

CABINET

3 October 2022

Minutes of the Cabinet meeting held at the Town Hall, Bexhill-on-Sea on Monday 3 October 2022 at 6:30pm.

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

Other Members present: Councillors J.J. Carroll, S.J. Coleman (remote), Mrs. V. Cook (remote), P.C. Courtel (remote), C.A. Madeley, C.R. Maynard (remote), P.N. Osborne and R.B. Thomas (remote) (in part).

Advisory Officers present: Chief Executive, Deputy Chief Executive, Chief Finance Officer, Director – Place and Climate Change, Planning Policy Manager (in part), Property Investment and Regeneration Manager (in part) and Democratic Services Officer.

Also present: 14 members of the public via the live webcast.

Publication Date: 6 October 2022

The decisions made under PART II will come into force on 14 October 2022 unless they have been subject to the call-in procedure.

CB22/30. **MINUTES**

(1)

The Chair was authorised to sign the Minutes of the meeting held on 5 September 2022 as a correct record of the proceedings.

CB22/31. **APOLOGIES FOR ABSENCE**

(2)

An apology for absence was received from Councillor K.M. Harmer, Chair of Council.

CB22/32. **DISCLOSURE OF INTERESTS**

(5)

There were no declarations of interest made.

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

CB22/33. **TECHNICAL ADVICE NOTES - FIRST HOMES AND 100% AFFORDABLE HOUSING**

(6)

Cabinet received Minute OSC22/20 arising from the meeting of the Overview and Scrutiny Committee (OSC) held on 29 September 2022

that had considered the publication of Technical Advice Notes (TANs) to support the Adopted Development Plan (Core Strategy 2011-2028; Development and Site Allocations Plan; and made Neighbourhood Plans) and TANs relating to First Homes; 100% Affordable Housing; and Bexhill Town Centre Conservation Area. It was noted that they were not adopted policy documents but could be used to explain how existing adopted policy should be interpreted in specific scenarios.

The OSC had also considered proposed amendments to the Planning Committee scheme of delegation, to enable proposed increases in affordable housing to be delegated to the Director – Place and Climate Change and determined in accordance with adopted planning policy, as detailed in the 100% Affordable Housing TAN. This would speed up the determination of such applications, give confidence to affordable housing providers seeking to take on sites and in turn, assist with the Council achieving the affordable housing priority set out in the Corporate Plan.

Members of the OSC considered transparency to be key and that decisions on proposed increases to affordable housing should remain with the Planning Committee to debate thoroughly. The OSC therefore recommended to Cabinet that the amendments to the Planning Committee scheme of delegation not be delegated to the Director – Place and Climate Change.

The OSC had been happy to recommend the TAN relating to First Homes to Cabinet for onward recommendation to full Council for publication, but not publication of the TANs relating to 100% Affordable Housing and Bexhill Town Centre Conservation Area at this time. The OSC had resolved to set up a Task and Finish Group to consider the Bexhill Town Centre Conservation Area TAN.

Cabinet was supportive of the OSC's recommendations not to amend the Planning Committee scheme of delegation, to publish the TAN relating to First Homes and not to publish the TAN relating to the Bexhill Town Centre Conservation Area at this time; Cabinet recommended and agreed it be deferred subject to the results from the Task and Finish Group set up by the OSC.

Cabinet felt that the TAN relating to 100% Affordable Housing was clear / concise and fully supported the Council's planning policies and made Neighbourhood Plans and recommended that it also be published. Members suggested that a previous presentation by officers to Members on Affordable Housing, could be repeated.

RECOMMENDED: That:

- 1) amendments to the Planning Committee scheme of delegation, to enable proposed increases in affordable housing not be delegated to the Director – Place and Climate Change and determined in accordance with adopted planning policy, as detailed in the 100% Affordable Housing Technical Advice Note; and

- 2) the publication of Technical Advice Notes relating to First Homes and 100% Affordable Housing to support the Adopted Development Plan, be agreed;

AND

***RESOLVED:** That the publication of a Technical Advice Note relating to Bexhill Town Centre Conservation Area be deferred subject to the results from the Task and Finish group set up by the Overview and Scrutiny Committee.

