

COUNCIL

20 February 2023

Minutes of the Council meeting held at the Town Hall, Bexhill-on-Sea on Monday 20 February 2023 at 6:30pm.

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

Advisory Officers in attendance: Chief Executive, Deputy Chief Executive, Director – Place and Climate Change, Interim Chief Finance Officer, Development Manager and Democratic Services Manager.

Also Present: 16 members of the public in the Council Chamber and 29 members of the public via the live webcast.

C22/65. **MINUTES**

The Chairman was authorised to sign the Minutes of the Council meeting held on 19 December 2022 as a correct record of the proceedings.

C22/66. **APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Mrs E.M. Kirby-Green.

C22/67. **DECLARATIONS OF INTEREST**

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

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| Brewerton | Agenda Item 10 – Personal Interest as she was Jewish. |
| Clark | Agenda Item 12 – Personal Interest as an elected Member of East Sussex County Council. |
| Courtel | Agenda Item 10 – Personal Interest as he had Jewish heritage. |
| Drayson | Agenda Item 8 – Personal Interest as an elected Member of Bexhill-on-Sea Town Council. |

Field	Agenda Item 12 – Personal Interest as an elected Member of East Sussex County Council.
Maynard	Agenda Items 8 and 12 – Personal Interest as an elected Member of East Sussex County Council (8) and a Personal and Prejudicial Interest as an elected Member of East Sussex County Council and Member of the Pension Scheme (12).

C22/68. **CHAIR'S COMMUNICATIONS**

The Chair made the following announcements:

- Since the last full Council meeting in December, the Chair had attended a couple of events, the first being a rearranged autumn concert by the Bexhill Choral Society on Saturday, 4 February at St Barnabas Church. The concert included Schubert's Mass in A flat, Bizet's Te Deum and Ravel's Pavane, and was accompanied by the Sussex Concert Orchestra.
- The second event took place in Rye on Saturday, 18 February which the Chair and Vice-Chair attended. They were both delighted to be invited to a 'Love our Rother' event at the Rye Community Centre. This event brought together local, regional and national environmental organisations and included a timetable of talks, short films, activities for all ages and a live litter survey showing how plastic pollution is recorded, and how we can all join in!
- The Chair also took the opportunity to share some background to a training event she attended last year on the menopause and the improvement of women's health and care in England. Discussions included priorities for the Government's strategy, implementation, service development, access and inclusion, and research. The conference discussed the Government's Women's Health Strategy for England and the next steps. Delegates looked at the priorities for improving women's health outcomes, service delivery and workforce education. This was a subject very close to the Chair's heart and one which she would like to see being implemented within the workplace at Rother District Council.
- Following the decision of the current Chief Executive to retire at the end of May 2023, full Council had been due to receive a report on the interim arrangements to be put in place for the period from the beginning of June until such time as a permanent successor could start. As it was intended that the post would be advertised nationally, it was felt that, to assist Members in making a decision, more information was needed on the process and timetable for appointing a successor and therefore the report had been withdrawn and would be presented to a future Full Council meeting, either of this Council or the new administration.

- 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 12 as the next item.

C22/69. **MOTION TO COUNCIL - EAST SUSSEX COUNTY COUNCIL PENSION FUND**

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

This Council calls on the East Sussex Pension Fund to publicly commit to fully divesting from fossil fuels by:

- a) Immediately freezing any new investment in the top 200 publicly-traded fossil fuel companies.
- b) Publicly committing to divest from direct ownership and any commingled funds that include fossil fuel public equities and corporate bonds within five years.

It was moved by Councillor Field and agreed by Councillor Bayliss as the Mover of the original Motion to incorporate the following as part of the substantive Motion:

- c) And ask the Pension Committee to ask its financial advisers to identify investments which do not rely on fossil fuels and which yield the same or more than current fossil fuel investments. Having identified appropriate investments, the Pension Committee is asked to make the change.

It was moved by Councillor John Barnes and seconded by Councillor Osborne that the Motion be amended by the entire deletion of a) and b) and the substitution thereof the following:

- a) The Council congratulates the East Sussex Pension Fund on the steps that have already been taken, both to reduce the carbon emissions represented in the investment portfolio and to invest in climate change solutions and urges it more actively to consider divestment as part of its strategy to shift its investment to climate friendly firms.
- b) And ask the Pension Committee to ask its financial advisers to identify investments which do not rely on fossil fuels and which yield the same or more than current fossil fuel investments. Having identified appropriate investments, the Pension Committee is asked to make the change.

The Amendment being put forward was declared **LOST**.

In accordance with Council Procedure Rule 17.5(a) a vote by roll call on the substantive Motion was taken.

