

Cabinet

Date and Time - **Monday 13 December 2021 – 6:30pm**
Venue - **Council Chamber, Town Hall, Bexhill-on-Sea**

Councillors appointed to the Committee:

Councillor 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.

AGENDA

1. MINUTES

To authorise the Leader to sign the Minutes of the meeting held on 8 November 2021 as a correct record of the proceedings.

2. APOLOGIES FOR ABSENCE

3. ADDITIONAL AGENDA ITEMS

To consider such other items as the Leader decides are urgent and due notice of which has been given to the Head of Paid Service by 9:00am on the day of the meeting.

4. URGENT DECISIONS

The Leader to give details of those reports that have been referred to the Chairman of the Council to consider designating as urgent, in accordance with Rule 17 of the Overview and Scrutiny Procedure Rules contained within Part 4 of the Council Constitution, and to which the call-in procedure will not therefore apply.

5. DISCLOSURE OF INTERESTS

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.

At the discretion of the Leader, the order of the items set out in the agenda may be varied

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julie.hollands@rother.gov.uk

6. **REVENUE BUDGET AND CAPITAL PROGRAMME MONITORING - QUARTER 2 TO 30 SEPTEMBER 2021** (Pages 1 - 10)
7. **MEDIUM TERM FINANCIAL PLAN 2022-23 TO 2026-27** (Pages 11 - 24)
8. **COUNCIL TAX REDUCTION SCHEME - OUTCOME OF CONSULTATION TO PROPOSED CHANGES** (Pages 25 - 40)
9. **PUBLIC SPACES PROTECTION ORDER** (Pages 41 - 52)
10. **NEW COMMUNITY INFRASTRUCTURE LEVY GOVERNANCE AND THE PROPOSAL FOR APPORTIONMENT OF STRATEGIC COMMUNITY INFRASTRUCTURE LEVY FUNDS** (Pages 53 - 86)
11. **PERFORMANCE REPORT SECOND QUARTER 2021-22** (Pages 87 - 106)
12. **DESIGNATION OF MONITORING OFFICER AND CHIEF FINANCE OFFICER** (Pages 107 - 108)
13. **HYBRID MEETING PROTOCOL** (Pages 109 - 114)

Malcolm Johnston
Chief Executive

Agenda Despatch Date: 3 December 2021

Rother District Council

Report to: Cabinet

Date: 13 December 2021

Title: Revenue Budget and Capital Programme Monitoring Quarter 2 – 2021/22

Report of: Antony Baden – Chief Finance Officer

Cabinet Member: Councillor Dixon

Ward(s): All

Purpose of Report: To consider the recommendations arising from the Overview and Scrutiny Committee meeting held on 22 November 2021, regarding the Council's finances as at 20 September 2021. The report and recommendations arising are reproduced below and the Minutes of that meeting (Appendix D) should be read in conjunction with this report.

Decision Type: Non-Key

Officer Recommendation(s): It be **RESOLVED:** That the report be noted.

Introduction

1. This report updates Members on the Council's finances as at 30 September 2021 and projects a provisional outturn for 2021/22. The Revenue Budget and Capital Programme positions are summarised in Appendices A and B, respectively. The impact of the forecast on the Council's reserves is summarised in Appendix C. The report also includes a brief update on the Collection Fund performance.
2. There have been no reportable virements since the previous financial update to Members.

Revenue Budget

3. The Revenue Budget forecast as at 30 September 2021 indicates a deficit of £93,000 against the approved budget drawdown from Reserves of £2.7m. The position is summarised in Appendix A and variances over £50,000 that have come to light since the last forecast are explained in paragraphs 4 to 12.

Corporate Core – Deficit £24,000

4. No large changes have been identified since the last forecast.

Environmental Services – Surplus £87,000

5. An underspend of £96,000 on salary costs is expected due to vacancies and the Government funding of costs from the Contain Outbreak Management Fund (COMF) grant to help reduce the spread of COVID-19 and support local public health.

Strategy and Planning – Deficit £737,000

6. The forecast deficit has increased by £100,000 since the previous forecast mainly due to making provision for the costs of a potential judicial review (£75,000) of the Burwash Neighbourhood Plan. The Council could also be liable for the appellant's costs of £150,000; these would not be expected to fall in 2021/22 but have instead been provided for in the Medium-Term Financial Plan.

Acquisitions, Transformation & Regeneration – Surplus £49,000

7. The financial forecast shows a £99,000 improvement since the last report. This is mainly due to maintenance works (£54,000) no longer proceeding in 2021/22 and staff vacancies (£52,000).

Housing, Community & Neighbourhood Services – Surplus £7,000

8. The predicted shortfall in car parking income (£70,000) reported in the last forecast has improved dramatically since the relaxation of COVID-19 restrictions. However, the net cost of the Rough Sleeping Initiative has increased by £82,000, and therefore an overall surplus of £7,000 is predicted for the service area.

Resources – Deficit £217,000

9. The predicted deficit is mainly due to an overspend of £162,000 on staff costs to cover long term sickness and special projects plus a £60,000 reduction in the amount of housing benefit overpayments raised in year due to the ongoing improvement in claims processing times.

Net Financing Costs – Surplus £823,000

10. As previously reported the pace of the Council's capital investment programme slowed dramatically due to the ongoing impact of the pandemic. It is expected to accelerate but not as quickly as had been hoped, (see also paragraphs 13 to 15). Therefore, the financing costs forecast has reduced by a further £135,000.

Financial Stability Programme (FSP) – Deficit £474,000

11. No changes since the last forecast. Officers have developed a suite of high-level proposals, which were discussed and agreed by the FSP Board on 16 September 2021.

Income – Surplus £392,000

12. The Council is expecting to receive an additional £75,000 from the Department for Levelling Up, Housing & Communities (DLUHC) in relation to the sales, fees and charges compensation scheme for irrecoverable income losses suffered during the pandemic.

Capital Programme

13. The Capital Programme forecast spend as at 30 September 2021 is £9.223m, which is £53.519m lower than the approved revised budget. As previously reported, this is mainly due to the continued impact of the pandemic. The position is summarised in Appendix B.
14. The main changes are summarised below:
 - a. Housing Development schemes (£40.592m)
 - b. Property Investment Strategy (£4.946m)
 - c. Temporary Accommodation purchases (£4.314m)
15. Where schemes are forecast to underspend against the 21/22 budget, it is expected that they will be completed in future years. A revised programme to reflect up to date cashflow projections for the major projects will be finalised as part of the Medium Term Financial Plan forecast.

Impact of the revenue and capital forecasts on Reserves

16. The forecast impact on Reserves is a reduction of £3.395m against the planned use of £3.319m. This is a slight increase of £76,000 and is mainly due to the forecast revenue budget overspend explained in paragraphs 3 to 12 above.

Collection Fund

17. 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. Both figures are higher than the corresponding figures for 2020/21 by 1.41% and 3.11% respectively. Collection performance is shown below:

	2021/2022	Equivalent Period 2020/2021
Income Received	£82,275,069.21	£77,779,160.96
Income Received as a % of collectable debit	57.17%	55.76%
Budgeted yield (at 98.5% collection)	£79,751,694.59	£77,625,639.38
Income Received as a % of budgeted yield	58.98%	55.87%

18. The Business Rates collection rate at the end of Quarter 2 was 46.68% of the collectable debit, which is 6.3% lower than the corresponding figure in 2020/21. This is considerably lower and is possibly influenced by the extension of the business rate relief period to 30 June 2021. Collection performance is shown below.

	2021/2022	Equivalent Period 2020/2021
Collectable debit	£14,762,361.38	£8,306,922.03
Income Received	£6,891,431.29	£4,400,952.18
Income Received as a % of collectable debit	46.68%	52.98%
Amount outstanding for year	£7,870,930.09	£3,905,969.85

Conclusion

19. The revenue forecast for Quarter 2 shows a deficit of £2.793m, which is £93,000 greater than the approved planned use of Reserves. The Chief Finance Officer will continue to work closely with Heads of Services and Members to reduce the overspend and its impact on reserves.
20. The Council's Capital Programme is forecast to underspend by £53.519m in 2021/22, but this is due to timing differences and the approved five-year programme is still on target to be delivered.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	External Consultation	No
Environmental	No	Access to Information	No
Risk Management	No	Exempt from publication	No

Chief Executive	Malcolm Johnston
Report Contact Officer:	Antony Baden
e-mail address:	Antony.Baden@rother.gov.uk
Appendices:	Appendix A Revenue Budget Forecast Appendix B Capital Programme Forecast Appendix C Impact on Reserves Appendix D OSC Minutes 22.11.21
Relevant Previous Minutes:	None.
Background Papers:	None.
Reference Documents:	None.

Revenue Budget 2021/22 Forecast as at 30 September 2021

Line	Rother District Council General Fund Summary	Draft 2020/21 Actual £ (000)	Revised 2021/22 Budget £ (000)	2021/22 Estimated Outturn £ (000)	2021/22 Quarter 2 Variance £ (000)	Change in Previous Month Variance £ (000)
1	Corporate Core	2,117	1,998	2,022	24	(17)
2	Environmental Services	507	609	522	(87)	(4)
3	Strategy and Planning	1,030	1,043	1,780	737	100
4	Acquisitions, Transformation and Regeneration	(392)	(329)	(378)	(49)	(99)
5	Housing, Community & Neighbourhood Services	9,539	8,672	8,665	(7)	(99)
6	Resources	4,256	3,293	3,509	216	79
7	Total Cost of Services	17,057	15,286	16,120	834	(40)
8	Net Financing Costs	118	1,101	278	(823)	(37)
9	Salaries turnover	0	0	0	0	0
10	Financial Stability Programme - savings/cost reductions	0	(632)	(158)	474	0
11	Net Cost of Services	17,175	15,755	16,240	485	(77)
	Income					
12	Special Expenses	(687)	(692)	(692)	(0)	0
13	Net Business Rates & Section 31 Grants	(4,142)	(3,747)	(3,747)	0	0
14	Non-Specific Revenue Grants	(3,194)	(1,653)	(2,045)	(392)	(75)
15	Council Tax Requirement (Rother only)	(7,019)	(7,097)	(7,097)	(0)	0
	Other Financing					
16	Collection Fund (Surplus)/Deficit	(849)	134	134	(0)	0
17	Total Income	(15,891)	(13,054)	(13,447)	(393)	(75)
18	Contribution from Reserves/Funding Gap	1,284	2,700	2,793	93	(152)

Capital Programme 2021/22 Forecast as at 30 September 2021

	Actual to 30th Sept 2021 £ (000)	2021/22 Revised Budget £ (000)	2021/22 Estimated Outturn £ (000)	2021/22 Quarter 2 Variance £ (000)
Acquisitions, Transformation and Regeneration				
Other Schemes				
Community Grants	60	130	60	70
Cemetery Entrance	64	172	88	84
Rother Transformation ICT Investment	155	384	155	229
Corporate Document Image Processing System		435	36	399
1066 Pathways	20	66	20	46
Ravenside Roundabout		200	0	200
Development of Town Hall Bexhill	39	460	374	86
Installation of AV equipment in the Town Hall	0	70	82	(12)
Property Investment Strategy				
Office Development NE Bexhill		0	0	0
Mount View Street Development - Public/Commercial		964	0	964
PIS - Beeching Road/Wainwright Road	4	963	373	590
PIS - Barnhorn Road	156	3,402	343	3,059
PIS - Beeching Road 18-40	249	501	249	252
PIS - 35 Beeching Road		0	0	0
PIS - 64 Ninfield Road	19	100	100	0
Housing Development Schemes				
Community Led Housing Schemes		600	559	41
Blackfriars Housing Development	2,076	10,728	2,076	8,652
Mount View Street Development - Housing		6,940	0	6,940
Alliance Homes (Rother) Ltd		25,000	0	25,000
Alliance Homes share capital		100	100	0
King Offa Residential Development	21	21	21	0
Former Bexhill High School site - Housing		0		0
Housing and Community Services				
De La Warr Pavilion - Capital Grant	42	54	56	(2)
Sidley Sports and Recreation	28	811	341	470
Land Swap re Former High School Site		1,085	185	900
Bexhill Leisure Centre - site development		0		0
Bexhill Leisure Centre - refurbishment		140	0	140
Disabled Facilities Grant	584	1,625	584	1,041
New bins	152	125	157	(32)
Bexhill Promenade - Outflow pipe		100	100	0
Bexhill Promenade - Protective Barriers	45	47	50	(3)
Bexhill Promenade - Shelter 1		0	60	(60)
Fairlight Coastal Protection		0	18	(18)
Housing (purchases - temp accomodation)	301	7,300	2,986	4,314
Strategy & Planning				
Grants to Parishes - CIL	40	88	40	48
Executive Directors & Corporate Core				
Accommodation Strategy		0	0	0
Resources				
ICT Infrastructure – Ongoing Upgrade Programme	2	123	2	121
Development of Council Owned Sites	8	8	8	0
Total Capital Programme	4,065	62,742	9,223	53,519

Reserves

	Draft 2020/21 Actual £ (000)	Revised 2021/22 Budget £ (000)	2021/22 Estimated Outturn £ (000)	2021/22 Quarter 2 Variance £ (000)
Revenue Reserves and General Fund - Opening Balance	(14,970)	(13,209)	(13,209)	0
Use of Reserves to Fund Capital Expenditure	477	619	602	(17)
Use of Reserves to Balance Budget incl deficit	1,284	2,700	2,793	93
Balance 31/3/20	(13,209)	(9,890)	(9,814)	76

Minutes of the Overview and Scrutiny Meeting – 22 November 2021**OSC21/36. REVENUE BUDGET AND CAPITAL PROGRAMME MONITORING
QUARTER 2 – 2021/22**

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 contained details of the significant variations of the Revenue Budget, updated Capital Programme and a brief update on the Collection Fund performance.

There had been no reportable virements since the previous financial update to Members.

The revenue forecast showed a deficit of £93,000, against the approved budget drawdown from Reserves of £2.7m. The main reasons for the variations since the previous monitoring report were detailed in the report, which included 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 (DLUHC) in relation to the sales, fees and charges compensation scheme for irrecoverable income losses suffered during the pandemic. No other additional income was anticipated. Added to the surplus of £317k detailed at the end of Quarter 1, the Council now reported an Income Surplus of £392k.

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 explained in paragraphs 3 to 12 of the report.

The collection rate at the end of Quarter 2 for the Council Tax part of the Collection Fund was 57.17% of the collectable debit, which was 1.41% higher than the corresponding figures in 2020/21.

The collection rate at the end of Quarter 2 for the Business Rates part of the Collection Fund was 46.68% of the collectable debit, which was 6.3% lower than the corresponding figure in 2020/21. This was considerably lower and was possibly influenced by the extension of the business rate relief period to 30 June 2021.

The revenue forecast for Quarter 2 showed a deficit of £2.793m, which was £93,000 greater than the approved planned use of Reserves. The Chief Finance Officer would continue to work closely with Heads of Services and Members to reduce the overspend and its impact on reserves.

RESOLVED: That the report be noted.

(Overview and Scrutiny Committee Agenda Item 8).

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Rother District Council

Report to:	Cabinet
Date:	13 December 2021
Title:	Medium Term Financial Plan 2022/23 to 2026/27
Report of:	Antony Baden – Chief Finance Officer
Cabinet Member:	Councillor Dixon
Ward(s):	All
Purpose of Report:	To consider the recommendations arising from the Overview and Scrutiny Committee meeting held on 22 November 2021, regarding the financial issues affecting the Council and their impact on the financial forecast for the five years ending 2026/27. The report and recommendations arising are reproduced below and the Minutes of that meeting (Appendix D) should be read in conjunction with this report.
Decision Type:	Key
Officer Recommendation(s):	It be RESOLVED : That:
	<ol style="list-style-type: none"> 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, (see paragraph 25); 3) the Chief Finance Officer be authorised 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 given delegated authority to finalise the necessary agreement with the Member authorities in consultation with the Cabinet Portfolio Holder for Finance and Performance Management (see paragraph 18).
Reasons for Recommendations:	If supported, the recommendations underpin some of the key assumptions within the financial forecast presented in this report. This provides the basis for the development of the detailed revenue budget for 2022/23 and the Capital Programme for approval in February 2022. The forecast also forms the basis of the public consultation on next year's budget and council tax.

Introduction

1. This document sets out the latest forecast budget for 2022/23 and updates the Medium Term Financial Plan (MTFP) for the period 2023/24 to 2026/27, (see Appendix A). It represents the latest view of the Council's financial position over this five-year period and is subject to confirmation of Government funding and several other factors that may affect the Council's finances.
2. The lack of certainty surrounding local government funding continues to limit the ability to produce reliable financial forecasts for the MTFP, especially in respect of Business Rate income, the potential for a negative Revenue Support Grant (RSG) and the replacement of the New Homes Bonus (NHB) grant. The situation is compounded by the continuing uncertainty around the economic impacts of the pandemic, climate change and the UK exit from the European Union.
3. This report describes the key financial pressures facing the Council and sets out the need to use reserves to balance its budget, which is a legal requirement. However, reserves can only be used once so the Council will need to make some difficult decisions within the next 12 months to achieve an affordable and sustainable budget, as set out in the Corporate Plan.
4. Members should note that the financial forecast at Appendix A is a work in progress and some of the issues discussed in this report have yet to be fully quantified.

The Budget Process

5. The budget process follows three main phases. The first phase is to update the MTFP, which sets out budget pressures and estimates the size of the budget deficit over the next five years. The second phase is to produce a detailed draft budget for Cabinet's consideration in January 2022. The third phase is to finalise the budget once the national funding settlement has been announced and incorporate the Capital Strategy and revised Capital Programme into the MTFP for approval by Cabinet and full Council in February 2022.

Local Government Settlement 2022/23 and beyond

6. Since 2010, the Council has seen a substantial fall in funding. Its RSG and share of Business Rates was £6.6m in 2010, but it no longer receives the former and its share of Business Rates income in 2021/22 is estimated at £3.7m. This is a fall of £2.9m in cash terms and ignores the effects of inflation on the Council's costs. Furthermore, the average Band D council tax charge was frozen between 2010 and 2016, which has had a knock-on impact on council tax income levels.
7. In July 2020, the Government announced its intention to undertake a local government 'Fair Funding Review'. This has been further delayed and it is not yet clear when it will take place, although they have indicated their intention to reduce the amount of grant funding pots to simplify the grant bidding process. The funding settlement for 2022/23 is expected in December 2021.

Cost Pressures

8. **Homelessness** – Members approved an increase of £250,000 in the Homelessness base budget in response to the high levels of demand experienced in 2020/21. Although demand continues to be high, the Temporary Accommodation (TA) acquisition project has alleviated budget pressure by reducing the use of more expensive private rented accommodation and no further increase has been made in the forecast.
9. **Planning Appeals** – The forecast includes a provision of £450,000 in 2022/23 only for known potential appeal costs. These would increase further in the event of further successful appeals.
10. **Net Financing Costs** – The forecast includes a significant increase in financing costs due to the planned increase in capital investment on major projects such as the Property Investment Strategy and TA acquisition programme. An interest rate of 1.93% has been used in relation to new borrowing over a 50-year repayment period. Given the potential volatility around future interest rate increases, it is prudent to assume a slightly higher rate than the current prevailing rate of 1.7%. Interest rates will be kept under review during phase 2 of the process and amended should further material changes occur.
11. **Staffing Costs** – the forecast assumes an annual increase of 1% for the annual pay award, which adds approximately £100,000 to the budget requirement. Staffing budgets have also been decreased by a 2% vacancy allowance to allow for staff turnover, which reduces the budget requirement by about £200,000 each year. The impact of the 1.25% increase in the employer's national insurance contribution rate still needs to be assessed and so has not been included in the forecast, but it is expected to increase the budget requirement by a further £70,000.
12. **Non-Pay Inflation** – inflation increases of between 1.8% and 2% have been applied to non-pay and income budgets, which is estimated to add between £123,000 and £148,000 to the budget each year. The fallout from the pandemic has made inflation forecasts extremely volatile with energy costs being subject to far higher than normal uplifts. These will be reviewed further and updated during phase 2 of the budget.

Rother District Council Corporate Plan

13. The new Corporate Plan was adopted by Full Council on 5 July 2021. It includes several priority objectives, some of which may require revenue capital investment if they are to be successfully delivered. This presents a major risk to the revenue budget so a financial framework to underpin the Corporate Plan is currently being developed. The forecast currently does not include any additional funding to deliver its objectives.
14. One of the Corporate Plan's priority objectives is, however, to achieve financial stability by the end of 2025/26. This means rectifying the deficit and replenishing those reserves that are currently used to balance the revenue budget and requires that the overall Corporate Plan at worst must achieve cost neutrality.

Financial Stability Programme (FSP)

15. The FSP was agreed by Cabinet on 29 March 2021 (Minute CB20/120 refers) with the aim of achieving financial stability within five years by delivering cost savings and income. It consists of four main work themes as follows:
- a) **Service Devolvement** (Protecting Discretionary Services) – transfer some assets and related services to Bexhill Town Council;
 - b) **Invest To Save** – undertake process reviews and investment designed to generate service efficiencies and cost savings;
 - c) **Income generation** – increase income from new and existing charges, sell services to external parties and undertake further property investment; and
 - d) **Service Prioritisation** – reduce the level of discretionary service provision.
16. Cabinet approved the creation of an Invest To Save (ITS) fund of £750,000 at the same meeting. This is to be used to meet any one-off costs required to secure an ongoing savings and income. The annual required savings from the FSP is summarised in the table below:

	2022/23	2023/24	2024/25	2025/26	2026/27
	£'000	£'000	£'000	£'000	£'000
Required Savings	635	2,137	2,197	2,197	2,197

COVID-19 impact

17. There is still great uncertainty over the impact that the pandemic may have on the economy and several areas could still be at risk from increased costs or reduce income, e.g. rent from Commercial Tenants, financial support to culture and leisure operators (such as the De La Warr Pavilion and Freedom Leisure), Homelessness, etc. No additional costs have been factored into the forecast, but Members should be aware of the risk.

Business Rates (Non-Domestic Rates)

18. The Council is currently part of the East Sussex 50% Business Rate Pool, which means the Government levy on business rate growth is retained by the pool. The pooling arrangement will be reviewed, but it has previously been financially beneficial and for the purposes of this forecast it is assumed that it will continue. It should be noted that the Government has announced it will not proceed with plans to allow councils to retain 75% of their business rates, but there is no indication yet that this will be extended to 50% pooling arrangements.
19. There is still no indication as to when the Government will proceed with its Business Rate reset as part of the Business Rates review so whilst the risk of a redistribution of resources away from the Council still exists, no assumptions have been included in the forecast.
20. Further announcements relating to business rate charges, which will be effective from April 2022 were made as part of the Chancellor's October budget statement and included the following:

- a. a new 50% relief for retail, hospitality and leisure businesses with bills up to £110,000;
 - b. a freezing of the business rate multipliers; and
 - c. an extension of the current Transitional Relief and Supporting Small Business schemes.
21. The Council will be compensated by way of a grant for any losses suffered from the above, so no changes are required to the forecast.
22. The Government have also committed to a triennial revaluation cycle starting from 2023, as part of its review. It is not possible to predict at this stage how this might impact the Council's budget.

Non-Specific Revenue Grants

23. In December 2016, the Government announced a reduction to the number of years that New Homes Bonus grant would be paid, with the last year payable being 2021/22, (the Council receiving £272,000 in 2021/22). No announcement has been made regarding the future or otherwise of NHB, therefore the forecast assumes that the Council will not receive any further funding in this respect.
24. The forecast assumes the COVID-19 grant will cease with effect from 2022/23. Other grants have been increased by 2.4% and are subject to confirmation in the Local Government finance settlement.

Council Tax and Council Tax Base

25. For 2021/22, Council Tax was again only allowed to increase by the maximum of 2% or £5 per Band D average before a referendum would have been required. The Government has made no final announcement yet on this year's referendum limits, so the forecast has assumed an increase of £5 for each year of the MTFP.
26. The Council Tax Base in the forecast allows for an annual increase in new builds from housing developments based on the Council's targets less an allowance for collection losses and Council Tax Reduction claimants. This results in an additional 450 to 600 properties. Based on previous performance, this increase is expected to be optimistic and is likely that it will reduce when the formal tax base calculations are undertaken during phase 2 of the budget process.

Collection Fund Surplus/Deficit

27. The forecast Collection Fund outturn for 2021/22 (which will impact 2022/23 financial year) will be updated during phase 2 when the impact of the Government's announcements on business rates reliefs has been assessed and the Council Tax Base data reviewed.

Revenue Reserves

28. The latest financial monitoring for 2021/22 predicts Revenue Reserves to fall to £9.814m by the end of the current financial year, which is only £76,000 lower than the original budget estimate of £9.890m.

