

OVERVIEW AND SCRUTINY COMMITTEE

25 April 2022

Minutes of the Overview and Scrutiny Committee meeting held at the Council Chamber, Town Hall, Bexhill-on-Sea on Monday 25 April 2022 at 6:30pm.

Committee Members present: Councillors P.N. Osborne (Chairman), Mrs V. Cook (Vice-Chairman), J. Barnes, J.J. Carroll, C.A. Clark, S.J. Coleman, B.J. Drayson (ex-officio), Mrs D.C. Earl-Williams, S.J. Errington, P.J. Gray, C.A. Madeley, C.R. Maynard and M. Mooney.

Other Members present: Councillors Mrs M.L. Barnes, P.C. Courtel and K.M. Field (in part).

Advisory Officers in attendance: Chief Executive, Deputy Chief Executive, Director – Place and Climate Change, Democratic Services Manager (in part) and Democratic Services Officer.

Also Present: 12 members of the public, via the live webcast.

OSC21/57 **MINUTES**

The Chairman was authorised to sign the Minutes of the meeting of the Overview and Scrutiny Committee held on 14 March 2022 as a correct record of the proceedings.

OSC21/58 **APOLOGIES AND SUBSTITUTES**

There were no apologies for absence.

OSC21/59 **DISCLOSURE OF INTERESTS**

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

J. Barnes Agenda Item 6 – Personal interest as a member of Sussex Wildlife Trust and Vice-Chairman and Company Executive Director of the Council’s Housing Company.

Courtel Agenda Item 6 – Personal interest as a member of Sussex Wildlife Trust and Bexhill Environment Group.

Drayson Agenda Item 6 – Personal interest as Company Executive Director of the Council’s Housing Company.

Field Agenda Item 6 – Personal Interest as a Member of East Sussex County Council.

Gray Agenda Item 6 – Personal Interest as a member of Sussex Wildlife Trust and Bexhill Environment Group.

OSC21/60 **REVIEW OF THE CONSTITUTION, RECOMMENDATIONS OF THE CONSTITUTION REVIEW STEERING GROUP**

Members received and considered the report of the Chief Executive which detailed the recommendations of the Constitution Review Steering Group (CRSG). Councillor Drayson, the CRSG Chairman thanked his fellow CRSG Members and other Members who had attended the meetings for their contributions, as well as officers who had supported the meetings.

The recommendations represented the culmination of the work undertaken by the CRSG in reviewing the Council's Constitution. One of the actions required to deliver the Corporate Plan's aim of creating an open Council was to modernise the way the Council operated by updating the Constitution.

The CRSG and officers undertook a thorough review by comparing Rother District Council's Constitution against South Cambridgeshire District Council's model in various parts, which had some synergy with how this Council operated, as well as neighbouring authorities' constitutions and other good practice. Relevant key service officers and the Corporate Management Team were also consulted as and when appropriate.

Appendix 1 to the report identified the scope of work undertaken. Part 3, Responsibility for Functions and Part 8, Delegations to Officers were still to be completed and these would follow in the coming months. A full list of the main proposals was identified at Appendix 2 to the report and Appendices 2A to 2K listed each section of the constitution, with the recommended changes highlighted in red text.

During the discussion the following salient points were noted:

- grammatical / spelling errors would be amended;
- quoracy at meetings only related to those Members who were present in the Council Chamber (not remote); the Council Procedure Rules would be amended to clarify this;
- the following question was raised regarding Article 2.8: should Leaders of Minor Opposition Groups also report to the Council, where the opposition groups were not in coalition? Recommendation 6) clarified that the year following an election year, the Council would receive a report highlighting any changes made to the Constitution. Dependent on the make-up of the Council, it was suggested that this would be the most sensible / opportune time to consider this type of amendment;
- important that all Members (not just Members of the Overview and Scrutiny Committee) understood the functions and role of scrutiny;
- clarity was sought regarding the opportunity to raise "matters arising" questions at formal meetings and whether this required an alteration to the Constitution. It was understood that a five working day notice period was required. The Chief Executive advised that it

depended on the matter, as the answer could be a simple 'Yes' or 'No', or it might require a detailed response. It was important that agendas were open, transparent and adhered to, otherwise there was the potential that they could become unwieldy and cumbersome. Members were reminded that minutes could only be challenged / altered if factual inaccuracies were found. Questions raised by Members would be answered promptly;

- it was clarified that the Chair of the Council would be annually elected, however the same Councillor could be elected to serve for a two-year consecutive period; and
- the Constitution was a living document and could and would be updated / amended as and when appropriate.

After discussion, it was agreed that all of the recommendations be approved for Cabinet and then full Council ratification.

