

CABINET

28 March 2022

Minutes of the Cabinet meeting held at the Town Hall, Bexhill-on-Sea on Monday 28 March 2022 at 6:30pm.

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

Other Members present: Councillors J. Barnes, Mrs M.L. Barnes, J.J. Carroll, C.A. Clark (remote), S.J. Coleman, Mrs V. Cook (remote), S.J. Coleman, P.C. Courtel, B.J. Drayson, A.E. Ganly (remote), K.M. Harmer (remote), C.A. Madeley (remote), A.S. Mier, P.N. Osborne and R.B. Thomas.

Advisory Officers present: Chief Executive, Deputy Chief Executive, Chief Finance Officer, Director – Place and Climate Change, Head of Neighbourhood Services, Head of Housing and Communities (in part) and Democratic Services Officer.

Also present: 7 members of the public via the live webcast.

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The decisions made under PART II will come into force on 11 April 2022 unless they have been subject to the call-in procedure.

Prior to the commencement of the meeting, the Chairman, on behalf of the Cabinet, sent condolences to the family of Councillor Jonathan Johnson who had recently passed away.

CB21/92. MINUTES

(1)

The Chairman was authorised to sign the Minutes of the meeting held on 28 February 2022 as a correct record of the proceedings.

CB21/93. APOLOGIES FOR ABSENCE

(2)

An apology for absence was received from Councillor Timpe.

CB21/94. DISCLOSURE OF INTERESTS

(5)

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

Barnes, J Agenda Item 7 – Personal interest as Company Executive Director for the Council's Housing Company.

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

CB21/95. COMMUNITY INFRASTRUCTURE LEVY GOVERNANCE ARRANGEMENT AND FUNDING DECISION PROTOCOL

(10)

Following full Council adoption of the new Community Infrastructure Levy (CIL) Governance Arrangement and Funding Decision Protocol in January 2022, a further amendment was recommended in order to streamline the process further and remove potential delays, and clarity regarding the 'Climate Emergency Bonus Fund' (CEBF) was also required.

The revised protocol allowed for the Chief Executive to implement the recommendations of the Steering Group, as had previously been the case, which would speed up the timeframe in which funding decisions were confirmed to give infrastructure providers, Parish and Town Councils and other applicants greater assurance in deliverability.

Any round of funding allocation which may occur before the proposed changes to the protocol are approved at the Full Council meeting in May 2022, as detailed in the timetable in Appendix 1 to the report, would follow the current procedure to gain final approval from Council, but in May rather than June as shown in error. Subsequent funding allocations due to take place after full Council had met in May, would follow the revised procedure if approved.

The CEBF supported the Council's commitment to be a carbon neutral district by 2030 as set out in the Environment Strategy (September 2020) and would provide funding, either in part or in whole, where infrastructure projects could demonstrate a significant contribution to the reduction of carbon emissions or to the offsetting of carbon emissions. It was also clarified that the CEBF would enable the Council to consider allocating monies to projects identified by the Climate Change Steering Group that met the basic CIL requirements but may not have other obvious funding streams. Members were clear that the Climate Emergency Bonus Fund was intended to be a stand alone fund which funded projects primarily generated from the Climate Emergency Steering Group (where those projects met the CIL requirements) but could also be used to top up the other two funds where appropriate.

Cabinet were asked to recommend to Council the revised version of the CIL Governance Arrangement and Funding Decision Protocol, and clarification with regard to the CEBF as set out in Appendix 1 to the report, which Members were pleased to support. An additional recommendation was proposed and agreed to allow ad hoc CIL Allocation Panels to be convened if and when required, with the authority of the Chief Executive and Chair of the CIL Allocations Panel.

RECOMMENDED: That:

- 1) the amended version of the 'Community Infrastructure Levy (CIL) Governance Arrangement and Funding Decision Protocol' be approved and adopted;
- 2) the Chief Executive be granted delegated authority to implement the recommendations of the CIL Allocations Panel in line with the proposed new process; and
- 3) ad hoc CIL Allocation Panels be convened when required with the authority of the Chief Executive and Chair of the CIL Allocations Panel.

PART II – EXECUTIVE DECISIONS – subject to the call-in procedure under Rule 16 of the Overview and Scrutiny Procedure Rules by no later than 4:00pm on 8 April 2022.

CB21/96. **DRAFT ANTI-POVERTY STRATEGY**
(6)

Cabinet received and considered Minute OSC21/53 arising from the meeting of the Overview and Scrutiny Committee (OSC) held on 14 March 2022 regarding the draft Anti-Poverty Strategy. A copy of the draft Strategy and consultation plan were attached to the report at Appendices A and B respectively for approval for consultation purposes.

