

CABINET

27 June 2022

Minutes of the Cabinet meeting held at the Council Chamber, Town Hall, Bexhill-on-Sea on Monday 27 June 2022 at 6.30 pm.

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

Other Members present: Councillors J. Barnes (remote), J.J. Carroll, C.A. Clark (remote – in part), Mrs V. Cook, S.J. Coleman, P.C. Courtel (remote – in part), T. Ganly (remote), K.M. Harmer (remote), Mrs E.M. Kirby-Green (remote), C.R. Maynard (remote) and P.N. Osborne.

Advisory Officers in attendance: Chief Executive, Deputy Chief Executive, Director – Place and Climate Change, Head of Neighbourhood Services, Revenues and Benefits Manager and Democratic Services Manager.

Publication Date: 29 June 2022

The decisions made under PART II will come into force on 7 July 2022 unless they have been subject to the call-in procedure.

CB22/6. MINUTES

(1)

The Chair was authorised to sign the Minutes of the meeting held on 23 May 2022 as a correct record of the proceedings.

CB22/7. APOLOGIES FOR ABSENCE

(2)

Apologies for absence were received from Councillor A.K. Jeeawon and the Chief Finance Officer.

CB22/8. DISCLOSURE OF INTERESTS

(5)

There were no declarations of interest made.

CB22/9. BURWASH NEIGHBOURHOOD DEVELOPMENT PLAN 2019-2028

(8)

Following an affirmative local Referendum result in relation to the use of the Burwash Neighbourhood Development Plan (BNDP) to help the determination of planning applications in the Parish Neighbourhood Area, Cabinet was requested to recommend to Council that the BNDP be formally adopted and become part of the statutory Development Plan for the area.

On 9 July 2021, Rother District Council (RDC) resolved that the BNDP (as amended in line with the Examiner's proposed modifications) should proceed to local Referendum. This decision, together with a revised version of the Plan, was published on the Council's website. Referendum progress had been delayed as a result of a Judicial Review challenge; this was subsequently reviewed and dismissed by the High Court in January/February 2022. Following the due legal process, and in accordance with the Neighbourhood Plan legislation, a local referendum was held on 16 June 2022 in the Burwash referendum area of Burwash Parish as recommended by the Examiner.

Following a turnout of 35%, 96% were in favour of RDC using the BNDP for Burwash to help it decide planning applications; 4% were against.

Following this result, it was incumbent on RDC under paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 to 'make' a Neighbourhood Plan within eight weeks of the referendum result. The principal effect of making the Neighbourhood Plan was that it would become part of the statutory 'development plan' for the area. Hence, planning applications within Burwash Parish would be determined against the BNDP, alongside relevant Local Plan policies, also having regard to the National Planning Policy Framework. It was noted that the development boundary for Burwash, as contained in the BNDP, superseded the development boundary and related site allocations in the 2006 Rother District Local Plan.

The decision to make the BNDP would need to be publicised together with a statement setting out how the environmental considerations had been integrated into the Plan. Cabinet was pleased to recommend to Council that the BNDP be "made" with immediate effect which would bring it into legal force.

Cabinet and the local Member paid tribute to officers and the dedicated volunteer NP team at Burwash for all the hard work and effort that had resulted in the development plan for Burwash.

RECOMMENDED: That the Burwash Neighbourhood Development Plan 2020-2028 incorporating the Examiner's modifications, as presented to local Referendum, be 'made' with immediate effect and form part of the Council's Development Plan.

CB22/10.
(6)

PERFORMANCE REPORT: FOURTH QUARTER 2021/22

Members received and considered Minute OSC22/07 arising from the meeting of the Overview and Scrutiny Committee (OSC) held on 6 June 2022 that had considered the Performance Report: Fourth Quarter 2021/22.

Cabinet was supportive of the OSC's recommendations, particularly in relation to the pending merger of Optivo; concerns were raised with registered providers who were selling off housing stock, with inadequate replacement, rather than maintaining, repairing and preserving for continued social use. The Cabinet Portfolio Holder for

Housing reassured Members that there was a continual dialogue with Optivo and would keep this issue very much under review.

It was noted that following the OSC meeting, the Director – Place and Climate Change had confirmed to Members the full funding breakdown of the BMX and Skate Park at the Sidley Recreation Ground and a formal correction would be made to the Overview and Scrutiny Committee Minutes at its next meeting.

Cabinet Members commented on a number of key performance indicators, highlighted by the OSC as follows:

- The slight drop in recycling rates had been noted nationally; locally there was an issue with bring sites that were often contaminated and it was noted that the most effective way of recycling was via the kerbside collection. A meeting of the Joint Waste and Recycling Committee was taking place later this week where this would be considered.
- There had been a marked improvement in the number of planning applications processed since the restructure last September and further work to improve processing times above statutory limits was being considered. The time taken to validate applications had also improved considerably and Rother District Council's performance compared to many other local authorities was favourable.
- A number of housing targets had not been met, largely as a result of the impact of COVID and the current economic climate; it was likely that more targets would have been missed if the Council had not taken the actions it had to date.

