the Executive Director be authorised to commence the preparatory work required for the making of the Compulsory Purchase Order including (but not limited to) the completion of land referencing and
- 3) all reasonable endeavours continue to be used to acquire, by negotiation, the various land interests affected by the Compulsory Purchase Order and delegated authority be granted to the Executive Director to complete the acquisitions and disposals of land a necessary within the budget outlined at Confidential Appendix 5; and
- 4) to report back at a later date to seek a recommendation to Council for authority to secure the making, confirmation and implementation of the Compulsory Purchase Order.

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

(The Confidential Appendix in relation to this matter, as set out at Agenda Item 18 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).

CB20/5.
(11)

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.

AND

***RESOLVED:** That:

- 1) the revised Terms of Reference for the Property Investment Panel set out in Appendix 3 be approved;
- 2) membership of the Property Investment Panel include the Cabinet Portfolio Holder for Finance and Performance; and
- 3) all Members of Cabinet and Members and officers of the Property Investment Panel receive property investment training.

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

(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).

CB20/6.
(14)

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 DWLP 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 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.

AND

***RESOLVED:** That the De La Warr Pavilion Service Level Agreement be extended for three years from March 2021 until March 2024 to provide stability for the Trust through the recover from the COVID-19 pandemic.

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

(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).

CB20/7.

MEMBERS' ALLOWANCE SCHEME - PROPOSED CABINET SPOKESPERSONS' SPECIAL RESPONSIBILITY ALLOWANCE

(16)

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 Cabinet Spokesperson / Members Champions be paid 20% of the current Cabinet Members Special Responsibility Allowance, subject to annual increase in line with the staff pay award and that the Members' Allowance Scheme be amended accordingly.

PART II – EXECUTIVE DECISIONS – subject to the call-in procedure under Rule 16 of the Overview and Scrutiny Procedure Rules by no later than 4:00pm on 18 June 2020.

CB20/8. **CORPORATE PLAN AND DELIVERY PROGRAMME CONSULTATION EXERCISE**

(6)

Members received and considered Minute OSC19/60 arising from the Overview and Scrutiny Committee (OSC) meeting held on the 16 March 2020 which considered the Corporate Plan and Delivery Programme Exercise.

Following discussion, Cabinet agreed that the Corporate Plan consultation be deferred until consideration had been given to the impact of the COVID-19 pandemic, that the growing prosperity aims had been reviewed, and that the document aligned with the pending Environment Strategy. The document would be updated and reported back to the OSC for further review.

RESOLVED: That the:

- 1) draft Corporate Plan 2020-27 consultation be deferred to consider the impact of the COVID-19 pandemic;
- 2) growing prosperity aims be reviewed; and
- 3) draft Corporate Plan 2020-27 be aligned with the Council's pending Environment Strategy and reported back to the Overview and Scrutiny Committee for review.

CB20/9.
(7)

PUBLIC SPACES PROTECTION ORDER (NO 1) DOG CONTROL

In 2016, the Council formally approved a Public Spaces Protection Order (No 1) (PSPO) to control dogs. The PSPO was due to expire in January 2021, therefore there was an opportunity to amend the Order. The Police, Police and Crime Commissioner, East Sussex County Council and the Parish and Town Councils would need to be consulted about renewing the PSPO for a further three years without amendment. Should amendments be proposed, a public consultation exercise would need to be instigated. A copy of the PSPO was attached at Appendix A to the report.

PSPOs were designed to ensure the law-abiding majority could enjoy public spaces, safe from anti-social behaviour. They had a three-year duration or could be shorter where appropriate. More than one restriction could be added to the same PSPO, meaning that a single PSPO could deal with a larger range of behaviours. The breach of a PSPO was a criminal offence although enforcement officers could issue a fixed penalty notice of up to £100 if appropriate, but a fine of up to £1,000 could be made on prosecution. PSPOs could be enforced by council officers, the Police or Police Community Support officers.

RESOLVED: That officers be authorised to consult with the Police, Police and Crime Commissioner, East Sussex County Council and Parish and Town Councils on renewing the Public Spaces Protection Order (No 1) – Dog Control and if no amendments are requested, the Dog Control Orders be renewed for a further three years until January 2024 without further recourse to Cabinet.

CB20/10.

