

CABINET

13 December 2021

Minutes of the Cabinet meeting held at the Council Chamber, Town Hall, Bexhill-on-Sea on Monday 13 December 2021 at 6:30pm.

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

Other Members present: Councillors J.J. Carroll (in part), P.C. Courtel, B.J. Drayson and P.N. Osborne.

Advisory Officers in attendance: Chief Executive, Assistant Director Resources, Chief Finance Officer, Head of Environmental Services, Licensing and Community Safety (in part), Revenues and Benefits Manager (in part), Planning Policy Manager (in part) and Democratic Services Officer.

Publication Date: 16 December 2021

The decisions made under PART II will come into force on 24 December 2021 unless they have been subject to the call-in procedure.

CB21/52. MINUTES

(1)

The Chairman was authorised to sign the Minutes of the meeting held on 8 November 2021 as a correct record of the proceedings.

CB21/53. APOLOGIES FOR ABSENCE

(2)

An apology for absence was received from Ben Hook, Director – Place and Climate Change.

CB21/54. DISCLOSURE OF INTERESTS

(5)

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

Dixon Agenda Item 9 – Personal Interest as his wife was the Clerk at Brede Parish Council.

Drayson Agenda Item 9 – Personal Interest as a Member of Bexhill Town Council.

Vine-Hall Agenda Item 9 – Personal Interest as the Chairman of Sedlescombe Parish Council.

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

CB21/55. **COUNCIL TAX REDUCTION SCHEME - OUTCOME OF CONSULTATION TO PROPOSED CHANGES**

(8)

Each year, the Council was required to formally adopt and review a Council Tax Reduction Scheme (CTRS) by 31 January to commence on the 1 April of that year. The report had been scrutinised by the Overview and Scrutiny Committee (OSC) on 22 November 2021 and a copy of the Minutes arising from the OSC meeting had been appended to the report for Cabinet's consideration.

Two changes were proposed for the 2022/23 scheme namely to improve access for self-employed people who were also carers and self-employed residents who were registered disabled. The Council was legally required to consult with the community and stakeholders on substantive changes to the CTRS. All major preceptors had been consulted and one objection had been received. The CTRS was expected to have a relatively small impact on the total income (approximately £4,000) derived from Council Tax for Rother District Council but would make an important difference to those households affected. The uptake and ultimate cost would be monitored throughout 2022/23 and would be considered when the CTRS was next reviewed.

Cabinet was supportive of the proposed changes to the CTRS.

RECOMMENDED: That the changes to the Council Tax Reduction Scheme as outlined in this report be approved and adopted with effect from 1 April 2022.

CB21/56. **NEW COMMUNITY INFRASTRUCTURE LEVY GOVERNANCE AND THE PROPOSAL FOR APPORTIONMENT OF STRATEGIC COMMUNITY INFRASTRUCTURE LEVY FUNDS**

(10)

Consideration was given to the report of the Director – Place and Climate Change which proposed the new Community Infrastructure Levy (CIL) Governance arrangements and proposals for apportionment Strategic CIL funds. The report had been scrutinised by the Overview and Scrutiny Committee (OSC) on 22 November 2021 and a copy of the Minutes arising from the OSC meeting had been appended to the report for Cabinet's consideration.

A Community Infrastructure Levy Steering Group (CILSG) had been established to consider the allocation and spending of the Strategic CIL funding. Appendix 1 to the report identified the updated CIL Governance and Funding Decisions Protocol for consideration and allocation of Strategic CIL funding and included the application form, assessment criteria and validation checklist. The Protocol outlined how the Council, as the Charging Authority allocated the Strategic CIL and ensured governance arrangements were consistent and transparent. There were two main funds, namely the Rother Infrastructure Fund (RIF) (55% apportion) and the Infrastructure Matched Fund (25%

apportion). Both would be sub-divided into Bexhill and Rural sub-funds. Funds would be allocated to projects identified on the annual Infrastructure Funding Statement and prioritised by the Strategic CIL Allocations Panel. A Climate Emergency Bonus Fund (20% apportion) would be established to assist schemes that were considered 'green premium' e.g. reduced carbon emissions.