The proposed strategy had originated from the work of the Anti-Poverty Task and Finish Group (APT&FG) and had been developed between key local partners. An Anti-Poverty Strategy Steering Group (APSSG) would be formed to begin to deliver the high level aims and actions that had been identified in the Strategy, once approved and adopted. The APSSG would identify gaps in service provision and areas where greater collaboration and coordination between services could support improved outcomes for the Council's residents.

The Strategy was regarded as an important first step towards developing a more comprehensive response to tackling poverty locally and would assist the Council in delivering on several objectives that aspire to improve the economic, housing, health and wellbeing outcomes of residents in the Corporate Plan.

Cabinet were pleased to approve the Strategy for consultation and paid tribute to the work of the APT&FG, officers and Rother Voluntary Action. Any future comments from Members could be fed through Councillor Coleman, as the Council's spokesperson for Young Persons/Child Poverty. The APSSG would provide periodic progress updates to the Rother Local Strategic Partnership in its role as the governing body responsible for monitoring the Strategy and reporting progress to the East Sussex Strategic Partnership.

RESOLVED: That the draft Anti-Poverty Strategy be approved for consultation with key stakeholders and the wider population of Rother.

CB21/97. **REVENUE BUDGET AND CAPITAL PROGRAMME MONITORING
QUARTER 3 - 2021/22**

(7)

Members received and considered the report of the Chief Finance Officer on the Revenue Budget and Capital Programme Monitoring Quarter 3 2021/22. The report updated Members on the Council's finances as at the end of December 2021 and Collection Fund performance. It was noted that the report had been scrutinised by the Overview and Scrutiny Committee (OSC) on 14 March 2022 and a copy of the Minutes arising from the OSC meeting had been appended to the report for Cabinet's consideration.

Since the Quarter 2 report there had been two reportable virements the first relating to the Audio-Visual Council Chamber system maintenance and the second a transfer of a property from Acquisitions, Transformation and Regeneration to Housing, Community and Neighbourhood Services as it was now being used as storage space and not a commercial let.

At the end of Quarter 3, the Revenue Budget showed a surplus of £128,000, against the approved budget drawdown from Reserves of £2.7m which represented an improvement of £222,000 since the Quarter 2 forecast. The report detailed the material variances and the forecast was summarised at Appendix A to the report. Since producing figures at the end of Quarter 3, there had also been a reduction in the costs of the Burwash judicial review.

The Capital Programme forecast spend as at 31 December 2021 was £15.348m, which was £47.345m lower than the revised budget approved in February 2022, mainly as a result of the continued impact of the pandemic and the main changes were highlighted at Appendix B to the report.

The forecast impact on Reserves was a reduction of £3.118m against the planned use of £3.319m, a decrease of £277,000 from the previous forecast.

The Council Tax collection rate at the end of Quarter 3 was 84.51% of the collectable debit and 87.14% of the budgeted yield, which was 1.35% and 1.20% respectively higher than the corresponding figures in 2020/21. The Business Rates collection rate at the end of Quarter 3 was 77.72% of the collectable debit which was 0.49% higher than the corresponding figure in 2020/21 and represented a considerable improvement from the previous quarter.

Members were also requested to approve the continuation of two Service Level Agreements, the first with Rother District Citizens Advice for £85,000 per annum and the second to Bexhill Museum for £8,500 per annum. Discussions were on-going with Rother District Citizens Advice following the COVID-19 pandemic and it was considered appropriate to continue the funding for a further one-year period whilst the service levels were reviewed. With regard to Bexhill Museum, discussion were progressing with Bexhill Town Council over services they may wish to provide, and it was felt appropriate to continue with

the funding for a further one-year period to allow those discussions to develop. Members noted that the £8,500 currently paid to the Bexhill Museum was funded through the Bexhill Special Expenses and was in addition to other support given to the Museum by the Council.

Members were advised that the Property Investment Panel had met recently and a further acquisition was in progress. Details would be made available in due course.

RESOLVED: That:

- 1) the report be noted; and
- 2) the continuation of two Service Level Agreements in respect of Rother District Citizen's Advice and Bexhill Museum and an extension of funding of £85,000 for Rother Citizens Advice and £8,500 for Bexhill Museum for a further one-year period be approved.

(Councillor J. Barnes declared a Personal Interest in this matter as Vice-Chairman and Company Executive Director for the Council's Housing Company and in accordance with the Members' Code of Conduct remained in the meeting during the consideration thereof).

CB21/98.
(8)

FINANCIAL STABILITY PROGRAMME - PROGRESS REPORT

The Financial Stability Programme (FSP) had been established to set out how the Council might achieve savings and income targets of up to £2.2 million in its Medium-Term Financial Plan (MTFP) and achieve the financial stability set out in the Corporate Plan.