DISTRICT OF ROTHER (OFF-STREET) PARKING PLACES ORDER 2020

(8)

Consideration was given to the report of the Executive Director on the District of Rother Parking Places Order (PPO). The Council currently operated its designated car parks under the District of Rother (Off Street) PPO 1983. In November 2019, Cabinet had recommended a new District of Rother (Off-Street) PPO 2019 subject to two amendments. Amendments were applied and the PPO was approved by full Council in November 2019.

Assurance was given that the PPO allowed for the Council to install cash free machines in all of its car parks.

After discussion, Cabinet formally approved 'the making' of the District of Rother (Off-Street) Parking Places Order 2020 with effect from 1 July 2020. It was noted that press releases and new car park signage would be erected from 14 July and 15 July 2020 respectively. Until relevant signage was displayed enforcement measures would not apply to the 2020 PPO but might under the 1983 PPO. It was anticipated that relevant signage would be displayed in all car parks by December 2020.

RESOLVED: That the District of Rother (Off-Street) Parking Places Order 2020 be 'made' and brought into effect from 1 July 2020.

CB20/11.
(10)

STREET NAMING AND NUMBERING POLICY

Members received and considered the report of the Executive Director concerning the Street Naming and Property Numbering Policy (SNPNP). The SNPNP was the Council's guide for exercising its responsibilities for the naming and numbering of properties and the naming of streets. Necessary improvements and amendments had been made to aid general understanding and reflect changing technology that the Council had incorporated into its processes. It was also noted that the Licensing and General Purposes Committee would be listed as the Council's secondary escalation point regarding appeals.

Clarity was sought regarding the wording in Section 2.1 of the SNPNP, particularly paragraphs 2.1.3 and 2.1.4 which Members felt was not succinct. Cabinet also requested that the current fees and charges identified in Appendix B to the report be reviewed. It was also suggested that developers be encouraged to consult with the Parish and Town Councils prior to assigning street names to ensure that local historical links were considered and where appropriate reflected. Therefore, it was agreed that the SNPNP be deferred and reported back at a future meeting.

RESOLVED: That the:

- 1) Street Naming and Numbering Policy be deferred to allow officers to reword Section 2.1; and
- 2) current fees and charges be reviewed.

CB20/12.
(12)

ECONOMIC RECOVERY STEERING GROUP TERMS OF REFERENCE

Members considered the report of the Executive Director which outlined the proposed establishment of a cross-party Economic Recovery Steering Group (ERSG) and Terms of Reference (ToR).

The COVID-19 pandemic had had a devastating impact on the national economy. In order to respond to this crisis, the Council required a clear and consistent economic recovery strategy to provide

reassurance and confidence to local businesses about the actions to be undertaken as Government restrictions were eased.

The role of the ERSG would be to consider the impact of the crisis on the local economy and establish a Rother Economic Recovery Plan in alignment with other relevant agencies and authorities plans, as well as the direction provided by the South East Local Enterprise Partnership and Government.

It was agreed that the membership of the ERSG comprised of the Leader of the Council, Councillor D.B. Oliver and Councillors Bayliss, Mrs Cook, Curtis, Field, Jeeawon, Osborne and Timpe. Should a member of the ERSG not be able to attend a meeting, it was suggested that a substitute system be introduced. It was considered important that the actions / findings of the ERSG linked with other relevant Task and Finish / Steering Groups. The ToR was approved, subject to the addition of a formal substitute system.

RESOLVED: That:

- 1) a cross-party Economic Recovery Steering Group comprised of the Leader of the Council, Councillor D.B. Oliver and the following seven Members – Councillors Bayliss, Mrs Cook, Curtis, Field, Jeeawon, Osborne and Timpe be established; and
- 2) the Terms of Reference attached at Appendix 1 to the report, with the addition of a formal substitute system be approved.

CB20/13. **BEXHILL LEISURE CENTRE STEERING GROUP - UPDATED TERMS OF REFERENCE**

(13)

At the last meeting, Cabinet established the Bexhill Leisure Centre Steering Group (BLCSG) and approved its Terms of Reference (ToR). Since that approval, the impact of COVID-19 on the Council had resulted in the need to review corporate priorities.

