

Minutes of the Council meeting held at the Town Hall, Bexhill-on-Sea on Wednesday 21 September 2022 at 6:30pm.

Committee Members present: Councillors K.M. Harmer (Chair) J. Barnes (MBE), Mrs M.L. Barnes (in part), C.A. Bayliss, J.H.F. Brewerton, G.S. Browne (in part), J.J. Carroll (in part), C.A. Clark, S.J. Coleman, Mrs V. Cook, P.C. Courtel, G.C. Curtis (in part), K.P. Dixon, B.J. Drayson, Mrs D.C. Earl-Williams (in part), S.J. Errington, K.M. Field, A.E. Ganly (in part), N. Gordon (in part), P.J. Gray, L. Hacking (in part), K.M. Harmer (Chair), A.K. Jeeawon, Mrs E.M. Kirby-Green (in part), L.M. Langlands, C.A. Madeley, C.R. Maynard (in part), A.S. Mier (Vice-Chairman), M. Mooney (in part), Rev H.J. Norton, D.B. Oliver, P.N. Osborne, S.M. Prochak (MBE), G.F. Stevens (in part), R.B. Thomas, H.L. Timpe and J. Vine-Hall.

Advisory Officers present: Chief Executive, Deputy Chief Executive and Monitoring Officer, Development Manager, Planning Lawyer and Democratic Services Manager.

Also Present: Stewart Drew, Director and Chief Executive Officer De La Warr Pavilion, 27 members of the public in the Council Chamber and 54 members of the public via the live webcast.

C22/31. **MINUTE'S SILENCE**

The Chair led the Council in a minute's silence in memory of Her Majesty, Queen Elizabeth II who had passed away on 8 September 2022.

C22/32. **MINUTES**

The Chair was authorised to sign the Minutes of the Council meeting held on 4 July 2022 as a correct record of the proceedings.

C22/33. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors R.K. Bird and T.J.C. Byrne.

C22/34. **DECLARATIONS OF INTEREST**

Barnes, J Agenda Item 7 – Personal Interest in CB22/27 as Chair of Etchingam Parish Council.

Drayson Agenda Item 7 – Personal Interest in CB22/20 as a Member of Bexhill Town Council.

Madeley Agenda Item 7 – Personal Interest in CB22/20 as a Director of Bexhill Old Town Preservation Society.

Thomas Agenda Item 7 – Personal Interest in CB22/20 as a Member of Bexhill Town Council.

Vine-Hall Agenda Item 14 – Personal and Prejudicial interest as the applicant on behalf of his step-son, who is the land owner.

C22/35. **CHAIR'S COMMUNICATIONS**

The Chair advised that since the last meeting of the Council she had had a very busy time attending various engagements in and out of the district. However, these events had been superseded by the sad news of the passing of Her Majesty Queen Elizabeth II on the evening of Thursday, 8 September 2022.

On Sunday 11 September 2022, the Chair attended a solemn event where, on the steps of East Sussex County Council in Lewes, the Proclamation announcing the Accession of King Charles III as the new Sovereign was read by the High Sheriff. The Chair then had the honour of reading this to members of the public from the steps of the Town Hall on the same day.

Since then, the Chair had the privilege of attending Mass at St Augustine's Church, a Memorial Service in St Mary's, Rye and had also attended a Service of Remembrance at the local Bexhill Mosque.

It was the Chair's intention to hold a Service of Commemoration on Saturday, 15 October 2022 and invitations would be sent out soon and she hoped that Members would be able to join her in this civic service.

(A full list of the engagements attended by the Chair, since the last Council meeting are attached as Appendix A to these Minutes).

In accordance with paragraph 2.2(a) of the Council Procedure Rules, the Chair used her discretion and varied the order of the Agenda and took Agenda Item 16 as the next item, followed by Agenda Item 10.

C22/36. **MOTION TO COUNCIL - HER MAJESTY QUEEN ELIZABETH II**

In accordance with Council Procedure Rule 13 consideration was given to the following Motion to Council moved by Councillor Oliver and seconded by Councillor Maynard:

“That this Council, on behalf of the residents of Rother District Council, place on record our sincere and deepest appreciation for the life of service and dedication given by Her Majesty, Queen Elizabeth II.

Her Majesty was a much loved and respected Monarch, who touched the lives of residents, companies and organisations in the Rother District. She will be greatly missed and forever remembered by the people of our District. We celebrate an amazing life of duty and give thanks that Her Majesty was part of our lives.

We send our heartfelt condolences to His Majesty, King Charles III and his family at this saddest of times.”

RESOLVED: That the Motion on being put was declared **CARRIED**.

C22/37. **DE LA WARR PAVILION CHARITABLE TRUST**

It was moved, seconded and agreed that Council Procedure Rules 3.2 (a) (varying the order of business), 15.4 (content and length of speeches) and 15.5 (when a member may speak again) be waived for the duration of this item.