FOR the Motion (22): C.A. Bayliss, T.J.C. Byrne, 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, K.M. Harmer, 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.

AGAINST the Motion (4): J. Barnes (MBE), Mrs M.L. Barnes, Mrs D.C. Earl-Williams and A.E. Ganly.

ABSTENTIONS (8): J.H.F. Brewerton, G.S. Browne, J.J. Carroll, G.C. Curtis, N. Gordon, L. Hacking, M. Mooney and G.F. Stevens.

RESOLVED: That the Motion on being put was declared **CARRIED**, as follows:

“This Council calls on the East Sussex Pension Fund to publicly commit to fully divesting from fossil fuels by:

- a) Immediately freezing any new investment in the top 200 publicly-traded fossil fuel companies;
- b) Publicly committing to divest from direct ownership and any commingled funds that include fossil fuel public equities and corporate bonds within five years; and
- c) Ask the Pension Committee to ask its financial advisers to identify investments which do not rely on fossil fuels and which yield the same or more than current fossil fuel investments. Having identified appropriate investments, the Pension Committee is asked to make the change.”

(Councillors Clark and Field each declared a personal interest in this matter as elected Members of East Sussex County Council and in accordance with the Members’ Code of Conduct remained in the meeting for consideration thereof).

(Councillor Maynard declared a personal and prejudicial interest in this matter as an elected Member of East Sussex County Council and a member of the pension scheme and in accordance with the Members’ Code of Conduct left the meeting for consideration thereof).

C22/70.

PUBLIC QUESTION TIME

1. Pursuant to Paragraph 10 of the Council Procedure Rules, the following question was put by Bernard Brown and answered by Councillor Oliver.

Question: In a statement made by the Director – Place and Climate Change at the 23 January 2023 Overview and Scrutiny Committee, it was reported that the estimated total costs of the Blackfriars Spine Road were always in the region of £8m - and that the information presented in the response to a recent Freedom of Information (FOI) request responded to a strict interpretation of the question.

For clarity the FOI question asked was: “What was the budget for the construction of the Blackfriars Spine Road, what is the revised budget?” A simple, clear and straightforward question. No interpretation was required. The answer provided was: “Original contract budget was £4,107,526.44 while the forecast as per Bailey

Garner's cost report dated 28-11-2022 is £8,679,341.53." This appears to be an increase of £4,571,815.09.

In view of the statement made by the Director, will the appropriate Cabinet Member advise the tender and contract ESHT reference numbers for any and all tenders and contracts signed between Breheny and Rother District Council for the construction of the Blackfriars Development Spine Road in its entirety? Will the appropriate Cabinet Member advise the current spend charged to the Contract by 31 December 2022 and the total forecast of the Road completion in its entirety?

Answer: The original contract awarded to Breheny was £4.1m, and it has been noted by the questioner that this figure has increased and is currently projected to be in the region of £8.7m.

There have been a number of instructed changes in relation to this contract which, while they were not included in the original Breheny scope, were budgeted for as part of the wider infrastructure works. This includes £1m worth of utilities works as well as a retaining wall structure that was originally due to be delivered by the housing contractor.

Therefore, it is more appropriate to view the infrastructure enablement works as a whole rather than isolating the Breheny contract or the spine road. The original budget for the Land acquisition, site enablement works, spine road, and associated professional fees was £12.2m. These costs, due to a number of changes related to design requirements for embankment works and drainage, as well as greater than anticipated land acquisition and professional fees is now £15.8m. This represents a cost change of £3.6m and a full review of the housing development options is being undertaken by the company to ensure the overarching scheme remains viable and cost neutral to the Council.

There is only one contract that ESPH were involved in between Breheny and Rother, ESPH386. The contract signing was handled by Bailey Garner.

Supplementary Oral Question: I thank the Leader for explaining that, however, the Blackfriars project is £3.6m over budget. The one contract in existence is priced at £4.1m and it does include the words "the spine road in its entirety". It was clear at the December Council meeting, the Leader was unaware of any major cost overrun. Why before tonight, has this not been reported to Members of the Council who is really responsible and accountable for the largest project this Council is undertaking and when will the results of a review of the housing development options be announced? When will elected Members regain control of this project?

Answer: Thank you for the supplementary question, this matter was raised with officers looking after this project and there will be a full, detailed report coming forward, so I think the points that you ask Mr. Brown will in fact be answered at that point.

2. In the absence of the Questioner, and in accordance with Council Procedure Rule 11.7, the question submitted by Leslie Seymour was not dealt with.