29. The MTFP forecast estimates that a further £5.263m of Reserves will be needed to support the Revenue Budget over the next three years, including £747,000 to support the Capital Programme. From 2025/26 it is predicted that the Council will be able to begin replenishing its level of Revenue Reserves over the next two years by £1.125m.
30. By the end of the five-year forecast, the balance of Revenue Reserves is forecast to be about £5.752m, having dipped to a minimum level of £4.627m by 2024/25. Appendix B summarises the Revenue Reserves five-year forecast.
31. The forecast level of Reserves is largely dependent on the successful delivery of the FSP savings targets summarised in paragraphs 15 and 16. The two tables below set out the impact on Reserves should only 50% and 25% of those savings be achieved:

Delivery of 50% FSP savings targets

Potential Use of Reserves	Revised	2022/23	2023/24	2024/25	2025/26	2026/27
	2021/22	Budget	Budget	Budget	Budget	Budget
	£ (000)	£ (000)	£ (000)	£ (000)	£ (000)	£ (000)
Earmarked Reserves and General Reserves	(13,209)	(9,890)	(5,977)	(3,637)	(2,191)	(1,479)
Use of/(Contribution to) Reserves	3,319	3,913	2,340	1,446	712	420
Total Reserves	(9,890)	(5,977)	(3,637)	(2,191)	(1,479)	(1,059)

Delivery of 25% FSP savings targets

Potential Use of Reserves	Revised	2022/23	2023/24	2024/25	2025/26	2026/27
	2021/22	Budget	Budget	Budget	Budget	Budget
	£ (000)	£ (000)	£ (000)	£ (000)	£ (000)	£ (000)
Earmarked Reserves and General Reserves	(13,209)	(9,890)	(5,857)	(2,983)	(1,003)	243
Use of/(Contribution to) Reserves	3,319	4,032	2,874	1,980	1,246	954
Total Reserves	(9,890)	(5,857)	(2,983)	(1,003)	243	1,197

32. Members will note that if only 50% of the savings are delivered, Reserves would fall to an unsustainably low level and if only 25% are delivered, the Council would run out during 2025/26. In either of these scenarios, the Council's only option would be to make cuts to statutory services and cease the provision of some non-statutory services altogether. The Chief Finance Officer may also be obliged to issue a section 114 notice. Under the Local Government Finance Act 1988, a Chief Finance Office must issue such a notice if they conclude that the Council cannot balance its budget in-year and the necessary action to rectify the situation was not supported by Members. At this point, spending on all but essential services would cease. It is not envisaged that this would be the case as the Council has robust plans in place to deal with the budget deficit. The external auditor has made no adverse comments on the Council's plans and is currently reviewing the latest MTFP.

Capital Programme

33. Members will be aware that whilst there has been a major increase in the Council's planned capital investment, COVID-19 has had a significant impact on the pace of its delivery. The draft Capital Programme at Appendix C totals

some £143m and includes schemes already approved by Members, e.g. £105.5m on housing development projects [of which an estimated £80m to be delivered by Alliance Homes Rother (AHR)], £14.5 on the Property Investment Strategy and £7.3m on the TA acquisition programme.

34. The scale of the investment will significantly increase the Council's borrowing requirement over previous levels, and this has been reflected in the forecast – see paragraph 10. The Council's Treasury Management consultants are currently advising on financing structure for the housing development programme to be delivered by AHR. The £80m reflects the business plan previously approved by Members, but the actual borrowing incurred by the Council is expected significantly lower. This is because the development will be phased with each phase being sold to either a registered provider or to the market. The sales proceeds will then either be recycled in full or part into funding the subsequent development phase or used to repay AHRs debt to the Council. The final funding structure will be designed to minimise the overall interest costs to the housing development.
35. For the purpose of this report, slippage from 2021/22 projects have been included in 2022/23 but more accurate cash flow timings will be developed during phase 2 of the budget process, as will the capital financing.

Budget Consultation

36. The Council is required to consult on its budget and council tax proposals with its residents and local businesses. The opinions of residents, partner organisations, businesses and other interested parties are an important part of the budget setting process. It is planned to consult between 14 December 2021 and 31 January 2022. An interim report on the consultation will be reported to this committee on 24 January 2022.
37. In addition to the likely council tax proposals, the consultation will need to highlight the scale of the financial challenge and the Council's response for dealing with it. Cabinet will be requested to agree that the Chief Finance Officer be authorised to finalise the wording of the consultation literature in conjunction with the Cabinet Portfolio Holder for Finance and Performance Management.

Conclusion

38. Despite the many pressures, the Council can deliver a balanced budget with a combination of sound financial management and the successful delivery of the FSP. The importance of this cannot be overstated and failure to achieve the objectives of the FSP will result in the Council having to make difficult decisions around the provision of local services.
39. It is highly likely that its resources will need to be reorganised if the priorities and objectives of the Corporate Plan are also to be achieved. To this end, the Council will need to maintain a suitable level of Reserves and continue to operate within the approved budget each financial year to prevent further unplanned calls on reserves. Failure to do so will impact on the Council's ability to meet its statutory obligations.

Financial Implications

40. As outlined in the report.

Human Resources Implications

41. The report does not specifically mention the possibility of changes to staffing levels over the period of the financial forecast. If changes are required, the Council would need to follow its established procedures for this including consultation with the relevant Unions and Staff Side.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	External Consultation	Yes
Environmental	No	Access to Information	No
Risk Management	No	Exempt from publication	No

Chief Executive	Malcolm Johnston
Report Contact Officer:	Antony Baden, Chief Finance Officer
e-mail address:	Antony.Baden@rother.gov.uk
Appendices:	A – Financial Forecast. B – Revenue Reserves C – Capital Programme D – OSC Minutes 22.11.21
Relevant Previous Minutes:	None.
Background Papers:	None.
Reference Documents:	None.

	Revised 2021/22 Budget £ (000)	2022/23 Budget £ (000)	2023/24 Budget £ (000)	2024/25 Budget £ (000)	2025/26 Budget £ (000)	2026/27 Budget £ (000)
Departmental Budgets						
Corporate Core	1,998	1,998	1,998	1,998	1,998	1,998
Environmental Services	609	613	611	611	611	611
Strategy and Planning	1,043	1,493	1,043	1,043	1,043	1,043
Acquisitions, Transformation and Regeneration	(329)	(542)	(1,291)	(1,974)	(2,318)	(2,372)
Housing, Community & Neighbourhood Services	8,672	8,190	8,177	8,177	8,177	8,177
Resources	3,293	3,298	3,295	3,295	3,295	3,295
Total Cost of Services	15,286	15,049	13,834	13,150	12,807	12,752
Interest from Investments	(326)	(342)	(342)	(342)	(342)	(342)
MRP	513	1,059	1,078	1,098	1,118	1,116
Interest payments	914	844	832	820	808	796
Pay Inflation	0	99	100	101	102	103
Non Pay & Income Inflation	0	123	132	135	145	148
Salaries turnover	0	(197)	(201)	(205)	(210)	(214)
Growth						
Council Transformation	0	0	0	0	0	0
Corporate Plan	0	0	0	0	0	0
Savings and Income generation						
(i) Increase income - Property Investment Strategy	0	0	0	0	0	0
(ii) Increase income (net) - other	(107)	(202)	(202)	(202)	(202)	(202)
(iii) Lean and Demand	(180)	(180)	(180)	(180)	(180)	(180)
(iv) Service Prioritisation/Devolvement	(250)	(158)	(1,660)	(1,720)	(1,720)	(1,720)
(v) Reduced Staffing Structure	(95)	(95)	(95)	(95)	(95)	(95)
Net Cost of Services	15,755	15,999	13,296	12,559	12,230	12,166

	Revised 2021/22 Budget £ (000)	2022/23 Budget £ (000)	2023/24 Budget £ (000)	2024/25 Budget £ (000)	2025/26 Budget £ (000)	2026/27 Budget £ (000)
Special Expenses	(692)	(702)	0	0	0	0
Business Rates						
Local Share of business rates @ 40%	(7,043)	(7,043)	(7,043)	(7,043)	(7,043)	(7,043)
s31 Grants	(2,020)	(2,020)	(2,020)	(2,020)	(2,020)	(2,020)
Tariff	5,121	5,121	5,121	5,121	5,121	5,121
Levy	195	195	195	195	195	195
Non-Specific Revenue Grants						
New Homes Bonus Grant	(272)	0	0	0	0	0
Rural services delivery grant	(31)	(32)	(33)	(33)	(34)	(35)
Local Council tax Support Grant	(146)	(150)	(153)	(157)	(161)	(164)
Benefits Administration Grant	(223)	(228)	(234)	(239)	(245)	(251)
Homelessness Grant - New Burdens	0	0	0	0	0	0
Homelessness Grant - Preventions	(462)	(473)	(484)	(496)	(508)	(520)
Flexible Homeless Support Grant	0	0	0	0	0	0
Covid Support Grants	(519)	0	0	0	0	0
Council Tax Requirement (Rother only)	(7,097)	(7,501)	(7,694)	(7,890)	(8,082)	(8,283)
Other Financing						
Collection Fund (Surplus)/Deficit	134	134	134	134	0	0
Total Income	(13,054)	(12,699)	(12,211)	(12,429)	(12,777)	(13,000)
Funding Gap	2,700	3,301	1,085	130	(546)	(839)

Revenue Reserves

Potential Use of Reserves	Revised 2021/22 Budget £ (000)	2022/23 Budget £ (000)	2023/24 Budget £ (000)	2024/25 Budget £ (000)	2025/26 Budget £ (000)	2026/27 Budget £ (000)
Earmarked Reserves and General Reserves	(13,209)	(9,890)	(6,215)	(4,944)	(4,627)	(5,043)
Use of/(Contribution to) Reserves	3,319	3,675	1,271	317	(416)	(709)
Total Reserves	(9,890)	(6,215)	(4,944)	(4,627)	(5,043)	(5,752)
Analysis of (Use of)/Contribution to reserves						
To fund capital expenditure	619	374	186	187	130	130
To balance the budget	2,700	3,301	1,085	130	(546)	(839)
TOTAL	3,319	3,675	1,271	317	(416)	(709)

Rother District Council Capital Programme Summary

		2021/22 Revised Budget £ (000)	2021/22 Estimated Outturn £ (000)	2022/23 Budget £ (000)	2023/24 Budget £ (000)	2024/25 Budget £ (000)	2025/26 Budget £ (000)	2026/27 Budget £ (000)	Total £ (000)
Line									
	Acquisitions, Transformation and Regeneration Other Schemes								
1	Community Grants	130	60	130	130	130	130	130	710
2	Cemetery Entrance	172	88	84					172
3	Rother Transformation ICT Investment	384	155	229					384
4	Corporate Document Image Processing System	435	36	399					435
5	1066 Pathways	66	20	46					66
6	Ravenside Roundabout	200		200					200
7	Development of Town Hall Bexhill	460	374	86					460
8	Installation of AV equipment in the Town Hall	70	82						82
	Property Investment Strategy								
9	Office Development NE Bexhill	0							
10	Mount View Street Development - Public/Commercial	964		964					964
11	PIS - Beeching Road/Wainwright Road	963	373	2,590					2,963
12	PIS - Barnhorn Road	3,402	343	9,161	403				9,907
13	PIS - Beeching Road 18-40	501	249	252					501
14	PIS - 35 Beeching Road								
15	PIS - 64 Ninfield Road	100	100						100
	Housing Development Schemes								
16	Community Led Housing Schemes	600	559	41					600
17	Blackfriars Housing Development	10,728	2,076	8,652					10,728
18	Mount View Street Development - Housing	6,940		10,597	3,482				14,079
19	Alliance Homes (Rother) Ltd	25,000		62,000	18,000				80,000
20	Alliance Homes share capital	100	100						100
21	King Offa Residential Development	21	21						21
22	Former Bexhill High School site - Housing								
	Housing and Community Services								
23	De La Warr Pavilion - Capital Grant	54	56	55	56	57			224
24	Sidley Sports and Recreation	811	341	470					811
25	Land Swap re Former High School Site	1,085	185	900					1,085
26	Bexhill Leisure Centre - site development			189					189
27	Bexhill Leisure Centre - refurbishment	140		140					140
28	Disabled Facilities Grant	1,625	584	1,625	1,625	1,625	1,625	1,625	8,709
29	New bins	125	157	125	125	125	125	125	782
30	Bexhill Promenade - Outflow pipe	100	100						100
31	Bexhill Promenade - Protective Barriers	47	50						50
32	Bexhill Promenade - Shelter 1		60						60
33	Fairlight Coastal Protection		18						18
34	Housing (purchases - temp accomodation)	7,300	2,986	4,314					7,300
	Strategy & Planning								
35	Payments to Parishes - CIL	88	40	48					88
	Executive Directors & Corporate Core								
36	Accommodation Strategy								0
	Resources								
37	ICT Infrastructure – Ongoing Upgrade Programme	123	2	121					123
38	Development of Council Owned Sites	8	8						8
	Total Capital Programme	62,742	9,223	103,418	23,821	1,937	1,880	1,880	142,159
		2021/22 Revised Budget £ (000)	2021/22 Estimated Outturn £ (000)	2022/23 Budget £ (000)	2023/24 Budget £ (000)	2024/25 Budget £ (000)	2025/26 Budget £ (000)	2026/27 Budget £ (000)	Total £ (000)
Line									
	Funded By:								
39	Capital Receipts	1,085	185	900	0	0	0	0	1,085
40	Grants and contributions	13,914	3,362	8,620	1,625	1,625	1,625	1,625	18,482
41	CIL	431	293	391	0	0	0	0	684
42	Borrowing	20,874	4,763	30,070	4,010	125	125	125	39,218
43	Capital Expenditure Charged to Revenue	1,438	620	1,437	186	187	130	130	2,690
44	Borrowing - Alliance Homes (Rother) Ltd	25,000	0	62,000	18,000	0	0	0	80,000
	Total Funding	62,742	9,223	103,418	23,821	1,937	1,880	1,880	142,159

Minutes of the Overview and Scrutiny Meeting – 22 November 2021**OSC21/34. MEDIUM TERM FINANCIAL PLAN 2022-23 TO 2026-27**

Members received and considered the report of the Chief Finance Officer on the Council's Medium Term Financial Plan (MTFP) 2022/23 to 2026/27, which would be considered by Cabinet at their meeting on 13 December 2021. The MTFP set the financial framework for the next five years and would be modified as the financial situation of the Council changed during that period. Appendix A to the report gave details of the MTFP, showing a £3.3m funding gap by 2022/23, but a surplus by 2025/26. Appendix B to the report illustrated the impact on the Council's Reserves. Members noted that the figures quoted were as robust as possible, but the financial forecast was a work in progress.

The following salient points were noted:

- **Budget Process:** The Council followed a three phased budget process. The first phase was to update the MTFP, which set out budget pressures and estimated the size of the budget deficit over the next five years. The second phase was to produce a detailed draft budget for Cabinet's consideration in January 2022. The third phase was to finalise the budget once the national funding settlement had been announced and incorporate the Capital Strategy and revised Capital Programme into the MTFP for approval by Cabinet and full Council in February 2022.
- **Government Funding:** Since 2010, the Council had seen a substantial fall in income. Its Revenue Support Grant and share of Business Rates was £6.6m in 2010, but it no longer received the former and its share of Business Rates income in 2021/22 was estimated at £3.7m. This was a fall of £2.9m in cash terms and ignored the effects of inflation on the Council's costs. Furthermore, the average Band D council tax charge was frozen between 2010 and 2016, which had had a knock-on impact on council tax income levels. In July 2020, the Government announced its intention to undertake a local government 'Fair Funding Review'. This had been further delayed and it was not yet clear when it would take place. The funding settlement for 2022/23 was expected in December 2021.
- **Cost Pressures:** These included the predicted increase in the base Revenue Budget for planning appeal costs, net financing costs due to the planned increase in capital investment on major projects such as the Property Investment Strategy and Temporary Accommodation (TA) acquisition programme, the annual pay award and non-pay inflation increases.
- **Corporate Plan:** The new Corporate Plan was adopted by full Council on 5 July 2021 and included several priority objectives, some of which could require revenue and capital investment if they were to be successfully delivered. One of the objectives of the Corporate Plan was to achieve financial stability by the end of 2025/26, therefore the Corporate Plan must be cost neutral.
- **Financial Stability Programme (FSP):** There were four main work themes designed to achieve financial stability within five years by

delivering cost savings and income, namely Service Devolvement Invest to Save, Income Generation and Service Prioritization. Cabinet approved an Invest to Save fund of £750k to meet any one-off costs required to deliver ongoing savings and income.

- COVID-19 Impact: There was still great uncertainty over the impact that the pandemic may have had on the economy and several areas could still be at risk from increased costs or reduced income.
- Business Rates: The Council was part of the East Sussex 50% Business Rate Pool, which meant the Government levy on business rate growth was retained by the pool. The pooling arrangement would be reviewed, but it had previously been financially beneficial and for the purposes of the forecast it was assumed that it would continue. There was still no indication as to when the Government would proceed with its Business Rate reset as part of the Business Rates review. Further announcements relating to business rate charges effective from April 2022 were made as part of the Chancellor's October budget statement and the Council would be compensated by way of a grant for any losses suffered.
- Non-Specific Revenue Grants: No announcement had been made regarding the future or otherwise of New Homes Bonus grant; the forecast assumed no further funding as well as no further COVID-19 grant.
- Council Tax: For 2021/22, it was anticipated that Council Tax would again only be allowed to increase by the maximum of 2% or £5 per Band D average before a referendum would be required. The Government had made no final announcement yet on the current year's referendum limits, so the forecast had assumed an increase of £5 for each year of the MTFP. The Council Tax Base allowed for an annual increase in new builds from housing developments based on the Council's targets less an allowance for collection losses and Council Tax Reduction claimants. This resulted in an additional 450 to 600 properties.
- Revenue Reserves: The latest financial monitoring for 2021/22 predicted Revenue Reserves to fall to £9.814m by the end of the current financial year, which was only £76,000 lower than the original budget estimate of £9.890m. The MTFP forecast estimated that a further £5.263m of Reserves would be needed to support the Revenue Budget over the following three years, including £747,000 to support the Capital Programme. From 2025/26 it was predicted that the Council would be able to begin replenishing its level of Revenue Reserves over the following two years by £1.125m. By the end of the five-year forecast, the balance of Revenue Reserves was forecast to be about £5.752m, having dipped to a minimum level of £4.627m by 2024/25. The forecast level of Reserves was largely dependent on the successful delivery of the FSP savings targets
- Capital Programme: Whilst there had been a major increase in the Council's planned capital investment, COVID-19 had had a significant impact on the pace of its delivery. The Capital Programme totalled £143m and included schemes already approved by Members, e.g. £105.5m on housing development projects (of which an estimated £80m to be delivered by Alliance Homes, £14.5 on the Property Investment Strategy and £7.3m on the TA acquisition programme).

- Treasury Management: The scale of the investment in the Capital Programme would significantly increase the Council's borrowing requirement, and this had been reflected in the forecast. Slippage from 2021/22 projects had been included in 2022/23, but more accurate cash flow timings would be developed during phase 2 of the budget process, as would the capital financing.
- Budget Consultation: Would be held between 14 December 2021 and 31 January 2022. An interim report on the consultation would be reported to the Overview and Scrutiny Committee on 24 January 2022.

The Council could deliver a balanced budget with a combination of sound financial management and the successful delivery of the FSP. The importance of this could not be overstated and failure to achieve the objectives of the FSP would result in the Council having to make difficult decisions around the provision of local services.

RESOLVED: That the report be noted.

(Overview and Scrutiny Committee Agenda Item 6).

Rother District Council

Report to:	Cabinet
Date:	13 December 2021
Title:	Council Tax Reduction Scheme – Outcome of Consultation to Proposed Changes
Report of:	Chris Watchman – Revenues and Benefits Manager
Cabinet Member:	Councillor Dixon
Ward(s):	All
Purpose of Report:	To consider the recommendations arising from the Overview and Scrutiny Committee meeting held on 22 November 2021, regarding the outcome of the recent consultation on changes to the Council Tax Reduction Scheme for 2022/23. The report and recommendations arising are reproduced below and the Minutes of that meeting (Appendix D) should be read in conjunction with this report.
Decision Type:	Key
Officer Recommendation(s):	Recommendation to COUNCIL: That the changes to the Council Tax Reduction Scheme as outlined in this report be approved and adopted with effect from 1 April 2022.

Introduction

1. Following the work and recommendations of the Anti-Poverty Task and Finish Group, Cabinet approved going out to consultation on changes to the Council's Council Tax Reduction Scheme (CTRS) to come into being from the 1 April 2022 (Minute CB21/18 refers). The objective of the change is to improve access to the CTRS for self-employed people who are also carers and those self-employed residents who are registered disabled. The current CTRS reflects previous national benefits in assuming a minimum level of working and income. Experience has shown that the current scheme disadvantages those households where full-time work is not possible, and in particular where they are carers or where they are disabled. Appendix A replicates the information considered by Cabinet.
2. The Council is legally required to consult with the community and stakeholders on any substantive change to the CTRS and this report updates Members on its outcome and makes recommendations to implement the changes as proposed.

Consultation Response

3. The response rate to the consultation was very low. There were nine responses from the community plus the major preceptors also responded. Of the community responses, it appears that seven of the nine had some level of support to the proposed changes. Those that did not support the changes were more opposed on the grounds of the potential for fraud and misrepresentation of income by self-employed applicants rather than the principles behind the changes. It must be stressed however, that this is a small and unrepresentative sample and cannot be said to reflect the views of CTRS applicants, the self-employed or the residents of Rother. Details of the responses are contained at Appendix B.
4. All the major preceptors have responded to the consultation. The Sussex Police and Crime Commissioner and East Sussex Fire Authority are in support of the changes, whereas East Sussex County Council (ESCC) is not. With regard to the ESCC comments, given the nature of the proposal, it is not possible to accurately predict the uptake and the ultimate cost of the changes. It is expected to have a relatively small impact on the total income derived from Council Tax, but will make an important difference to those households affected. The uptake and ultimate cost will be monitored through 2022/23 and will be considered when the CTRS is next reviewed. Copies of the responses are shown at Appendix C.

Conclusion

5. Whilst it is disappointing that the consultation response was small, given the limited nature of the proposed changes it is understandable. It is important to recognise the concerns of the major preceptors in protecting their income from Council Tax as to not have unintended consequences on their ability to continue to deliver essential services. It is, however, expected that the changes will not have a material impact on income but assurance will be given to the major preceptors that the cost of the changes will be monitored and will be considered at the next review of the CTRS. On this basis, it is proposed that Cabinet be asked to recommend to full Council the adoption of the changes to the CTRS for self-employed people who are also carers and those self-employed residents who are registered disabled.

Other Implications		Applies?	Other Implications		Applies?
Human Rights		No	Equalities and Diversity		Yes
Crime and Disorder		No	External Consultation		Yes
Environmental		No	Access to Information		No
Risk Management		No	Exempt from publication		No
Chief Executive	Malcolm Johnston				
Report Contact Officer:	Chris Watchman				
e-mail address:	Chris.Watchman@rother.gov.uk				
Appendices:	Appendix A – Extract from Cabinet Report 28 June 2021 Appendix B – Consultation Responses Appendix C – Responses from Major Preceptors Appendix D – OSC Minutes 22.11.21				
Relevant Previous Minutes:	CB21/18				
Background Papers:	None				
Reference Docs:	None				

Extract from Cabinet report - Council Tax Reduction Scheme

1. The CTR presentation in April 2021 illustrated that Rother is ahead of many local authority areas in having an income banded system in operation and that the level of financial support offered was typical. The income banded scheme had many advantages for the claimant and simplified the administration. Further work would be undertaken in time for any final decisions in June, to illustrate the impact of increasing the amount of help given. It was, however, clear that moving towards a 100% CTR scheme would have significant implications on the Council and other organisations who receive a share of council tax revenue.
2. The APT&FG did however agree three actions to recommend to the OSC:
 - a. that the current CTR Scheme Hardship Fund should be reviewed and a plan for better promoting the scheme in the community be developed. In addition it was suggested that the Council should establish a donations page on the Council website to supplement the Hardship Fund.
 - b. that Cabinet be requested to consider increasing the maximum support under the CTR Scheme above the current 80% when the Council achieves its financial stability ambition, as set out in the draft Corporate Plan
 - c. that Cabinet be requested to consult with the public and key stakeholders on improving access to CTR Scheme for self-employed people who are also carers and those self-employed residents who are registered disabled. The current scheme reflected previous national benefits in assuming a minimum level of working and income. Experience has shown that the current scheme disadvantages those households where full-time work is not possible, and in particular where they are carers or where they are disabled. Details of the current scheme and the proposed changes are shown at Appendix B.

Minimum Income Floor

The minimum income floor affects those claimants who are currently self-employed. Financial support is given for a start-up period of one year after which it would be assumed that the claimant is achieving a minimum level of income when assessing CTR. This would be based on 35 hours multiplied by the National Minimum Wage and this is in line with the approach taken under Universal Credit.

It is proposed to amend the Minimum Income Floor as follows:

- For self-employed applicants with caring responsibilities for a vulnerable person (excluding care for dependent children) the Council will have the discretion to reduce the assumed hours worked from 35 per week to take into account the care and support being provided.
- For self-employed applicants who are lone parents, the income from self-employment will be calculated using the greater of either their actual income taken from their profit and loss accounts or 16 hours at the national living wage.
- For self-employed applicants who also undertake PAYE employment the Council will have discretion to use the number of self-employed hours at the national

living wage that, when combined with the hours worked during the PAYE employment, does not exceed 35 hours per week.