The Chair of the Council welcomed Stewart Drew, Director and Chief Executive Officer of the De La Warr Pavilion (DLWP) Charitable Trust to the meeting, who proceeded to present the annual report to Members. Members had been in receipt of a written report that set out in summary the activities and achievements of the DLWP Charitable Trust during the financial year 2021/22.

Following the presentation, Members asked a number of questions and congratulated Stewart Drew on the successes of the DLWP and his continued excellent stewardship during the post pandemic period. The Chair thanked Stewart Drew for his informative and interesting presentation.

C22/38. **PUBLIC QUESTION TIME**

1. Pursuant to Paragraph 11 of the Council Procedure Rules the following question was put by Beverley Coupar and answered by Councillor Prochak.

Question: How many new houses (excluding those which are on Rother District owned land or replacement buildings) were approved by the planning committee in the period from January 2015 to Mid-May 2019 which were outside the development boundary and in the High Weald AONB at the time of approval and how many have been approved by the planning committee from May 2019 to date also outside the development boundary and in the High Weald AONB?

Answer:

January 2015 – to 20 May 2019 (4.5 years) - 484 dwellings approved

21 May 2019 to 14 September 2022 (3.5 years) – 22 dwellings approved

Supplementary Oral Question: The proposed supplementary oral question was rejected in accordance with Council Procedure Rule 11.5 as it related to an individual planning application.

2. Pursuant to Paragraph 11 of the Council Procedure Rules the following question was put by James Galpin and answered by Councillor Prochak.

Question: What does the Council believe will happen if a planning application that is comprehensively against planning policy and officers have recommended refusal, were to succeed in gaining permission. Would this then become part of policy due to the precedent it would create?

Answer: There is no precedent in planning decisions and any decision does not change planning policy. Planning policy is decided through an examination process which is separate to Development Management decisions.

Supplementary Oral Question: The proposed supplementary oral question was rejected in accordance with Council Procedure Rule 11.8 as it did not relate to the answer given to the original question.

C22/39. **REPORT OF THE CABINET ON MATTERS FOR DETERMINATION BY COUNCIL**

1. It was moved by Councillor Oliver and seconded that the reports of the meetings of the Cabinet held on 25 July and 5 September 2022, as set out in the Agenda be approved and adopted.
2. The Chair of the Council having called over the reports, the following Minute was reserved for discussion:

5 September CB22/27 – Village Halls Energy Project

3. On the Motion of the Chair of the Council, duly seconded, the Council approved and adopted the following reports, with the exception of the Minute reserved for discussion:

CB22/18 – Anti-Poverty Strategy

CB22/19 – The Ravenside Gateway Roundabout Improvement Project Update

CB22/20 – Devolution of Public Conveniences in Bexhill

C22/40. **RESERVED MATTER**

Cabinet - 5 September 2022

CB22/27 – VILLAGE HALLS ENERGY PROJECT

RESOLVED: That Minute CB22/27 be approved and adopted, as submitted.

(When it first became apparent, Councillor J. Barnes declared a personal interest in this matter as Chair of Etchingam Parish Council and in accordance with the Code of Conduct and remained in the meeting during the consideration thereof).

C22/41. **REPORT OF THE AUDIT AND STANDARDS COMMITTEE**

1. It was moved by Councillor Drayson and seconded that the report of the Audit and Standards Committee held on 27 July 2022, be approved and adopted.
2. The Chair of the Council having called over the report, the following Minute was reserved for discussion:

AS22/19 – Review of the Constitution – Part 3, Responsibility for Functions – Recommendations of the Constitution Review Steering Group

3. On the Motion of the Chair of the Council, the Council proceeded to deal with the reserved Minute.

C22/42. **RESERVED MATTER**

Audit and Standards Committee – 27 July 2022

AS22/19 – REVIEW OF THE CONSTITUTION – PART 3, RESPONSIBILITY FOR FUNCTIONS – RECOMMENDATIONS OF THE CONSTITUTION REVIEW STEERING GROUP

RESOLVED: That Minute AS21/19 be approved and adopted, as submitted and that it be noted that in accordance with Group Leader's wishes, the following Members be appointed to the Human Resources Committee:

Councillors Mrs Cook, Hacking, Mrs Kirby-Green, Mier, Oliver, Stevens and Timpe.

Substitutes: Councillors Byrne, Dixon and Mrs Earl-Williams.

C22/43. **REPORT OF THE LICENSING AND GENERAL PURPOSES COMMITTEE**

1. It was moved by Councillor Mier, Chair of the Licensing and General Purposes Committee, and seconded that the report of the Licensing and General Purposes Committee held on 31 August 2022 be approved and adopted.
2. The Chair of the Council having called over the report, the following Minute was reserved for discussion:

LG22/08 – Pay Award 2022/23

3. On the Motion of the Chair of the Council, duly seconded, the Council proceeded to deal with the reserved Minute.

C22/44. **RESERVED MATTER**

Licensing and General Purposes Committee – 31 August 2022

LG22/08 – PAY AWARD 2022/23

It was moved by Councillor Jeeawon and seconded by Councillor Oliver that consideration of this matter be deferred until the extraordinary Council meeting arranged to take place on 25 October 2022.

