

**COUNCIL**

19 December 2022

Minutes of the Council meeting held at the Town Hall, Bexhill-on-Sea on Monday 19 December 2022 at 6:30pm.

Present: Councillors: A.S. Mier (Vice-Chair), J. Barnes (MBE), Mrs M.L. Barnes, C.A. Bayliss, J.H.F. Brewerton, G.S. Brown (remote), T.J.C. Byrne, C.A. Clark, S.J. Coleman, Mrs V. Cook, P.C. Courtel, B.J. Drayson, K.M. Field, A.E. Ganly, N. Gordon, P.J. Gray, L. Hacking, A.K. Jeeawon, C.A. Madeley, C.R. Maynard, , M. Mooney, Rev. H.J. Norton, D.B. Oliver, P.N. Osborne, S.M. Prochak (MBE), R.B. Thomas, H.L. Timpe and J. Vine-Hall.

Advisory Officers in present: Chief Executive, Chief Finance Officer, Director – Place and Climate Change and Democratic Services Manager.

Also present: 1 member of the public in the Council Chamber and 15 members of the public via the live webcast.

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C22/53.      **MINUTES**

Subject to the following amendment to the Minutes of the meeting held on 21 September, the Vice-Chair was authorised to sign the Minutes of the meetings held on 21 September and 25 October 2022 as correct records of the proceedings:

The minutes of the meeting held on 21 September be amended by the inclusion of the following sentence, after **Minute C22/48 - MOTION TO COUNCIL – RR/2022/840/P – MOTION TO RESCIND**

“At the conclusion of this item there followed a 5 minute adjournment to allow the members of the public present to leave the Council Chamber. It was noted that after the adjournment the following Members only were present for the remainder of the business:

Councillors: K.M. Harmer (Chair), C.A. Bayliss, J.H.F. Brewerton, C.A. Clark, S.J. Coleman, Mrs V. Cook, P.C. Courtel, K.P. Dixon, B.J. Drayson, S.J. Errington, K.M. Field, P.J. Gray, A.K. Jeeawon, L.M. Langlands, C.A. Madeley, A.S. Mier, Rev. H.J. Norton, D.B. Oliver, P.N. Osborne, S.M. Prochak (MBE), R.B. Thomas, H.L. Timpe and J. Vine-Hall.”

C22/54.      **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors J.J. Carroll, G.C. Curtis, K.P. Dixon, Mrs D.C. Earl-Williams, S.J. Errington, K.M. Harmer (Chair), Mrs E.M. Kirby-Green, L.M. Langlands and G.F. Stevens.

C22/55.      **DECLARATIONS OF INTEREST**

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

Brewerton     Agenda Item 7 – Personal Interest in CB22/43 as Vice-Chair of Bexhill Community Land Trust.

Field            Agenda Item 7 – Personal Interest in CB22/41 as an elected Member of East Sussex County Council.

Maynard        Agenda Item 7 – Personal Interest in CB22/41 as an Executive Member of East Sussex County Council.

C22/56.        **CHAIR'S COMMUNICATIONS**

The Vice-Chair made the following announcements:

- District Councillor Roger Bird, Southern Rother Ward had resigned with immediate effect on Tuesday 13 December 2022;
- Congratulations were extended to Councillor Maynard and his wife on the recent birth of their son; and
- The Chair of Council had attended 19 events since the last meeting and the Vice-Chair drew attention to the following:
  - The Chair had the privilege of representing the Council at the Remembrance Day Service in Little Common on Sunday, 13 November while the Vice-Chair represented the Council at the Bexhill War Memorial event.
  - The Chair, along with others, were invited to the Opening Up Party of the newly refurbished Cooden Beach Hotel on the evening of Wednesday, 26 October. The new owner, Grace Leo, had spent a lot of time and money refurbishing the building, which will hopefully become a destination hotel within no time at all.
  - On Saturday 19 November, the Chair briefly spoke at this year's Oceans Symposium event alongside the UNA Climate & Oceans and Sussex Wildlife Trust. The Vice Chair, on the Chair's behalf, said a few words about the plans Rother had to support a positive and sustainable environment locally.

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

C22/57.        **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 Jeeawon.

**Question:** Can you please tell me the forecast level of financial reserves held by the Authority for the period ending 2022/2023 as at the budget setting point in 2019/20. And the current expected reserves level based on the Q2 2022 forecast reserves for the period ending 2022/2023 and approximately how much money was not able to be recovered from the additional costs related to the COVID-19 pandemic which had to be funded through these reserves.

**Answer:** The forecast level of Reserves for 2022/23 as at the budget setting point in 2019/20 was £7.592m. When the 2022/23 budget was set, our forecast Reserves for March 2023 was £7.528m. The Q2 forecast level of Reserves at the end of March 2023 is £8.016m although this excludes the impact of the staff pay award, which was approved after the Q2 report was first published.

Additional COVID-19 related costs that were funded from Reserves were reported to Members as an estimated £485,000. However, it should be noted that it is impossible to calculate an exact figure because whilst we calculated income estimates before the pandemic, there was no way of knowing what our income would have been had the pandemic not happened.

C22/58.

## **MEMBER QUESTION TIME**

1. Pursuant to Paragraph 11 of the Council Procedure Rules the following oral question was put by Councillor Ganly and answered by Councillor Oliver.

**Question:** Could you confirm the total spend on the Town Hall Renaissance Project to date.

**Answer:** The total spend to date is £730,117.

**Supplementary Oral Question:** Are officers, on Cabinet's instructions, working up another planning application for the Town Hall Renaissance Project?