- For self-employed applicants in receipt of a disability benefit, the income from self-employment will be calculated using the greater of either their actual income taken from their profit and loss accounts or 16 hours at the national living wage.

Extract from the current Council Tax Reduction Scheme

20.0 Earnings of self-employed earners

20.1 Subject to paragraph 20.2, 'earnings', in the case of employment as a self-employed earner, means the gross income of the employment plus any allowance paid under section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 to the applicant for the purpose of assisting him in carrying on his business unless at the date of claim the allowance has been terminated.

20.2 'Earnings' shall not include any payment in respect of a person accommodated with the applicant under arrangements made by a local authority or voluntary organisation and payments made to the applicant by a health authority, local authority or voluntary organisation in respect of persons temporarily in the applicant's care) nor shall it include any sports award.

20.3 This paragraph applies to –

- a. royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark; or
- b. any payment in respect of any
 - (i) book registered under the Public Lending Right Scheme 1982; or
 - (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982, where the applicant is the first owner of the copyright, design, patent or trade mark, or an original contributor to the book of work concerned.

21.0 Calculation of net profit of self-employed earners

21.1 For the purposes of the average weekly earnings (of self-employed earners) the earnings of an applicant to be taken into account shall be:

- a. in the case of a self-employed earner who is engaged in employment on his own account, the net profit derived from that employment;
- b. in the case of a self-employed earner whose employment is carried on in partnership or is that of a share fisherman within the meaning of the Social Security (Mariners' Benefits) Regulations 1975, his share of the net profit derived from that employment, less-
 1. an amount in respect of income tax and of national insurance contributions payable under the Act; and
 11. one-half of the amount calculated in respect of any qualifying premium; and
 111. £25, this deduction shall apply once only irrespective of whether a person is also employed or self-employed in a number of occupations. For the avoidance of doubt a single £25 per week disregard shall be granted to any claim. Irrespective of the household

composition, the number of employed persons within the household or the type or number of employment (s) or self-employment(s).

- 21.2 The net profit of the employment shall be calculated by taking into account the earnings of the employment over the assessment period less any expenses wholly and exclusively incurred in that period for the purposes of the employment.
- 21.3 Subject to paragraph 21.4 no deduction shall be made, in respect of -
- a. any capital expenditure;
 - b. the depreciation of any capital asset;
 - c. any sum employed or intended to be employed in the setting up or expansion of the employment;
 - d. any loss incurred before the beginning of the assessment period;
 - e. the repayment of capital on any loan taken out for the purposes of the employment;
 - f. any expenses incurred in providing business entertainment, and
 - g. any debts, except bad debts proved to be such, but this sub-paragraph shall not apply to any expenses incurred in the recovery of a debt.
- 21.4 The authority shall refuse to make deduction in respect of any expenses where it is not satisfied given the nature and the amount of the expense that it has been reasonably incurred.
- 21.5 For the avoidance of doubt deduction shall not be made in respect of any sum unless it has been expended for the purposes of the business;
- 21.6 Where an applicant is engaged in employment, as a child minder the net profit of the employment shall be one third of the earnings of that employment, less an amount in respect of
- a. income tax; and
 - b. national insurance contributions payable under the Act; and
 - c. one-half of the amount in respect of any qualifying contribution; and
 - d. £25, this deduction shall apply once only irrespective of whether a person is also employed or self-employed in a number of occupations. For the avoidance of doubt a single £25 per week disregard shall be granted to any claim. Irrespective of the household composition, the number of employed persons within the household or the type or number of employments or self-employments.
- 21.7 For the avoidance of doubt where an applicant is engaged in employment as a self-employed earner and he is also engaged in one or more other employments as a self-employed or employed earner any loss incurred in any one of his employments shall not be offset against his earnings in any other of his employments.
- 21.8 The amount in respect of any qualifying premium shall be calculated by multiplying the daily amount of the qualifying premium by the number equal to the number of days in the assessment period; and for the purposes of this section the daily amount of the qualifying premium shall be determined
- a. where the qualifying premium is payable monthly, by multiplying the amount of the qualifying premium by 12 and divided the product by 365;

- b. in any other case, by dividing the amount of the qualifying premium by the number equal to the number of days in the period to which the qualifying premium relates.

21.9 In this section, 'qualifying premium' means any premium which is payable periodically in respect of a personal pension scheme and is so payable on or after the date of claim.

22.0 Deduction of tax and contributions of self-employed earners

22.1 The amount to be deducted in respect of income tax under these sections shall be calculated on the basis of the amount of chargeable income and as if that income were assessable to income tax at the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under section 257(1) of the Income and Corporation Taxes Act 1988 (personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal reliefs deductible under this paragraph shall be calculated on a pro rata basis.

22.2 The amount to be deducted in respect of national insurance contributions under this part shall be the amount of Class 4 contributions (if any) which would be payable under section 15 of the Act (Class 4 contributions recoverable under the Income Tax Acts) at the percentage rate applicable to the assessment period on so much of the chargeable income as exceeds the lower limit but does not exceed the upper limit of profits and gains applicable for the tax year applicable to the assessment period; but if the assessment period is less than a year, those limits shall be reduced pro rata.

22.3 In this section 'chargeable income' means-

- a. except where sub-paragraph (b) applies, the earnings derived from the employment less any expenses deducted; or
- b. in the case of employment as a child minder, one-third of the earnings of that employment.

23.0 Minimum Income Floor

23.1 Where no start up period (as defined within 23.2) applies to the applicant and the income from self-employment of the applicant or partner is less than an amount determined by the national living wage per hour multiplied by 35 hours per week (the Minimum Income Floor), the income used by the authority in the calculation of their award will be substituted to that appropriate amount. This amount shall not be less than 35 x the national living wage, or where higher the number of hours declared by the applicant multiplied by the national living wage. From that, the authority will deduct only an estimate for tax, national insurance and half a pension contribution (where a pension contribution is being made).

23.2 The authority shall determine an appropriate start up period for the employment activity being conducted by the claimant or partner. This will normally be one year from the date of claim, or one year from the date of commencement of the employment activity, whichever is sooner. During this period no Minimum Income Floor shall be applied. The start-up period ends where the person is no longer in gainful self-employment.

- 23.3 Where a claimant or partner holds a position in a company that is analogous to that of a sole owner or partner in the business of that company, he shall be treated as if he were such sole owner or partner and in such a case be subject to the Minimum Income Floor where appropriate.
- 23.4 Ordinarily, no start-up period may be applied in relation to a claimant where a start-up period has previously been applied, whether in relation to a current or previous award of a Council Tax Reduction. The authority may allow a subsequent employment to qualify for a start-up period based on the previous history of the claimant and an assessment of such evidence that would support a decision to allow for a subsequent start up period.
- 23.5 In order to establish whether to award a start-up period, or at its discretion a subsequent start up period, the claimant must satisfy the authority that the employment is:
- Genuine and effective. The authority must be satisfied that the employment activity is being conducted.
 - Taking up at least 35 hours per week
 - Being conducted with the intention of increasing the income received to the level that would be conducive with that form of employment.
- 23.6 For the purposes of determining whether a claimant is in gainful self-employment or meets the conditions for a start-up-period, the Council will require the claimant to provide such evidence or information that it reasonably requires to make that decision, the Council may also require the self-employed person to attend an interview for the purpose of establishing whether the employment is gainful or whether the conditions for a start-up period are met.

Public Consultation on Changes to Council Tax Reduction Scheme

Introduction and Methodology

1. This consultation on changes to the Council Tax Reduction Scheme ran for 6 weeks from Friday, 13 August to Monday, 27 September 2021.
2. A range of 26 local organisations, that support either low income households or the self-employed, were invited to take part in the consultation as were the town and parish councils. An invitation to consult was sent to the members of the Rother Citizens Panel. The opportunity to consult was promoted on social media, mainly Twitter, and in three MyAlerts email messages on 23 August, 6 September and 18 September 2021. An article on the Council's website provided the scope of the review, some background information and links to the current Council Tax Reduction Scheme. A text extract from the web article is in Appendix A.
3. The purpose of the consultation was to ask for views on the Council's proposal to make changes to the Council Tax Reduction Scheme (CTRS) that would make it possible for more residents to get a reduction on their Council Tax bill. These changes primarily affected some of the low-income self-employed whose circumstances would make it difficult to work full-time on their businesses.
4. The current scheme's regulations set out that all self-employed applicants are presumed to work at least 35 hours a week and earn at least the minimum wage. This is regardless of the number of hours currently worked by the applicant or how much they earn. The proposal was to reduce the threshold to assume at least 16 hours worked and earning at least minimum wage. This would apply to self-employed applicants who are also disabled or carers for the disabled, lone parents and those who also work for an employer under PAYE employment.

Response Rate

5. Respondents were asked to send in their comments by email or in writing. We received nine emails from members of the public. There have been no responses from local organisations save the statutory consultees.
6. This is a small number of responses therefore they cannot be considered representative of the wider population and therefore they are reported as given without drawing any conclusions. Respondents that would be personally affected can give some insight into the impact on an individual.

Changes to Response Text to Protect Respondents

7. Some respondents made references to their own circumstances that might tend to identify them. Therefore, some redactions have taken place in order to maintain anonymity and to focus the comments on the purpose of the consultation. Redactions are indicated in brackets in the text and any text substitutions to help the reader are provided in brackets. A small number of

spelling and punctuation errors have been corrected in the text of submissions.

Responses in Opposition

8. The comments from those opposed to the changes were from two respondents who believed the self-employed were more likely to fraudulently represent their circumstances:
 - a. I have had a lot of dealings with self-employed people over the last 20 years and feel the system is being so abused by these people. It is so set up in this way it has become the norm for them to declare no income or income but with more expenses than income. Many of these people never pay tax despite earning well and we are now advertising on the radio for self-employed to claim universal credit so not only do they get their earnings tax free they get the same benefits as an unemployed person and now you would like to allow them to not pay council tax too. Why should they really when you can just increase it and make people like me an employed person who doesn't get anything to pick up their share.
 - b. As Council Taxpayers in Rother we totally oppose any new or additional benefits for the self-employed/ disabled.
 - c. Being a self-employed (tradesman) is a choice with pitfalls but many extreme tax-free benefits, perks and freedoms. IT IS THEIR CHOICE!
[Redacted sentences.]
 - d. True skilled tradesmen can operate profitably through CHECK A TRADE by telephone and the like, can be members of a trade union, have access to pension schemes, NI contributions like the rest of us. So why and whom are you helping? Are they a special case or is it the NO SKILL pretenders to being skilled tradesmen that you are helping that actually rip us off?
[Further sentences redacted.]

Responses in Support

9. The comments from those in support of the changes were from four respondents who generally supported the changes. One of these respondents stated they might be directly affected.
 - a. I would like to support the changes to the scheme.
 - b. I'm also delighted that there is no change to the minimum 20% payment as the Labour supporters wanted to happen.
 - c. I may be directly affected. I agree as it seems fair.
 - d. I have read the information in Rother alerts regarding CTR. It will not affect me, but I think any help that is given to people on low incomes is positive.
 - e. I have been aware in recent years of draconian measures taken against those who default on payments. While I understand it has to be paid hounding people with bailiffs and court summons is not necessarily the best way of managing the situation. If someone has nothing trying to take away even more is unhelpful and immoral. The charges racked up as they are chased for payment makes a bad situation much worse. I therefore support your current measure.

- f. I write specifically regarding the proposed changes being considered for self-employed carers.

What you are proposing implies each case will be looked at with no guarantee of any reduction and that is not good enough.

Carers, and I mean those in receipt of Carers Allowance, have their income/earnings already capped. They are not allowed, under the rules set by the government, to earn more than £128 per week. This is because by being awarded Carers Allowance the government has acknowledged that their main job is caring for a disabled person.

The disabled person will already have gone through the cruel and dehumanising process of claiming PIP, where they relive everything they cannot do for themselves in detail, both on paper and face to face with an assessor. The DWP involved in this process are all EO level or above. The face to face assessors all hold, in some form or another, a medical degree. It might be in nursing or physiotherapy, but they studied and qualified.

PIP is a passport benefit and unless the person being cared for is in receipt of it, the carer cannot claim Carers allowance.

With this in mind, what qualifications will your revenue staff have when making the decision proposed below -

"For self-employed applicants with caring responsibilities for a vulnerable person, the council will have the discretion to reduce the assumed hours worked from 35 on an individual basis and dependant on the level and amount of care being provided"

Let me suggest that for carers in receipt of Carers Allowance, this has already been done by people with a better medical understanding than unqualified revenues staff.

To qualify for Carers Allowance - (copied from <https://www.gov.uk/carers-allowance/eligibility>)

The type of care you provide

You need to spend at least 35 hours a week caring for someone. This can include: Helping with washing and cooking, taking the person you care for to a doctor's appointment, helping with household tasks, like managing bills and shopping. Your earnings are £128 or less a week after tax, National Insurance and expenses.

Might I suggest that your proposed changes must reflect the difference between people who have caring responsibilities and those carers in receipt of Carers Allowance.

Because people on Carers Allowance cannot work 35 hours a week. They already have an income cap. They do what is basically full time 24/7 caring for £67.50 per week.

So, to further put them, (and indirectly, the person they care for as they they are usually couples) through more stress and more hoops to jump through to justify tiny amounts earnt is just wrong.

For people who are self-employed carers who are in receipt of Carers Allowance you must make them exempt from everything. That is what UC does.

So no MIF and any earnings are exempt as they are under £128 per week anyway.

Show some common sense and compassion for once, for what will be a minute cost.

I speak as part of a couple in this situation. Where, now you have reintroduced the MIF for self-employed, the self-employed carer who occasionally earns £20 or £30 per week in casual work is now assumed to be working 35 hours for minimum wage. We had to end our claim for help and are worse off now. Because the carer in receipt of Carers Allowance for the disabled partner is prohibited from doing full time hours and cannot earn the minimum income floor levels.

Responses on Other Changes

10. There are three responses that are other responses that suggest improvements or changes they would like to see. One respondent is a self-employed single parent who believes they are above the income for eligibility. They appear to support the changes for self-employed single parents if there is no support from the other parent. However, it is more important to them to increase the eligibility requirements for low-income retired residents rather than the self-employed. The second response below is from a couple in retirement whose income has been reduced by the loss of Carers Allowance and who would also like more help for pensioner carers and disabled as well as the self-employed. The third respondent is in receipt of CTRS, consider the help to be too low, and would like Council Tax to be charged in line with a combination of income and the number of residents in a household.

- a. I am self-employed, work 18 hours a week and I am a full-time carer for my disabled [child] who is [in receipt of local care support and government disability allowances]. As I work, I do not receive or attempt to apply for the Carers Allowance.

I am also a lone parent but get adequate maintenance support in various forms from the [other parent] and tax credits due to my circumstances. It's plenty in my opinion and I manage to pay my council tax fine, with the 25% reduction.

[Redacted paragraph]

.... we also qualify for help from the Family Fund annually.

To recognise my situation and offer help at the district council level would be a new experience and welcomed I am sure but it also needs to be recognised that people in my situation do receive a great deal of help

already. However, I do also see that some lone parents are not adequately supported by the absent parent and I am lucky in that respect.

I wouldn't say no to a Council Tax reduction and less outgoings would obviously make my life easier. However, I live in [a rural village in Rother] and we have an awful lot of older people and I think that particular group is underfunded. [A local charity that supports older people] had to close recently due to lack of volunteers as just one example of where help is needed. The ageing population is a bigger worry and perhaps there is scope to help them by extending the hours of the bus pass or offering to pay their TV licence!

Self-employed people, generally, pay less tax and NI and already benefit from their employment status. I accept that we do not receive sick or holiday pay, workplace pensions etc., but the flexibility lends itself well to being a carer.

- b. I am an unpaid carer for my [partner], [redacted]. We are both on a state pension and [my partner] has got PIP for the next 10 years, [redacted]. Because we are now on a pension, we have lost my Carers Allowance and also now have to pay full Council Tax, it's as if we are being penalised for being elderly and that having worked, in our early lives, we don't count anymore. I still care for my [partner], just because I'm over 65 it doesn't mean [my partner] has suddenly gotten better and I don't look after [my partner] anymore. And suddenly we have to pay full council tax, which up until I became 65, we didn't have to pay, that now has to come out of our state pensions.

A reduction in Council Tax for ALL carers and their disabled partners/clients would be a tremendous relief for those of us on a low income and have to struggle even more now we have become elderly.

- c. Surely it is time to survey/administer each household (like the previous Rates system).

When residents paid according to how many people lived in a property?
IE: currently system is not fair when 1 or 2 people pay the same as a typical family of 4 and vice versa.

Also since COVID and before, Council Tax should be paid according to what people earn.

IE: my [partner] lost [their] job due to COVID affecting the travel industry, where [they] tried very hard to remain in [their] previous line of work [redacted], but could not due to constant and obvious age discrimination ([age over 55]), so is now a Care/Support Worker, but [their] rate of pay is very poor = we are down by £1,500 per month now compared to [their] previous salary. I am affected by a physical disability and do get/qualify for the reduced Council Tax Disability rate, but this too is still too low. Therefore, almost in every region/district there are enough rich/affluent people who can afford to pay the full Council Tax rates, so surely now time to consider us non affluent and not rich people who are very much struggling please, and dis-regarding (not means-testing) any savings we need to keep for aging/retiring [redacted].

Conclusion

11. It appears that 7 of the 9 respondents had some level of support to the proposed changes. Those that did not support the changes were more opposed on the grounds of the potential for fraud and misrepresentation of income by self-employed applicants rather than the principles behind the changes. However, once again it must be stressed that this is a small and unrepresentative sample and cannot be said to reflect the views of CTRS applicants, the self-employed or the residents of Rother.

Programme Office & Policy Unit on behalf of the Revenues and Benefits Service,
Acquisitions, Transformation and Regeneration
Rother District Council

29 September 2021

Responses from Major Preceptors**East Sussex Fire Authority**

East Sussex Fire Authority recognises the impact that the COVID-19 pandemic has had on local communities, particularly, those who are vulnerable, both financially and for other reasons.

As you will be keenly aware, in common with other local authorities the Fire Authority already faces significant financial challenges due both to reductions in Government funding and the impact of COVID-19. Our current Medium Term Finance Plan identifies the potential need to make new savings of up to £2.5m over the next 5 years, in addition to £10.5m already delivered or planned.

Council Tax is our most important funding stream (70% in 2021/22). The Authority will need to take account of any further reduction in council taxbase on its income when considering options for achieving a balanced budget for 2022/23 and beyond. Given the scale of the financial challenge, which cannot be met by efficiencies alone, this may mean that the Authority has to revisit its Integrated Risk Management Plan 2020-25 and consider further changes to the service it provides across the communities of East Sussex and Brighton & Hove, including those who are most vulnerable.

The Fire Authority notes that the proposed changes to Rother DC's LCTRS are expected to result in only a minor reduction in income from council tax and improve the equity of the scheme. On this basis the Fire Authority would not oppose the proposed changes.

East Sussex County Council

East Sussex County Council recognises the impact that the COVID-19 pandemic has had on local communities, particularly, those who are vulnerable, both financially and for other reasons.

As you will be aware, in common with all local authorities, the County Council continues to face significant financial challenges in responding to day to day service demands and the ongoing impact of the pandemic. As we wait for the government to provide a multi-year financial settlement through the Spending Review 2021, plus the implications of the recently announced Adult Social Care Levy as the potential solution to the challenges faced by Adult Social Care, the authority's Medium Term Financial Plan (MTFP) presents a deficit position by 2024/25 of £18.4m. Any loss of income from Council Tax arising from these proposed changes would only serve to increase the deficit and consequently the potential need to make significant new savings to bridge the funding gap.

Council Tax is the County Council's most important funding stream (74% of net budget in 2021/22) and we rely on certainty of this income to enable us to effectively plan services for the future. The Council will need to take account of any further reduction in the tax base on its income when considering options for achieving a balanced budget for 2022/23 and beyond. Any reductions in income from Rother District residents will be felt across the whole of East Sussex and potentially impact on the services on which the most vulnerable in the whole rely.

Although only a minor change to the existing LTRS, little information has been presented for the authority to fully understand the impact, other than it will reduce the income received. On this basis, East Sussex County Council cannot support Rother District Council's proposals to change its LCTRS which could lead to a permanent reduction in its income from council tax.

Sussex Police and Crime Commissioner

Thank you for the opportunity to comment on your proposed changes to the Rother District Council Local Council Tax Reduction Scheme.

The Police and Crime Commissioner for Sussex (PCC) has reviewed the proposed changes to your LCTRS. As the changes are expected to result in only a minor reduction in the income receivable from council tax, and that it will improve the equity of the scheme, the PCC supports the proposed changes.

Minutes of the Overview and Scrutiny Meeting – 22 November 2021**OSC21/37. COUNCIL TAX REDUCTION SCHEME – OUTCOME OF CONSULTATION TO PROPOSED CHANGES**

Members received the report of the Revenue and Benefits Manager which provided details of the outcome of the Council Tax Reduction Scheme (CTRS) consultation and made recommendations to implement changes as proposed.

The objective of the change was to improve access to the CTRS for self-employed people who were also carers and those self-employed residents who were registered disabled. The current CTRS reflected previous national benefits in assuming a minimum level of working and income. Experience had shown that the current scheme disadvantaged those households where full-time work was not possible, and in particular where they were carers or where they were disabled. Appendix A to the report replicated the information considered by Cabinet when approval was sought to go out to consultation.

The response rate to the consultation had been very low, with nine responses from the community plus responses from the major preceptors. Of the community responses, it appeared that seven of the nine had some level of support to the proposed changes; those that did not support the changes were more opposed on the grounds of the potential for fraud and misrepresentation of income by self-employed applicants rather than the principles behind the changes.

The Sussex Police and Crime Commissioner and East Sussex Fire Authority were in support of the changes, whereas East Sussex County Council (ESCC) were not. The CTRS was expected to have a relatively small impact on the total income derived from Council Tax 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.

RESOLVED: That:

- 1) the outcome of the consultation be noted; and
- 2) Cabinet be requested to recommend to Council that the changes to the Council Tax Reduction Scheme as outlined in this report be approved and adopted with effect from 1 April 2022.

(Overview and Scrutiny Committee Agenda Item 9).

Rother District Council

Report to:	Cabinet
Date:	13 December 2021
Title:	Public Spaces Protection Order
Report of:	Head of Service - Environmental Services, Licensing and Community Safety
Cabinet Member:	Councillor Field
Ward(s):	All
Purpose of Report:	To make a Public Spaces Protection Order (No 2A) for three years (2022-23) following final consultation with the Police and Crime Commissioner, Sussex Police and East Sussex County Council Highways.
Decision Type:	Key
Officer Recommendation(s):	It be RESOLVED : That a Public Spaces Protection Order (No 2A) for three years (2022-23) following final consultation with the Police and Crime Commissioner, Sussex Police and East Sussex County Council Highways be made.
Reasons for Recommendations:	The existing Public Space Protection Order (No 2) expired in November 2021. This Public Space Protection Order was used to control anti-social behaviour.

Introduction

1. The Council made a Public Spaces Protection Order (PSPO) for the control of anti-social behaviour. This Order expired in November 2021 – see [THE PUBLIC SPACES PROTECTION ORDER \(NO. 2\) \(rother.gov.uk\)](https://rother.gov.uk/public-spaces-protection-order-no-2/). Consultation has taken place with Parish and Town Councils. Their responses (if received) are set out in Appendices A and B.
2. In September, Cabinet authorised consultation with the public and the responses to the consultation are set out in Appendix B. To justify including controls within the PSPO, evidence that a problem exists or is likely to occur is required. The results of the consultation provide evidence that certain controls are necessary.

Public Spaces Protection Order

3. PSPOs can be used to control anti-social behaviour in a particular area. Such as alcohol bans, bans on the playing of amplified music, busking, swearing etc.

4. PSPOs are intended to deal with a nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can enjoy public spaces, safe from anti-social behaviour.
5. A PSPO can be made by the Council if they are satisfied on reasonable grounds that the activity/activities carried out, or are likely to be carried out, in a public space:
 - have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
 - is, or is likely to be, persistent or continuing in nature;
 - is, or is likely to be, unreasonable; and
 - justifies the restrictions imposed.
6. The restrictions specified in a PSPO can be set by the Council; these can be blanket restrictions or requirements or can be targeted against certain behaviours by certain groups at certain times. They can restrict access to public rights of way where that route is being used to carry out anti-social behaviour.
7. Short-term PSPOs could be used where it is not certain that restrictions will have the desired effect, for instance, when closing a public right of way. At any point before expiry, the Council can extend a PSPO by up to three years if they consider that it is necessary to prevent the original behaviour from occurring or recurring.
8. The breach of a PSPO is a criminal offence; enforcement officers can issue a fixed penalty notice of up to £100 if appropriate, but a fine of up to £1,000 can be made on prosecution.
9. More than one restriction can be added to the same PSPO, meaning that a single PSPO can deal with a larger range of behaviours.

Enforcement

10. PSPOs can be enforced by council officers and police officers. Since the PSPO was made only one fixed penalty notice has been issued, although numerous written warnings have been issued to persons aggressively begging and sleeping in vehicles overnight. The Police also use the power to control street drinkers.

