

Cabinet

Date and Time - **Monday 27 June 2022 – 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, A.K. Jeeawon, H.L. Timpe and J. Vine-Hall

AGENDA

1. MINUTES

To authorise the Leader to sign the Minutes of the meeting held on Monday 23 May 2022 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

This agenda can be made available in large print, Braille, audiotape/CD or in another language upon request. For all enquiries please contact Lisa Cooper

**Rother District Council aspiring to deliver...
an Efficient, Flexible and Effective Council, Sustainable Economic Prosperity,
Stronger, Safer Communities and a Quality Physical Environment**

6. **PERFORMANCE REPORT: FOURTH QUARTER 2021/22** (Pages 1 - 4)
7. **CONTRACTING OUT OF HOMELESSNESS REVIEWS** (Pages 5 - 8)
8. **BURWASH NEIGHBOURHOOD DEVELOPMENT PLAN 2019-2028** (Pages 9 - 12)
9. **DISCRETIONARY COUNCIL TAX ENERGY REBATE SCHEME** (Pages 13 - 16)
10. **DISPOSAL OF PUBLIC OPEN SPACE AT ST. MARY'S RECREATION GROUND** (Pages 17 - 34)
11. **NEW CRICKET FACILITY FOR SIDLEY CRICKET CLUB AT ST. MARY'S RECREATION GROUND** (Pages 35 - 40)

Malcolm Johnston
Chief Executive

Agenda Despatch Date: 17 June 2022

Rother District Council

- Report to:** Cabinet
- Date:** 27 June 2022
- Title:** Performance Report: Fourth Quarter 2021/22
- Report of:** Director – Place and Climate Change
- Cabinet Member:** Councillor Jeeawon
- Ward(s):** All
- Purpose of Report:** To consider the recommendations arising from the Overview and Scrutiny Committee meeting held on 6 June 2022, regarding the Performance Report: Fourth Quarter 2021/22. The recommendations and Minute arising are reproduced below.
- Decision Type:** Non-Key
- Officer**
- Recommendation(s):** It be **RESOLVED:** That Cabinet be requested to:
- 1) lobby Central Government, through the Local Government Association, to retain funding to assist rough sleepers; and
 - 2) monitor the merger of Optivo and how properties were managed in the district.

OSC22/07. **PERFORMANCE REPORT: FOURTH QUARTER 2021/22**

Consideration was given to the report of the Director – Place and Climate Change on the Performance Report of the Fourth Quarter 2021/22. Members were given the opportunity to scrutinise 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 third financial quarter (1 January 2022 to 31 March 2022) 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 four, one measure had met its target (Number of affordable homes delivered (gross) (supply target)) and four measures 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 four, one measure had met its target (Number of Council Tax Reduction Claimants) and two measures did not reach their target (Council Tax Collection Rates and Business Rates Collection Rates).

Waste Collection: The reported figures were for quarter three as the data received was one quarter in arrears from Waste Data Flow. This measure (East Sussex County Council Waste re-used, composted and recycled) did not meet its target. The most recent Department for Environment, Food & Rural Affairs (DEFRA) report dated 15 December 2021 stated that the recycling rate nationally fell by 1.5% for the year 2020/2021. Reasons why had not been given in the report, other than factors related to COVID lockdown. The report for 2021/2022 was due in December 2022.

Additional Income: During quarter four, one measure met its target (Net Income from all investments assets) and one measure did not (Additional Income Generation). The pandemic had had a negative effect on the Council's ability to implement proposals for achieving additional income, but progress had been made and the situation was expected to improve markedly in 2022/23. For example, the Planning pre-application advice service had been re-launched in the current financial year and rental income from the Amherst Road building was now being generated.

Planning Processing: During quarter four, both measures did not meet their targets (Major Applications days to process and Minor Applications days to process). However, the last quarter had continued to see the reduction in the overall caseload, especially older cases, and a continued improving trend in terms of time taken to process planning applications. This was expected to continue into 2022/23 as the overall caseload and number of older cases continued to decline.

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

- Members were concerned that the waste re-used, composted and recycled rate had decreased and what the reasons were for this. Detailed data was not available at the meeting but the issue would be researched by officers;
- progress was sought on the inclusion of food waste collections; the UK Environment Bill was still outstanding and guidance on when food waste should be implemented was still unknown. Members were advised that new legislation would have significant implications for the Council and the Joint Waste Partnership;
- the number of backlogged planning cases continued to decline, although performance had stagnated recently. The Council had seen a significant increase in demand of planning applications. Members were reassured that the figures for Quarter 1 2022/23 would show a significant improvement as backlog cases would no longer be included;
- the on-going national shortage of planning officers meant that the Council continued to employ three full time equivalent agency

planning officers. Initial conversations had taken place with neighbouring authorities to look at sharing knowledge;

- Members were concerned that the number of households in temporary accommodation (TA) had increased; however this measure was a reflection of need rather than of the Council's performance. Interventions such as the TA Support Service and the Tenant Finder Scheme continued to be implemented, but the cost of living crisis was compounding longstanding challenges relating to the affordability of housing;
- funding received for the improvement of leisure facilities in Bexhill had been allocated to the Bexhill Town Centre Steering Group and the development of the BMX and Skate Park in Sidley. A report would be presented in July on the draft Built Leisure Facility Strategy before going to Cabinet and out for consultation;
- 28 discretionary TA placements had been made for rough sleepers during the pandemic, funded by an external grant which was expected to end during the first quarter 2022/23. It was recommended to Cabinet that the Council lobby Central Government, through the Local Government Association, to retain funding for rough sleepers;
- Members were concerned that most targets had not been met and some discussion took place about target setting and acceptable threshold levels, as the amber warning triangle did not appear to be being used;
- the number of Council Tax Reduction Scheme claimants was lower than in previous years and below the estimated total for the year. Signposting residents to the scheme may capture those who were unaware of its existence; and
- Members raised concerns about the housing association provider Optivo, who was going through a merger and how their ability to manage properties in the district may be affected. It was recommended that Cabinet monitored the situation closely.