The Chair of the OSC summarised the Committee's deliberations and had been satisfied with the responses from officers as to why certain targets had not been met and considered that perhaps more thought needed to be given to setting realistic targets, rather than aspirational ones.

RESOLVED: That:

- 1) Central Government be lobbied, through the Local Government Association, to retain funding to assist rough sleepers; and
- 2) the merger of Optivo and how properties were managed in the district be monitored by the Cabinet Portfolio Holder for Housing and Homes.

CB22/11.
(7)

CONTRACTING OUT OF HOMELESSNESS REVIEWS

Consideration was given to the report of the Head of Housing and Community which sought authority to appoint a new agent to undertake reviews of homelessness decisions under the Housing Act 1996 (as amended).

Housing law allowed applicants to request a review of their homelessness decision made by the Council within 21 days of the date

of notification; applicants were able to request a review of the section 202 review decision under section 204 of the above Act. At present, the Council contracted this service to an independent agent. Unfortunately, the current contract was not performing effectively, and it was considered necessary to appoint a new agent, therefore a procurement exercise was required.

The Homeless Code of Guidance 2018 stated that reviews must be carried out by a senior officer that was not involved in the original decision. Due to the small size of the Council's Housing Team, it was necessary to outsource this work to an external provider. Appointing an external agent was common practice amongst local authorities and would be a robust and cost-effective way of managing the Council's legal duty without the risk of being challenged on the grounds that a review was not wholly independent. It was noted that the cost of reviews was included with the Housing Needs budget.

Cabinet approved that delegated authority be granted to the Head of Housing and Community in consultation with the Cabinet Portfolio Holder for Housing and Homes to appoint a new agent to undertake the reviews of homelessness decisions under the Housing Act 1996 (as amended). It was requested that improved monitoring takes place of the new contract to ensure service levels and expectations were met.

RESOLVED: That the:

- 1) Council's obligation to conduct reviews of homelessness decisions under sections 202 and 204 of the Housing Act 1996 (as amended) be noted; and
- 2) appointment of a new agent to fulfil the Council's obligations to review homelessness decisions under sections 202 and 204 of the Housing Act 1996 (as amended) be delegated to the Head of Housing and Community in consultation with the Cabinet Portfolio Holder for Housing and Homes.

CB22/12.
(9)

DISCRETIONARY COUNCIL TAX ENERGY REBATE SCHEME

Earlier this year, the Government introduced two schemes namely Council Tax Energy Rebate (CTER) and Discretionary Council Tax Energy Rebate (DCTER) to protect millions of households from rising energy costs. The CTER was a mandatory scheme that ensured all eligible households received a rebate. In Rother, 31,527 properties fell into bands A-D, therefore approximately £4,726,050 was administered. Automatic payments were made to all direct debit payees whose details matched bank accounts; others were contacted separately, and support provided to complete a short on-line application. Out of 29,000 payments to be made, there were only 4,000 outstanding.

The DCTER scheme ensured that the Council could provide support to those residents who were not eligible under the CTER scheme and could determine how best to distribute the funding e.g. households in bands E-H on low incomes. Rother was allocated £294,000, which

enabled support to an additional 1,960 households. However, there was insufficient funding to provide a payment of £150 to all households who were not eligible for the CTER scheme. Rother had 14,509 households in bands E-H.

Partnership working across the county had designed a comparable scheme and £150 would be paid to those households that met the following criteria: liable for Council Tax (CT) and resided in a band E-H property or not liable for CT and resided in band A-D property and responsible for energy bills, plus in receipt of at least Universal Credit; Housing Benefit; CT Reduction; Working Tax Credit; Income Support; Income Based Job-Seeker's Allowance; Income-related Employment and Support Allowance or had a net income of more than £257.69 per week for a single person or £384.62 per week for a couple with capital of no more than £6,000. It was noted that those residents who were currently in receipt of 100% Council Tax reduction would be written to regarding the discretionary scheme.

The DCTER on-line application and payment process would be identical to the CTER scheme, processed in date order and close on 30 November 2022 or when the fund was exhausted, whatever was the sooner. It would be promoted via the Council's website, all social media platforms, through partnership organisations and closely monitored in case direct promotion was required. Members were encouraged to use their community networks to promote the scheme.

Cabinet was supportive of and approved the DCTER scheme and agreed that delegated authority be granted to the Deputy Chief Executive, in consultation with the Cabinet Portfolio Holder for Finance and Performance Management to finalise the criteria and make any necessary amendments to the scheme to ensure the maximised funding was utilised. Members paid tribute to the Revenues and Benefits Team, along with Customer Services who had processed the many various schemes and assisted residents.