*The **RESOLVED** part of this Minute is subject to the call-in procedure under Rule 16 of the Overview and Scrutiny Procedure Rules.

PART II – EXECUTIVE DECISIONS – subject to the call-in procedure under Rule 16 of the Overview and Scrutiny Procedure Rules by no later than 4:00pm on 13 October 2022.

CB22/34. **LEASE OF RYE ALLOTMENTS**
(7)

As part of the Council's devolvement of managing assets across the district, the allotments at Love Lane and South Undercliff, Rye, as shown at Appendix 1 to the report, were let to Rye Amenity Community Interest Company (CIC) under a single lease covering both sites, for a term of 25 years from 1 December 2013. The terms included a provision for either party to break the lease at the end of the tenth year (30 November 2023) upon serving one year's notice, i.e. by 30 November 2022. Thereafter, there would be no further opportunity to break the lease until the expiry date in November 2038.

Discussions were currently being held with Rye Town Council (RTC) regarding devolvement of Council-owned assets which included these allotments. At present, no terms had been agreed. However, should the allotments be devolved to RTC, it was considered sensible that the lease break option with Rye Amenity CIC be initiated to allow flexibility for future management purposes. Other options would need to be considered should the devolvement opportunity not be agreed by November 2023 with RTC.

After deliberation, Cabinet agreed that delegated authority be granted to the Property Investment and Regeneration Manager to exercise the break clause in the lease dated 1 December 2023 between the Council and Rye Amenity CIC.

RESOLVED: That the Property Investment and Regeneration Manager be authorised to implement the break clause in the lease dated 1 December 2013 between Rother District Council and Rye Amenity Community Interest Company.

CB22/35. **LOCAL GOVERNMENT ASSOCIATION - CORPORATE PEER CHALLENGE**
(8)

Consideration was given to the report of the Chief Executive which detailed the recommendations and identified actions of the Council's

Corporate Peer Challenge (CPC) carried out by the Local Government Association in March 2022.

A copy of the finalised CPC was received on 6 September 2022 and attached at Appendix 1 to the report. The Peer Team considered the five themes which formed the core components of a CPC, namely, local priorities and outcomes; organisational and place leadership; governance and culture; financial planning and management; and capacity for improvement. The process involved a series of meetings with a range of Members, officers and external stakeholders. The CPC contained 12 recommendations for action and the Council's responses were identified at Appendix 2 to the report.

During the discussion the following salient points were noted:

- recommendations were currently being or had been actioned;
- the Council had a Corporate Programme Board (CPB) and a Property Investment Panel, and the role of the CPB had recently been expanded to include the Financial Stability Programme. The recommendation to create a Capital Programme Board was therefore covered across both these existing mechanisms;
- Members recommended and agreed to add another column to the responses table in Appendix 2 to the report to identify each recommendation as either 'Implemented, Part-Implemented or Not Implemented';
- recommendation 8 concerning the regeneration strategy would be addressed by the Economic Recovery Plan report being brought to Cabinet in due course;
- Members were pleased to note the comments in the Feedback Report concerning the Climate Change Strategy and the Anti-Poverty Strategy and the active role of Members in the organisation; and
- the second stage of the staff restructuring would deal with the use of data to inform services and strategies.

After consideration, Cabinet noted and agreed the actions / responses identified within the CPC. It was also pleasing to note that the opening paragraph of the CPC stated that "the Council had dedicated and hardworking staff who wanted to deliver for Rother and its residents."

RESOLVED: That the:

- 1) report of the peer challenge review team at Appendix 1 to the report be noted;
- 2) comments made by officers in relation to the key recommendations be noted; and
- 3) an extra column entitled 'Implemented/Part-Implemented/Not Implemented' be added to the responses table at Appendix 2 to the report.