It was noted that CIL funding could be spent on the Council's own infrastructure requirements or assets; a briefing by the Planning Policy Manager would be delivered to the Corporate Management Team and Heads of Service to identify suitable projects / schemes etc.

Cabinet was supportive of the new Strategic CIL funding apportionment arrangements and composition of the Strategic CIL Allocations Panel. It was also agreed that a review of the Council's CIL Charging Scheme be delayed subject to the outcome of the Government's paused White Paper "Planning for the Future" and further investigation of future infrastructure needs as part of the Local Plan Review, and that the CILSG be disbanded.

The Leader thanked all Members of the CILSG and officers who had supported and contributed to the work of the Group.

RECOMMENDED: That:

- 1) the Strategic Community Infrastructure Levy Allocations Panel be established and comprised of the Cabinet Portfolio Holders for Strategic Planning, Finance and Performance Management and Economic Development and Regeneration, Chairman of Overview and Scrutiny, Chairman of the Council and supported by Director – Place and Climate Change, Planning Policy Manager, Chief Finance Officer and Principal Community Infrastructure Levy Officer;
- 2) strategic Community Infrastructure Levy funds be distributed by the Panel in accordance with the proposed Community Infrastructure Levy Governance and Funding Protocol; and
- 3) the Council's Community Infrastructure Levy Instalment Policy be maintained (the Council's Community Infrastructure Levy Instalment Policy was considered and compared with those of neighbouring authorities).

AND

***RESOLVED:** That:

- 1) a review of the Council's Community Infrastructure Levy Charging Scheme be delayed subject to the outcome of the Government's paused White Paper "Planning for the Future" and further investigation of future infrastructure needs as part of the Local Plan Review;

- 2) the Community Infrastructure Levy Steering Group be disbanded; and
- 3) it be noted that 'best practice guidance' on Community Infrastructure Levy arrangements were to be created by Councillor Dixon, in consultation with Battle Town Council, the Cabinet Portfolio Holder for Strategic Planning and Planning Policy Manager.

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

CB21/57. **DESIGNATION OF MONITORING OFFICER AND CHIEF FINANCE OFFICER**

(12)

The posts of the Monitoring Officer (MO) and Chief Finance Officer (CFO) were two of three statutory posts which the Council was required to have and as such appointment to these posts needed to be approved by full Council.

Following the Council's restructure and appointment of the new Deputy Chief Executive / designated MO and reintroduction of the Deputy Monitoring Officer (DMO) role, Cabinet recommended the appointment of Lorna Ford as the MO and Lisa Cooper as the DMO with effect from 17 January 2022. The Council's current Section 151 Officer, Robin Vennard was retiring and would formally leave the Council on 31 December 2021. Cabinet recommended the appointment of Antony Baden as the CFO / Section 151 Officer with effect from 1 January 2022 or an earlier date as agreed by the Chief Executive. Full Council would be meeting on 20 December 2021 to formally ratify the appointments.

RECOMMENDED: That Lorna Ford, Deputy Chief Executive be designated as the Council's Monitoring Officer and Lisa Cooper be designated as the Council's Deputy Monitoring Officer with effect from 17 January 2022 and Antony Baden be designated as the Council's Chief Finance Officer (Section 151 Officer) with effect from 1 January 2022 or an earlier date as agreed by the Chief Executive.

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 23 December 2021.

CB21/58. **REVENUE BUDGET AND CAPITAL PROGRAMME MONITORING - QUARTER 2 TO 30 SEPTEMBER 2021**

(6)

Members received and considered the report of the Chief Finance Officer on the Revenue Budget and Capital Programme Monitoring Quarter 2 2021/22. The report updated Members on the Council's finances as at the end of September 2021 and Collection Fund performance. It was noted that the report had been scrutinised by the

Overview and Scrutiny Committee (OSC) on 22 November 2021 and a copy of the Minutes arising from the OSC meeting had been appended to the report for Cabinet's consideration.

Since the Quarter 1 Monitoring Report, there had been no reportable virements.