(When it first became apparent, Councillor Thomas declared a Personal Interest in this matter as 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).

(Overview and Scrutiny Committee Agenda Item 5).

Chief Executive:	Malcolm Johnston
Report Contact Officer:	Ben Hook – Director – Place and Climate Change
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Appendices:	N/A
Relevant Previous Minutes:	None
Background Papers:	Report to Overview and Scrutiny Committee
Reference Documents:	None

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Rother District Council

Report to: Cabinet

Date: 27 June 2022

Title: Contracting out of Homelessness Reviews

Report of: Joe Powell, Head of Service Housing and Community

Cabinet Member: Councillor Byrne

Ward(s): All

Purpose of Report: To ensure that homelessness decisions issued under the Housing Act 1996 (as amended) are reviewed independently of the original decision maker, following the receipt of an appeal to a homelessness decision from a homeless applicant.

Decision Type: Non-Key

Officer

Recommendation(s): It be **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 Service Housing and Community in consultation with the Portfolio Holder for Housing.

Reasons for Recommendations: To ensure that reviews under the Housing Act 1996 (as amended) can be completed in-line with the Council's legal obligations under the Act.

Introduction

1. Housing law allows applicants to request a review of their homelessness decision made by a local authority under section 202 of the Housing Act 1996 (as amended) (the Act). The Council's Housing Needs Team issue a decision on an applicant's homelessness case and the legal duty that is owed to them. Applicants then have a right to request a review of this decision in writing if the request is received by the Council within 21 days of the date applicants are notified of the decision; further, an applicant is able to make a review of the section 202 review decision under section 204 of the Act.
2. The Council has for many years contracted the services of an independent agent to undertake reviews. The current contract is not performing effectively and the Housing Needs Team is undertaking a procurement exercise to appoint a new agent.

Homelessness Reviews

3. The Homelessness Code of Guidance 2018 states that a review may be carried out by the housing authority which made the original decision or by someone acting as an agent of the housing authority. Where the review is to be carried out by an officer of the housing authority, the officer must not have been involved in the original decision, and they must be senior to the officer (or officers) who took that decision.
4. The Local Authorities (Contracting out of Allocation of Housing & Homelessness Functions) Order 1996, enables housing authorities to contract out certain functions under Parts VI and VII of the 1996 Act. The small size of the Housing Needs Team means that it is sensible to outsource to external providers some of the homeless reviews and decisions, including carrying out investigations, making enquiries and other related activities. This is because senior officers are often involved in homelessness investigations, thereby leaving no one sufficiently independent to conduct the review. In addition, the use of an external provider can 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.
5. The average cost of reviews using an agent varies each year, depending on demand; however, typically the annual cost is approximately £8,000 to £9,000.
6. Members should also note that the appointment of an agent to conduct reviews is common-place amongst local housing authorities and, for example, all the housing authorities in East Sussex have such agents under contract.

Conclusion

7. The Council has a legal duty to undertake the review of homelessness decisions. The relatively small size of the Housing Needs team means that senior officers are often involved in homelessness decisions and are therefore not sufficiently independent of the original decision to complete the review. It is therefore recommended that the decision on the appointment of an agent to undertake section 202 and 204 reviews be delegated to Head of Service Housing and Community in consultation with the Portfolio holder for housing, following a procurement exercise in-line with local government procurement rules.

Financial Implications

8. The cost of reviews is included in the Housing Needs budget. The appointment of an agent to complete reviews will only happen following a procurement exercise that will consider value for money.

Legal Implications

9. The Council has a duty in legislation to complete reviews under sections 202 and 204 of the Act. The recommendation will allow the Council to fulfil these duties effectively.

Human Resources

10. Failure to appoint an agent to complete reviews for the Council will require it to recruit permanently a senior officer to conduct reviews independently.

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
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Appendices:	None
Relevant Previous Minutes:	None
Background Papers:	None
Reference Documents:	None

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Rother District Council

Report to:	Cabinet
Date:	27 June 2022
Title:	Burwash Neighbourhood Development Plan 2019-2028
Report of:	Ben Hook, Director of Place and Climate Change
Cabinet Member:	Councillor Jonathan Vine-Hall
Ward(s):	Burwash and the Weald
Purpose of Report:	To confirm the result of the recent Neighbourhood Plan Referendum for the parish of Burwash.
Decision Type:	Non-Key
Officer	
Recommendation(s):	Recommendation to COUNCIL: 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.
Reasons for Recommendations:	To enable Rother District Council to "make" the Plan so that it will become part of the statutory Development Plan for the area.

Introduction

1. Following a successful local Referendum result in relation to the use of the Burwash Neighbourhood Development Plan (BNDP) to help in the determination of planning applications in the Parish Neighbourhood Area, this report recommends that it be formally 'made' (adopted) and become part of the statutory Development Plan for the area.

Background

2. Burwash Parish Council, as the Qualifying Body (QB), applied for Burwash Parish to be designated a Neighbourhood Area under Part 2 of the Neighbourhood Planning (General) Regulations 2012. The area was designated on 7 June 2016.
3. Following consultation on a draft (pre-submission) Plan, the BNDP was submitted to the District Council in August 2020. The BNDP and its supporting documents were publicised and representations invited. The period of formal consultation ran from 11 September – 6 November 2020. An independent examination followed and the Examiner, Mr Andrew Ashcroft, published his report in May 2021, concluding that that the BNDP, subject to certain modifications proposed in his report, meets the basic conditions as set

out in legislation, is compatible with Schedule 4B of the Town and Country Planning Act 1990 and could therefore proceed to local referendum.

4. On 9 July 2021, the District Council resolved that the Neighbourhood Development Plan – Submission Version (as amended in line with the Examiner’s proposed modifications) should proceed to local Referendum. This decision and a revised version of the BNDP, agreed by Burwash Parish Council, was published on Rother District Council’s website. The ‘referendum area’ was determined to be Burwash Parish, as recommended by the Examiner.
5. There has been a hiatus in the progress of the BNDP as the Council’s decision to go to Referendum was challenged in an application for a Judicial Review. The claim was reviewed by the High Court in January and February of this year and finally dismissed by Mrs Justice Lang on 9 March, allowing arrangements for the Referendum to continue.