A copy of the proposed revised ToR was attached at Appendix 1 to the report and removed the assumption that a new build project would progress, as well as allowing a holistic review of leisure provision within Bexhill to determine the most appropriate way forward. The BLCSG would report their recommendations to Cabinet by no later than August 2020.

RESOLVED: That the:

- 1) updated Bexhill Leisure Centre Steering Group Terms of Reference be approved; and
- 2) Bexhill Leisure Centre Steering Group reports to a future Cabinet by no later than August with recommendations for a way forward for leisure provision in Bexhill.

COVID-19 - THE COUNCIL'S RESPONSE - UPDATE

Consideration was given to the report of the Executive Directors which highlighted the Council's response, to date, to the COVID-19 emergency.

The Council responded in three specific ways and the following salient points were noted:

Support to the vulnerable

- launched Rother Community Hub (RCH) on 25 March 2020 to support residents who were affected and not identified on the 'shielded list';
- matched and identified need with existing local voluntary groups;
- provided food supplies for those in urgent need and supported foodbanks;
- at the end of May, 700 telephone calls were answered, and 369 online forms assessed. Each resident was contacted to discuss their needs and ongoing welfare calls were being made; and
- the Council had received £650,000 to support Council Tax payers in receipt of the Council Tax Reduction funding.

Support to local businesses

- the Council had received £34.8m funding to support small business rate and rural rate relief. All eligible businesses were contacted that had not applied by 17 April 2020. As of 22 May 2020, the Council had paid out £23.2m which supported 2,027 businesses (80%); and
- an additional £1.476m discretionary fund had been received to help businesses who were not supported through the rate relief schemes;

Redesigned current operations and functions to respond to Government measures

- on 23 March 2020, emergency procedures were agreed to enable officers, in consultation with key Members to make critical executive or regulatory decisions. To date five executive, one licensing and one planning decision had been approved. It was considered important to retain flexibility within the Constitution, should a similar situation occur;
- formal meetings were now being held remotely using Microsoft Teams. Members were advised that a bespoke hybrid meeting system was being explored. It was anticipated that remote meetings would continue for the foreseeable future;
- the majority of staff were working from home;
- to restrict public access at the Town Hall an intercom system was installed outside the building;
- 100 new laptops were deployed to staff;
- internal and external communication improvements were implemented including website updates and increased social media messages; and
- Appendix A attached to the report identified a number of service specific issues which had arisen.

An estimate of the expected financial effects on the Council excluding the Collection Fund was highlighted in Appendix B to the report. There were a number of assumptions within the figures and it was anticipated that they would change as time progressed.

As a result of the impact of COVID-19, it was noted that the Collection Fund could be in deficit of approximately £3.5m by year end. Rother's share would be £425,000. Rother's share of Council Tax (CT) relief would be in the region of £160,000, with approximately £1.6m required to support demand. It was anticipated that CT collection and business rates would fall to 95% predicting a loss of approximately £175,000 and £225,000 (Rother's share £90,000) respectively. The deficit would be charged to the General Fund in 2021/22 and potentially, the Council could suffer the interim cash flow impact. Therefore Government support was critical to replace lost income.

Overall, fees and charges income was expected to reduce by £1.48m which was attributed to the suspension of car parking charges, the closure of Camber car parks, rent deferral scheme for tenants of Council owned commercial tenants, housing benefit subsidy and planning fees. It was noted that the Government was reviewing Community Infrastructure Levy and Section 106 contributions. Where appropriate, debt recovery measures had been implemented. Expenditure was rising which was attributed to homelessness costs, establishment and ongoing support of RCH, support package to the leisure contractor, potential support to the DLWP Trust and major technology changes.

To date, the Council had received £1m Government grant, however it was not known at this stage whether any further funding would be forthcoming. Over the Medium Term Financial Plan (MTFP) reserves might fall to £4.2m; the minimum level adopted by the Council was £5m. Without additional Government financial support, the Council would struggle to deliver savings over the life of the MTFP.

The Strategic Management Team, all staff, Members, Parish and Town Councils, statutory bodies, voluntary and community groups were thanked and congratulated on their continued efforts to ensure that services were delivered and the community was supported during these unprecedented times. Moving forward and dependent on Government guidance, the Council would continue to adapt and adopt new working practices.

RESOLVED: That the Council's response to the COVID-19 emergency to date, be noted.

CHAIRMAN

The meeting closed at 8:47pm