RESOLVED: That the Overview and Scrutiny Committee recommends to Cabinet and then full Council:

- 1) all proposed amendments to the Council's Constitution highlighted within Appendix 2 to the report, and contained within Appendices 2A-2K be approved and adopted;
- 2) the current governance model (executive / scrutiny split with no individual Cabinet Member decision making) be maintained;
- 3) a new stand-alone advisory Human Resources Committee comprising seven Members, to meet twice per year and assigned all functions relating to staffing matters that currently come under the remit of the Licensing and General Purposes Committee be created (the Licensing and General Purposes Committee to remain as currently constituted without HR related functions);
- 4) the Leader of the Council be requested to add Human Resources to their Cabinet Portfolio;
- 5) a review be undertaken by the incoming administration at the start of each new 4-year Council term, within its first year, to consider the decision-making structure and any proposals for change;
- 6) in each "normal" subsequent year following an election year, the Annual Council meeting to receive a report highlighting any changes that have been made to the Constitution in the preceding 12 months, under officer delegations or otherwise;
- 7) the Planning Advisory Services' latest Probity in Planning Guidance be automatically adopted and incorporated into the Constitution;
- 8) that general awareness / training on the Constitution be offered to all Councillors; and
- 9) the Centre for Governance and Scrutiny be commissioned to undertake a scrutiny improvement review during 2022/23, to be funded from the Member Training Budget, subject to the approval of

the Member Development Task Group / Member Training Champion.

OSC21/61 PROGRESS ON THE ENVIRONMENT STRATEGY (2020)

Consideration was given to the report of the Director – Place and Climate Change, which outlined progress made on the Environment Strategy (2020) since the last report to the Overview and Scrutiny Committee (OSC) on 18 October 2021.

Two environmental posts had and would be recruited to. Projects Officer (Environment) who would focus on project development and delivery; an appointment had been made and was scheduled to start in May 2022 (instead of June). Environment Strategy Officer who would focus on the Environment Strategy (ES) and delivery of the action plan. Recruitment for this post would commence in May 2022. A cross-council staff 'Green Team' would be established to consider current operations to improve the Council's carbon footprint / environmental impact.

Members were updated on the following projects:

- Bexhill i-Tree Eco-Study: Completed, data collated and draft document produced by Treeconomics which was being reviewed. The study gave an accurate estimate of the number and diversity of trees in Bexhill. The charity Trees for Cities had secured funding of £143,000 for the Rother area from the second round of the Government's Green Recovery Challenge Fund as part of their 'Forgotten Places' project. The project would specifically focus on increasing tree cover in Bexhill; planting was expected to commence in autumn / winter 2022-23. They were also working with East Sussex County Council (ESCC) on an Urban Tree Challenge Fund project which would focus on Bexhill roadside verge tree planting. The Field Studies Council was producing a series of tree identification guides and would be running a series of three workshops locally and online to raise the profile of trees and tree planting. The first workshop was scheduled to be held on 7 May 2022.
- Hedgerow Planting: Completed in Broad Oak Park in December 2021 by Bexhill Environment Group (BEG), as well as some additional planting on Bexhill Down. The Council would continue to support BEG on tree and hedge planting initiatives / proposals for winter 2022-23. Tree planting had also been completed at Sidley Recreation Ground as part of the BMX and Skate Park project.
- Biodiversity: Replaced expensive seasonal bedding displays in the Council's parks and open spaces with shrubs. Permanent perennial and shrub planting were scheduled to be completed at Manor Gardens and along East Parade seafront. Flower towers at Marina Gardens had been replaced with an annual meadow mix for summer 2022.
- Carbon Literacy training: A second session had been delivered to Members and officers in March 2022; training would be ongoing.
- Electric Vehicle (EV) Charging Points in Council-owned Car Parks: Approval to procure an appropriate service provider had been

granted in March 2022. Work was progressing with the Council's legal team on the list of potential car parks and, in consultation with the Energy Saving Trust, an appropriate specification was being drafted for tender. Not all of the car parks listed in the specification would be viable locations for EV charging points; decisions would be determined by the results of the appointed service provider's feasibility study.

- Hydro-treated Vegetable Oil (HVO) Waste Collection Fuel Trial: On behalf of the Joint Waste Partnership, Hester Management had completed research on carbon reduction proposals for the waste contract. An extensive trial had commenced in mid-March (five weeks) in Wealden using HVO instead of diesel in 13 of the waste collection vehicles; if successful the use of HVOs would be extended to Rother and Hastings. Results of the trial would be reported to the Joint Waste and Recycling Committee at the meeting scheduled to be held on 1 July 2022.
- Community Infrastructure Levy (CIL): A new process for distributing CIL funding was recommended by Cabinet in March 2022, which would require formal full Council approval in May 2022. Subject to CIL criteria requirements, funding could be allocated to projects that addressed climate emergency or those with a distinctive environmental benefit. Based on current CIL collections, £700,000 was available.