In June 2021 the Council had also agreed a Protecting Discretionary Services Strategy (PDSS) that set out the approach of transferring community assets to other organisations in order to support the delivery of discretionary services. As the PDSS shared many of the common goals of the FSP it was proposed that the FSP and the PDSS be combined into a single project to be managed alongside the other Corporate projects and report to the existing Corporate Programme Board (CPB) meetings. As a result, the CPB would be expanded and would consist of the following Members:

- Cllr Prochak - portfolio holder for Environment and Place
- Cllr Dixon - portfolio holder for Finance, Performance Management, Procurement and Social Value Policy
- Cllr Oliver - portfolio holder for Strategy and Transformation
- Cllr Bayliss portfolio holder for – Economic Development and Regeneration

Since the last progress report, officers and Members had identified several proposals for action that would generate the highest level of saving to the Council, such as the supply and maintenance of public conveniences (approximate full operational cost £500k per annum); the operation of subsidised / free car parks (approximate full operational cost £91k per annum) and grounds maintenance (approximate full

operational cost £880k per annum). It was noted that the operational costs included support administration costs and were not therefore a reflection of potential savings. The options being considered for these proposals were identified in the report as follows:

Public Conveniences, to either/or:

- i. Devolve to town and parish councils, including further options to refurbish by RDC before devolving;
- ii. Devolve to town and parish councils providing town and parish councils with funding to refurbish maybe through CIL funds;
- iii. Retain, refurbish and introduce charges;
- iv. If the parish or town council and the community agree that the facility is not required, then redevelop or demolish.

Car Parks, to either/or:

- i. Devolve to town and parish councils, or other suitable groups;
- ii. Retain and investigate introducing charging in sites that are currently free to use;
- iii. Re-purpose if the facility is not needed by the community.

Grounds Maintenance, to either/or:

- i. agree a programme of devolvment with Bexhill, Battle and Rye Town Councils;
- ii. continue with a service contract managed by RDC, but with a minimum specification at lowest cost

Preliminary discussions had already taken place with Bexhill-on-Sea Town Council regarding the options and further consultation would take place with all Town and Parish Councils affected by these proposals. A project plan was currently being developed setting out the key milestones in terms of decision-making to align with the budget setting process.

Recruitment to the Income Generation Manager post originally envisaged to progress the FSP work stream had been unsuccessful and, in light of the recommendation to merge the FSP and PDSS work streams together, the post had been reassigned as a Project Management role in order to maintain a clear focus and drive on achieving the aims of the newly formed project. Appropriate resources would be seconded into the relevant project team from existing service areas as required, to support the various project work.

Cabinet were pleased to approve the recommendations and emphasised the importance of ensuring that proposals were delivered.

RESOLVED: That

- 1) the report be noted;
- 2) the Financial Stability Strategy and the Protecting Discretionary Service Strategy be merged into a single project; and

- 3) the approach to the devolvement of those services as set out above be approved.

CB21/99.
(9)

ARBORICULTURE SERVICES CONTRACT

The Council's current arboriculture services contract (a joint contract with Hastings Borough Council (HBC)) was due to expire on 5 November 2022 and the current contractor had declined a two year extension due to increasing costs and profit margins.

Arboriculture was a specialist field and the current contract incorporated a specification and a schedule of rates per operation plus day works rates. It was noted that the Council's responsibility for tree works and tree management was generally limited to trees on land owned by or under control of RDC and included a range of statutory and non-statutory responsibilities.

The existing contract specification of works was considered satisfactory and would require limited modification and updating to ensure that it met the current British Standards for tree works and other current guidance on environmental management. The current contract also allowed the use of other arboriculture contractors as and when required and this flexibility would be sought in the new contract. Operational improvements to support the Council's climate change target of carbon neutrality by 2030 would also be required.

The report set out four options for the future provision of these services, summarised as follows:

- i. Work with HBC and the Procurement Hub to procure and appoint a new contractor based on a similar specification;
- ii. Devolve service to parish and town councils;
- iii. Have informal arrangements with a range of local arboriculture contractors;
- iv. Include arboriculture works within the next grounds maintenance contract due to expire in November 2023 or November 2024, if extended.

Members were asked to agree that officers pursue Option i. above and continue to work with HBC to appoint a single contractor to provide arboriculture services within the Rother and Hastings local authority areas. This would provide a focused and unified approach, give the contractor a greater certainty regarding their investment in the services and potentially result in economies of scale and an efficient service to meet the needs of the community. However, it was anticipated that the cost of a new contract would be 20% higher than the existing costs but these additional costs had been allowed for in the 2022/2023 revenue budget.

RESOLVED: That:

- 1) officers work with Hastings Borough Council to jointly procure and appoint an arboriculture services contractor with an estimated annual cost to Rother District Council of £46,000 and

as a separate contract to Hastings Borough Council for a term of three years with an option to extend for a further two years; and

- 2) delegated authority be granted to the Director – Place and Climate Change, in consultation with the Cabinet Portfolio Holder for Communities, Culture and Tourism, to undertake all necessary actions to appoint an arboriculture services contractor.

CHAIRMAN

The meeting closed at 8:10pm