On being put, the Motion was declared **CARRIED**.

RESOLVED: That consideration of Minute LG22/08 be deferred until the extraordinary meeting arranged to take place on 25 October 2022.

C22/45. **APPOINTMENT OF DIRECTOR TO HOUSING COMPANY**

Following the resignation of one of the Council's elected Member Company Directors on the Council's Housing Company, a replacement Director was required. As a result of Councillor Lynn Langland's nomination being confirmed by Council, it was noted that Councillor Langlands would become the substitute Member for the Association of Independents with Councillor Byrne (current Substitute) becoming the substantive Member on the Planning Committee with immediate effect.

RESOLVED: That:

- 1) the resignation of Councillor Drayson as a Company Director of the Council's Housing Company, Rother DC Housing Company Ltd be noted;
- 2) Councillor Lynn Langlands be appointed as Company Director to the current vacancy; and
- 3) the consequential changes to the Membership of the Planning Committee in respect of the Association of Independents be noted.

C22/46. **MOTION TO COUNCIL - PROPORTIONAL REPRESENTATION**

In accordance with Council Procedure Rule 13 consideration was given to the following Motion moved by Councillor Bayliss and seconded by Councillor Norton:

"That Rother District Council resolves to write to H.M. Government calling for a change in our outdated electoral laws to enable Proportional Representation to be used for general elections".

RESOLVED: That the Motion on being put was declared **CARRIED**.

C22/47. **MOTION TO COUNCIL - COST OF LIVING EMERGENCY**

In accordance with Council Procedure Rule 13 consideration was given to the following Motion moved by Councillor Coleman and seconded by Councillor Bayliss:

"That Rother District Council:

- Formally recognises the extreme financial hardship residents face by declaring a Cost of Living Emergency; and
- Requests that the former Anti-Poverty Task and Finish Group be reconstituted to examine ways that the Council can work with partners to ensure that those in need are better protected from the current crisis and also to make recommendations to Cabinet and Council about voluntarily adopting the socio-economic duty to affirm the Council's commitment to preventing and combatting hardship, with particular considerations to any impact on those with protected characteristics as outlined in the Equality Act 2010."

RESOLVED: That the Motion on being put was declared **CARRIED**.

C22/48. MOTION TO COUNCIL - RR/2022/840/P - MOTION TO RESCIND

Prior to the debate, Members received advice from the Planning Lawyer regarding the Motion before them and in accordance with Council Procedure Rule 16 consideration was given to the following Motion moved by Councillor Mrs Barnes and seconded by Councillor Ganly:

"That the approval granted to Planning Application be RR/2022/840/P by the Planning Committee on 27 July 2022 be rescinded. The principal grounds are the misinterpretation of the requirements of the National Planning Policy Framework paragraph 80 (e) and the implications of the decision for the rural parishes of Rother and the Area of Outstanding Natural Beauty."

RESOLVED: That the Motion on being put was declared **LOST**.
(14 FOR; 19 AGAINST AND 1 ABSTENTION)

(Councillor Vine-Hall declared a personal and prejudicial interest in this matter as the applicant on behalf of his step-son, who was the owner of the land and in accordance with the Code of Conduct left the chamber during the consideration thereof).

C22/49. MOTION TO COUNCIL - SEWAGE AND SOUTHERN WATER

In accordance with Council Procedure Rule 13 consideration was given to the following Motion moved by Councillor Thomas and seconded by Councillor Gray:

"That Rother District Council urges Southern Water and all associated companies to:

- a) make public an investigation into the causes of the equipment failures at the Galley Hill pumping station, and of actions to be taken to prevent a recurrence;
- b) install back-up equipment capable of taking over and managing key functions in the event of a breakdown of the primary machinery;

- c) set a date, no later than 2027, for all sewage discharges into the sea to cease in the Rother District area, and areas adjacent to it;
- d) increase investment in the sewage and wastewater systems within Rother to ensure efficient treatment of the same, sufficient to meet present and predicted demand; and
- e) provide compensation for the losses and costs suffered because of the calamitous failures of Southern Water.

RESOLVED: That the Motion on being put was declared **CARRIED**.

CHAIR

The meeting closed at 8:56pm

Appendix A

Chair’s Engagements since last meeting:

Friday, 8 July 2022	Opened a local business in Little Common
Saturday, 9 July 2022	Attended Eid Festival (Prayer) at The Polegrove, Bexhill on Sea
Saturday, 9 July 2022	Thank You Day (2pm), Little Gate Farm
Sunday, 10 July 2022	Champagne Reception and Beating Retreat Herstmonceux Castle 5.30pm
Wednesday, 20 July 2022	Afternoon Reception & Evensong Bishop’s Palace, Chichester 4pm
Saturday, 30 July 2022	Opening of Village Fete, Normans Bay 12 noon
Monday, 1 August 2022	Opening of 83 rd Bowling Tournament at The Polegrove, Bexhill on Sea 9.30am
Saturday, 6 August 2022	Closing of 83 rd Bowling Tournament at The Polegrove, Bexhill on Sea 3.30pm