Home Office Guidance

11. Home office guidance advises against making orders that discriminate against homeless or young people. The existing Order mitigates against such discrimination by requiring officers to provide housing assistance before issuing a fixed penalty notice. The Order seeks to control behaviours, such as aggressive begging rather than targeting disadvantaged or vulnerable people. It should be recognised that people begging may have housing and are simply requesting financial income from the public, who may themselves be vulnerable.

Consultation

12. Despite extensive publicity there were disappointingly few public responses, 96 in total. This compares with 450 responses to the consultation carried out three years ago. Battle, Brightling, Brede and Camber Parish/Town Councils made detailed comments, which Members should carefully consider.

Proposed Controls in new PSPO (2A)

13. A number of options now present themselves, including:

Option 1-replicate previous PSPO and extend to Battle and Camber parishes

14. It is proposed that the new PSPO should replicate the existing PSPO (No 2) as these controls are already in place and therefore already having an effect on behaviour. In addition, these controls are supported by the public and the vast majority of Parish Councils.

Applying the control on aggressive begging and consumption of alcohol in public places to Battle and the control on consumption of alcohol in public places to Camber, as these controls were requested by the Parish Councils.

Option 2-Introduce new controls as requested by Parish Councils

15. New controls should not be introduced unless there is evidence that a problem exists to justify it, normally through the public consultation. However, Members can be guided by their own knowledge and the views of Parish and Town Councils. Members should consider the following new controls:
 - a. Battle Town Council proposed a control on wanton or dangerous cycling, hover boards, scooting, skating or skateboards on Battle High Street. Given the width of the pavement in the High street these activities could be simply prohibited.
 - b. Battle Town Council proposed a control on motorbike riding on public footpaths [and bridle ways] (with rights of way).
 - c. Brede Parish Council proposed controls on drones, swearing/shouting, amplified sound, cooking/fires and dangerous cycling to be included in the order for all public spaces throughout Rother.
 - d. Brightling Parish Council proposed that the inclusion of "the flying or preparation for flying of drones in a manner that causes or likely to cause harassment, alarm or distress to any person".
16. The PSPO procedure is relatively straightforward in allowing new controls to be added to existing Orders at any time in the next three years, if evidence to justify doing so arises. Members may therefore wish to defer a decision on applying these controls until next year.

Conclusion

17. It is recommended that a new PSPO (No 2A) is made replicating the PSPO (No. 2) and applying all controls to Battle and Camber parishes.

Financial

18. Contained within existing estimates.

Legal

19. Contained within report.

Crime and Disorder

20. An effective PSPO supports controlling crime and disorder in the district.

Risk Management

21. The Council may be criticised for not exercising its discretion to have a relevant and comprehensive PSPO. There is a right of appeal to the High Court.

Human Rights

Article 2: Right to life- not applicable

Article 3: Freedom from torture etc- not applicable

Article 4: Freedom from slavery and forced labour-not applicable

Article 5: Right to liberty and security-not applicable

Article 6: Right to a fair trial-complies

Article 7: No punishment without law-complies

Article 8: Respect for private and family life-not interfered with if recent encampment

Article 9: Freedom of thought, belief and religion-not affected

Article 10: Freedom of expression-not affected

Article 11: Freedom of assembly and association- not affected

Article 12: Right to marry-not affected

Article 14: Right to be free from discrimination-mitigated against

Protection of property: not applicable

Right to education: not applicable

Environment

22. A PSPO can be used to prevent damage to the local environment.

Equalities and Diversity

23. The safeguards incorporated in the existing PSPO (No2), namely the requirement to provide assistance to homeless persons, mean that all persons would be treated equally. There are no diversity concerns.

Other Implications	Applies?	Other Implications	Applies?
Access to Information	No	Exempt from publication	No
Report Contact Officer: Richard Parker-Harding			

Telephone Number:	01424 787551
e-mail address:	Richard.parker-harding@rother.gov.uk
Appendices:	A – Parish and Town Councils Consultation Responses B – Parish Councils and Public Consultation Responses
Relevant Previous Minutes:	CB21/30
Background Papers:	None
Reference Documents:	https://www.gov.uk/government/news/new-guidance-on-the-use-of-the-anti-social-behaviour-crime-and-policing-act-2014

Parish/Town Council responses

Parish	Control on alcohol consumption in public	Aggressive Begging	Sleeping in public place	Response-supports new PSPO?
Ashburnham and Penhurst			Applies	No
Battle	Requested	Requested	Applies	Yes
Beckley			Applies	Not required
Bexhill	Applies	Applies	Applies	Support PSPO for alcohol and aggressive begging but not the sleeping in a public place.
Bodiam			Applies	Yes
Brede			Applies	Yes
Brightling			Applies	No
Burwash			Applies	
Camber	Requested		Applies	Yes
Catsfield			Applies	
Crowhurst			Applies	
Dallington			Applies	Yes
East Guldeford			Applies	
Etchingham			Applies	Yes
Ewhurst			Applies	Yes
Fairlight			Applies	Yes
Guestling			Applies	Yes
Hurst Green			Applies	
Icklesham			Applies	Yes
Iden			Applies	Yes
Mountfield			Applies	Yes
Northiam			Applies	
Peasmarsh			Applies	Yes
Pett			Applies	Yes
Playden			Applies	Yes
Rye		Applies	Applies	Yes
Rye Foreign			Applies	
Salehurst and Roberstbridge			Applies	Yes
Sedlescombe			Applies	Yes
Ticehurst			Applies	
Udimore			Applies	
Westfield			Applies	Yes
Whatlington			Applies	Yes

Battle Town Council reported there was no problem with rough sleeping and had found the original order helpful for all three behaviours (public drinking, aggressive begging, rough sleeping). They wanted rough sleeping to continue to cover Battle and all of Rother. **They would prefer public drinking and aggressive begging to cover Battle as well because, although these activities are not currently carried**

out, the Councillors feel that they could be carried out.

Battle Town Council found none of the other suggested behaviours were a problem in Battle except the misuse of litter bins, which is a problem from time to time. The Town Council agreed the order would be helpful in addressing all of the anti-social behaviours. There was potential for any of the behaviours to cause harassment in the near future and Battle Town Council would welcome their inclusion in the PSPO for that reason.

Battle Town Council were aware of incidents of dangerous cycling on the pavements of the High Street in Battle. **Councillors would welcome the extension of the PSPO to include wanton or dangerous cycling, hover boards, scooting, skating or skateboards on Battle High Street.**

Battle Town Council also asked the council to consider adding to the order these other issues:

- Motorbikes and cars exceeding the decibel limits through the town centre.
- Driving cars and riding motorbikes round and round public car parks.
- Motorbike riding on public footpaths (rights of way).
- Leaving engines running while cars are parked/waiting.
- Discarding cigarettes in the street (as cigarette ends account for the majority of litter in Battle's main streets).

Officer comments: Given the width of the pavements in Battle High Street, it would be simpler to prohibit cycling etc. Noisy motorbikes and cars (including idling) are subject to the Road Vehicles (Construction and Use) Regulations 1986 and Highway Code enforced by the police. The Council would be unable to carry out any enforcement on the highway. Anti-social behaviour in car parks can be controlled by serving community protection notices on the registered keepers of identified vehicles. Discarding cigarettes is an offence. To throw down, drop or otherwise deposit and leave litter in any place open to the air, including private land, is a criminal offence under section 87 of the Environmental Protection Act 1990 (EPA), (as amended by the Clean Neighbourhoods and Environment Act 2005). Including such a control in the PSPO would not be a great benefit.

Brede Parish Council wanted drones, swearing/shouting, amplified sound, cooking/fires and dangerous cycling to be included in the order for all public spaces throughout Rother.

Brightling Parish Council replied that the inclusion of "the flying or preparation for flying of drones in a manner that causes or likely to cause harassment, alarm or distress to any person" would be welcomed by Brightling Parish Council. No other suggestions were relevant to the locality of Brightling.

Officer comments: Anti-social behaviour related to the flying of a drone can be controlled by serving a community protection notice on the operator of the drone.

Bexhill Town Council

It was RESOLVED not to support at PSPO for wanton cycling/scooters/skating.

Camber Parish Council asked for the following addition to the order due to issues that have arisen in the village.

- Drinking in public spaces – in particular on Jubilee Green and Johnsons Field. This leads to an accumulation of beer cans littering the area and bins being filled with the empty cans.
- Use of drugs in public spaces – in particular on Jubilee Green and Johnsons Field. There is an increasing use of cannabis in these areas which are designated as children's play areas and family picnic spots.
- Whilst drinking and use of drugs in Jubilee green and Johnsons Field has been a particular problem for the Parish Council as these are areas managed by them, there is also noted similar issues on the sea wall at Broomhill.
- The peddling of wares and busking in public areas. The 'setting up shop' on the sea wall or other areas to sell items to passers-by and setting up amplification from vehicles to busk in the village.
- Urinating and defecating in public - this has become a particular issue with the large number of visitors. People are using the dunes when they are on the beach and the gardens of the residents of Camber when visitors arrive or leave the village close to where they have found a parking space. Planted areas of Johnsons Field and Jubilee Green are also used as a toilet which is concern to the Parish Council as this is unpleasant for our litter picker/handyperson.
- Street vendors who do not appear to be licensed – in particular if selling food from vans which are not in an authorised position such as one of the car parks and not displaying any certification and if parked in laybys and overhanging the highway due to leaving space for people to queue. Also setting up of barbeques on the sea wall etc. to serve passers-by with food and alcohol.

Officer comments: These examples of anti-social behaviour are already offences, under existing legislation, enforced by the police, which means including controls within the PSPO would not have a great benefit, as it would be difficult for Council officers to enforce. It would be possible to introduce street trading controls, which could be referred to the Licensing and General Purposes Committee to consider, as it is not an executive function.

Rye Town Council had no additional comments and were happy with the current order.

Parish / Town Council and Public Consultation Responses

Received from

Bexhill – 72

Battle – 4

Rye – 10

Rural – 9

Other – 1

1. Control on alcohol consumption in public – Bexhill

In the last 12 months this was

Not a problem 36%

A bit of a problem 22%

A problem 20%

Total 42% said it was a problem

Don't know 8%, Don't visit 13%

PSPO control would be helpful

Helpful – 73%

A bit helpful – 10%

A bit unhelpful – 4%

Unhelpful – 2%

Don't know – 12%

Officer recommendation: This was supported by Bexhill Town Council. There is public support and as this control was included in the last Order it should be included in the proposed Order.

1A Public consumption of alcohol in public – Battle and Camber (proposed by Battle PC and Camber PC)

Officer recommendation: There were only 9 responses from rural areas this control should not be included in the proposed Order. However, as the Parish Councils requested this control, it should also apply to Bexhill and Camber.

2. Aggressive begging in Rye and Bexhill

In the last 12 months this was

No problem – 47%

A bit of a problem – 25%

A problem – 17%

42% said it was a problem

Don't know – 8%, Don't visit – 13%

PSPO control would be helpful

Helpful – 81%

A bit helpful – 9%

A bit unhelpful – 1%

Unhelpful – 4%

Don't know – 5%

Officer recommendation: This was supported by Bexhill and Rye Town Councils. There is public support and as this control was included in the last Order it should be included in the proposed Order. Battle Town Council requested the control.

3. Sleeping in Public Space – all of Rother

In the last 12 months this was

No problem – 39%

A bit of a problem – 25%

A problem – 25%

50% said it was a problem

Don't know 7%, Don't visit 4%

PSPO control would be helpful

Helpful – 71%

A bit helpful – 7%

A bit unhelpful – 7%

Unhelpful – 11%

Don't know – 4%

Officer recommendation: This control was supported by all Parish and Town Councils except Ashburnham and Penhurst, Bexhill and Brightling. We receive many complaints about people sleeping in camper vans, particularly on Bexhill seafront. There is public support and as this control was included in the last Order it should be included in the proposed Order.

4. New controls proposed

Taking off into flight (with wings, canopies with or without a motor) and landing from flight in a manner that causes or likely to cause harassment, alarm or distress to any person.

No problem – 51%, a problem – 19%

A control would help: 59%

Officer recommendation: There is no public support for this control, therefore this control should not be included until we have sufficient evidence that this control is required.

The flying or preparation for flying of drones in a manner that causes or likely to cause harassment, alarm or distress to any person.

No problem – 46%, a problem – 32%

A control would help: 69%

Officer recommendation: There is no public support for this control, therefore this control should not be included until we have sufficient evidence that this control is required.

Swearing or shouting in a manner that causes or likely to cause harassment, alarm or distress to any person.

No problem – 23%, a problem – 68%

A control would help: 84%

Officer recommendation: Although there is public support, given the low number of responses and as this would be a new control, this control should not be included until we have sufficient evidence that this control is required. It is an existing public order offence enforced by the police.

Producing or allowing the production of amplified sound on the beach, promenade or Town centre in a manner that causes or likely to cause harassment, alarm or distress to any person.

No problem – 32%, **a problem – 57%**
A control would help: 86%

Officer recommendation: Although there is public support, given the low number of responses and as this would be a new control, this control should not be included until we have sufficient evidence that this control is required.

Cooking or having fires (including BBQs) on the beach or other public place in a manner that causes or likely to cause harassment, alarm or distress to any person during or after the fire or BBQ.

No problem – 48%, a problem – 29%
A control would help: 74%

Officer recommendation: There is no public support for this control, therefore this control should not be included until we have sufficient evidence that this control is required.

Depositing domestic waste in bags or commercial waste in a litter bin or beside a litter bin.

No problem – 20%, **a problem – 68%**
A control would help: 85%

Officer recommendation: Although there is public support, given the low number of responses and as this would be a new control, this control should not be included until we have sufficient evidence that this control is required.

Dangerous Cycling/Skateboarding, etc. on Bexhill Promenade

Not a problem – 24%
A bit of a problem – 20%
62% said there is a problem
Do not visit – 14%

A control would be
Helpful – 66%
A bit helpful – 11%
A bit unhelpful – 3%
Unhelpful – 10%
Don't know 11%

Officer recommendation: This new control was not supported by Bexhill Town Council. Although there is public support, given the low number of responses and as this would be a new control, this control should not be included until we have

sufficient evidence that this control is required.

Information about respondents

Disabled – 14%

Not – 86%

No under 18s

18-29 – 2

30-49 – 13

50-64 – 30

65-79 – 46

80+ - 4

White British – 93%

White Other – 3%

Mixed White/Asian – 1

Mixed White/Black – 1

Other – 1

Male – 46%

Female – 54%

Rother District Council

Report to: Cabinet

Date: 13 December 2021

Title: New Community Infrastructure Levy Governance and the proposal for apportionment of Strategic Community Infrastructure Levy Funds

Report of: Ben Hook, Director – Place and Climate Change

Cabinet Member: Councillor Vine-Hall

Ward(s): All

Purpose of Report: To consider the recommendations arising from the Overview and Scrutiny Committee meeting held on 22 November 2021, regarding the new Community Infrastructure Levy Governance and the proposal for apportionment of Strategic Community Infrastructure Levy Funds. The report and recommendations arising are reproduced below and the Minutes of that meeting (Appendix 3) should be read in conjunction with this report.

Decision Type: Non-Key

Officer

Recommendation(s): **Recommendation to COUNCIL:** That:

- 1) the Strategic Community Infrastructure Levy Allocations Panel be established, with a composition of Councillors supported by officers;
- 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

It be **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.
-

Introduction

1. This is the fourth and anticipated final meeting of the Community Infrastructure Levy Steering Group (CILSG). The CILSG was set up consider the allocation and spending of the strategic Community Infrastructure Levy (CIL) money and report back to Cabinet.
2. At the first meeting on 24 July 2020, the scope and approach to the work of the CILSG was set out and Terms of Reference were agreed.
3. At the second and third meetings, the CILSG agreed the following resolutions:
5 Oct 2020 – It was resolved that:
 - A draft Infrastructure Funding Statement (IFS) be considered at the next meeting (an IFS is a requirement of the amended CIL regulations, which came into force on 1 September 2019).
 - No changes to the Council’s CIL Instalment Policy should be recommended (the Council’s CIL Instalment Policy was considered and compared with those of neighbouring authorities).
 - Officers should consider the Chairman’s proposals regarding CIL Governance Arrangements and the Funding Decision Protocol and reconsider the composition of the CIL Officer Group to include Members.
 - That a review of the Council’s CIL Charging Scheme be delayed subject to the outcome of the national consultation on the Government’s White Paper “Planning for the Future” and further detailed work had been undertaken to support the new Local Plan on future infrastructure needs to support development.
 - The CIL Officer should carry out a comparison exercise on how many how many projects (£) from Community Grant Scheme over the last two years could have been funded from CIL receipts and report the findings at the next meeting.

8 February 2021 – It was resolved that:

- The Strategic CIL Funding Apportionment Proposals be approved and presented at the next scheduled meeting of the CILSG for onward recommendation to Cabinet and full Council; and
- The composition of the proposed Strategic CIL Allocations Panel include Cabinet Portfolio Holders for Strategic Planning, Finance and Performance Management, Economic Development and Regeneration, Chairman of Overview and Scrutiny Committee and Chairman of the Council and supported by the Head of Strategy and Planning¹, Planning Policy Manager, Assistant Director Resources, Principal CIL Officer and Environment and Policy Manager.

¹ The Head of Strategy & Planning and Environment & Policy Manager posts no longer exist.

Strategic CIL Allocations Panel

4. On 8 February 2021, the CILSG agreed the composition of the Strategic CIL Allocations Panel. Since that meeting, there has been a Council restructure and the Head of Strategy and Planning and Environment and Policy Manager posts no longer exist. It is therefore proposed that the Director – Climate and Place be one of the officers advising the Panel.

Recommendation: That the CILSG resolve to recommend that the Strategic CIL Allocations Panel is set up, with a composition comprising: Cabinet Portfolio Holder for Strategic Planning; Cabinet Portfolio Holder for Finance and Performance Management; Cabinet Portfolio Holder for Economic Development and Regeneration; Chairman of Overview and Scrutiny Committee and Chairman of the Council.

That the Strategic CIL Allocations Panel be supported by the following officers in an advisory capacity: Director – Place and Climate Change; Planning Policy Manager; Assistant Director Resources; and the Principal CIL Officer.

Strategic CIL Funding Apportionment Proposal

5. An updated CIL Governance and Funding Decisions Protocol for the consideration and allocation of strategic CIL funding is attached at Appendix 1.
6. The Protocol outlines how the Council as the Charging Authority, will allocate the Strategic CIL, ensuring that the governance arrangements for this decision-making process are consistent and transparent.
7. There will be two main funds, the Rother Infrastructure Fund (RIF) (55% apportion) and the Infrastructure Matched Fund (IMF) (25% apportion). Both will be sub-divided into Bexhill and Rural sub-funds. Funds will be allocated to projects identified on the annual IFS and as prioritised by the Panel.
8. While all applications will be expected to respond to the Council's corporate aim to become carbon neutral by 2030, a Climate Emergency Bonus Fund (20% apportion) will specifically fund projects which specifically reduce Rother's carbon emissions. Funds could be allocated specifically from this pot, or as a bonus to fund greater carbon reductions (i.e. to fund what its often referred to as the 'green premium').
9. To accompany this protocol, the following documents have also been produced:
 - a) the *Application Form*, which sets out how applications for CIL funding will be accepted and processed,
 - b) the *Assessment Criteria* document which gives guidance to applicants and the Strategic CIL Allocations Panel on how applications will be considered; and
 - c) the *Application Validation Checklist* document which sets out the criteria in which applications for CIL will be validated.

Recommendation: That the CILSG resolve to recommend that strategic CIL funds are distributed by the Panel in accordance with the proposed CIL Governance and Funding Protocol.

The Council's CIL Instalment Policy

10. At the 5 October 2020 meeting, the CILSG considered a report by the Head of Strategy & Planning which set-out the differences between the current CIL positions at other local authorities in East Sussex and sought Members' views on whether amendments should be made to the Council's Instalment Policy (IP).
11. At that time, new regulations, temporarily in place during the time of COVID-19, (22 July 2020 – 31 July 2021) gave the Council discretion to defer CIL payments. It was concluded in October 2020 that as only one formal enquiry had been received and there was limited risk to the Council, no amendments were recommended to the Council's Instalment Policy at this time, however the Policy would be kept under review.
12. Since that time, deferrals were agreed for nine developments (mainly relating to large extensions or replacement dwellings). However, it is still the case that there remains little evidence that the current procedure is causing problems for existing planning applications.

Recommendation: That the CILSG resolve to recommend that the Council's Instalment Policy be maintained, but kept under review.

Review of the Council's Community Infrastructure Levy Charging Scheme

13. At the 5 October 2020 meeting, the CILSG considered whether the CIL Charging Scheme should be reviewed. It concluded that the review should be delayed subject to the outcome of the national consultation on the Government's White Paper "Planning for the Future" and further detailed work had been undertaken to support the new Local Plan on future infrastructure needs to support development.
14. Since that time, the Government has announced that it has 'paused' the White Paper. The review of the Local Plan continues.

Recommendation: That the CILSG resolve to recommend that a review of the Council's CIL Charging Scheme to 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. ;

CIL Steering Group – Terms of Reference

15. The Terms of Reference at Appendix 2 require the CILSG to create a governance structure; set thresholds for CIL spending; consider how strategic CIL could be re-distributed; and review the CIL charging framework. All of these tasks have been undertaken.

Recommendation: That the CILSG resolve to recommend that the CIL Steering Group is disbanded.

Conclusion

16. Members' are recommended to agree the five recommendations so that the new CIL Governance and funding decision protocol can be established and presented to Cabinet for approval and then to Full Council.

Financial Implications

17. While there is no time limit on the spending of Strategic CIL, there is an expectation that CIL monies will be spent on identified strategic infrastructure need.

Report Contact Officer:	Jeff Pyrah, Planning Policy Manager
e-mail address:	jeff.pyrah@rother.gov.uk
Appendices:	Appendix 1 – CIL Protocol Appendix 2 – Terms of Reference Appendix 3 – OSC Minutes 22.11.21
Relevant Previous Minutes:	None
Background Papers:	None
Reference Documents:	None

COMMUNITY INFRASTRUCTURE LEVY STEERING GROUP

TERMS OF REFERENCE

Aims

For the Steering Group to consider and make recommendations to Cabinet on how the Council's retained portion (Strategic) of the Community Infrastructure Levy (CIL) should be prioritised, as follows:

Scope & Objectives

Infrastructure Delivery

1. To review and propose revisions to the Infrastructure Delivery Plan (IDP)² to inform the forthcoming Infrastructure Funding Statement.
2. Consider how the Strategic CIL should be prioritised against the infrastructure priorities set out in the Infrastructure Delivery Plan, or a revised version of that plan, and to determine how or if Towns and Parishes can access the Strategic portion.

Governance

3. Set the Terms of Reference and procedure for assessing how the Strategic CIL should be allocated, including the membership of the Strategic CIL Decision Making Panel.
4. To consider how the Authority works with Towns and Parishes to optimise the use of CIL using the Strategic and local portion in-conjunction with the work to be carried out as part of the Infrastructure Delivery Plan

Thresholds for CIL Spending and interrelation with Community Grant funding

5. To consider the use of Strategic CIL spending thresholds and, if relevant, propose those spending thresholds
6. To consider how Strategic CIL interrelates with the Community Grant funding process.

Strategic CIL re-distribution

7. Consider if and how Strategic CIL could be allocated to areas where significant affordable housing is built but does not generate its own CIL.
8. Consider if and how Strategic CIL could be allocated to areas where housing is allocated or where it is not allocated.

Review of CIL charging framework

9. Consider, in the wider context of viability and the delivery of infrastructure within the District, whether there should be a review of the CIL charging schedule (which if a review is recommended will be required to be evidenced and subsequently be tested through an independent Examination process).

² This can only be completed once work has been undertaken with the infrastructure providers as part of the evidence base to support the Local Plan Update process

Approach

1. Review current methodology for allocating Strategic CIL and determining Strategic CIL funding applications.
2. Set out a detailed estimate of CIL to be collected based on existing development targets and potential future development scenarios ensuring calculations take into account affordable housing and self-build exemptions and developments which will not attract CIL where approval was gained before the introduction of CIL.
3. Collect evidence from other Local Planning Authorities in respect of their CIL bidding and allocation processes and decision-making approaches.
4. Consult broadly with Infrastructure providers, Towns and Parishes and other interested parties on proposed approaches to the allocation and use of CIL by way of written and verbal consultation.
5. Consider how Strategic CIL should be prioritised through the development of the revised Infrastructure Delivery Plan and Infrastructure Funding Statement.
6. Review the Strategic CIL Governance Arrangements, including seeking any appropriate legal advice, and propose the approach system for allocating/spending Strategic CIL payments across the District.

Timescales

Report back to Overview and Scrutiny Committee – November 2020.

Report back to Cabinet – December 2020.

Membership

4 Elected Members

The Leader, Deputy Leader, the Cabinet Member for Strategic Planning, the Cabinet Member for Regeneration.

Elected members will be voting members of the Steering Group.

The Chairman will be elected from amongst the 4 elected Members at the first meeting.