RESOLVED: That the:

- 1) Discretionary Council Tax Energy Rebate scheme outlined above be approved; and
- 2) Deputy Chief Executive be granted delegated authority in consultation with the Cabinet Portfolio Holder for Finance and Performance Management to finalise the detailed criteria and make any necessary changes to the policy in order to ensure the maximum funding is utilised.

CB22/13. **DISPOSAL OF PUBLIC OPEN SPACE AT ST. MARY'S RECREATION GROUND**

(10)

In January 2021, the Council resolved to grant a 5-year lease, subsequently reduced to 2 years, of a small parcel of land at St. Mary's Recreation Ground (SMRG) to 1066 Remote Control Racing Car Club (RCRCC) to construct and operate a radio-controlled racing car track at the Club's own cost, plus a licence for a designated parking area. In

March 2022, planning permission was granted for a 2-year period for a small area of SMRG to be fenced to accommodate the racing track and ancillary items. The intended disposal of open space land was advertised for a mandatory 2-week period up to 12 May 2022. Six objections were received and detailed at Appendix A to the report. It was noted that local government terminology regarding the disposal of public open space should be better explained in communications to avoid unnecessary anxiety and objections.

After discussion, Cabinet felt that the race track would increase the value and use of the currently underused SMRG and that the limited planning consent and lease would allow all activity to be closely monitored, should any issues occur. Therefore, it was agreed to authorise officers to proceed with the grant of a lease to 1066 RCRCC in accordance with Section 123(2A) of the Local Government Act 1972 (as amended) on the terms previously approved. It was clarified that the SMRG would remain in the ownership of the Council and would continue to be protected under the Fields in Trust QEII Playing Fields deed of dedication.

The local Members for Sidley were delighted with this new facility and were supportive of the many benefits it would provide for all residents of Sidley and surrounding areas.

RESOLVED: That officers be authorised to proceed with completion of the disposal by way of a lease to 1066 RC Racing Car Club in accordance with Section 123(2A) of the Local Government Act 1972 (as amended) on the terms previously approved by Cabinet.

CB22/14. **NEW CRICKET FACILITY FOR SIDLEY CRICKET CLUB AT ST. MARY'S RECREATION GROUND**

(11)

Sidley Cricket Club (SCC) was formed in 1901 and sought to relocate back to Bexhill after having to play in Hastings for several years, as a result of the closure of Sidley Sports and Social Club (Gullivers) in 2013. SCC's aim was to redevelop and create a youth and ladies' cricket facility at St. Mary's Recreation Ground (SMRG) in Bexhill, as well as hold a summer cricket celebration for its 125th anniversary in 2026.

In the short term and subject to securing planning consent, as well as approval from Fields in Trust, SCC proposed to site a container with associated power supply, changing facilities and a toilet on the SMRG to enable matches to be played from the start of the 2023 season. In the longer term, SCC wanted to construct a permanent brick-built sustainable building.

Approval was sought to enter a 5-year lease with SCC for siting the container provided by the Club at a peppercorn rent and subsequently, a long-term lease of up to 50 years in order to attract funding to build a permanent facility. A break-clause would enable the initial lease to be terminated should SCC fail to raise / secure funding. Approval was also sought to enter a 5-year management agreement for the laying of and maintenance of the cricket square, artificial wicket and outfield. An

annual licence would be granted to SCC to enable parking on the grass. SCC would be applying for grants and fundraising to secure £12,000 to lay the square and carry out necessary work in late summer / early autumn 2022. It was noted that there was no alternative suitable Council-owned land in Bexhill that could accommodate a cricket facility for SCC and that the Council did not have the resources to fund and deliver a new cricket ground and pavilion. It was also noted that creating a cricket facility at SMRG was in-line with the Hastings and Rother Pitch Strategy. Members were also advised that 1066 RC Racing Car Club was keen to work with SCC for mutual benefit.

Cabinet approved the recommendations proposed and was pleased to support SCC returning to play cricket in Bexhill, as were the local Members for Sidley.

RESOLVED: That:

- 1) officers be authorised to enter into a 5-year management agreement with Sidley Cricket Club for the laying and maintenance of a cricket square and artificial wicket, and in return to grant the club exclusive use of the facility and waive the associated booking fees;
- 2) officers be authorised to enter into a 5-year lease with Sidley Cricket Club for a container, purchased at their cost, to be sited on the recreation ground, at a peppercorn rent and otherwise on terms to the satisfaction of the Director – Place and Climate Change;
- 3) in accordance with Section 123(2A) of the Local Government Act 1972 (as amended), to advertise the disposal of public open space for only the land on which a cricket container is to be sited and to report any objections to Cabinet for further consideration; and
- 4) in principle the grant of a 50-year lease to Sidley Cricket Club of a plot of land in the same location at a peppercorn rent, subject to Fields In Trust approval and formal disposal procedures in accordance with Section 123(2A) of the Local Government Act 1972 (as amended) in due course be approved.

CHAIR

The meeting closed at 7.46 pm.