The Climate Change Steering Group (CCSG) had met four times since the previous update and a list of agreed projects was detailed in Appendix A to the report. Four projects were considered eligible for CIL funding and these would be considered by the Strategic CIL Allocations Panel at their next meeting. 'Green Tip's and a staff 'Digital Suggestion Box' had been substantively completed, although work on a 'public' suggestion box was ongoing.

The Director – Place and Climate Change outlined the proposed next steps which included the establishment of a programme of work and project delivery to continue to drive and accelerate the Council's 'net carbon-zero' ambition. He also advised that the Sussex Wildlife Trust had been contracted to undertake a review of the current ES plan and project proposals. Recommendations would be made to the CCSG and presented to the OSC at the next scheduled ES progress update in six months.

During the discussion the following was noted:

- alternative forms of energy e.g. hydrogen (zero-carbon) fuels to be considered instead of electricity to alleviate national grid pressures;
- all new buildings, private rented and Council-owned properties should be suitably insulated with recyclable products; this was a national issue that would require national solutions and government funding;
- it was understood that the Head of Housing and Community was actively working with the Council's main affordable housing Registered Provider (Optivo) to reduce energy use and carbon emissions by retro-fitting all properties, where possible;

- the district had a significant amount of listed buildings. Concern was raised that it would be difficult to upgrade / improve energy efficiency, as listed building regulations were complex and restrictive; the Council was legally required to uphold and respect legislation. However, as part of the Council's current review of the Rother Local Plan Core Strategy, due regard would be given to local policies;
- explore the opportunity of introducing and encouraging developers to include "grey water" (recycled bath and shower water, filtered and disinfected) methods within planning applications;
- it was clarified that BEG had planted approximately 1,000 native trees on Bexhill Down, of which 870 had been under planted with wildflowers at King Offa Wood. BEG met fortnightly to mulch and maintain the trees. Prior to planting, advice from relevant experts / authorities regarding appropriate species and locations was sought and obtained;
- important that the appropriate species were planted, and that the future "canopy" allowed other plants to grow. Some wooded areas across the district had suffered from Ash dieback (fungal infection), therefore it was important that affected trees and traces of the disease were removed / eliminated;
- hedgerow planting was just as important as tree planting particularly within the High Weald;
- the Council should actively support all parish and town councils, community groups, schools and organisations across the district with the "green agenda" and tree planting projects;
- relevant organisations and full community engagement were considered key and necessary to ensure successful delivery of all environmental projects;
- Members were advised that ESCC had been awarded £81m towards providing a rural "greener" public transport bus service;
- Members requested that the next 6-monthly update report included information on environmental projects completed by the parish and town councils or local community groups / organisations; and
- baselining data would be reported as part of future performance reports.

RESOLVED: That:

- 1) progress made against the Environment Strategy (2020) be noted;
- 2) information on environmental projects completed by the parish and town councils or local community groups / organisations be included within the next 6-monthly update report; and
- 3) the comments of the Overview and Scrutiny Committee particularly with regards to alternative forms of energy, tree and hedgerow planting, grey water, insulation and listed building policy matters be considered by the Climate Change Steering Group at a future meeting.

(Councillor J. Barnes declared a Personal Interest in this matter as a member of Sussex Wildlife Trust and Vice-Chairman and Company Executive Director of the Council's Housing Company and in

accordance with the Members' Code of Conduct remained in the meeting during the consideration thereof).

(Councillors Courtel and Gray each declared a Personal Interest in this matter as members of Sussex Wildlife Trust and Bexhill Environment Group and in accordance with the Members' Code of Conduct remained in the meeting during the consideration thereof).

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

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

(When it first became apparent, Councillor Maynard declared a Personal Interest in this matter as an Executive Member of East Sussex County Council and in accordance with the Members' Code of Conduct remained in the meeting during the consideration thereof).

OSC21/62 CALL-IN AND URGENCY PROCEDURES

The Committee received the report of the Chief Executive on the Council's Call-In and Urgency Procedures. In accordance with Overview and Scrutiny Rule 17 (b) of the Constitution, the operation of the provisions relating to call-in and urgency was monitored annually through a report submitted to full Council via the Overview and Scrutiny Committee (OSC).