Referendum

6. A Referendum was held on 16 June 2022. The referendum question was:

‘Do you want Rother District Council to use the Neighbourhood Plan for Burwash to help it decide planning applications in the Neighbourhood Area?’

7. The results of the referendum were:

Yes = 755
No = 28
Unmarked or Void = 2

Number of Votes = 785
Turnout = 35%

Conclusion

8. Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the Council to ‘make’ a Neighbourhood Plan if more than half of those voting in a referendum have voted in favour of the Plan being used to help to decide planning applications in the area. This needs to be achieved within eight weeks of the referendum result.
9. The Council has also assessed and concluded that the Plan, including its preparation, does not breach and would not otherwise be incompatible with any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). This includes compliance with the most recent basic condition regarding compliance with the Habitat Regulations.
10. Therefore, it is proposed that Full Council be recommended to formally ‘make’ the BNDP with immediate effect. This will bring it into legal force. A meeting of Full Council is scheduled for Monday 4 July and this matter will be dealt with at that meeting.
11. The principal effect of this is that it will become part of the statutory ‘development plan’ for the area. Hence, planning applications within Burwash

Parish will be determined against the BNDP, alongside relevant Local Plan policies, also having regard to the National Planning Policy Framework.

12. The decision to make the BNDP will be publicised and notified to those who had asked to be advised.

Environmental Implications

13. In accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 Regulation 16 (1), a statement setting out how environmental considerations have been integrated into the Plan needs to be published alongside the BNDP and consultees informed. This statement will explain that a Strategic Environmental Assessment was prepared by Burwash Parish Council as the Neighbourhood Plan progressed, informed by the Sustainability Appraisal of Rother District Council's Core Strategy and detailed evidence base documents. The Sustainability Environmental Assessment for the BNDP will also be adopted and will form part of the Local Development Plan for RDC.

Financial Implications

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

Legal Implications

15. Compliance with relevant NDP legislation is detailed within the report.
16. There is an opportunity for legal challenge in the event of perceived failures in these respects, but the Council and the independent Examiner, as well as the Town Council, has been careful to ensure due process has been followed.

Human Resources Implications

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

Risk Management

18. The making of a Neighbourhood Development Plan is a requirement, with very limited exemptions, once it has been supported by a local referendum. The Council needs to be satisfied that all the 'basic conditions' are met and that the Plan has been properly prepared.

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

Chief Executive:	Malcolm Johnston
Report Contact Officer:	Julia Edwards Senior Planning Officer
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Appendices:	None

Relevant Previous Minutes:	None
Background Papers:	None
Reference Documents:	None

Rother District Council

Report to: Cabinet

Date: 27 June 2022

Title: Discretionary Council Tax Energy Rebate Scheme

Report of: Chris Watchman, Revenues and Benefits Manager

Cabinet Member: Councillor Jeeawon

Ward(s): ALL

Purpose of Report: To agree the Discretionary Council Tax Energy Rebate Scheme to provide support to residents not eligible for the main scheme.

Decision Type: Non-Key

Officer

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

- 1) Discretionary Council Tax Energy Rebate scheme outlined in the report 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.

Reasons for

Recommendations: To enable support to be provided to low income households not eligible for the main Energy Rebate scheme.

Introduction

1. In February 2022, the Government announced measures to help protect millions of households from rising energy costs. This included the following two schemes to be administered by Local Authorities.
 - **Council Tax Energy Rebate** – A non-repayable payment of £150 to households who are liable for Council Tax and reside in properties with a Council Tax band of A – D on 1 April 2022.
 - **Discretionary Council Tax Energy Rebate** – A non-repayable payment to support households not eligible for the main scheme. Including properties in bands E to H.
2. The following report provides information on the eligibility and operation of the main scheme and makes proposals for the discretionary scheme.

Phase 1 Main scheme

3. The Council Tax Rebate Scheme is a mandatory scheme in that all households that meet the eligibility criteria will receive the rebate. In Rother there are 31,527 properties which fall into bands A-D. Therefore, the Council is administering in the region of £4,729,050 under this scheme.
4. Where the Council hold a live Direct Debit instruction and the name on the bank account matches the liable council tax payer a payment has been automatically made into the resident's bank account.
5. Where a live direct debit instruction is not held, all eligible households have been contacted by letter inviting them to complete a short online application form to provide their account details so that payment can be made.
6. Where residents have been unable to access the online form, support has been provided by way of Council officers completing the application form over the phone with the residents.

Phase 2 Discretionary scheme

7. A discretionary fund has been provided so that Local Authorities can offer support to residents who are not eligible under the terms of the main scheme. Rother has been allocated £294,000 to fund this scheme, allowing support to be provided to an additional 1,960 households.
8. The Council can determine locally how best to make use of this funding. This could include providing support to households living in property valued in bands E – H that are on low incomes or those where the energy bill payers are not liable for Council Tax.
9. Due to the level of funding that the Government has provided, there is insufficient resources to provide a payment of £150 to all households not eligible for the main scheme. Rother has 14,509 households in Band E and above.
10. Officers have been working in partnership with Councils across the County with the aim of designing a comparable scheme across East Sussex. Based on this work it is proposed to make a £150 payment to household that meet the following criteria:
 - The Household is liable for Council Tax and resides in a property with a Council Tax band E – H or the household is not liable for Council tax and reside in a dwelling with a Council Tax band A – D but are responsible for energy bills **AND**

Is in receipt of at least one of the following:
 - Universal Credit
 - Housing Benefit
 - Council Tax Reduction
 - Working Tax Credit
 - Income Support
 - Income Based Job-Seeker's Allowance

➤ Income-related Employment and Support Allowance; **OR**

Has a net income of not more than £257.69 per week for a single person or £384.62 per week for a couple and has capital of no more than £6,000.