FUTURE OF RAIL STATION TICKET OFFICES

Cabinet considered the report of the Chief Executive regarding the future of the district's railway station ticket offices operated by Southern Rail and Southeastern Rail. As a result of the impact of COVID-19 and discussions between the Department for Transport (DfT) and the Rail Delivery Group, changes were proposed to the provision and opening hours of national rail ticket offices. The process for making major changes was set out in the DfT Ticketing and Settlement Agreement Schedule 17, as identified at the following link: [Ticketing & Settlement Agreement \(TSA\) | Rail Delivery Group](#). Pages 34 and 38 were significant to Rother.

Ticket offices provided a vital service regarding ticket enquiries, advice regarding complicated journeys involving connections, and particularly for those customers who were not familiar with or able to use technology i.e. online services and ticket machines etc.

To date, it was understood that no decisions had been made, however several Members had raised concern and it was considered prudent that the Council prepared a response. It was proposed that the Chief Executive, in consultation with the Bexhill Rail Action Group and local MP write to the local train operating companies to request that the Council be kept informed of any proposed changes to ticketing and staffing arrangements at railways stations within the district.

Cabinet was supportive of the recommendation that the Chief Executive write to the train operating companies and agreed that any planned changes should be referred to and discussed at a future meeting of the Council's Overview and Scrutiny Committee, and that representatives from the rail operators be invited to participate. Members also raised concerns that the service between Eastbourne and Ashford, that ran through the Rother District, was made up of only two carriages and passengers were therefore being left behind. Cabinet recommended and agreed that the train operating companies be requested to expand the number of carriages.

RESOLVED: That:

- 1) the Chief Executive be requested to write to the train operating companies asking that the Council is kept informed of any proposed changes to ticketing and staffing arrangements within the stations within the district;
- 2) should information be received that changes are planned, the matter be referred to the Council's Overview and Scrutiny Committee with a recommendation that representatives from the rail operators be invited to attend a Scrutiny Meeting at the earliest possible opportunity to discuss future plans for staffing at railways stations across Rother; and
- 3) the train operating companies be requested to expand the number of carriages on the service between Eastbourne and Ashford, that runs through the Rother District.

CB22/37. **DISCHARGE OF UNTREATED WATER AT GALLEY HILL /
BEXHILL BEACH WATER QUALITY**

(10)

On 21 September 2002, full Council passed a motion to urge Southern Water (SW) and all associated companies to investigate, update equipment, cease sewage discharges, increase investment and provide compensation as a result of the discharge of untreated water into the sea at Galley Hill on 17 August 2022.

The coastline and beaches were major assets for Rother's economy and collective positive action needed to be taken to ensure that they were protected and available for public use. Public concern had been received and it was important that the poor quality of the bathing water in Bexhill was addressed by all relevant organisations, i.e. SW, the Council, the Environment Agency and East Sussex County Council (ESCC).

Members were advised that since the incident, the Leader of the Council and Chief Executive had attended a meeting with the local MP, SW, the Leader of ESCC and representatives from the Public Health Team to discuss the incident and seek a way forward to ensure that this did not reoccur. The report identified the main points that arose which included that the incident was as a result of a fault at the Galley Hill Pumping Station; improved communication between all relevant organisations and public; review pollution modelling; improve bathing waters e.g. shared water sampling plan; business compensation; and reduce storm overflows. It was noted that compensation advice had been received from SW.

Members were advised that advisory notices of water conditions were placed by the Environment Agency in two locations along the seafront; officers would consider if these could be publicised further.

Following discussion, Cabinet agreed that ongoing liaison between all relevant parties would be essential to stop or minimise further environmental impacts on the district and that Members would receive an update at a future meeting. Members also recommended and agreed that the issue of compensation continued to be pursued with Southern Water.

RESOLVED: That:

- 1) the Chief Executive and other relevant officers continue to engage with Southern Water and other relevant agencies;
- 2) an update report be presented to a future meeting of Cabinet outlining the steps being taken to:
 - a. prevent a similar discharge into the sea; and
 - b. improve the overall quality of the bathing water at Bexhill beach;and
- 3) the issue of compensation continue to be pursued with Southern Water.

(The Leader had accepted this item onto the Agenda as an Additional Agenda Item in order to support the Council's recent motion to address the impact of the discharge of untreated water at Galley Hill in August 2022).

CHAIR

The meeting closed at 8:05pm