At the end of Quarter 2, the Revenue Budget showed a deficit of £93,000, against the approved budget drawdown from Reserves of £2.7m. Overall the deficit on the cost of services was attributed to various overspends/deficits including planning appeal and potential judicial review costs, staff costs to cover long term sickness and special projects, increased net cost of the Rough Sleeping Initiative and a shortfall of £474,000 in the Financial Stability Programme's savings target. The Council was expecting to receive an additional £75,000 from the Department for Levelling Up, Housing & Communities in relation to the sales, fees and charges compensation scheme for irrecoverable income losses suffered during the pandemic.

The Capital Programme forecast as at 30 September 2021 was £9.223m, which was £53.519m lower than the approved revised budget. This was due to timing differences and the approved five-year programme was still on target to be delivered. The position was summarised in Appendix B to the report, the main changes were concerned with Housing Development schemes, the Property Investment Strategy and Temporary Accommodation purchases.

The forecast impact on Reserves was a reduction of £3.395m against the planned use of £3.319m, a slight increase of £76,000 mainly due to the forecast Revenue Budget overspend.

The Council Tax collection rate at the end of Quarter 2 was 57.17% of the collectable debit and 58.98% of the budgeted yield, which was 1.41% and 3.11% respectively higher than the corresponding figures in 2020/21. The Business Rates collection rate at the end of Quarter 2 was 46.68% of the collectable debit which was 6.3% lower than the corresponding figure in 2020/21. This was considerably lower and possibly influenced by the extension of the business rate relief period to 30 June 2021.

The overspend and impact on reserves would be monitored by the Chief Finance Officer (CFO), in consultation with Heads of Service and Members.

On behalf of Cabinet, the Cabinet Portfolio Holder for Finance and Performance Management thanked Robin Vennard, Assistant Director Resources for all his hard work over the last 20 years and wished him well for the future; Robin would be retiring at the end of the month.

RESOLVED: That the report be noted.

MEDIUM TERM FINANCIAL PLAN 2022-23 TO 2026-27

Cabinet received and considered the report of the Chief Finance Officer (CFO) on the Council's Medium Term Financial Plan (MTFP) 2022/23 to 2026/27. The MTFP set the financial framework for the next five years and was subject to confirmation of Government funding and several other factors that might affect the Council's finances. The report had been scrutinised by the Overview and Scrutiny Committee (OSC) on 22 November 2021 and a copy of the Minutes arising from the OSC meeting had been appended to the report for Cabinet's consideration.

The following salient points were noted:

- **Budget Process:** The Council followed a three phased budget process. The second phase would commence in January 2022, once the Government settlement (expected 16 December 2021) had been announced. The third phase was to finalise the budget and incorporate the Capital Strategy and Revised Capital Programme into the MTFP.
- **Government Funding:** Since 2010, the Council had seen a substantial fall in income. The Revenue Support Grant ceased in 2019/20. In 2021/22 net business rates income was £3.7m; a reduction of £2.9m. The 'Fair Funding Review' settlement for 2022/23 was expected in December 2021.
- **Cost Pressures:** The base Revenue Budget would increase by £450,000 for planning appeals, £170,000 staffing costs based on the current workforce, an increase in the borrowing interest rate of 1.93%, as well as non-pay inflation increases of between £123,000 to £148,000, as a result of the impact of the pandemic. Members were advised that homelessness costs were difficult to predict and would be reviewed and reported back to Cabinet at a future meeting.
- **Corporate Plan:** Key priority objective was to achieve financial stability by end of 2025/26.
- **Financial Stability Programme (FSP):** To achieve financial stability within five years by delivering costs savings and income in the following areas: service development, invest to save, income generation and service prioritisation. One-off budget of £750,000 approved to secure ongoing savings and income.
- **COVID-19 impact:** Impact on the economy was still unknown and several areas could still be at risk from increased costs or reduced income e.g. commercial tenants, culture / leisure financial support, homelessness etc. No additional costs had been factored in the forecast.
- **Business Rates (Non-Domestic Rates):** The East Sussex Business Rates Pool enabled the Council to retain a greater share of any business rates growth. Government proceedings on resetting how business rates were shared between councils was still awaited. From April 2022, the Government announced 50% relief for retail; hospitality and leisure businesses with bills up to £110,000; business rate multiplier freeze; and extension to the Transitional Relief and Supporting Small Business schemes. It was noted that the Council would be compensated for any losses suffered from

these. From 2023, the Government was committed to a triennial revaluation cycle.