11. The application and payment process will mirror that of the main Scheme with those applying required to claim via an on-line form. Applications will be processed in date of receipt order with the fund closing on 30 November 2022 or when the fund has been exhausted, whichever is the sooner.
12. In-line with the objectives of Rother’s Anti-Poverty Strategy, support will be provided to residents who cannot access the scheme online. Council officers will again be available to complete application forms over the phone with residents in order to maximise the schemes accessibility. Partner organisations will also have full details of the scheme so that they can promote it with their service users.
13. The scheme will also be promoted via the Council’s website and social media channels. Take up will be closely monitored to see if more direct promotion is required.

Conclusion

14. Members are asked to approve the Discretionary Council Tax Energy Rebate scheme as detailed in the report. It is also proposed to delegate authority to the Deputy Chief Executive, in consultation with the Cabinet Portfolio Holder for Finance and Performance Management, to finalise the detailed criteria and make any necessary amendment to the scheme to utilise the available funding

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:	Chris Watchman, Revenues and Benefits Manager
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Appendices:	None
Relevant Previous Minutes:	None
Background Papers:	None
Reference Documents:	None

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Rother District Council

Report to:	Cabinet
Date:	27 June 2022
Title:	Disposal of Public Open Space at St. Mary's Recreation Ground
Report of:	Deborah Kenneally, Head of Neighbourhood Services
Cabinet Member:	Councillor Timpe
Ward(s):	Sidley
Purpose of Report:	To declare that objections have been received to proposed disposal of public open space at St. Mary's Recreation Ground.
Decision Type:	Non-Key
Officer Recommendation(s):	It be 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.

Introduction

1. In January 2021, the Council resolved to grant a five-year lease of a small parcel of land at St. Mary's Recreation Ground (SMRG) in order that the 1066 RC Racing Car Club (RCRCC) could construct and operate a radio-controlled racing car track at the Club's own cost. Further, it was resolved that a licence be granted to the Club enabling a designated area of the SMRG to be used for parking in connection with the permitted activity at specified times (Minute CB20/92 refers).
2. In March 2022, under Planning Application RR/2021/2252/P (Minute PL21/98 refers), planning consent was granted for a small area of the SMRG to be fenced to accommodate the racing track and ancillary items. The consent is limited to two years, as will be the lease, so as to provide a mechanism to terminate the activity if a significant number of objections are received relating to disruption to residents and other users of the site. The permitted use is restricted to just one weekday evening per week from 5pm to 9pm, or sundown if earlier, and Sundays between 9am and 2pm.
3. Following the granting of planning permission, the intended disposal of open space land was advertised for the mandatory period of two weeks up to 12 May 2022 through the display of the Notice on site, on the Council's website, in My Alerts and the Bexhill Observer. A copy of the plan was also made available for inspection at the Town Hall.

Objections to the disposal

4. In response to the advertising six written objections have been received in accordance with the formal objection process and are appended to this report at Appendix A. These relate primarily to the misconception that the disposal process involves the sale of the land to the prospective tenant. The other stated grounds for objection include noise, congestion and lack of parking, litter, vandalism and the permitted activity being unsuitable for the open space. The radio-controlled cars are virtually silent. Planning condition 6 of application RR/2021/2252/P requires that the details of any loudspeakers, or other means of sound amplification and electricity generators are submitted for approval in writing to the Local Planning Authority prior to the permitted use commencing. Parking in a designated area around the land to be leased will be managed through a Licence issued annually by Neighbourhood Services.
5. 1066 RCRCC wish to be based in Bexhill and there are no suitable alternative open spaces under the Council's ownership where they could be accommodated.

Options

6. Option 1 – not proceed with the project. However, this would be counter to what Cabinet has agreed.
7. Option 2 – proceed with the project; mitigate resident's concerns by monitoring the level of littering, use of litter bins, noise nuisance and parking, and if significant numbers of valid objections are received, withdraw permission when the lease expires.

Conclusion

8. SMRG will remain in the ownership of the Council and will continue to be protected under the Fields in Trust QEII Playing Fields deed of dedication. Officers have considered the objections received but do not consider that the permitted activity will impact detrimentally on local residents, indeed it will increase the use and value of this somewhat underused amenity to the community and does not conflict with the plans in development to accommodate Sidley Cricket Club at the same site. The limitations imposed by the planning consent and resultant shorter-term lease of two years both provide a means to terminate the activity in the event that the arrangement proves to be problematic.

Strategic Management Team Comment

9. Cabinet is recommended 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).

Financial Implications

10. All costs associated with the disposal, setting up, and operating the facility within the leased area are being met by 1066 RCRCC.
11. There will be minimal impact to the Council as the majority of costs arise from grounds maintenance, currently £14,000 per year, and the standing charge for

water of circa £100 per year. Some of the ground's maintenance costs will transfer to the Club, and the water used will be recharged, so there may be a small saving to the Council.

12. Loss of potential income from booking fees of approximately £1,200 per annum is counterbalanced by reduction in maintenance costs as above.

Legal Implications

13. The services of the Council's legal team will be needed to consider any covenants that may apply to the land, and draft, issue and complete the lease.

Environmental

14. The cars for the permitted activity are electric, not petrol, so noise and air pollution will be minimal. The wooden fence and will race on the grass so no environmental implications of significance at present.

Equalities and Diversity

15. The provision of a race track facility in Sidley will support access to an activity growing in popularity to people of all ages and abilities, living both within the area of deprivation and further afield.

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
Sustainability	No	Exempt from publication	No
Risk Management	No		

Chief Executive:	Malcolm Johnston
Report Contact Officer:	Deborah Kenneally, Head of Neighbourhood Services
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Appendices:	A – Consultation Objections
Relevant Previous Minutes:	CB20/92 / PL21/98
Background Papers:	None
Reference Documents:	None

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Rebecca Owen
Parks Development Officer
Town Hall
Bexhill-on-Sea
East Sussex TN39 3JX

1st May 2022

Dear Rebecca

**'Objection' to Disposal of Section of Public Open Space Land
Situated at St Mary's Recreation Ground, Bexhill
Quote Reference BEXSTMA156**

We see with great horror as very frequent users of the beautiful public open space above the plan to now dispose a section of this space to '1066 Racing Radio Control Car Club' for their permanent venue!!