Meetings will require at least 3 elected members to attend to be quorate.

Officers

Head of Service Strategy and Planning, Planning Policy Manager and CIL Officer.

Additional input from other elected members, officers and outside representatives, as and when required.

Officers have no voting rights on the Steering Group.

Meetings

There will be at least four formal meetings of the Steering Group each year. Meetings will be open for the public to attend (non-speaking).

Minutes of the Overview and Scrutiny Committee Meeting – 22 November 2021**OSC21/32. NEW COMMUNITY INFRASTRUCTURE LEVY GOVERNANCE AND THE PROPOSALS FOR APPORTIONMENT STRATEGIC COMMUNITY INFRASTRUCTURE LEVY FUNDS**

It was agreed by the Chairman to vary the order of the Agenda and for Members to discuss Item 11 first.

The Cabinet Portfolio Holder for Strategic Planning and Chairman of the Community Infrastructure Levy Steering Group (CILSG) guided Members through the report of the Director – Place and Climate Change, which proposed the new Community Infrastructure Levy (CIL) Governance arrangements and proposals for apportionment of Strategic CIL funds. A CILSG had been established to consider the allocation and spending of the Strategic CIL funding. The CILSG had met four times and the report detailed what had been considered / discussed at each meeting.

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 recommended that the composition of the Strategic CIL Allocations Panel be the Cabinet Portfolio Holders for Strategic Planning, Finance and Performance Management, Economic Development and Regeneration, Chairman of the Overview and Scrutiny Committee and Chairman of the Council and would be supported by the Director – Place and Climate Change, Planning Policy Manager, Chief Finance Officer and Principal CIL Officer.

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

- parish and town councils with a Neighbourhood Plan could apply for 25% of CIL funding collected, those without, 15%;
- a Neighbourhood Plan would not be required to apply for funding from the Infrastructure Matched Fund;
- any party meeting the criteria of the scheme could apply for the Climate Emergency Bonus Fund;

- decisions of the Allocations Panel would be regularly scrutinised by the Overview and Scrutiny Committee and reported to the Audit and Standards Committee; and
- infrastructure priority requirements would be sought from the parish and town councils.

The Overview and Scrutiny Committee was supportive of the CILSG's recommendations.

RESOLVED: That Cabinet be requested to agree and recommend onwards to Full Council, where appropriate, that:

- 1) the Strategic Community Infrastructure Levy Allocations Panel be established, with a composition of Councillors supported by officers;
- 2) strategic Community Infrastructure Levy funds be distributed by the Panel in accordance with the proposed Community Infrastructure Levy Governance and Funding Protocol;
- 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);
- 4) 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;
- 5) the Community Infrastructure Levy Steering Group be disbanded; and
- 6) 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.

(Overview and Scrutiny Committee Agenda Item 11).

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ROTHER DISTRICT COUNCIL'S COMMUNITY INFRASTRUCTURE LEVY (CIL) GOVERNANCE ARRANGEMENT & FUNDING DECISION PROTOCOL

Introduction

1. This Protocol outlines how Rother District Council (RDC), as the Charging Authority, will allocate the Strategic CIL (see definition of Strategic CIL in paragraph 13); ensuring that the governance arrangements for this decision-making process are consistent and transparent.
2. Guidance is provided below on how the Charging Authority will engage with infrastructure providers, Towns and Parishes and make funding decisions. To accompany this protocol, the following documents have also been produced:
 - a) the *Application Form* sets out how applications for CIL funding will be accepted and processed (see Appendix A below);
 - b) the *Assessment Criteria* document which gives guidance to applicants and the Strategic CIL Allocations Panel on how applications will be considered (see Appendix B below); and
 - c) the *Application Validation Checklist* document which sets out the criteria in which applications for CIL will be validated (see Appendix C below).

Summary of the Process

3. Contact will be made with key infrastructure providers and Town and Parish Councils on an annual basis to identify and understand the infrastructure requirements across the district. The key infrastructure bodies to be contacted are identified in the Infrastructure Delivery Plan (currently on page 18 of the [Infrastructure Delivery Plan \(2019\), attached at appendix D](#)). This invitation for infrastructure projects to be considered will also be posted on Rother DC's website. An estimation of the likely amount of CIL funding available for the year ahead will also be identified to encourage representative applications.
4. RDC will compile a list of infrastructure priorities based on those submitted by Town and Parish Councils and infrastructure providers. This Infrastructure List will then be included within the Infrastructure Funding Statement (IFS) that will be published on the Council's website by the 31st December each year. The Infrastructure List will then be considered and prioritised by the Strategic CIL Allocations Panel and selected projects will be invited to apply for funding using the Application Form. The Charging Authority has developed an Assessment Criteria Document (Appendix B) to assist applicants and the Strategic CIL Allocations Panel in considering funding applications. These Assessment Criteria, which should be read alongside the Application Form, provide guidance on a question by question basis for applicants when preparing their funding application. The Assessment Criteria identify seven key areas of consideration;
 1. *The Strategic Case*
 2. *The Local Benefits Case*
 3. *Environmental/Climate Change Impacts*

4. *Equality and Fairness*
5. *Delivery*
6. *The Financial Case, and*
7. *Timescales*

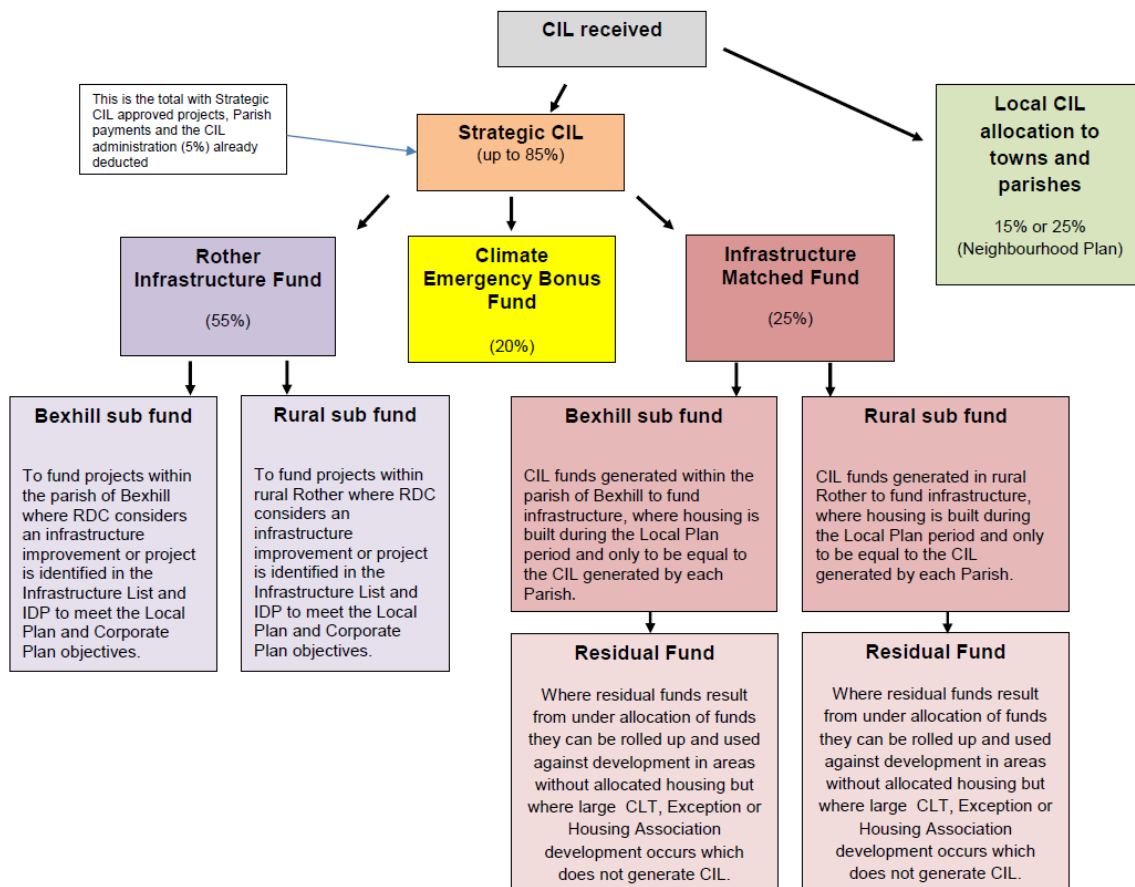
5. The CIL Officer will validate applications as and when they are received using the Validation Checklist (set out at Appendix C). This process is required to filter out applications which are incomplete or unsuitable. For example, applications where the application form has not been completed or has been completed incorrectly; proposals where the organisation applying does not have the legal right to deliver the proposed infrastructure; proposals which are clearly inconsistent with the aims of CIL or proposals which would have no benefit to the residents and visitors of the Rother District (please refer to the Validation Checklist for the full requirements).
6. For the applications which do not pass the validation stage, a written response will be provided to the applicant explaining why the application will not be considered and may suggest a revised submission for a future review.
7. Following the validation process, the CIL Officer will make an initial assessment of the applications and score them accordingly with proposals being made to the Strategic CIL Allocations Panel. These scores will then be circulated to the Panel prior to the Allocations meeting.
8. The decisions will be made in line with the Charging Authority's Assessment Criteria. The members of the Strategic CIL Allocations Panel will not be involved in submitting applications on behalf of their town or parish, to avoid any conflicts of interests.
9. Following the Strategic CIL Allocations Panel's decisions, the CIL Officer will contact the successful/unsuccessful applicants and where appropriate will provide feedback on the unsuccessful applications.

Strategic CIL Funding Apportionment

10. Strategic CIL (that which is retained by RDC) can be used to fund a wide range of infrastructure such as transport, flood defences, schools, hospitals and other health and social care facilities. However, charging authorities (RDC) may not use the levy to fund affordable housing. Local authorities must spend the levy on infrastructure needed to support the development of their area, and they will decide what infrastructure is needed¹ and this will be informed by the Infrastructure Delivery Plan (current [Infrastructure Delivery Plan \(IDP\) – March 2019](#)), subsequent reviews of the IDP and the Infrastructure List.
11. The diagram below illustrates how the Strategic CIL funds are sub-divided into four² specific allocation areas as follows:

¹ Paragraph 144 Reference ID: 25-144-20190901 - Planning Practice Guidance

² The Residual Fund as set out below will only be used if there are left over funds from the Distribution Fund



“Rural” – covers anywhere outside of the parish of Bexhill in the Rother district.

- Rother Infrastructure Fund** – 55% of the Strategic CIL will fund projects where RDC considers an infrastructure improvement or project is required to meet the adopted Local Plan objectives. Those selected from the Infrastructure List to apply for funding from the Rother Infrastructure Fund (RIF) will be required to demonstrate how their infrastructure scheme proposal meets the Local Plan and Corporate Plan objectives. The RIF will be split into two sub funds – one for Bexhill and one for rural Rother, each fund representing the actual CIL funds generated in those two areas and to fund infrastructure in each area. Allocation of funds to each area will be limited to the funds generated by each area, except in exceptional circumstances where the project would benefit the whole of Rother.
- Infrastructure Matched Fund** – 25% of the Strategic CIL will fund projects specific to individual Towns and Parishes of Rother and the amount requested from the Infrastructure Matched Fund (IMF) should be match-funded and can only be used in towns and parishes where housing is allocated and built, but also available where non-allocated sites of at least 6 houses are permitted and constructed, as the purpose of CIL is to fund substantive infrastructure that demonstrates it helps offsets the impact of new development. Those town and parish projects with a wider impact could receive a greater proportion of funding (up to 100%) from the IMF depending on whether and to what extent the project can truly demonstrate a wider infrastructure benefit. The IMF will also be split into two sub funds – one for Bexhill and one for rural Rother, each fund representing the actual CIL funds generated in those two areas and to fund infrastructure in both areas. Funding from the IMF is not automatic and is dependent on a parish or town having a prioritised infrastructure plan/list. Funding will need to be applied for by application.

- **Climate Emergency Bonus Fund** – 20% of Strategic CIL will support the Council’s commitment to be a carbon neutral district by 2030 as set out in the Environment Strategy (September 2020). While, the Council would expect all infrastructure proposals to consider and minimise their carbon emissions, the Climate Emergency Bonus Fund will provide additional funding where infrastructure projects can demonstrate that they will make a significant contribution to the reduction of carbon emissions or to the offsetting of carbon emissions. A project must specifically indicate in their application that they would like to claim the climate emergency bonus and set out how their project will achieve demonstrable carbon reductions / offsetting. It should be made clear what difference the ‘climate emergency bonus’ would make to their project and, where appropriate, what the bonus will allow them to do in addition to what is already proposed within their project. Those projects from either the RIF or IMF which demonstrate green credentials can also apply for “top-up” funding from this pot.
 - Where there are monies that have not been allocated from the IMF (over a given time period to be agreed), these monies will be transferred to a **Residual Fund (RF)**, which again will be split into two sub funds – one for Bexhill and one for rural Rother. It is proposed that these RF be apportioned for use in areas where large Community Land Trusts (CLTs), Exception Sites or solely Affordable Housing Schemes have been developed as these types of development are exempt from CIL. In addition, the RF may allocate monies that would normally be eligible for funding from the Community Grant Scheme (CGS) if they are considered within the Strategic CIL infrastructure definition and cannot be funded through Local CIL or other local funding sources (Public Works Loan Board (PWLB), parish or town reserves etc.). Funding applications can then be invited from these areas for infrastructure schemes for consideration by the Strategic CIL Allocations Panel.
12. Funding will only be allocated from either the RIF or IMF, with the opportunity to seek additional funding from the Climate Emergency Bonus Fund. RIF and IMF will only fund agreed and prioritised infrastructure projects, (see section on the Infrastructure List below) where funds have a high likelihood of coming forward. Firm commitments can only be made once CIL is received by the District Council. This is because RDC cannot take out loans to fund CIL projects. The minimum amount funded will be £30,000, which is the maximum grant awarded from the CGS. Funding applications for smaller projects may be more appropriately funded through alternative schemes such as the CGS, PWLB, through the Local CIL or the Residual Fund.

Infrastructure List

13. An Infrastructure List is a statement of the infrastructure projects or types of infrastructure which the charging authority intends will be, or may be, wholly or partly funded by CIL. This is a requirement of the [Infrastructure Funding Statement](#) (IFS) and is reviewed annually. At the time of publication of this document, the most up-to-date list of infrastructure requirements to support development identified through the Local Plan is set out in the [2019 IDP](#).
14. It is important to clearly identify what infrastructure is needed to deliver the development planned for by the Local Plan. Much of the infrastructure will be within the district boundary but other elements may cross boundaries, such as

High-Speed Rail and be deliverable by several providers and benefit development in more than one planning authority.

15. The IDP Schedule identifies infrastructure fundamental to the delivery of the objectives and spatial strategy of the Local Plan. It identifies both the infrastructure required to support the level and distribution of development proposed in the Local Plan and also those infrastructure improvements that are required to resolve existing deficiencies and promote sustainable communities.
16. Parish and town councils and infrastructure providers will be asked, on an annual basis, to provide a list of proposed infrastructure requirements to support development proposed through the Local Plan or where housing is built during the Local Plan period. This list should identify whether any identified infrastructure requirements proposed are of local impact only or can be demonstrated to have a wider strategic impact in Rother (e.g. building a local exercise facility might be local only, whereas road improvements on an “A” or “B” road may have a broader impact).
17. The priorities in the Infrastructure list will comprise of:
 - Long term maintenance/repair of Rother owned assets, where this is necessary to support development
 - New infrastructure to support development.
 - Projects with outside organisations where the projects are jointly funded, deliver a direct benefit and can be demonstrated to be necessary as a result of development.

Funding Considerations³

18. The Charging Authority must be satisfied that value for money is being achieved. All applications should contain quotations for the proposed works and provide evidence of any other funding sources. Strategic CIL funding is conditional upon this requirement and an application may fail the validation process if the Council is not satisfied that the scheme represents value for money.
19. The Charging Authority recognises that large-scale projects seeking funding that is greater than the current amount available for CIL may be an issue. However, greater weight can be given to well-prepared large-scale projects accompanied by a project plan evidencing how much CIL is needed and how much should be set aside over successive periods.
20. It should be noted that the value of CIL contributions available for the Strategic CIL Allocations Panel to allocate is difficult to forecast and is subject to deductions and exemptions. Furthermore, CIL contributions are dependent on the commencement of the chargeable development which is also difficult to predict. Therefore, the allocation of future funding will always be considered subject to availability.

³ This is to be read in conjunction with the Assessment Criteria

21. It must be reasonably demonstrated in applications that all other funding options have been explored. It is unlikely that CIL will be granted unless this can be demonstrated.
22. A scheme would not need to be located in the Rother District to qualify for funding. However, the proposal must demonstrate a clear strategic benefit to residents and/or visitors of Rother. The proposal would need to demonstrate a clear link between the proposed infrastructure and new housing or retail development in Rother.
23. The [CIL Regulations](#) state that funds must be spent on '*infrastructure necessary to support growth*'. Therefore, the Charging Authority is responsible for identifying infrastructure required to support strategic development and should avoid using CIL receipts to address the current insufficiencies in infrastructure provisions.

Scoring of Proposals

24. There is a total of 18 'scored' questions on the application form, alongside other questions which are for informative purposes only (such as the location of the proposed infrastructure). The maximum total of points which can be awarded per proposal is 52 points. The final score will fall into one of the following categories:

0 – 12: *Recommendation that no CIL is allocated*
13 – 33: *Allocation of CIL is a low priority*
40 – 52: *Allocation of CIL is a priority*

25. A proposal scoring 13 or above does not signal a guarantee of funding. The scoring guidance is for internal discussion purposes only and assists the Strategic CIL Allocations Panel in grading and prioritising proposals. Whether a project does, in fact, receive CIL funding will depend on the infrastructure priorities identified in the Infrastructure List and IDP, the application for funding being made and the amount of CIL available at that time.
26. The Charging Authority recognises that whilst it may wish to secure the delivery of all infrastructure items, prioritisation is required. The [Infrastructure Delivery Plan 2019](#) classifies infrastructure requirements into three categories; desirable, important or critical. The Strategic CIL Allocations Panel is advised to give extra weight to proposals that are considered important or critical.

IMMATERIAL	Proposal does not support development taking place and does not accord with the overall spatial strategy objectives.
DESIRABLE	The infrastructure proposed does not support significant development taking place but will facilitate the delivery of the overall spatial strategy objectives.
IMPORTANT	The infrastructure proposed is required to support the planned development as well as overall spatial strategy objectives but does not need to be prioritised.

CRITICAL

The infrastructure proposed is critical to the delivery of planned development as well as the overall spatial strategy objectives and should be identified as a priority at the appropriate stage in relation to the implementation of the Core Strategy.

Allocation of Funds

27. Approved CIL projects will be subject to a Funding Agreement that will need to be signed by both the Recipient and Funder (Charging Authority). It is not necessary for the Strategic CIL Allocations Panel to allocate the entire available spending balance at any one time. If schemes are not deemed important enough, the money shall not be allocated and reserved for schemes that are.
28. The release of funding payments will be agreed on a case by case basis; although payments of CIL will normally be made following the substantial completion of the works. The Charging Authority recognises that for larger projects instalments may be more appropriate, or on some occasions, may agree to upfront funding. However, all funding is conditional and subject to satisfactory works.
29. Following the allocation of funds, the CIL Officer will continue to liaise with the infrastructure providers to ensure that the projects are delivered. As per the Funding Agreement, the Charging Authority will require monitoring and reporting throughout the project, with a final report on completion.

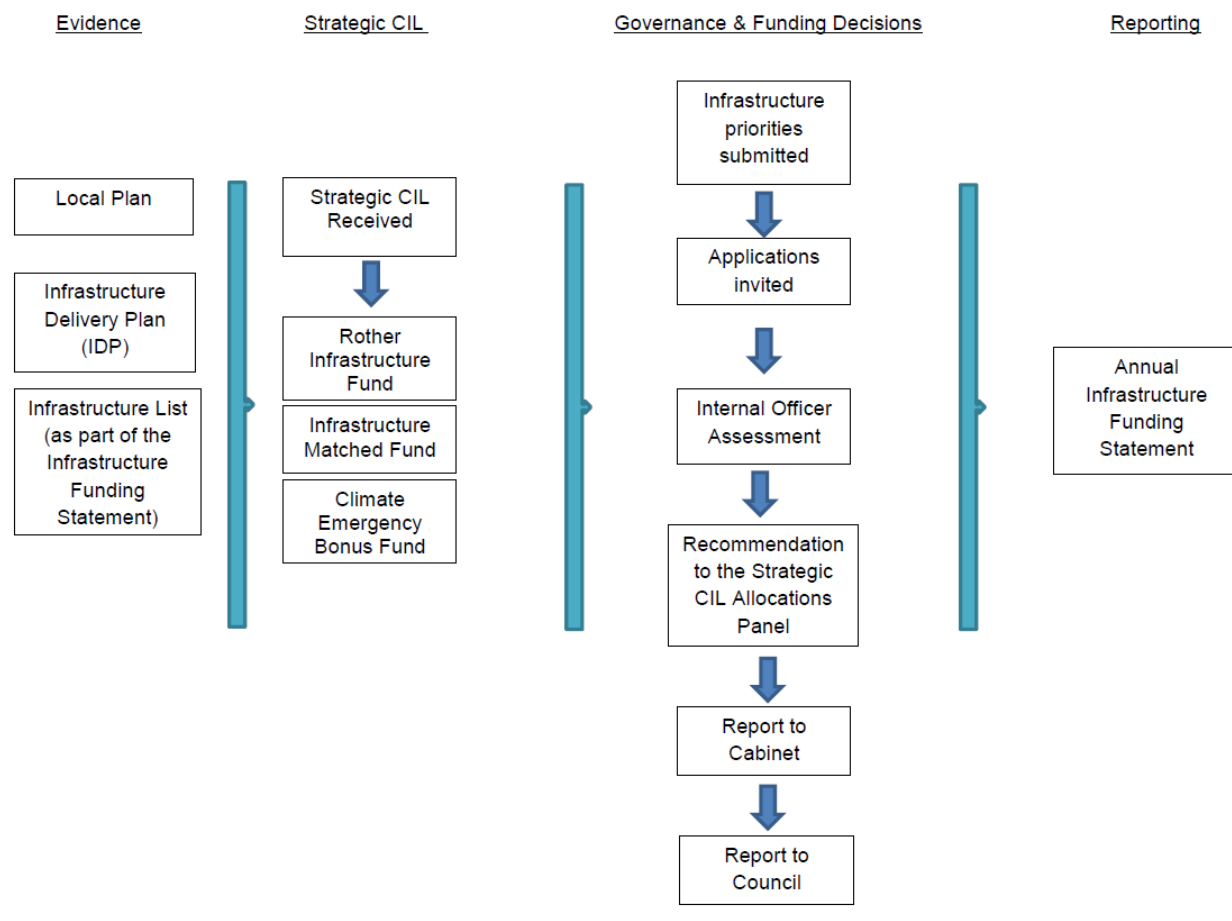
Annual Reporting

30. The regular infrastructure updates will feed into the annual Infrastructure Funding Statement, which will set out the income, expenditure and progress of the funded projects. The IFS will be approved by the Cabinet Portfolio Holder for Strategic Planning in liaison with the Cabinet Portfolio Holder for Finance and Performance Management and published on the Council's website before the 31st December each year to note the funded proposals and to approve the infrastructure priorities for the year ahead.

Application process

31. Figure 1 below sets out how evidence on infrastructure need is gathered, how Strategic CIL is allocated and awarded, and finally reported.

Figure 1



32. The table below summarises the annual process in relation to CIL governance and spending. This timetable runs from December – December each year.

Month	Funding Protocol Key Milestones	Other CIL Responsibilities
January	<ul style="list-style-type: none"> The Strategic CIL Allocations Panel will meet to discuss the Infrastructure List and shortlist infrastructure priorities/projects and recommend which ones should be invited to apply for funding. Shortlisted priorities/projects to be sent the application form and guidance pack. 	
March	<ul style="list-style-type: none"> Application forms to be returned. 	
April	<ul style="list-style-type: none"> CIL Officer to validate applications and check that all required information has been submitted. Strategic CIL Allocations Panel to meet and discuss applications and recommend which ones should receive Strategic CIL funding with onward recommendations to Cabinet. 	Local portion of the funds released (end of April)
May	<ul style="list-style-type: none"> Cabinet to consider the recommendations of the Strategic CIL Allocations Panel with onward recommendations to Council. 	

Month	Funding Protocol Key Milestones	Other CIL Responsibilities
June	<ul style="list-style-type: none"> • Council to consider the recommendations of Cabinet. 	
July	<ul style="list-style-type: none"> • Subject to sufficient Strategic CIL funds being available, further projects could be invited to apply for funding in agreement with the Strategic CIL Allocations Panel. • Shortlisted priorities/projects to be sent the application form and guidance pack. 	
September	<ul style="list-style-type: none"> • Application forms to be returned. 	
October	<ul style="list-style-type: none"> • CIL Officer to validate applications and check that all required information has been submitted. • Strategic CIL Allocations Panel to meet and discuss applications and recommend which ones should receive Strategic CIL funding with onward recommendations to Cabinet. • Contact made with Infrastructure providers and Town and Parish Councils to identify infrastructure priorities for the year ahead, which will form the Infrastructure List. 	Local portion of the funds released (end of October)
November	<ul style="list-style-type: none"> • Cabinet to consider the recommendations of the Strategic CIL Allocations Panel with onward recommendations to Council. 	
December	<ul style="list-style-type: none"> • Council to consider the recommendations of Cabinet. • Updates on all approved projects to feature in the annual IFS. 	Annual IFS to be published on the Council's website by end of December.