**Answer:** All Capital Projects have effectively been stalled because of the current situation with overall finances going forward, so at this moment in time, the matter is with officers in order to identify where we go from here. The answer is therefore no.

2. Pursuant to Paragraph 11 of the Council Procedure Rules the following oral question was put by Councillor Mrs Barnes and answered by Councillor Oliver.

**Question:** I was somewhat puzzled as Blackfriars has attained its planning permission as well as a design prize to learn that there are design changes intended. I do hope there will be no compromise on its high standards of design and its green credentials. Can we be told what is going on please?

**Answer:** Any changes from the original scheme have to be managed through the Council's Planning Committee and it will therefore be carried out in an open and transparent manner.

3. Pursuant to Paragraph 11 of the Council Procedure Rules the following oral question was put by Councillor J. Barnes and answered by Councillor Jeeawon.

**Question:** Given the savings achieved by the Financial Stability Programme have again fallen short of the target, would the lead

Member please indicate what level of savings will be needed in 2023/24 and in 2024/25 if the Council is to maintain our level of reserves at the minimum level required at one third of net spend.

**Answer:** Further to our previous Cabinet meeting the Council reserves is looking to be set at £5m. In terms of the actual figure that is going to be needed to marry up the Financial Stability Programme 2023/24, I would need to consult with the Chief Finance Officer and come back to you with the required figures.

4. Pursuant to Paragraph 11 of the Council Procedure Rules the following oral question was put by Councillor J. Barnes and answered by Councillor Oliver.

**Question:** I've recently been made aware that the cost of the Spine Road at Blackfriars has more than doubled to £8.6m and is running well behind schedule. What has caused the increase and what steps are being taken to prevent further loss and delay?

**Answer:** I asked the same question of the Chief Executive and Senior Management Team and there is statement going out this week which should be with Members during the next couple of days regarding Blackfriars, and I have asked the Chief Executive to bring a report forward in the new year so this information can be clarified and identified so we know which way we are going forward.

**Supplementary Oral Question:** Why has this not been reported to Cabinet and or Audit and Standards Committee before this date? It is only in the public domain via a Freedom of Information request.

**Answer:** As a result of that I have requested an interim statement and a full report to come forward.

C22/59.

## **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 3 and 31 October and 12 December 2022, as set out in the Agenda be approved and adopted.
2. The Vice-Chair of the Council having called over the reports, no Minutes were reserved for discussion.
3. On the Motion of the Vice-Chair of the Council, duly seconded, the Council approved and adopted the following reports:

CB22/33 – Technical Advice Notes – First Homes and 100% Affordable Housing

CB22/41 – East Sussex Temporary Accommodation Policy

CB22/42 – Rother District Council Owned / Leased Accommodation Complaints Handling Policy

CB22/43 – Section 106 Funds to Support Community Led Housing – Cemetery Lodge, Bexhill

C22/60. **REPORT OF THE AUDIT AND STANDARDS COMMITTEE**

1. It was moved by Councillor Drayson and seconded that the reports of the Audit and Standards Committee held on 26 September 2022 and 5 December 2022, be approved and adopted.
2. The Chair of the Council having called over the reports, the following Minute was reserved for discussion:

**5 December 2022**

AS22/39 – Proposed Amendments to the Constitution

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:

AS22/27 – Risk Management Update

AS22/36 – Code of Conduct

AS22/37 – Review of the Arrangements for Dealing with Member Complaints, Investigations Procedure and Hearings Procedure

AS22/40 – Revised Anti-Fraud and Corruption Framework

C22/61. **RESERVED MATTER**

**Audit and Standards Committee – 5 December 2022**

**AS22/39 – PROPOSED AMENDMENTS TO THE CONSTITUTION**

The Vice-Chair of Council took the recommendations one at a time, as follows:

**Recommendation 1)** was **CARRIED**, as printed.

**Recommendation 2)** was **LOST**, as printed.

It was subsequently moved by Councillor Field that the proposed amendment to Council Procedure Rule 16 be approved as follows:

**16.1 Motion to Rescind a Previous Decision**

A motion or amendment to rescind or reverse, or which has the effect of rescinding or reversing a decision of the Council made within the preceding six months cannot be moved unless there has been a material change in circumstances and the notice of motion is signed by at least one third of all Members or unless it is a recommendation of a Committee or the Cabinet which appears on the agenda;

On putting the new Motion to the vote, the Motion was **CARRIED**.

**Recommendation 3)** was **CARRIED**, as amended by the deletion of the words “in consultation with” which had been included in error.

**RESOLVED:** That Minute AS22/39 be approved and adopted, as amended.

C22/62. **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. Councillor Paul Courtel was nominated and in the absence of any further nominees was duly declared as one of the Council's Company Directors.

**RESOLVED:** That:

- 1) the resignation of Councillor J. Barnes as a Company Director of the Council's Housing Company, Rother DC Housing Company Ltd be noted; and
- 2) Councillor Paul Courtel be appointed as Company Director to the current vacancy.

C22/63. **MOTION TO COUNCIL - OPERATION RADCOTT**

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

"That this Council places on record its thanks and appreciation to all key stakeholders involved in Operation Radcott which has resulted in the effective management of Camber Sands and its environs not only during the peak season summer months, but throughout the off season also."

Members paid tribute to the work of Operation Radcott and in particular Deborah Kenneally and Lynsey Goodwill who managed this Council's lead role on this multi-agency operation.

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

C22/64. **SEASONAL WISHES**

The Vice-Chair of Council wished all present a Happy Christmas and New Year and thanked staff for their hard work during the past year.

**VICE-CHAIR**

The Council rose at 7:20pm