We exercise my successor 'Assistance Dog' a Hearing Dog for Deaf People 'Humphrey' and also my retired Hearing Dog 'Marti' on the above public space. It is ideal as all enclosed to keep my very important Hearing Dogs safe when having their daily vital exercise when off duty. This would be threatened firstly with access to the very small car park – I am aware there are plans to extend the car park (which is not mentioned/shown marked on the latest Rother Council announcement for the above). So we take it the car park extension will not be done for some time if disposal of the section of the open space above goes ahead!

May we bring to your notice that no one who came to exercise their dogs, have an enjoyable family time playing ball could access the St Mary's Recreation Ground in St Mary's Lane a few weeks ago. The reason? The 1066 Racing Radio Control Car Club members completely blocked the car park to any access! The car park was solid with parked cars even in the 'middle space' of the car park so no chance of driving into the car park at all. What will happen is 1066 Racing Radio Control Car Club will have 'exclusive use' of this open public land car park in its present size and when the club membership grows even with later added car parking spaces!

We would be losing space more precious green space, that would have unsightly storage facility and a concrete base on which is at present beautiful grass. The club storage facility would definitely attract vandalism when the Radio Racing Control Car Club members are not at the St Mary's Public Ground. No matter what club members assurances say!

The plans for the disposal of a section of the St Mary's Public Open Space Land to the 1066 Racing Radio Control Car Club is opposed. The venue is totally unsuitable for this kind of club and will attract vandalism. That section marked on the Rother Plans would be better suited for 'swings and slides' play park for children.

Yours sincerely

[REDACTED]

5th May 2022

Rebecca Owen
Parks Development Officer
Town Hall
Bexhill
TN39 3JX

BEXSTMA156

Dear Ms Owen.

This is a further comment regarding a Remote Control Car Track application proposed at St Mary's Lane Sports Ground.

So yet another application for this unacceptable application in the first round, I'm advised the company are requesting a further 37 extra parking spaces. So there will there be extra excessive noise, way more congestion and lots more litter.

If the committee received nearly 90 local residents objections the first time round how on earth would an extra 37 car spaces be more acceptable?

I and many local people consider congestion in St Mary's Lane the worse outcome, the entrance is on the brow of a hill and I myself have had vehicles cresting the brow in the centre of a single carriageway and many times I have had to avoid a head on crash, this road is also used as a shortcut to the Link Road to the north of St Mary's Lane, I have certainly noticed the rise in traffic congestion in the last few years since the Link road was completed, this proposal will definitely make the situation a whole lot worse.



The noise that a remote control car can make is intense and multiply that by say 10+ other cars, it will be horrendous and the extra disgusting litter, I pity the people and households that live very close by to St Mary's sports ground.

Once again consider rejecting the 1066 R.C. Cars proposal.'

Yours sincerely



Rebecca Owens
Parks Development Officer,
Town Hall,
Bexhill o/s,
East Sussex.
TN39 3JX.

10th May 2022

Your Ref BEXSTMA156

RE:- The disposal of part of St. Marys Rec. to 1066 racing

I object to the disposal of the above land because as in Section 123 Local Government act 1972 The consideration of £1 per annum is "a consideration less than the best that can reasonably be obtained". Having spoken to a professional local land agent the market rate for such a site should be a bare minimum of £1 per m² P.A. Including parking! This is a private members club & charges its members about £15 per entrant to use its facilities. Its Website is called "1066 racing. company" normally attracts 30-40 entrants per competition

secondly, there is still an unanswered complaint of maladministration and other issues (copy enclosed) regarding the planning application for the proposed track, which if not satisfactorily answered will be taken to the ombudsman/Judicial Review. The 40 day to respond (because of covid) will expire on Monday 16th May

Regards

Screenshot_20220502-085620.png

Open with

08:56



<https://www.legislation.gov.uk/ukpga/1972/70/section/123>



Changes to legislation: Local Government Act 1972, Section 123 is up to date with all changes known to be in force on or before 01 May 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

123 Disposal of land by principal councils.

- (1) Subject to the following provisions of this section, **[F1]** and to those of the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010, a principal council may dispose of land held by them in any manner they wish.
- (2) Except with the consent of the Secretary of State, a council shall not dispose of land under this section, otherwise than by way of a short tenancy, **[F2]** or a consideration less than the best that can reasonably be obtained.
- [F2]** (2A) A principal council may not dispose under subsection (1) above of any land consisting of or forming part of an open space unless before disposing of the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed disposal which may be made to them.

[F3] (2AA) Subsection (2A) does not apply to a disposal to which the provisions of regulations made under section 1 of the Playing Fields

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Apr 110th ALL DAY WINTER WHIP RND 3