Successful projects will be required to enter into a Funding Agreement.

Review

33. In the event that there are significant changes proposed to this protocol, these will be presented to Cabinet for approval. It will not be necessary to seek Cabinet approval for minor or legislative changes. The Charging Authority continues to engage with other local authorities in relation to the implementation and spend of the Strategic CIL in the Rother District. The CIL Funding Decision Protocol and accompanying documents are not statutory documents and therefore have not been subject to a statutory consultation.

**For official use only**

Date received: _____

Received by: _____

CIL Pot: SP-B/SF-R/DF-B/DF-R/CC (delete as applicable)

Ref No: CIL/ _____

COMMUNITY INFRASTRUCTURE LEVY APPLICATION FORM

In order to help us process your application, please ensure:

- You read the Assessment Criteria before completing the application form.
- All questions are answered as fully as you can.
- Supporting information is submitted with your application, where relevant/requested.
- The declaration section at the end of the application form is completed and signed by an appropriate representative of the applicant group/organisation.

All applications and supporting information must be submitted to the CIL Officer.

If you have any queries about any part of the application, please contact the CIL Officer

at cil@rother.gov.uk.

Organisation

Name of organisation including any partners	
Key contact(s) and roles	
Postal address	
Phone Number	
Email Address	

Project Overview

Project name	
Brief project description (no more than 100 words)	
Location of proposed development (please provide a site location plan with the site edged in red)	
Amount of CIL Funding Requested	
Total cost of the project	

Strategic Case

No.	Question	Answer
1	Is the need for the scheme identified in any RDC adopted strategy or plan?	
2	How does the proposal demonstrate that it supports development of the area?	
3	What is the evidence of need for the proposed infrastructure?	
4	<p>Which pot is this application applicable to?</p> <p>(Choose either the RIF or IMF and Climate Emergency Bonus Fund if applicable)</p> <p>See Q4 in the Assessment Criteria section.</p>	<ul style="list-style-type: none"> • Rother Infrastructure Fund Bexhill, or Rural • Infrastructure Matched Fund Bexhill, or Rural • Climate Emergency Bonus Fund
5	<p>Type of infrastructure item being applied for?</p> <p>(Delete those that are not applicable)</p>	<ul style="list-style-type: none"> • Green infrastructure • Utilities • Transport • Community facilities • Education

		<ul style="list-style-type: none"> • Health • Emergency Services • Other (please specify): _____
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Local Benefits Case

6	What are the direct and indirect benefits of the proposal?	
7	Please provide details of any consultation undertaken with the community or other stakeholders.	

Environmental Impacts

8	<p>Will your project if implemented have a negative, positive or neutral environmental impact?</p> <p>(Delete those that are not applicable)</p> <p>If there is anticipated to be an impact, please detail the level and type of impact this will have on the environment.</p>	<ul style="list-style-type: none"> • Positive • Negative • Neutral
9	Please detail any mitigation measures which are to be used in the project to minimise any negative impacts to the environment?	

Equality and Fairness

10	With regard to the project, please explain how you have given consideration to the different needs of people and describe the steps that have been taken to minimise the potential for discrimination and maximise equality of opportunity.	
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Delivery

11	Are there any risks associated with the delivery of the scheme?	
12	What would be the implications of CIL funding not being available?	

Financial Case

13	Please provide a breakdown of the project costs and provide quotes to substantiate your figures where possible. Please outline the forecasted total cost of the project.	
14	Please provide a detailed summary of the total CIL funding required, including any payment phasing.	
15	Please indicate why CIL funding is being sought and outline the	

	source of any additional funding that has been secured or is being sought.	Present other funding secured in the following or similar format: <table border="1"> <tr> <td>Source</td> <td></td> </tr> <tr> <td>Amount</td> <td></td> </tr> <tr> <td>Conditions Attached</td> <td></td> </tr> <tr> <td>Use by Date</td> <td></td> </tr> <tr> <td>Funding Confirmed</td> <td></td> </tr> </table>	Source		Amount		Conditions Attached		Use by Date		Funding Confirmed	
Source												
Amount												
Conditions Attached												
Use by Date												
Funding Confirmed												

Time Scales

16	What is the delivery timescale for the project? Please outline key milestones.	
17	What are the on-going costs of the project, who is responsible for these and how have these been planned for?	

Please ensure that any supporting documentation is attached to the application form.

Declaration

I am authorised to submit this funding application on behalf of the organisation that I represent. To the best of my knowledge the information I have provided on this application form is correct. If circumstances change prior to this application being considered for CIL funding, the organisation that I represent will notify Rother District Council.

I confirm that all sections of the application form have been fully answered, and the following information will be provided with the application submission:

- evidence of the applicant groups constitution, where applicable
- evidence of consents/permissions obtained, where required
- quotes for project works
- evidence of other funding awards or applications submitted, where applicable
- any other relevant documentation to support the application proposal

Signed:

Position in applicant organisation: _____

Date: _____

Please submit the completed, signed form and any supporting documentation to the CIL Officer at cil@rother.gov.uk.

PRIVACY STATEMENT

The personal data collected on this form is necessary for processing your application for Community Infrastructure Levy (CIL) grant funding. This includes considering whether to grant the application and to ensure the effective management of CIL grant funding if approved.

If your application is unsuccessful then personal information will be retained for a period of up to 7 years after the application is refused. Your personal data shall then be deleted securely. If your application is successful then your data will be retained for the duration of the project applied for and for the full period in which the contract under which the monies are transferred is enforceable, and up to 7 years after the final CIL grant payment is made to the project. Your personal information will then be deleted securely.

Unless otherwise stated we will handle personal information in accordance with the Council's Privacy Policy, which can be found through our website at <https://www.rother.gov.uk/data-protection-and-foi/privacy-policy/>

ASSESSMENT CRITERIA

Before Rother District Council can reach a decision to release funds from the Strategic Community Infrastructure Levy, it needs to be able to consider a range of information. The table below sets out the criteria in which the information provided in the Application Form will be considered against.

Q	PRO-FORMA QUESTION	KEY CONSIDERATIONS
1	Is the need for the scheme identified in any RDC adopted strategy or plan? Up to 3pts available	Does the proposal have regard to any of the following? <ul style="list-style-type: none"> Is the proposal identified in the Infrastructure Delivery Plan (2019) or subsequent updates or the Infrastructure Funding Statement (Infrastructure List)? Does the proposal comply with the Core Strategy?
2	How does the proposal demonstrate that it supports development of the area? Up to 4pts available	The CIL Regulations state that funds must be spent on <i>'infrastructure necessary to support growth'</i> . The CIL should not be spent to remedy current insufficiencies in infrastructure provision unless those insufficiencies will intensify through new development. Proposals will score high if the project unlocks sites to enable development and is a catalyst for further development. It may be that the project enables other projects to come forward. <u>Things to consider</u> <ul style="list-style-type: none"> Does the proposal meet the CIL Guidance? How does the proposal reflect the aims of CIL in so far as it helps bring forward development in the area? For example, a new access road may unlock a development site which can provide housing for the area. Is the investment required to enable or mitigate the impacts of growth? Are there any secondary effects such as increasing foot fall to local shops or shortens journey times?
3	What is the evidence of need for the proposed infrastructure? Up to 2 pts available	Does the proposal relate to any published strategies that your own organisation has in place? Proposals will score higher if the infrastructure is programmed into the organisation's infrastructure plan.
4	Which pot is this application applicable to? +1pt if applicable to one of the pots. +1pt if also applicable to the Climate Emergency Bonus Fund.	Does the proposal fit into any of the 3 funding pots? <ul style="list-style-type: none"> Rother Infrastructure Fund (RIF) – can you demonstrate how the infrastructure scheme proposal meets the Local Plan and Corporate Plan objectives, and is it identified as critical infrastructure in the IDP? The RIF is split into two sub funds – one for Bexhill and one for rural Rother, each fund representing the actual CIL funds generated in those two areas and to fund infrastructure in each area. Infrastructure Matched Fund (IMF) - the amount requested from the DF should be match-funded and can only be used in towns and parishes where housing is permitted and built with priority given to sites allocated in

		<p>the Local Plan, as the purpose of CIL is to offset the impact of development. In addition, those projects with a wider impact could be funded by up to 100% from the IMF depending on whether and to what extent the project can truly demonstrate a wider infrastructure impact. The IMF will also be split into two sub funds – one for Bexhill and one for rural Rother, each fund representing the actual CIL funds generated in those two areas and to fund infrastructure in both areas. Funding from the IMF is not automatic and is dependent on a parish or town having a prioritised Infrastructure Plan.</p> <ul style="list-style-type: none"> Climate Emergency Bonus Fund - In September 2019, RDC declared a climate emergency. It adopted an Environment Strategy in September 2020 and has committed to become a carbon neutral organisation and district by 2030. Can the project make a significant contribution to the reduction of carbon emissions or to the offsetting of carbon emissions and what will the bonus allow the project to do in addition to what is already proposed by the project, for example by meeting any of the carbon reduction outcomes listed in Appendix E? Please demonstrate in your submission how the proposal meets Environment Strategy's vision and pledges.
5	<p>Type of infrastructure being applied for?</p> <p>+1pt if match made</p>	<p>Does this meet the definition of infrastructure as categorised by the CIL Planning Practice Guidance?</p>
6	<p>What are the direct and indirect benefits of the proposal?</p> <p>Up to 4pts available</p>	<p>Proposals that score highly will have a profound positive effect on a wide range of users.</p> <p>A scheme would not need to be located in the Rother District to qualify for funding. However, the proposal must demonstrate a clear strategic benefit to residents and/or visitors of Rother.</p> <p>Things to consider:</p> <ul style="list-style-type: none"> Would the project lead to any income generation? Does the project cover more than one Charging Authority and will the infrastructure serve areas beyond the local area, including neighbouring boroughs? Does the proposal offer wider as well as local benefits? Are there any indirect benefits? For example, a new leisure facility would provide a direct benefit to the community. However, an indirect benefit may be that obesity rates in the locality reduce.
7	<p>Please provide details of any consultation undertaken with the community or other stakeholders.</p> <p>Up to 3pts available</p>	<p>Proposals will score high if a range of consultation techniques have been used involving a wide range of stakeholders and end users over a sustained period of time and evidence demonstrates engagement has helped build consensus and identifying the needs of the community.</p> <p>Things to consider:</p>

		<ul style="list-style-type: none"> Is there community support/objection to this project? Provide evidence of any petitions, campaigns, fundraising initiatives, consultation responses, community engagement techniques, letters of support etc. How have any groups with 'protected characteristics' been consulted (see question 10)?
8	<p>Will your project, if implemented have a negative, positive or neutral environmental impact?</p> <p>Up to 5pts (positive and negative available)</p> <p>If there is anticipated to be an impact, please detail the level and type of impact this will have on the environment.</p>	<p>The Climate Emergency is an issue that affects each and every one of us and it is vital that we all play a part in addressing it. All projects will be expected to demonstrate how they respond, regardless of whether they are seeking additional funding from the Climate Emergency Fund.</p> <p>Negative impact examples could include:</p> <ul style="list-style-type: none"> Increase in carbon emissions, reducing green space, etc <p>Positive impacts could include:</p> <p>Improving air quality, biodiversity net gain, reducing carbon emissions and improving climate resilience (see Appendix E) etc</p>
9	<p>Please detail any mitigation measures which are to be used in the project to minimise any negative impacts to the environment?</p> <p>Up to 2 pts available</p>	<p>Examples of this could include:</p> <ul style="list-style-type: none"> Electric Vehicles Renewable energy sources Recycled products, etc
10	<p>With regard to the project, please explain how you have given consideration to the different needs of people and describe the steps that have been taken to minimise the potential for discrimination and maximise equality of opportunity.</p> <p>Up to 4 pts available</p>	<p>The Public Sector equality duty covers the following protected characteristics age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.</p> <p>The purpose of identifying equalities issues and assessing the impact is to help make sure that the project reflects the needs of the all sections of the community.</p> <p>Proposals will score high if all opportunities to promote equality have been taken and no potential for discrimination or adverse impact to equality or missed opportunities have been identified.</p> <p>Things to consider:</p> <ul style="list-style-type: none"> Identify which groups will be affected by the proposal. Identify any positive/negative impacts for the 'protected' groups? Are any 'protected' groups more affected by the proposal than others, is so why? <p>How can any negative impacts be mitigated?</p>
11	Are there any risks	List the key risks involved in running the project and how

	<p>associated with the delivery of the scheme and how they are mitigated?</p> <p>Up to 5pts available</p>	<p>those risks will be managed. Proposals will be awarded greater weight if there is a strong certainty of delivery, costs identified, funding in place planning approved (where relevant) and political and community support for the proposal.</p> <p>Things to consider:</p> <ul style="list-style-type: none"> • Are there any physical and environmental impacts (e.g. flood risk, contamination, biodiversity, noise, etc.) that need to be mitigated? • Is the project dependent on other projects going ahead? • Has a risk assessment been carried out? • Does the proposal require any land to be secured? Are there any ownership, acquisition or compulsory purchase order issues? • Will the proposal require planning permission or any other statutory approvals or licenses? If so, has advice been obtained?
12	<p>What would be the risks if CIL funding not being available?</p> <p>Up to 2 pts available</p>	<p>Where it can be satisfactorily demonstrated that the infrastructure would not otherwise be delivered unless CIL funding can be secured and the absence of CIL will cause significant risks, the proposal will score high.</p> <p>Things to consider:</p> <ul style="list-style-type: none"> • Would investment reduce on-going costs placed on the council and local community in the long-term? • What would be the impact if investment was delayed (additional cost)?
13	<p>Please provide a breakdown of the project costs and provide quotes to substantiate your figures where possible. Please outline the forecasted total cost of the project.</p> <p>Up to 3pts available</p>	<p>The Charging Authority must be satisfied that value for money is being achieved. It is therefore advised that all applications should contain more than one quote for the proposed works. CIL funding is conditional upon this requirement. Projects which are accompanied by a detailed cost plan will be awarded greater weight as it demonstrates that the project has been fully researched and considered.</p>
14	<p>Please provide a detailed summary of the total CIL funding required, including phasing.</p> <p>Up to 3 pts available</p>	<p>The charging authority recognises that large scale projects seeking funding that is greater than the current amount available for CIL may be an issue. However, greater weight can be given to well-prepared large-scale projects accompanied by a project plan evidencing how much CIL is needed and how much should be set aside over successive plan periods.</p>
15	<p>Please indicate why CIL funding is being sought and outline the source of any additional funding that has been secured or is being sought.</p> <p>Up to 3 pts available</p>	<p>It must be reasonably demonstrated that all other funding options have been explored. It is unlikely that CIL will be granted unless this can be demonstrated. Greater weight will be given to proposals which are only partly reliant on CIL and the majority of funding has been secured.</p> <p>Things to consider:</p> <ul style="list-style-type: none"> • What other sources of funding have been considered

		<p>and applied for. Please highlight or explain where other possible funding sources have been considered insufficient.</p> <ul style="list-style-type: none"> • Is the proposal expected to see any Section 106 funding? • Is there a remaining funding shortfall? If so, how much? How will the shortfalls in funding be met?
16	<p>What is the delivery timescale for the project? Please outline key milestones.</p>	<p>Please outline whether the scheme is:</p> <ul style="list-style-type: none"> a) Short term – within five years +3 pts b) Medium term – between five to 10 years +2 pts c) Long term – more than 10 years +1pt
17	<p>What are the on-going costs of the project, who is responsible for these and how have these been planned for?</p> <p>Up to 3 pts available</p>	<p>Things to consider:</p> <ul style="list-style-type: none"> • Can on-going costs be covered by warranties? • Are on-going costs covered by another organisation? • Does the proposed infrastructure provide opportunities to generate income to meet the future costs?

Max 52 points available

VALIDATION CHECKLIST

To be completed by Community Infrastructure Levy Officer.

	REQUIREMENT	PROVIDED
1	The project has been shortlisted from the Infrastructure List or IDP.	
2	Application form completed, including a response to each question.	
3	The organisation applying has the legal right to deliver the proposed infrastructure.	
4	The proposal meets the requirements to be eligible for CIL funding.	
5	The proposal would not duplicate funding secured through Section 106.	
6	Scheme has a total value which exceeds £30,000.	
7	Quotes for the proposed works have been submitted.	
8	Site location plan with line edged in red for the location of the proposed scheme is provided.	
9	<p>Evidence has been provided which demonstrates the seven key areas of assessment have been considered in full:</p> <ol style="list-style-type: none"> 1. <i>The Strategic Case</i> 2. <i>The Local Benefits Case</i> 3. <i>Environmental Impacts</i> 4. <i>Equality and Fairness</i> 5. <i>Delivery</i> 6. <i>The Financial Case, and</i> 7. <i>Timescales</i> 	

Identification of key Infrastructure Sectors

Sector	Infrastructure Type	Lead Body ³
Transport	Road Network Rail Network Public Transport Cycling and Walking Infrastructure	East Sussex County Council Highways England Sustrans Network Rail Train operating companies Bus operating companies Community Transport operators
Community Infrastructure	Community, Arts, Culture and Leisure Adult Social Care and Supported Accommodation Libraries Cemeteries and Places of Worship	Rother District Council East Sussex County Council Parish Councils
Education	Nursery Education Primary and Secondary Education Further and Higher Education	East Sussex County Council Further Education Colleges
Health	Health Care (Acute Care and General Hospitals, Psychiatric Hospitals, Primary Care Services and Ambulance Services)	NHS Sussex Hastings and Rother Clinical Commissioning Group (CCG)
Environment	Management of watercourses and waterbodies Water quality Designated sites	Environment Agency East Sussex County Council Rother District Council Neighbouring Authorities
Green Infrastructure	Sports Centres and Pitches Parks, Open Space and Play Areas	East Sussex County Council Rother District Council High Weald AONB Joint Advisory Committee
Flood Defence	Flood defences	Environment Agency East Sussex County Council Rother District Council
Utility Services	Water and Waste Water Energy Supply (gas, electricity and renewable energy) Telecommunications Waste Management	Southern Water South East Water National Grid UK Power Networks Southern Gas Networks East Sussex County Council
Emergency Services	Police Service Fire Service Ambulance Service	East Sussex Fire and Rescue Service Sussex Police South East Coast Ambulance Services

How does the project proposal make a significant contribution to the reduction of carbon emissions or to the offsetting of carbon emissions?

Carbon Neutral Outcomes	What does this mean in simple terms?	Project Example (this list is not exhaustive)
Reduce carbon emissions from commercial, industrial and public sector organisations, and promote a circular economy	A 'circular economy' is where materials are kept in circulation as long as possible to minimise resource extraction – this includes recycling, reuse and the use of recycled content in new products.	Reuse of an existing building, rather than building a new one, to provide access to services locally.
Help Rother households reduce their carbon footprint and make more sustainable choices	Reductions in energy usage or embedded energy content, particularly household utilities and goods purchased.	Creation of community allotments for a local food growing scheme.
Reduce emissions from transportation including people and goods	Reduce travel miles whenever possible, and switch to low carbon alternatives when not.	New pedestrian and cycle paths to improve links around and to town centres and into the countryside.
Expansion of renewable energy	Increase the amount of energy that is produced from renewable sources.	Installation of a district heating system.
Climate resilient communities, landscapes and infrastructure	Improving the community's ability to withstand the expected effects of climate change, including rising sea levels and more frequent extreme weather events.	Installation of flood defences in a coastal community; Adaptation of community buildings to facilitate multi-use functions such as improved access to facilities, health services or work space.
Increase carbon drawdown through natural and engineered climate solutions	Actively reducing carbon dioxide levels in the atmosphere by removing and sequestering.	Creation of new or improvement of existing areas of woodland to enhance carbon drawdown from the atmosphere.

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Rother District Council

Report to:	Cabinet
Date:	13 December 2021
Title:	Performance Report: Second Quarter 2021/22
Report of:	Director – Place and Climate Change
Cabinet Member:	Councillor Dixon
Ward(s):	All
Purpose of Report:	To consider the recommendations arising from the Overview and Scrutiny Committee meeting held on 22 November 2021, regarding the Performance Report: Second Quarter 2021/22. The report and recommendations arising are reproduced below and the Minutes of that meeting (Appendix F) should be read in conjunction with this report.
Decision Type:	Non-Key
Officer Recommendation(s):	It be RESOLVED : That suitable Council-owned sites to accommodate pre-fabricated buildings to be used as temporary accommodation, be further explored.





































Introduction





- For the financial year 2021/22, Members of the Overview and Scrutiny Committee (OSC) and Cabinet selected a set of 13 key performance indicators (KPIs). These indicators stand as a barometer of the delivery of the Councils' Corporate Plan and those service areas that Members wish to scrutinise over the year, as agreed by Cabinet on 24 May 2021.
- For the 2021/22 financial year, the focus has been set on five themes:
 - Housing and Communities: to monitor delivery of the Housing and Homelessness and Rough Sleeping Strategy.
 - Economic Development and Poverty: to monitor the impact of the pandemic on household incomes, council tax and business rates collection.
 - Waste Collection: to monitor the proportion of household waste collected that is sent for reuse, composting and recycling.
 - Additional Income: to monitor significant non-tax income as a part of the Council's revenue streams.
 - Planning processing: to monitor the processing times of applications.
- This report is a summary of the Council's performance against the five themes at the end of the second financial quarter (1 July 2021 to 30 September 2021). The report gives Members an opportunity to scrutinise the progress

towards the Council's stated aims, outcomes and actions in the Corporate Plan and makes any necessary recommendations to Cabinet for future service delivery.

Overview

4. A summary of the KPI performance is set out in the table below. Performance is compared to the previous quarter result and to the same quarter the previous year.

Housing & Communities	Status	Compared to same quarter previous year	Compared to previous measurement
Number of all households in temporary accommodation			
Average weeks in temporary accommodation			
Number of households on the housing register			
Net additional homes provided (supply target)			
Number of affordable homes delivered (gross) (supply target)			
Economic Development and Poverty	Status	Compared to same quarter previous year	Compared to previous measurement
Number of Council Tax reduction claimants			
Council Tax collection rates (income received as a % of collectable debit)			<i>Not comparable</i>
Business Rates collection rates (income received as a % of collectable debit)			<i>Not comparable</i>
Waste Collection	Status	Compared to same quarter previous year	Compared to previous measurement
ESCC Waste re-used, composted and recycled (reported one quarter in arrears)			
Additional Income	Status	Compared to same quarter previous year	Compared to previous measurement
Net income from all investment assets			
Additional income generation		<i>New indicator 2021/22</i>	
Planning Processing	Status	Compared to same quarter previous year	Compared to previous measurement
Major applications: days to process			
Minor applications: days to process			

PI Status		Long Term Trends		Short Term Trends	
	Alert		Improving		Improving
	Warning		No Change		No Change
	OK		Getting Worse		Getting Worse
	Unknown				

5. The tables of performance and explanation accompanying each of the five themes can be found at Appendices A, B, C, D and E.

Indicators by Exception

6. Members requested to have reported, by exception, any other performance that is doing significantly better or significantly worse than its target set. For this quarter there is nothing further to report.

Conclusion

7. This report sets our performance against the agreed key performance indicators for the five themes for the second quarter of 2021/22.
8. Members are requested to consider performance against targets or forecasts and pass any additional recommendations for action to Cabinet for consideration.