The Call-In procedure was the mechanism by which the Council's OSC could challenge decisions made by the Executive that were not yet implemented. 12 Executive meetings had been held during the period of the report from 1 March 2021 up until 28 February 2022. No Executive decisions had been called-in during the period to which the report related; two decisions of Cabinet, within the approved budget and policy framework had been deemed and resolved as urgent decisions.

Following discussion, it was agreed that the current arrangements for calling-in an executive decision remained satisfactory.

RESOLVED: That the report be noted.

OSC21/63 DRAFT ANNUAL REPORT TO COUNCIL

Members received the draft Annual Report to Council as submitted by the Chairman, Councillor Osborne. In accordance with Article 6, Paragraph 6.3 (d) of the Constitution, the Overview and Scrutiny Committee (OSC) was required to report annually to the Council on their workings and make recommendations for future work programmes and amend working methods, if appropriate.

The report covered the period from April 2021 through to the end of March 2022 and gave examples of the various subjects that the OSC had considered during this period, as well as the in-depth scrutiny reviews that had been conducted.

The Chairman thanked Members for their input into the many debates that had taken place over the year.

RESOLVED: That the Overview and Scrutiny Committee's draft Annual Report be approved and recommended to Council.

OSC21/64 **WORK PROGRAMME**

Consideration was given to the Overview and Scrutiny Committee's Work Programme and the following points were noted:

- It was requested that the review of the Tourism Strategy and the impact on Airbnbs and second homes in Rye/Winchelsea/Camber be added to the Work Programme for 2022-23. Advice would be sought from the Head of Service as to an appropriate date for this to be considered.
- Members were reminded that the informal Annual Scrutiny Work Programme meeting had been arranged for Tuesday 17 May 2022 at 2:00pm in the Council Chamber and all non-executive Members and the Leader of the Council had been invited to attend. At this meeting Members would consider the items they wished to see included within the Work Programme, in consultation with the Corporate Management Team / Heads of Service. It was requested and agreed that it be a hybrid meeting.

RESOLVED: That the:

- 1) Work Programme attached at Appendix A, be agreed; and
- 2) Annual Scrutiny Work Programme meeting scheduled to be held on Tuesday 17 May 2022 at 2:00pm be a hybrid meeting.

CHAIRMAN

The meeting closed at 7:36pm.

OVERVIEW AND SCRUTINY COMMITTEE

| WORK PROGRAMME 2022 – 2023 | | |
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| DATE OF MEETING | SUBJECT – MAIN ITEM IN BOLD | Cabinet Portfolio Holder |
| 06.06.22 | <ul style="list-style-type: none"> • Performance Report: Fourth Quarter 2021/22 • Annual Work Programme | |
| 18.07.22 | <ul style="list-style-type: none"> • Draft Revenue Budget and Capital Programme Outturn 2021/22 | |
| 12.09.22 | <ul style="list-style-type: none"> • Performance Report: First Quarter 2022/23 • Revenue Budget and Capital Programme Monitoring – Quarter 1 2022/23 | |
| 17.10.22 | <ul style="list-style-type: none"> • Medium Term Financial Plan 2023/24 to 2027/28 • Annual Review of the Housing, Homelessness and Rough Sleeping Strategy (2019-2024) | |
| 21.11.22 | <ul style="list-style-type: none"> • Performance Report: Second Quarter 2022/23 • Revenue Budget and Capital Programme Monitoring – Quarter 2 2022/23 | |
| 23.01.23 | <ul style="list-style-type: none"> • Draft Revenue Budget Proposals 2023/24 • Key Performance Targets 2023/24 | |
| 13.03.23 | <ul style="list-style-type: none"> • Crime and Disorder Committee: to receive a report from the Community Safety Partnership • Performance Report: Third Quarter 2022/23 • Revenue Budget and Capital Programme Monitoring – Quarter 3 2022/23 | |
| 24.04.23 | <ul style="list-style-type: none"> • Call-in and Urgency Procedures • Draft Annual Report to Council | |
| ITEMS FOR CONSIDERATION | | |
| <ul style="list-style-type: none"> • Regeneration incl Leisure Centre, Fountains, Skate Park and Accessibility of Green Spaces across the district • Corporate Plan review – referred back by Cabinet • Review of the Economic Regeneration Strategy • Peer Review • Draft Corporate Customer Services Strategy Proposals • Litter Strategy • Review of the Tourism Strategy and the impact of Airbnbs – TBC • Impact of Airbnb and second homes in Rye/Winchelsea/Camber – TBC • Effectiveness of 'MyAlerts' • Town Hall Renaissance Project • Update report from the Local Strategic Partnership • Update report from the Health and Wellbeing Board | | |