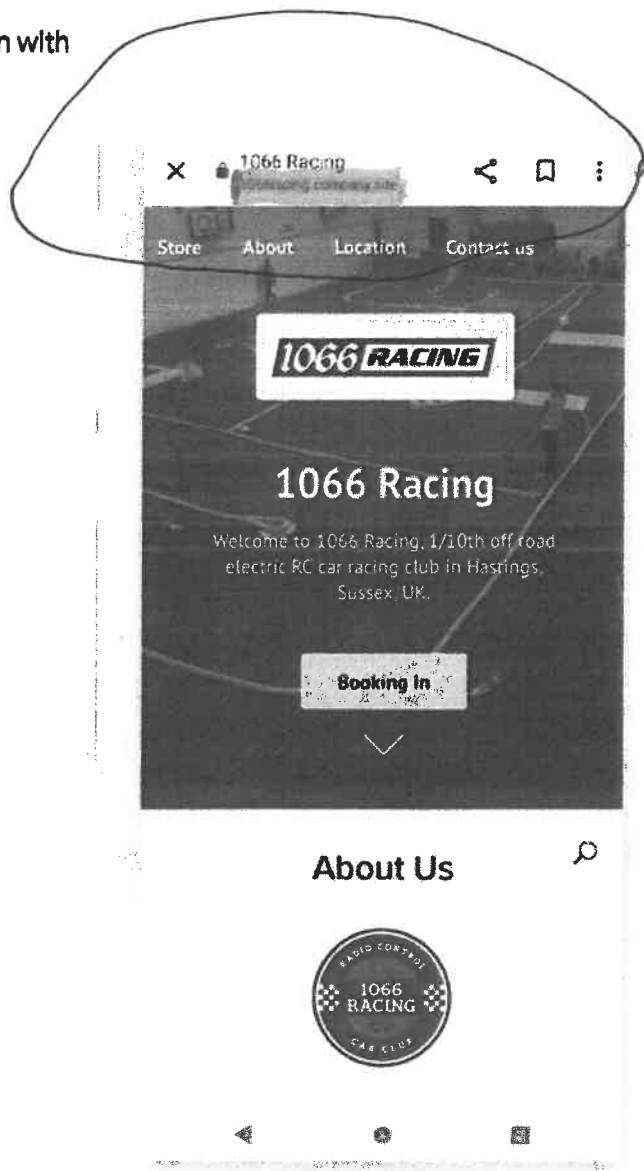
Apr 1 24th 1600-2200

Booking In

	
<p>1066 Racing Winter Whip Round One 5th December 0800 - 1700 £15.00</p>	<p>1066 Racing Winter Whip Round Two 13th February 0800 - 1700 £15.00</p>
	
<p>1066 Racing Winter Whip Round Three 10th April 0800 - 1700 £15.00</p>	<p>Next Club Night on calendar 1066 Racing 1600 2200 £10.50</p>

Navigation icons: back, home, app drawer

Screenshot_20220511-144220 Open with





Fwd: HEAD OF PLANNING RDC, RE: APPLICATION RR/2021/2252/P. St Mary's Lane, Bexhill.

1 message

Wed, May 11, 2022 at 10:38 AM

Please can you print this darling

----- Forwarded message -----

From: [REDACTED]
Date: Wed, 16 Mar 2022, 15:28
Subject: Fwd: HEAD OF PLANNING RDC, RE: APPLICATION RR/2021/2252/P. St Mary's Lane, Bexhill.
To: [REDACTED]

Sent to RDC 16/3/2022 Now let's see if they ignore this or try and change all the faults before the end of tomorrow!!

----- Forwarded message -----

From: [REDACTED]
Date: Wed, 16 Mar 2022, 15:25
Subject: HEAD OF PLANNING RDC, RE: APPLICATION RR/2021/2252/P. St Mary's Lane, Bexhill.
To: <customer.services@rother.gov.uk>

16th March 2022.

OFFICIAL COMPLAINT ABOUT THE ABOVE APPLICATION.

Firstly the application form is fundamentally & substantially wrong.
Question:-

4. Area is not 1,600m² but 2,538m².

6. Existing use. No contamination assessment was ever submitted with this application even though the applicant ticked yes to suspected contamination for all or part of the site! Considering the proposed application will be building fencing and rostrum and "sustainable drainage"(as stated in 10.) and digging approx 1m into what is an old landfill site this could be a public a danger and expose hazardous materials!

7. External materials are to be used, the applicant has ticked NO.

9. Vehicle parking, the application does blatantly add vehicle parking even though the applicant ticked NO.

13. States "No plans for toilets on site" this is in contradiction of the application which states toilets will be supplied at larger events" but again fail to give any details!

19. Clearly the hours of opening are relevant to the application even though the applicant ticked NO.

This should NOT have passed validation!

PLANS

I must officially ask why RDC neighborhood services have prepared all the drawings for this independent clubs

application when RDC's neighborhood services have declared NO ongoing planning applications?
This is not only suspicious but a conflict of interests!?

The ammended location plan clearly shows the development line in red, including the new proposed parking, but it fails to outline in red the route to access the new parking spaces. This requirement is definitely stated in section 1 of the national list of planning requirements and the council's own validation checklist!

OFFICER'S REPORT TO PLANNING COMMITTEE.

The officers report is misleading and incorrect. It states that Parking is proposed for 20-25 car parking spaces of 3mx5m but the amended block plan clearly shows that there are 37 car parking spaces around the track. This statement was read to the planning committee and this alone should be reason to withdraw/reject this application!

NOISE

No noise assessment has been undertaken by the applicant even though it has been requested on numerous occasions! It is the council's obligation and duty of care to ensure that a statutory noise nuisance does not occur. If it turns out there is a statutory noise nuisance further legal action will be taken!
No restrictive planning condition to adequately police the track when 1066 racing are not present has been implemented. Leaving misuse inevitable! like the use of extremely noisy Nitro cars causing a statutory noise nuisance!

ACCESS,

No consultation with ESCC Highways department regarding this application has been carried out. It is the duty of the council to ensure the safety of everyone by not consulting with the ESCC HIGHWAYS Department is a blatant disregard of it's duty of care and health and safety obligations!

No planning restriction has been used to prevent parking on St. Mary's Lane, a narrow country lane with sharp bends and single file in places especially in the vicinity of the proposed track. This is also neglectful and very dangerous as this will block emergency services vehicles from passing and also be disregard of the council's duty of care!

ATTENDEES.

No restrictions on the numbers of attendees has been implemented on the planning restrictions. Figures of 80, 40, 35, 30, 25,20 and 15 people have been quoted. It is the council's responsibility to ensure that safety is paramount and not restricting the number of attendees is not just an oversight but neglectful.

I need an answer as to who first suggested that this proposed site be let at £1 per annum to a club that currently charges £20.50 per competitor per Sunday event? And for the cabinet to approve it is NOT prudent use of council tax payers money when some of the affected surrounding properties are paying £3,000+ in council tax!
Unbelievable!!!

I would also like to bring to your attention the blatant disregard by the officer of all the many and numerous 70+ VALID objections to this application! And in comparison the few supporters comments being received and all but two were in support of the hobby (including Cllr Coleman's speech to Committee.) not the suitability of the site for the proposed use!

I have been trying to contact the delegated officer, Harriet Nurse since 4/1/2022. I have left messages and my contact details for her to return my calls, sent emails and have heard nothing! I know there was COVID in early Jan but nothing in 10 weeks is inexcusable!