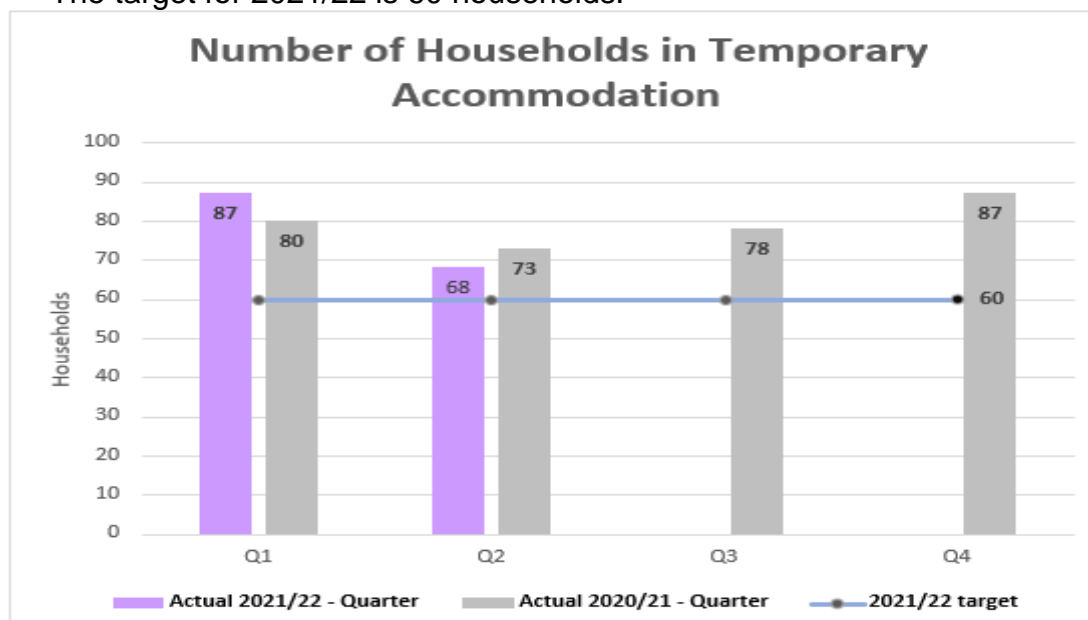
Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	Consultation	No
Environmental	No	Access to Information	No
Risk Management	Yes	Exempt from publication	No

Chief Executive:	Malcolm Johnston
Report Contact Officer:	Joanne Wright
e-mail address:	joanne.wright@rother.gov.uk
Appendices:	A – Housing & Homelessness B – Economic Development and Poverty C – Waste Collection D – Additional Income E – Planning Processing F – OSC Minutes 22.11.21
Relevant previous Minutes:	CB21/7

HOUSING & COMMUNITIES

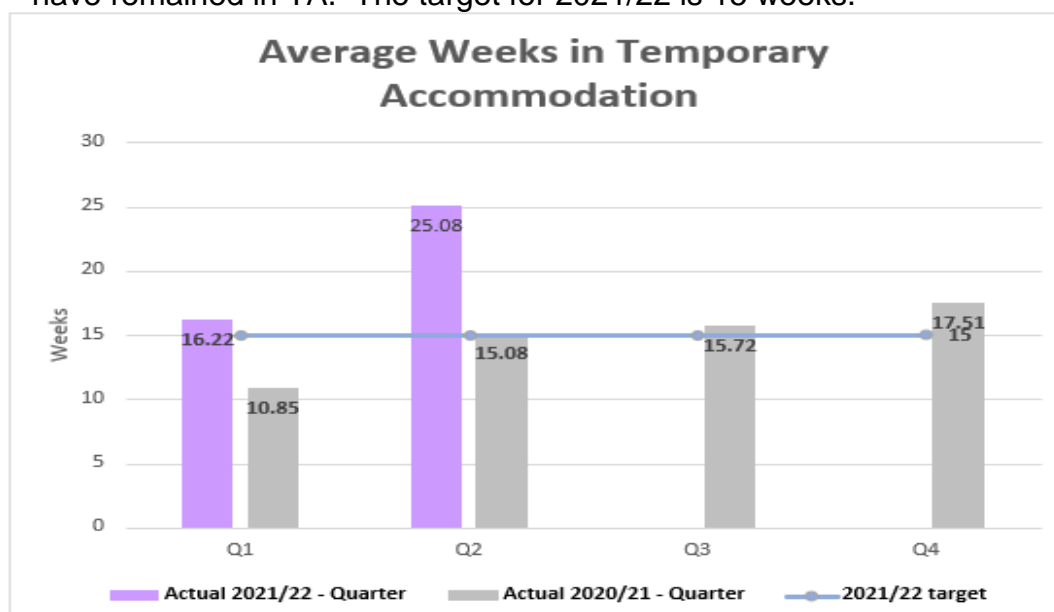
Number of all Households in Temporary Accommodation

1. This measurement is the number of households that the Council has placed in temporary accommodation (TA) on the last day of the month. Mainly these are households either accepted as homeless and waiting for a home or are waiting for a decision on their application for homelessness.
2. The target for 2021/22 is 60 households.



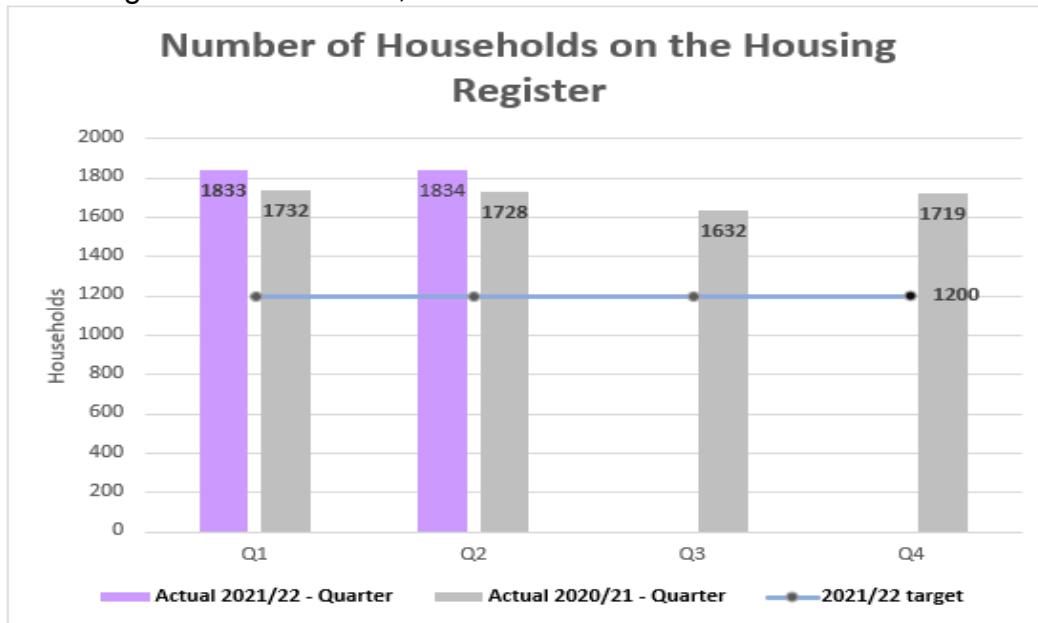
Average Weeks in Temporary Accommodation

3. This measurement is the average number of weeks that households in TA have remained in TA. The target for 2021/22 is 15 weeks.



Number of Households on the Housing Register

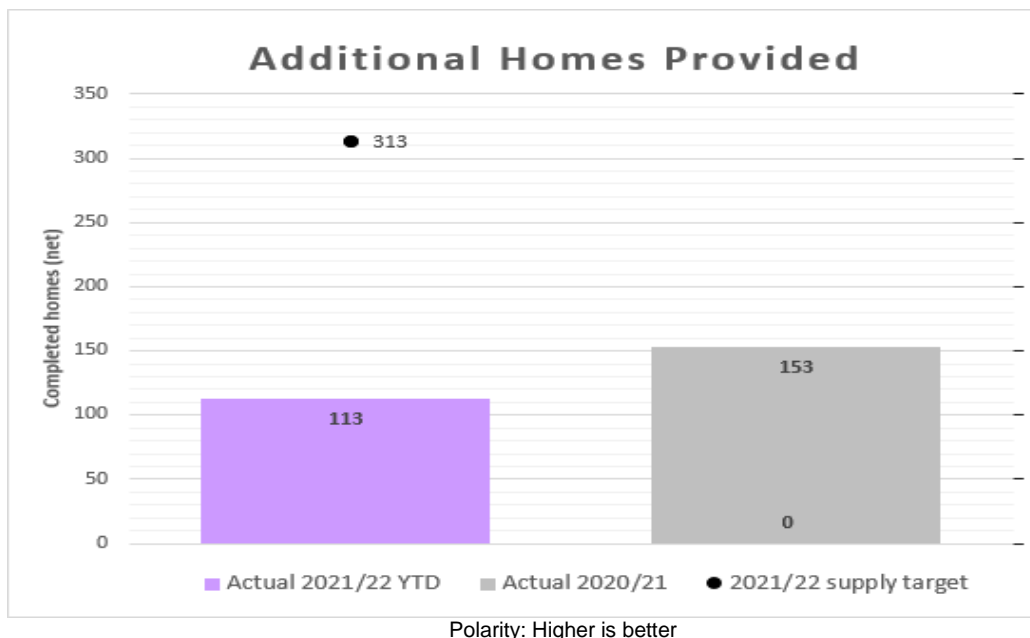
4. This measurement is the number of households on the housing register on the last day of the month when measured. This list covers all households who meet the criteria to be able to join the register.
5. The target for 2021/22 is 1,200 households.



Polarity: Lower is better

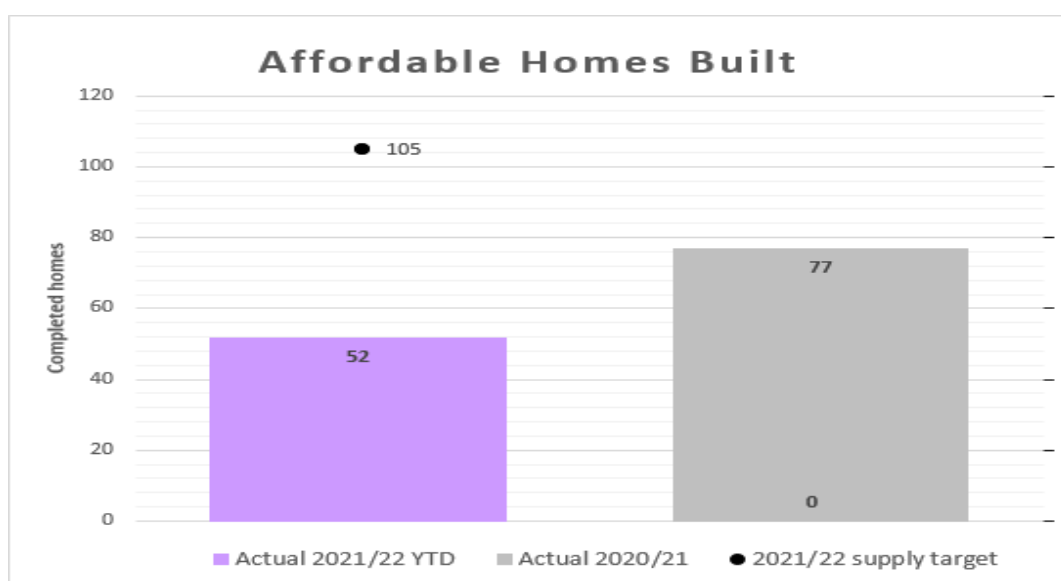
Additional Homes Provided

6. This measurement counts the number of all new homes in Rother, allowing for demolitions and change of use to give a net gain. This measurement monitors the delivery of the Corporate Plan outcomes to manage spatial development and the provision of affordable and decent housing stock.
7. This indicator has two targets: the supply target and the Local Plan target. The supply target is based on the projected delivery for the year, as set out in the April 2020 Housing Land Supply and Trajectory report. The supply target is 313 new homes for 21/22.
8. As the Core Strategy is now more than 5 years old, the Local Plan target is now based on the standard method for assessing Local Housing Need. As of April 2020, the annual Local Plan target is 736. It should be noted that this figure does not include the 20% buffer which is required to be included within the Council's five-year housing land supply position calculations.



Affordable Homes Built

9. This measurement is the gross number of new affordable homes that have been completed in the district. By completed we mean that the home has been built and handed over from the developer to the provider for occupation by a tenant or purchaser. The home may not yet be occupied. This measurement monitors the delivery of the Corporate Plan outcome for affordable and decent housing stock, specifically the action to support the development of affordable accommodation.
10. The indicator has two targets: the supply target and the Local Plan target. The supply target is based on anticipated delivery from planned sites that we knew about at the time of setting the target. The supply target is 105 affordable new homes for 2021/22. The Local Plan target is based on local housing need set out in the Local Plan and is set at 121 new affordable homes by the end of 2021/22.



Housing & Communities Summary

11. We have begun to see a reduction in TA placements. The reduction is an indicator of the success of improvements to internal processes as well as a renewed focus on staff training under a new management structure. The increased average length of stay in TA can be attributed to a lack of move on accommodation for our most difficult to house households. The situation is exacerbated by challenges associated with COVID-19, and a lack of move on accommodation both the private and social housing sectors.
12. We have seen an increase in property owners no longer willing to let their properties and wishing to sell to maximise their income in these uncertain times. We are continuing to engage local agents and small portfolio holders to adapt and adjust our landlord incentives within the Rother Tenant Finder. We have begun to see more successes as a result of this engagement, something that is reflected in the reduced number of TA placements. We also hope to begin leasing properties in the new year and provide more affordable accommodation that is safe and well managed.
13. We are continuing to have offers accepted on properties for our own TA following the additional investment approved by Cabinet in recent months; our TA ownership and Housing First properties currently stands at 10 properties.
14. Re-assessments for those on the Housing Register has commenced, with estimates of re-assessing all those who complete the paperwork within 20 weeks. It is expected that the new Allocations Policy will go live in the new year.
15. The net increase in homes in Rother is 113. This is an addition of 49 new homes on the second quarter alone. There were 64 new homes in the first quarter. This means that in the first two quarters we have 74% of the total new homes built over all of the previous financial year. Figures remain an estimate at this stage.
16. There were 29 affordable homes handed over during Q2 of 2021/22 compared to 23 in Q1. These were delivered across 3 sites in Bexhill and Battle and were made up of both affordable rent and shared ownership properties. A good range of property sizes were delivered in the previous quarter from 1 bedroom flats up to 4 bedroom houses. Of the 29 affordable homes handed over, 15 were for Affordable Rent and 14 were for Shared Ownership.
17. Breakdown of sites delivering during Q2 2021/22:

Mount View St, Bexhill: 10 units. All affordable rent. 5 x 1 bedroom, 5 x 2 bedrooms (Orbit).

Barnhorn Rd, Rosewood Park, Bexhill: 7 units. 5 affordable rent: 2 x 1 bedroom; 2 x 2 bedrooms; 1 x 4 bedrooms. 2 shared ownership: 2 x 2 bedrooms (Optivo).

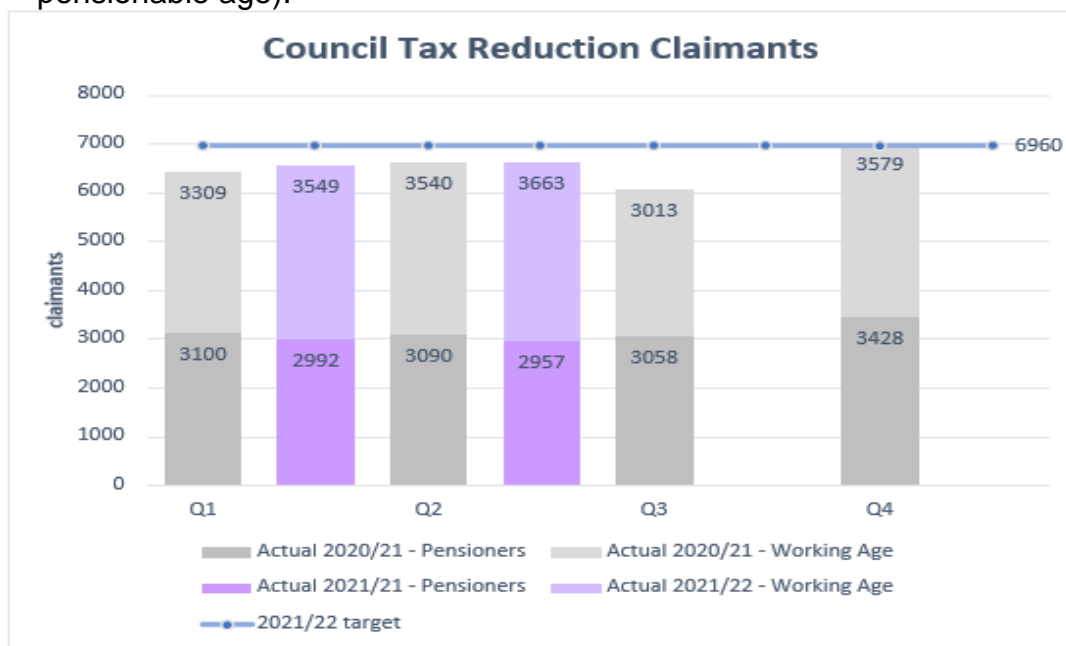
Tollgates, Battle: 12 units. All shared ownership: 3 x 2 bedrooms; 5 x 3 bedrooms; 4 x 4 bedrooms (Optivo).

18. We are also expecting further affordable housing completions at Preston Hall Farm, Bexhill during 2021/22.
19. Development is also underway on-site at Westfield Down (Optivo); Darvel Down, Netherfield (Optivo); Main Road, Icklesham (Hastoe) and Lilybank, Battle (Places for People).

ECONOMIC DEVELOPMENT and POVERTY

Number of Council Tax Reduction Claimants

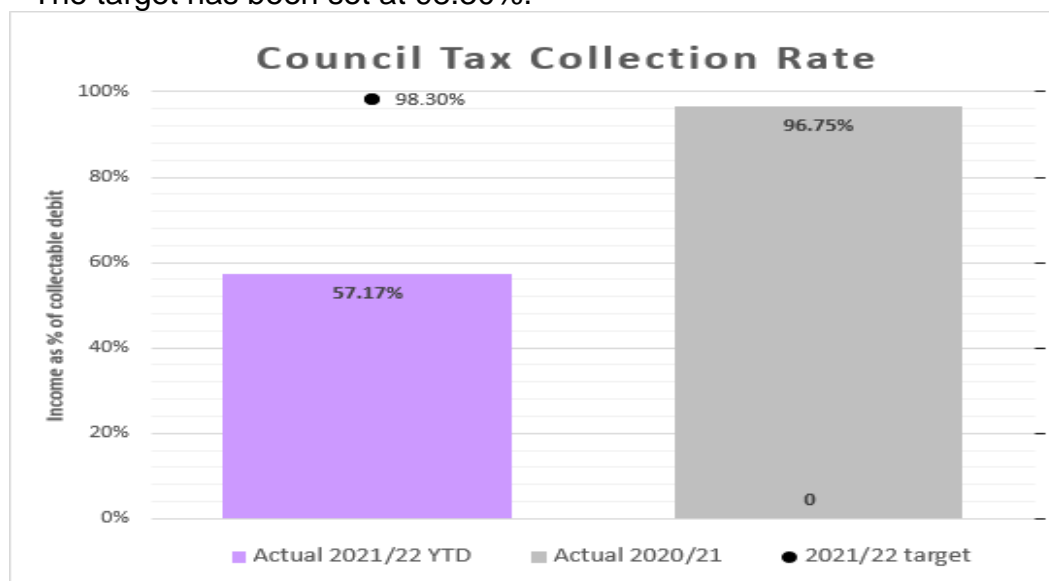
1. This measurement monitors the total number of council tax reduction claimants (working age and pensioner) in a receipt of a reduced council tax bill.
2. The measurement indicator has been set at 6,960 (3,919 working age, 3,041 pensionable age).



Polarity: Lower is better

Council Tax Collection Rates

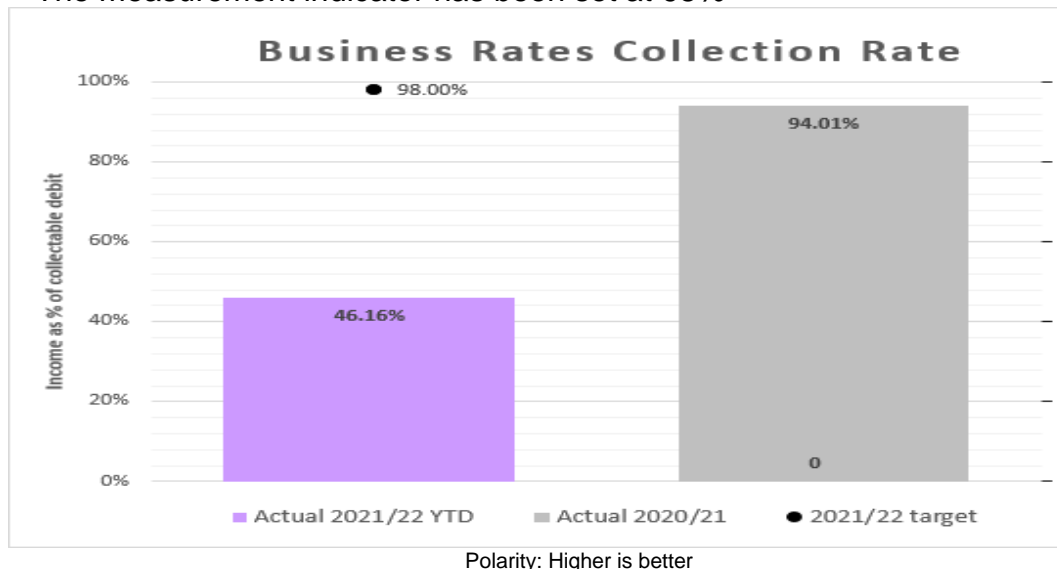
3. This measurement monitors the percentage of council tax estimated collectable debt in the year.
4. The target has been set at 98.30%.



Polarity: Higher is better

Business Rates Collection rates

5. This measurement monitors the percentage of business rates collected of the estimated collectable debt in the year.
6. The measurement indicator has been set at 98%



Economic Development and Poverty Summary

7. The number of CTR claimants remains broadly similar to the previous year and below the total estimated claimants for the year. There was an expectation that the ending of the furlough scheme might result in a spike in the number of claimants, but so far that does not seem to have occurred. This will continue to be monitored closely and Members updated in future reports.
8. Council Tax collection rates for the current year as at the end of September are approximately 1.4% ahead of 2020/21 which were hit during the start of the pandemic. Arrears of Council Tax from prior years now stand at £3.5m of which £1.5m relates to 2020/21. A significant proportion of the outstanding debt is covered through a bad debt provision. However, this may need to be increased as year-end approaches and additional provision made. This will impact the 2022/23 financial year with the major preceptors meeting about 90% of any increase. To give Members an insight into the recovery action taking place, the following table shows the activity from first reminder through to post court arrangements. In addition, over 4,600 households have special payment arrangements in place.

Council Tax 2021/2022 Recovery

	Sept	Year to date
First Reminders issued	753	9,174
Final Notices	505	6,453
Summons issued	315	2,381
Liability Orders issued	226	1,565
Cases to Bailiff	707	722
Attachment of Earnings	3	9
Charging Orders	1	1
Attachment of Benefits	57	141

9. Business Rates collection rates are lower than previous years. This has been distorted by the additional rate relief the Government awarded for the first quarter of the year and the near 100% relief awarded in 2020/21. As at September the collection rate had increased to 46.68%. Arrears for previous years stand at £985,000 and again a substantial part is covered by bad debt provision. The wide scope of the rate relief has resulted in a low outstanding amount of £300,000 relating to 2020/21. As with Council Tax, recovery activities remain high as shown below:

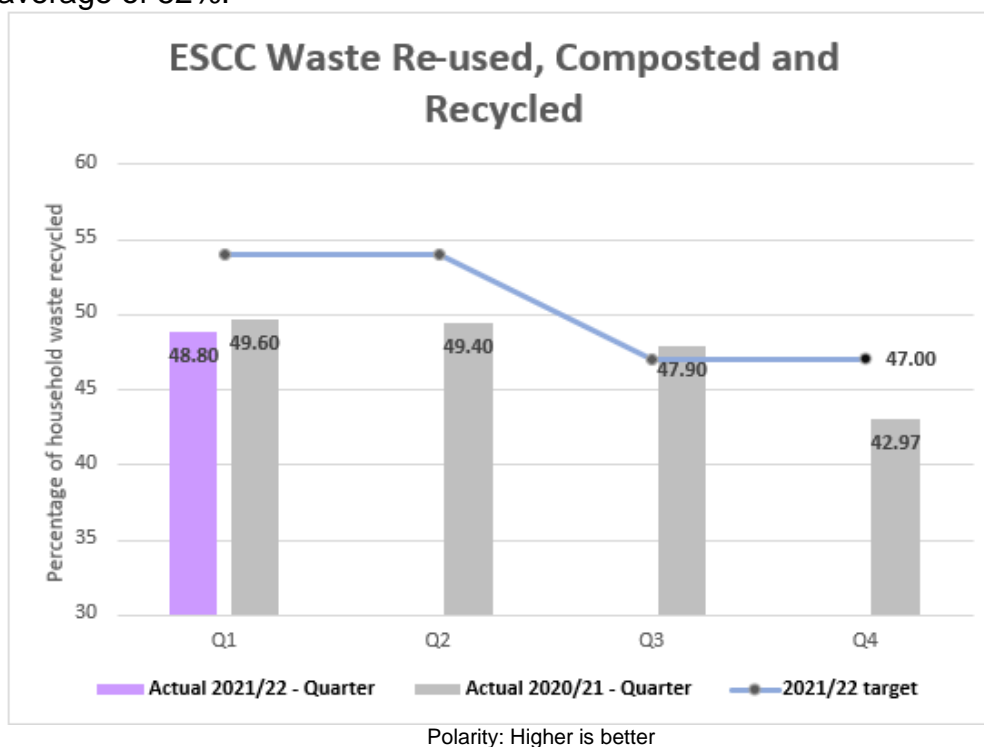
Business Rates 2021/2022 Recovery

	Sept	Year to date
First Reminders issued	168	852
Final Notices	111	608
Summons issued	13	129
Liability Orders issued	4	74
Cases to Bailiff	28	28

WASTE COLLECTION

Household waste Re-used, Composted and Recycled

1. This measurement is the percentage of collected household waste sent to be re-used, recycled and composted.
2. This is based on data reported by East Sussex County Council (ESCC) which includes all waste collection streams and is reported one quarter in arrears. The target for 2021/22 varies depending on the time of year leading to an average of 52%.