- Non-Specific Revenue Grants: The five-year forecast assumed that New Homes Bonus Grant would not be received and the COVID-19 grant would cease with effect from 2022/23. Other grants had been increased and were subject to confirmation in the finance settlement.
- Council Tax: 2% or £5 increase was assumed for each year of the MTFP. Freezing the Council Tax charge between 2010 and 2016 had had a significant impact on the Council's income; Members requested the exact figures. The CFO agreed to email the figures to Members, as this information was not available at the meeting.
- Collection Fund/Surplus/Deficit: The forecast Collection Fund would be updated during phase 2 once the impact of the Government's announcements on business rates reliefs had been assessed and the Council Tax Base data reviewed.
- The current MTFP estimated that £5.263m of reserves would be needed to support the Revenue Budget over the next three years (including £747,000 to support the Capital Programme). By the end of 2026/27 reserves and balances would be approximately £5.752m. The forecast level of reserves was largely dependent on the delivery of the FSP savings and if only 50% of the programme was delivered, reserves would fall to a low unsustainable level, which would lead to statutory service cuts.
- Capital Programme: Totalled £143m and included £80m for housing development through the Council's new housing company, £14.5m for the Property Investment Strategy and £7.3m on the Temporary Accommodation Programme. Investment would increase the Council's exposure to borrowing which would need to be reflected in the Treasury Management Strategy.
- Budget Consultation: Would be held between 14 December 2021 and 31 January 2022. An interim report on the consultation would be reported to the OSC on 24 January 2022.

Cabinet agreed to maximise the annual increase in Council Tax within the Government's referendum limit, the Council remained part of the East Sussex Business Rate Pool, and delegated authority be granted to the CFO, in consultation with the Cabinet Portfolio Holder for Finance and Performance Management to finalise the budget consultation wording.

The MTFP highlighted the challenges the Council continued to face, and a balanced budget was achievable through a combination of sound financial management and delivery of the FSP.

RESOLVED: That:

- 1) the financial forecast and proposed way forward be noted;
- 2) the Council maintain its policy of maximising the annual increase in Council Tax within the Government's referendum limit;
- 3) delegation be granted to the Chief Finance Officer to finalise the wording of the budget consultation literature in conjunction with the

Cabinet Portfolio Holder for Finance and Performance Management; and

- 4) the Council continues to be part of the East Sussex Business Rate pool in 2022/23 and that the Chief Finance Officer be granted delegated authority to finalise the necessary agreement with the Member authorities in consultation with the Cabinet Portfolio Holder for Finance and Performance Management.

CB21/60.
(9) **PUBLIC SPACES PROTECTION ORDER**

The Council's current Public Spaces Protection Order (PSPO) (No 2) to control anti-social behaviour expired in November 2021 and in September 2021 Cabinet authorised consultation with the public, interested groups, Parish and Town Councils (P&TCs) seeking amendments thereto prior to renewal.

Battle Town Council, Brightling, Brede and Camber Parish Councils had proposed amendments, as detailed in Appendix A to the report. The following two options were proposed:

- Option 1: Replicate the existing PSPO (No 2A), including new controls on aggressive begging and consumption of alcohol in public places in Battle and the control on consumption of alcohol in public places to Camber.
- Option 2: Include P&TCs suggestions namely control on wanton or dangerous cycling, hover boards, scooting, skating or skateboards, motorbikes on public footpaths, drones, swearing/shouting, amplified sound and cooking/fires etc.

Cabinet was advised that the procedure to allow new controls to existing PSPOs was relatively straightforward and could be made at any time during the next three years, if evidence to justify doing so arose. Therefore, applying controls could be deferred until next year (2022-2023).

Members approved the making of the existing PSPO (No 2A) (Option 1) with the inclusion of applying the controls on aggressive begging and consumption of alcohol in public places to Battle and the control on consumption of alcohol in public places to Camber. It would be necessary to consult with East Sussex County Council, the Police and Police and Crime Commissioner before the new controls were introduced. It was also requested that the other controls identified in Option 2 above be reviewed and considered at a future meeting.