I would have thought that an application made on council land would be "squeaky clean" instead of this extremely poorly conceived, awfully executed and MALADMINISTRATED application, that RDC seems intent to pass regardless of the due process that should be followed!

For all the enclosed reasons I require you to refuse/reject this application on the grounds of maladministration. If this is not done, the proper routes to overturn the decision will be followed unlike this application itself!

Regards,



Rebecca Owen, Parks Development Officer, Town Hall, Bexhill-on-Sea, East Sussex, TN39 3JX

Dear Sir or madam,
REF: BEXSTMA156

2 May 2022

I'm writing to query to this disposal of council amenity land for the following reasons.

Why is it necessary for the council to sell (if that is what disposal means) the land for model car racing? Can it not be leased instead of sold?

My concern is that if sold the new buyer at some point may want to erect a building for storage purposes. Then after some time has passed it could be sold on and then the new buyer apply for planning permission to replace the storage building with a habitable home or business building.

You can see where I'm going. But perhaps the council is not planning to sell but the word 'disposal' does imply that. Perhaps the land is being given away? This notice does not make clear. Having been sent this information by the council I would like to know more.

yours,

Rebecca Owen
Parks and Development Officer
Town Hall
Bexhill-on-Sea
East Sussex
TN39 3JX

12th May, 2022

Dear Ms Owen,

Re: The Council's proposed 'Disposal of Open Space Land at St. Mary's Recreation Ground under Section 123(2A) of the Local Government Act 1972'

I was very puzzled, and worried, to read about the above proposal by the council to 'dispose' of this parcel of land on St. Mary's Recreation Ground, especially having attended the Council Meeting on 10th March when it was agreed that the 1066 Radio Controlled Racing Car Club would be allowed to rent the land for two years. This period of time would be under constant review to ascertain the impact on local residents, the views of which were largely ignored even though they were all valid reasons and numerous. I remember counting eighty nine objections.

On Rother's own website St. Mary's Recreation Ground is described as being a large quiet tree edged green space used for casual recreation. It is also one of the parks and green spaces protected with Fields in Trust in perpetuity and has been since July 2013.

Under the Local Government Act 1972 Section 123(A) it states that 'Except with the consent of the Secretary of State, a council shall not dispose of land under this section, otherwise than by way of a short tenancy, for a consideration less than the best that can reasonably be obtained'. Nowhere on the proposal did I see any reference to a 'short tenancy'. Indeed, all I read was that Rother were proposing to give the land to the 1066 Radio Controlled Racing Car Club, which begs the question if they are being given the land permanently how does that fit in with the fact that on March 10th they were only being allowed to lease the land temporarily for two years?

There is also the added consideration that if this proposal is agreed upon it would set a dangerous precedent to other clubs wanting to use St. Mary's and citing the above proposal as a reason for having their application agreed upon. Then there would be a gradual erosion of the amount of land at St Mary's for use by the general public who go there daily to enjoy this wonderful green space.

I should be very grateful if you would consider the points I have raised. I should also be most grateful if you would advise me of the outcome of this proposal.

Many thanks,
Yours sincerely,

Rebecca Owen
Parks Development Officer
Rother District Council
Town Hall
Bexhill-on-Sea
TN39 3JX

02/05/2022

Ref BEXSTMA156

Proposed Radio Controlled Area at St Mary's Recreation Ground, Bexhill on Sea

Dear Rebecca Owen,

I am writing to object to the proposed disposal of open space land ref BEXSTMA156 at St Mary's Recreation Ground.

My objections are as follows:

- The proposed use of the land will cause undue noise, disruption, and congestion to a quiet residential area. With a large number of participants and spectators' cars entering and leaving the ground via St Mary's Lane, which is a narrow country lane.
- The entrance to St Mary's Lane from Ninfield Road is hazardous and with so many cars arriving at the same time this will pose a safety issue.
- The grounds are a natural habitat for rabbits and other wildlife. The use of the land for car racing will destroy these habitats and is in contradiction to Bexhill's Green economy, as Rother District Council pledged in September 2019.
- In the summer months, when sunset isn't until after 9.00pm, the noise from the events will cause Noise Pollution for humans and animals in this quiet residential area.
- The small car parking area at the grounds isn't sufficient for this use and there is no parking available in St Mary's Lane.
- The council has a policy to increase the growth of wild lawns and flowers, to help pollination by bees, butterflies and wildlife essential for a healthy ecosystem. This area of grass could be used for this purpose instead and would be so beneficial for the ecology of Bexhill.

For the above reasons I ask that the proposal be rejected.

Yours sincerely,

Rother District Council

Report to: Cabinet

Date: 27 June 2022

Title: New cricket facility for Sidley Cricket Club at St. Mary's Recreation Ground

Report of: Deborah Kenneally, Head of Neighbourhood Services

Cabinet Member: Councillor Timpe

Ward(s): Sidley

Purpose of Report: To grant permission for Sidley Cricket Club to develop a new cricket facility at St. Mary's Recreation Ground, Bexhill-on-Sea.

Decision Type: Non-Key

Officer

Recommendation(s): It be **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.

Introduction

1. Sidley Cricket Club (SCC) was formed in 1901 and before the closure of the Sidley Sports and Social Club (Gullivers) in 2013, it ran three Saturday sides, one Sunday 11, a mid-week evening league 11 and four junior sides. Closure of the facility left the Club without a home ground and due to the limited availability of cricket pitches in Bexhill, the Club has since had to play in Hastings. As a result of having to travel to a further location, the Club's first and second teams and youth section have all folded.

2. SCC seeks to create a cricket facility at St. Mary's Recreation Ground (SMRG) on St. Mary's Lane, Bexhill where it can re-connect with the Sidley community and develop its youth and ladies' programme to encourage more disadvantaged boys and girls to participate to get back to the highest level of the Sussex League. It aims to achieve the relocation in time to hold a summer of cricket and community field events in celebration of its 125th anniversary in 2026.
3. In previous years, Bexhill Cricket Club created a cricket square at SMRG with the intention in the short term of providing a local ground for their lower senior teams and junior teams to play and train on, and with a view to the site possibly becoming their main ground in the longer term. However, the Club did not have the capacity to carry out the regular maintenance required and subsequently stopped using the site. SCC does have a team of volunteers committed to carrying out the on-going maintenance required and use of appropriate grounds maintenance machinery when needed.