Waste Collection Summary

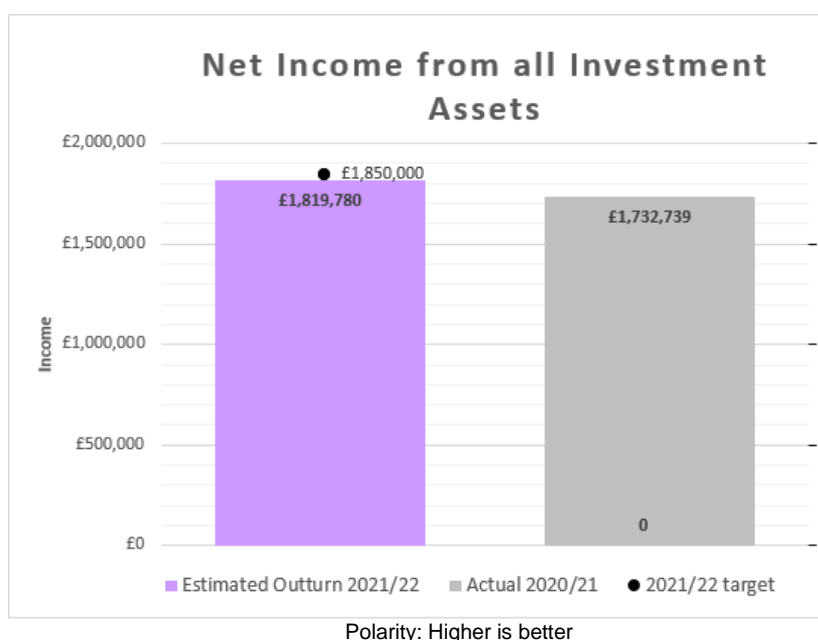
3. Please note, ESCC advise that the recycling rates for the districts and boroughs are currently under review due to discrepancies between ESCC figures and DEFRA's for some authorities and are subject to change. ESCC will provide an update on this in due course.
4. The overall recycling rate for quarter one is 48.8% according to Waste Data Flow. This is lower than targeted and lower than the previous first quarter, which was 49.6%.
5. The collection of recycling materials from 'Bring Sites' continues to be of poor quality, and it has been, and continues to be, necessary to collect much of these sites as refuse rather than recycling. This will have had a minor impact on the recycling percentage during 2020/2021 and in quarter 1 of 2021/2022.
6. Domestic waste tonnages remain high whilst people continue to work from home and the number of fly tips, according to Biffa data, remain high but are beginning to reduce slowly from a high of 134 in March 2021 to 74 in June 2021. It remains to be seen if this reduction continues.

7. ESCC Household Waste and Recycling sites have only just begun to operate normal opening times and site access procedures and this may support further reduction in the number of fly tips. A total of 16 'bring sites' have been closed and work is ongoing to monitor contamination levels.
8. Following a successful campaign in the Autumn, garden waste subscribers exceeded the target of 20,000 paid customers by 31 March 2021, and current confirmed paid subscribers was at 20,614 as at 29 October 2021.
9. UK Environment Bill – The latest update (28 October 2021 on the Government's website) is that it is at the consideration of amendments stage. It could be several months before it is known how waste and recycling will be impacted.

ADDITIONAL INCOME

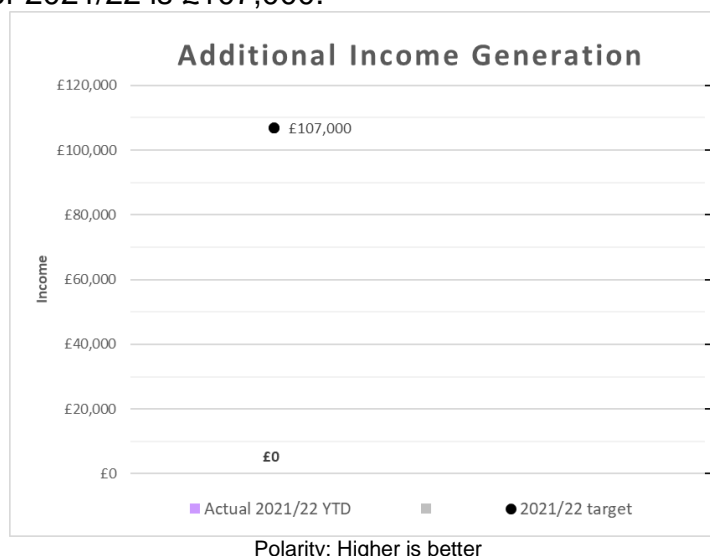
Net Income from All Investment Assets

1. This measurement is forecast annual net income from investments calculated from gross income less expenditure excluding borrowing and interest payments.
2. The Asset Income total does not include 'community' assets which might also generate an income such as sports facilities, allotments etc.
3. The target for 2020/21 is £1,850,000. This does not include any provision for income from any new property purchases achieved in the year.



Additional Income Generation

4. Additional income generation through increased or new fees for discretionary services.
5. The target for 2021/22 is £107,000.



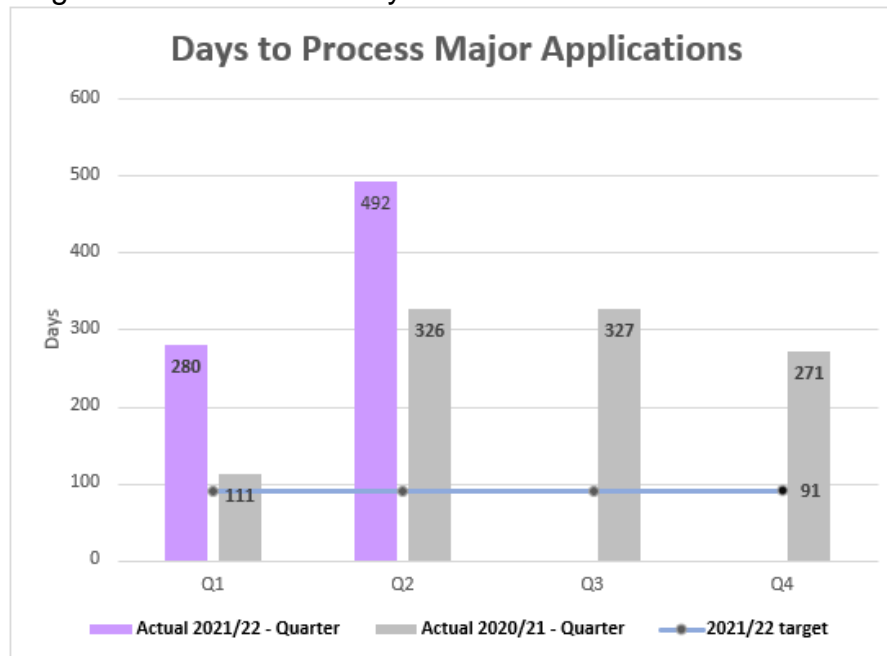
Additional Income Summary

6. There is a projected small shortfall of 1.6% or £30,000 in the projected 2021/22 outturn. The property team are actively looking to improve revenues from existing assets to bridge this gap. We have been successful in letting vacant space at Napier House, Peasmarsh units and elsewhere. We continue to pursue rent reviews where these are outstanding as well as collecting arrears. Longer term, we are focusing on maximising revenue opportunities at key regeneration and development sites we already own such as Beeching Road, Camber, and Barnhorn Green.
7. Delivering additional income is integral to the Financial Stability Programme. Work has commenced with Heads of Service to identify proposals that will be presented to the Financial Stability Programme Board in due course. As a result of the continuing pandemic, this work and the subsequent implementation of proposals is delayed and therefore it is unlikely that the target for 2021/22 will be met.

PLANNING PROCESSING

Days to Process Major Applications

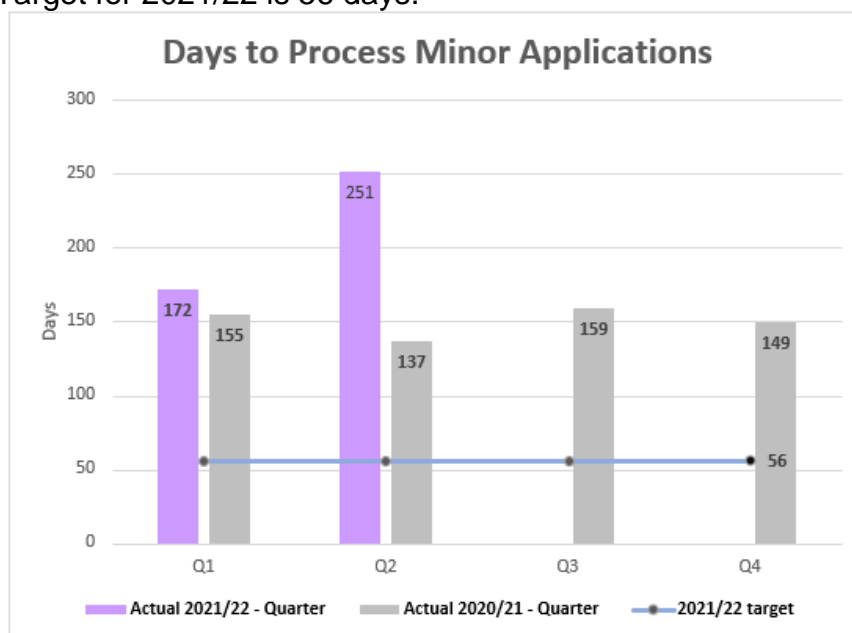
1. This measurement is the average number of calendar days to determine 'major' planning applications.
2. The target for 2021/22 is 91 days.



Polarity: Lower is better

Days to Process Minor Planning Applications

3. This measurement is the average number of calendar days to determine 'minor' planning applications.
4. The Target for 2021/22 is 56 days.



Polarity: Lower is better

Planning Processing Summary

5. The time taken to determine planning applications remains high and this is acknowledged by the Council.
6. Essentially, the causes centre around limited capacity in the service due to vacant posts, long-term sickness, significant upturn in workload and all the challenges faced with COVID-19 (home working, officer fatigue and limited technology etc.). Unfortunately, this has impacted on officers' ability to deal with all applications in a timely fashion with average determination times around 150 days from point of validation.
7. The Council has now invested in additional resources for a 6-month period to increase capacity in Development Management planning and validation. Looking forward to Q3 it is hoped that there will be a marked improvement on speed to decision on applications.
8. Provisional figures are encouraging with the validation backlog being reduced allowing a greater number of live applications to go through the system since August 2021 and the increased capacity has allowed a significant increase in decisions issued during August and September. Resulting in a gradual reduction in the overall live planning applications on hand.
9. At the same time, it is proposed to manage the older planning applications towards decision and reduce the 'backlog' of planning applications which is currently being experience. Whilst the average age of some of these cases results in the average time taken to increase, the reduction in the backlog will assist in the timely determination of newer planning applications.
10. Accordingly, it is anticipated that this will result in the average time taken to process a planning application to reduce over time. It is however too early in this stage to properly assess the degree of reduction but that this should be apparent by the time the next reporting of planning processing statistics is due to be put before the Overview and Scrutiny Committee.

Minutes of the Overview and Scrutiny Committee Meeting – 22 November 2021**OSC21/35. PERFORMANCE PROGRESS REPORT: SECOND QUARTER 2021/22**

Consideration was given to the report of the Director – Place and Climate Change on the Performance Report of the Second Quarter 2021/22. Members were given the opportunity to scrutinise the progress towards the Council's stated aims, outcomes and actions in the Corporate Plan and make any necessary recommendations to Cabinet for future service delivery.

A summary of the Council's performance against the selected Key Performance Indicators (KPI) areas (Housing and Communities, Economic Development and Poverty, Waste Collection, Additional Income and Planning Processing) at the end of the second financial quarter (1 July 2021 to 30 September 2021) was set out in the report. Performance was compared to the previous quarter result and to the same quarter the previous year.

Housing and Communities: During quarter two, one measure had been flagged as a warning (Number of Affordable Homes Delivered (gross) Supply target) and four did not meet their target (Number of all Households in Temporary Accommodation (TA), Average Weeks in TA, Number of Households on the Housing Register and Net Additional Homes Provided Supply target).

Economic Development and Poverty: During quarter two, all three measures met their target (Number of Council Tax Reduction Claimants, Council Tax Collection Rates and Business Rates Collection Rates).

Waste Collection: During quarter two, this measure (East Sussex County Council (ESCC) Waste re-used, composted and recycled) did not meet its target, largely due to contamination at bring-sites. ESCC had advised that the recycling rates for the districts and boroughs were under review due to discrepancies between ESCC figures and Department for Environment, Food and Rural Affairs' for some authorities and were subject to change.

Additional Income: During quarter two, both measures did not meet their targets (Net Income from all Investment Assets and Additional Income Generation). The property team was actively looking to improve revenues from existing assets, primarily through scheduled rent reviews as well as ensuring any outstanding arrears were collected.

Planning Processing: During quarter two, both measures did not meet their targets (Major Applications days to process and Minor Applications days to process). This centred around limited capacity in the service due to vacant posts, long-term sickness, significant upturn

in workload and challenges faced with COVID which had impacted on officers' ability to deal with all applications in a timely fashion.

Members had the opportunity to ask questions and the following points were noted during the discussion:

- time taken to validate planning applications had decreased from an average of 12 weeks to two weeks, which would eventually filter through to the processing time of applications;
- Members requested that officers ensure that acknowledgement of receipt of a planning application also be sent to the applicant when using an agent;
- the recent backlog of approximately 800 planning applications had been reduced by 135 in the previous eight weeks. By the Quarter 4 progress update, the impact of the Capita contract to assist with processing would be evident;
- the use of pre-fabricated buildings for TA was within the Strategy; and
- the improved quality and reduced cost of TA was not reflected in the KPI set.

RESOLVED: That:

- 1) the report be noted; and
- 2) Cabinet be requested to recommend that suitable Council-owned sites to accommodate pre-fabricated buildings to be used as temporary accommodation, be further explored.

(Overview and Scrutiny Committee Agenda Item 7).

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Rother District Council

Report to:	Cabinet
Date:	13 December 2021
Title:	Designation of Monitoring Officer and Chief Finance Officer
Report of:	Malcolm Johnston, Chief Executive
Cabinet Member:	Councillor Oliver
Ward(s):	-
Purpose of Report:	To confirm the named appointments to the roles of Monitoring Officer, Deputy Monitoring Officer and Chief Finance Officer (Section 151 Officer).
Decision Type:	Non-Key
Officer Recommendation(s):	Recommendation to COUNCIL: 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.
Reasons for Recommendations:	To enable Rother District Council to approve the designation of the Monitoring Officer, the Deputy Monitoring Officer and the Chief Finance Officer (Section 151 officer).

Introduction

1. The posts of Monitoring Officer (MO) and Chief Finance Officer (CFO) (Section 151 Officer) are two of the three statutory posts which authorities are required to have (the Chief Executive being the third).
2. Following the senior officer restructure and the recent recruitment exercise to appoint to the new Deputy Chief Executive (DCE) post, this report confirms the appointment to the posts of MO (Lorna Ford) and CFO (Section 151 Officer) (Antony Baden) and the re-introduction of a Deputy Monitoring Officer (DMO) role (Lisa Cooper). The Council has already agreed that under the new structure, the DCE post would be designated the MO and the Finance Manager post would be designated the CFO (Section 151 Officer).

Background

3. The functions and duties of the MO were originally set down in the Local Government and Housing Act 1989 as the preparation of reports for consideration by the Council where it appeared that any proposal, decision or

omission by the Council had given rise to, or was likely to give rise to a contravention of any statute or maladministration. The executive and ethical framework introduced by the Local Government Act 2000 and as amended by the Localism Act 2011 brought with it additional roles to the post of MO in terms of advice on issues in relation to the policy framework of the Council and the promotion and maintenance of high standards of conduct within the authority and in relation to the ethical framework of the Parishes and Town Councils of the District. Following a successful recruitment exercise, Lorna Ford has been appointed as the DCE and will therefore be designated as the Council's MO.

4. Prior to April 2018, the Council had a designated DMO, which is recommended as good practice. This position is being re-introduced to assist with the implementation of the new structure; the DCE post needs to be able to focus on the transformational change of the Council and will require support in the MO role. The current MO, Lisa Cooper is therefore to be designated as DMO with effect from 17 January 2022 and will work under the direction of the MO.
5. Section 151 of the Local Government Act 1972 requires local authorities to make arrangements for the proper administration of their financial affairs and appoint a CFO to have responsibility for those arrangements. Following full implementation of the agreed new senior structure, the post of Assistant Director, Resources, which was previously designated as the CFO will be deleted from the structure. Whilst Council has already agreed that the role of CFO would be undertaken by the Council's Finance Manager, it is proposed that Antony Baden will formally take on this role with effect from 1 January 2022 or an earlier date if appropriate as agreed by the Chief Executive.

Financial Implications

6. There are no financial implications for the proposals within this report.

Legal Implications

7. Unlike the Chief Executive, there is no statutory requirement for full Council to approve appointment to these statutory posts, but this is common practice in respect of the MO and CFO posts across many authorities. It also provides openness and transparency as to who is fulfilling these statutory posts.

Human Resources Implications

8. There are no Human Resource implications for the proposals within this report.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	External Consultation	No
Environmental	No	Access to Information	No
Risk Management	No	Exempt from publication	No
Report Contact Officer:	Malcolm Johnston, Chief Executive		
e-mail address:	malcolm.johnston@rother.gov.uk		
Appendices:	None		
Relevant Previous Minutes:	None		
Background Papers:	None		
Reference Documents:	None		

Rother District Council

Report to: Cabinet

Date: 13 December 2021

Title: Hybrid Meeting Protocol

Report of: Lisa Cooper, Democratic Services Manager

Cabinet Member: Councillor Oliver

Ward(s): N/A

Purpose of Report: To consider and agree the Hybrid Meeting Protocol for formal meetings

Decision Type: Non-Key

Officer

Recommendation(s): It be **RESOLVED:** That:

- 1) the Hybrid Meeting Protocol be approved and adopted; and
- 2) the Chief Executive be granted delegated authority to agree any further amendments to the protocol in light of experience in consultation with all Group Leaders.

Reasons for

Recommendations: To establish the rules of engagement for Members and the public when joining formal committee meetings remotely.

Introduction

1. At the meeting held in February this year Cabinet agreed to the allocation of funding for the installation of a hybrid meeting system for the Council Chamber (Minute CB20/103 refers). The project has been successfully managed and delivered by the Council's Transformation Team with installation taking place during the week commencing 25 October, testing and training during November 2021 and a soft-launch (streaming of meetings only) during December 2021.
2. This project delivers on the key objective within the Council's Corporate Plan "To improve access to Council meetings, open the Council to the public ensuring increased transparency, meaningful consultation and better visibility by end 2023."
3. Whilst current legislation does 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 will be able to join meetings remotely.

4. It is hoped to offer and implement hybrid meetings from January 2022 and this report puts forward a draft protocol for approval that sets out the expectations of those attending remotely (Appendix 1).

Considerations

5. The draft protocol at Appendix 1 has been compiled taking into account the latest national guidance on hybrid meetings, consultation with key officers and Members and neighbouring East Sussex authorities who operate hybrid meetings. The key points for elected Members and officers are:

Attendees:

- must join hybrid meetings from a suitable location on a Rother issued device, where possible;
 - are encouraged to join meetings at least 15 minutes before the start time, to ensure connection is working; the physical meeting will commence on time and once started there will be no opportunity to assist those trying to join if there are any technical issues;
 - any Member intending to join a meeting remotely is requested to confirm one day in advance of the meeting, where possible;
 - should always apply the corporate backdrop;
 - must have their cameras off and microphones muted when not speaking;
 - should indicate to the Chairman by “hands-up” when they want to speak.
6. It is considered that attendance at a hybrid meeting does NOT constitute attendance at a meeting for the purposes of the 6-month rule.
 7. Officers will usually be physically present at meetings when there are significant or controversial items / major planning applications. Whether an officer attends a meeting in person or remotely will be a decision for the Head of Service / Director or Chief Executive / Deputy Chief Executive in consultation with the relevant Chair.
 8. Members are reminded that if they just want to listen / watch a hybrid committee meeting, they can do so 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 will assist the Chairman and supporting officers in managing the meeting. The remote meeting is for participation, the webcast is for observation.

Environmental

9. The introduction of hybrid meetings will assist with the Council’s carbon reduction programme. There will be a reduction in journeys to and from the Town Hall by Members, officers and participating public who would otherwise have travelled to Bexhill-on-Sea to attend meetings in person.

Equalities and Diversity

10. This project delivers on the key objective within the Council’s Corporate Plan “To improve access to Council meetings, open the Council to the public ensuring increased transparency, meaningful consultation and better visibility by end 2023.”

11. The installation of the new hybrid system will improve the customer experience, not only in terms of improved sound and vision of live-streamed and recorded meetings but accessibility. Members of the public will be able to join meetings remotely to participate in public speaking schemes operated by the Council, without the need to travel to the Town Hall. This protocol will ensure that the rules of engagement and expectations are clear for all participants.

Conclusion

12. The installation of a hybrid meeting system will allow the Council to provide remote access for non-Committee Members who wish to participate, Committee Members who are unable to attend the meeting but whom can still join and participate, but not vote, officers, invited guests and speakers and members of the public.
13. It is essential therefore that the rules of engagement are clear and understood by all. It is envisaged that with experience, the protocol may require amendment and it is requested that the Chief Executive be granted delegated authority to agree any amendments to the protocol in consultation with all Group Leaders.
14. Cabinet are asked to approve the draft protocol and delegation to the Chief Executive to amend further in light of experience.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	Yes
Crime and Disorder	No	Consultation	No
Environmental	Yes	Access to Information	No
Risk Management	No	Exempt from publication	No

Chief Executive:	Malcolm Johnston
Report Contact Officer:	Lisa Cooper, Democratic Services Manager
e-mail address:	lisa.cooper@rother.gov.uk
Appendices:	Appendix 1 – Hybrid Meeting Protocol
Relevant Previous Minutes:	None.
Background Papers:	None.
Reference Documents:	None.

Hybrid Meeting Protocol – Formal Meetings

Officers and Members MUST:

1. Join remote hybrid meetings from a suitable location and where possible, on a Rother District Council issued device, or an approved alternative arrangement.
2. Join the meeting at least 15 minutes before the start time; failure to do so may result in non-attendance / admittance to the meeting.
3. Apply the corporate backdrop, where technically possible.
4. Leave microphones muted and cameras off when not speaking and indicate to the Chair by the “hands-up” facility when wanting to speak.
5. Not use the chat facility – this will be disabled for hybrid meetings – there will be no chat between remote attendees.

Members

1. Attendance at a remote hybrid meeting will NOT constitute attendance at a meeting for the purposes of the 6-month rule.
2. Members are requested to confirm 1 day in advance of the meeting of their intention to join remotely, where possible.
3. For the purposes of the call-in procedure in relation to executive decisions, at least one of the two Members requesting a call-in must have been physically present at the relevant Cabinet meeting.
4. Committee Members present remotely will have speaking rights only – there will be no rights to move or second a Motion or vote on a Motion.
5. The Chair and Vice-Chair of any Committee MUST always be physically present at the meeting to Chair the meeting and in the case of the Vice-Chair take over proceedings where necessary. If the Chair is unable to attend the physical meeting and attends remotely, the meeting will be Chaired by the Vice-Chair or another Member elected to Chair the meeting who is physically present.
6. Committee Members present remotely will be asked for their contribution before non-committee Members who are in remote attendance.
7. Members attending remotely with a declaration of interest of a Personal and Prejudicial or Disclosable Pecuniary Interest nature will have to leave the remote meeting room and be invited to re-join following the item.
8. Members physically present in the meeting room must NOT also join the meeting via MS Teams.

Officers

1. Officers will be expected to be physically present at meetings for significant or controversial items / major planning applications. The decision whether an officer attends a meeting remotely or in person will be made in conjunction with the relevant Head of Service / Director or Chief Executive / Deputy Chief Executive and in consultation with the relevant Chair.
2. If an officer requires support in delivering a presentation, they must source this from within their own department and discuss their arrangements with Democratic Services five working days before the meeting.

Public and other invited guests / speakers

1. Members of the public will be able to join hybrid meetings remotely using a suitable device for the purposes of participation in any public speaking scheme in operation and in any other circumstances where they have been specifically invited to address a committee. They will be required to leave their cameras and microphones off until they are invited to speak.
2. They will be required to leave the remote meeting room once their participation has concluded. Other (non-public) guests and speakers invited to address a Committee will be asked to leave at the discretion of the Chair of the relevant committee.
3. For the purposes of speaking to a planning application, members of the public will be let into the remote meeting room at the start of the relevant planning application and will be asked to leave once the application has concluded. Members of the public will not be permitted to share content during a live broadcast. Any material to be shown by the public will have to be provided to Rother District Council in advance of the meeting.

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