RESOLVED: That:

- 1) a Public Spaces Protection Order (No 2A) for three years (2022-23) with the inclusion of applying new controls on aggressive begging and consumption of alcohol in public places to Battle and the control on consumption of alcohol in public places to Camber, following final consultation with the Police and Crime

Commissioner, Sussex Police and East Sussex County Council Highways be made; and

- 2) the other controls identified by the Parish and Town Councils namely control on wanton or dangerous cycling, hover boards, scooting, skating or skateboards, motorbikes on public footpaths, drones, swearing/shouting, amplified sound and cooking/fires be reviewed at a future meeting.

(When it first became apparent, Councillor Dixon declared a Personal Interest in this matter as his wife was the Clerk at Brede Parish Council and in accordance with the Members' Code of Conduct remained in the meeting during the consideration thereof).

(When it first became apparent, Councillor Drayson declared a Personal Interest in this matter as a Member of Bexhill Town Council and in accordance with the Members' Code of Conduct remained in the meeting during the consideration thereof).

(When it first became apparent, Councillor Vine-Hall declared a Personal Interest in this matter as Chairman of Sedlescombe Parish Council and in accordance with the Members' Code of Conduct remained in the meeting during the consideration thereof).

CB21/61.
(11)

PERFORMANCE REPORT SECOND QUARTER 2021-22

Members received and considered Minute OSC21/35 arising from the meeting of the Overview and Scrutiny Committee (OSC) held on 22 November 2021 that had considered the Performance Report: Second Quarter 2021/22.

The Chairman of OSC advised that this recommendation had been specifically requested and proposed by Councillor J. Barnes.

Cabinet acknowledged the OSC's recommendation regarding pre-fabricated buildings being used as temporary accommodation on Council-owned sites. It was clarified by the Chief Executive that this was already stipulated in Alliance Homes (Rother) Limited's Business Plan, approved by full Council in September 2020, that where possible / if appropriate, all modern methods of building (modular and timber framed) / construction would be considered. It was also requested that Councillor Barnes be invited to provide Cabinet with additional information on the practicalities of pre-fabricated buildings.

RESOLVED: That:

- 1) the Overview and Scrutiny Committee's recommendation regarding pre-fabricated buildings being used as temporary accommodation on Council-owned sites, be noted; and
- 2) invite Councillor Barnes to provide Cabinet with additional information on the practicalities of pre-fabricated buildings.

HYBRID MEETING PROTOCOL

Members considered the report of the Democratic Services Manager which outlined the proposed draft protocol for hybrid meetings. Current legislation did not permit formal decision-making committees to be held as a hybrid meeting, i.e. all voting committee Members must be physically present in the meeting room, non-committee Members, non-voting committee Members, officers and members of the public with speaking rights would be able to join meetings remotely.

Following recent installation of a hybrid system in the Council Chamber, it was essential that a protocol be established that set out the rules and expectations for all attendees / participants. A copy of the draft protocol was outlined at Appendix 1 to the report and had been compiled using the latest national guidance on hybrid meetings, as well as consultation with key officers, Members and neighbouring East Sussex authorities who operated hybrid systems. Hybrid meetings would commence in January 2022.

Members were reminded that if they just wanted to listen / watch a hybrid committee meeting, they could via the live broadcast, like a member of the public; the least number of remote participants present in a hybrid meeting the better, as this would assist the Chairman and supporting officers in managing the meeting. The remote meeting was for participation, the webcast was for observation.

Cabinet approved the draft protocol and granted delegated authority to the Chief Executive to agree any amendments in consultation with all Group Leaders. It was suggested that the protocol be reviewed 3 – 6 months after implementation.

A general discussion ensued on the ability to hold formal (decision-making) meetings remotely. At present, Government legislation stipulated that formal meetings must be held “in person”. Members were advised that both MP’s had been formally asked to lobby central Government to allow local authorities to hold all decision-making meetings remotely.

RESOLVED: That the:

- 1) Hybrid Meeting Protocol at Appendix 1 to the report be approved and adopted and reviewed 3 – 6 months after implementation; and
- 2) Chief Executive be granted delegated authority to agree any further amendments to the protocol in light of experience in consultation with all Group Leaders.

CHAIRMAN

The meeting closed at 8:30pm.