Analysis / Details of the proposals

4. In the short term and subject to securing planning consent and approval from Fields in Trust, the Club proposes to site a container with associated power supply, changing facilities and a toilet on the recreation ground enabling matches to be played from the start of the 2023 season. In the longer term, the Club aspires to replacing this with a permanent brick-built building incorporating other facilities to support the Club's activities and enable it to be sustainable.
5. Approval is sought to enter a 5-year lease with the Club for the site of the container provided by the Club at a peppercorn rent and subsequently, to enter into a long-term lease of up to 50 years in order to attract the level of funding needed to build a permanent facility. A break-clause would enable the initial lease to be terminated in the event that the Club is unable to raise the funds and secure the necessary consents expeditiously.
6. Approval is also sought to enter into a 5-year management agreement with the Club for the laying and subsequent on-going maintenance of the cricket square, an artificial wicket and during the season, the outfield.
7. An annual licence would be granted to the Club enabling members and visiting teams to park on the grass at those times when training activities or matches are taking place. In the longer term, the Club may seek to extend the car park to improve spectator access. This would also be subject to planning and Fields in Trust consents.
8. SCC proposes to fund the facilities through fundraising activities and grants and expects to secure the £12,000 needed to lay the square in time to carry out the work in the late summer or early autumn this year.

Options

9. There are no alternative open spaces in the Council's ownership that could accommodate a cricket facility for SCC. Ground sharing at sites where cricket is already played is not viable.

10. Leasing the site in its entirety to SCC is not considered a viable or desirable option since in addition to the area that would be used for cricket, the site includes woodland and open space which the Club would not have the capacity or expertise to manage and maintain.
11. Enclosing the cricket outfield within a fence in order to lease just this area of the site to the Club is not desirable as it would have a detrimental impact on the amenity and aesthetic value of the site as a whole.
12. The Council does not have the resources at this time to fund and deliver the creation of a new cricket ground and pavilion. The proposal as presented is therefore considered to be the only means of enabling SCC to return to Bexhill in the near future.

Conclusion

13. At present, SMRG does not meet its potential in terms of supporting the community to be healthy and active. The proposed facilities will significantly increase its benefit to the community whilst enabling the existing use and enjoyment of the open space by residents to continue. The site will remain in the ownership of the Council and under the protection of under the Fields in Trust QEII Playing Fields deed of dedication.
14. SCC is a well-organised club with the enthusiasm and commitment to provide much-needed sporting opportunities for the community. Despite not having a ground in Bexhill it is working hard to keep cricket alive in Sidley. Its afternoon sessions for 7-16 year olds last summer were a great success and over 20 of the participants have signed up to be SCC Juniors in the sessions that are being held this summer at SMRG.
15. The proposal to create a cricket facility at SMRG is in-line with the Hastings and Rother Playing Pitch Strategy. The 2016 Strategy is currently under review but working with SCC to support their aspirations of returning to playing cricket in Bexhill remains a priority. At the time of the Strategy's adoption there was a surplus of cricket wickets across the district and Hastings, but there was nevertheless a shortfall of availability of facilities for Saturday afternoon match slots, particularly in Bexhill and Hastings, a situation which is likely to be identified in the review as having worsened. Increasing the number of opportunities for women and girls to play cricket, as is proposed by SCC was an identified goal.
16. The proposal as outlined does not conflict with the recent approvals allowing 1066 RC Racing Cars to set up a small track on the same site. Indeed, the two clubs are keen to work together for mutual benefit where possible.

Strategic Management Team Comment

17. Cabinet is recommended:
 - To authorise officers to enter into a 5-year management agreement with SCC for the laying of a cricket square and artificial wicket and their on-going maintenance.

- To agree to granting the club exclusive use of the facility and waiving the associated booking fees.
- To authorise officers to enter into a lease with SCC for a container to be sited on the recreation ground and subsequently, when funding has been secured, to enter into a longer-term lease to facilitate the construction of a permanent pavilion subject to planning permission.
- To authorise officers to proceed with the disposal of the land to be leased, in accordance with Section 123(2A) of the Local Government Act 1972 (as amended).

Financial Implications

18. The Council has part-funded the site investigations needed to get the project off the ground, but all of the costs associated with the purchase of the container and its maintenance, creation of the cricket pitch and ancillary items and their on-going operation will be met by SCC and its funders. In return for waiving the pitch booking fees and implementing a peppercorn rent residents will benefit from an enhanced facility at no additional cost to the Council.
19. Loss of potential income from booking fees are estimated to be £1,100 per annum and are counterbalanced in part by reduction in maintenance costs as above.

Legal Implications

20. Resourcing from Legal Services will be required in relation to considering any covenants that may apply to the land, and preparation of the leases and management agreement.

Environmental

21. SMRG is sited on a former brickworks and the levels were made up extensively with imported material between the 1930s and 1970s. SCC is aware of the potential for ground movements and accepts the implications in terms of future maintenance. The historical filling works represent a potential source of contamination, but site investigations commissioned by the Council have identified the level of risk to users of the outside space as being low. Further investigations are in progress in connection with the potential risk posed by ground gases to the proposed pavilion.

Equalities and Diversity

22. The provision of a more permanent cricket ground in Sidley will support access to people of all ages and abilities, living both within the area and further afield, to improved sports facilities within an area of deprivation.

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
Sustainability	No	Exempt from publication	No
Risk Management	No		

Chief Executive:	Malcolm Johnston
Report Contact Officer:	Deborah Kenneally, Head of Neighbourhood Services
e-mail address:	deborah.kenneally@rother.gov.uk
Appendices:	None
Relevant Previous Minutes:	
Background Papers:	None
Reference Documents:	None

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