C22/71. **MEMBER QUESTION TIME**

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

Question: When I was elected to Council in 2019, Sidley was deprived of sporting facilities. Our cricket club played in Hastings, our football club played in Hooe, the nearest skate park was unsafe, the BMX track was in serious need of improvements and the old changing rooms on Sidley Rec sat closed. Can the Leader of the Council outline for the record what improvements have been delivered to sports provision in Sidley since this administration took office?

Answer:

Bexhill BMX and Skate Park - £870,00 approximately

Designed in consultation with the BMX and skateboarding community and with the support of a range of funders including the Heart of Sidley and Sport England, this project delivered a new skatepark and improved BMX facilities (race track and jump park) at Sidley Recreation Ground. Skateboarders, scooter-users, BMX-ers and in-line skaters from novice to experienced riders can now access challenging but safe modern facilities on their doorstep. The town's long-running BMX Club is now able to expand its coaching programme and can once again hold BMX events locally drawing in visitors from around the southeast and beyond. The Council continues to work with the users to maximise the benefits of the new facilities to the community including providing training local skateboarders to coach beginners. Additional paths, lighting and tree planting enable the community to better use and enjoy the site.

Parks Levelling Up Fund - £85,000

Improvements to the public open space at Sidley House are being planned for delivery in 2023 funded through the government's Levelling Up Parks Fund. The Council was amongst 85 local authorities eligible for the funding targeted at the most deprived urban neighbourhoods. The project will deliver improvements to the children's play area and improve the usability of the green space to the community through the provision of seating, tree planting and improved access.

Levelling Up Funding – Sidley Recreation Ground

This project will deliver community facilities at Sidley Recreation Ground, based on the community consultation undertaken by Heart of Sidley (HoS).

The site is mainly grassland and sits next to the recently restored and reopened BMX track. Heart of Sidley made a significant financial contribution to Rother District Council's (RDC) refurbishment of the BMX track galvanizing a successful RDC, HoS partnership.

The vision of this component is to connect Sidley with the De La Warr Pavilion (also in receipt of LUF) and the town centre, to provide wider routes to education and employment.

It will:

- Make Sidley Rec the hub of local life and the community.
- Provide a 3G pitch for local clubs to use.
- Improve toilet facilities to be disabled access, parent friendly and better quality.
- Upgrade changing room facilities to improve offer for local and visiting events.
- Provide a sustainable community space for local residents and community organisations, to host workshops and training sessions.
- Increase local resident services and activities by increasing available community space.
- Create a long-term legacy for Sidley.

As the facility will be a long-term legacy for the local community, the build will be constructed in an eco-friendly, low carbon, energy efficiency manner where possible.

Supplementary Oral Question: The response to my question shows this administration has an impressive record of delivery in Sidley, despite a global pandemic and financial uncertainty. However, Gullivers Sports Ground, which was once the sports and cultural hub of Sidley, currently remains disused and in the ownership of a private housing developer. Will the Leader of the Council commit to making sure every option is explored in time for the next administration to consider, including the possibility of purchasing the land for sports and recreation, and that steps are taken in the meantime to address the trespassing and fire safety issues with the derelict club building currently still on the site?

Answer: This is an impressive record in Sidley. We have gone through a global pandemic, uncertainty and within Sidley there is this four acre site, which, in hindsight, perhaps the local authority perhaps could have purchased originally when that became vacant, but it wasn't the case. So we've now got this derelict site, four acres, tucked within the community at Sidley. Yet I think it's important that any administration going forward should be seeking, with officers, to say how can we explore every option in order to use this area. We know that it is not in commercial ownership, but we must look at these opportunities that early on. We must now identify the health and safety aspects of this area. Fires are a regular occurrence there, from what I can gather. We have a situation where it is overgrown and it must be a health hazard. I think that any future administration must basically identify this. I have lovely memories of the Gulliver's site at Sidley, because I was brought up in Sidley as a young child back in the 50s and 60s, and it's just a wonderful opportunity to rekindle these facilities as best we are able, to provide the residents of Sidley not with a derelict site of four acres, but let's do something with it, let's make a commitment, so let's go forward and I really hope that this is something that we can explore, as

whatever administration is there into the next council year. Thank you, I think that answers, some of your enquiries.

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

Question: At the Meeting of 8 February 2021, RDC Cabinet agreed a budget of £460,000 to develop plans to redevelop the Bexhill Town Hall site through to obtaining Planning Permission. In due course this was approved by Full Council. However, the Planning Committee refused planning consent on 13 October 2022.

In a letter to a resident on 17 November 2022, the Leader of the Council confirmed that a total of £666,000 had actually been spent. This was £206,000 more than approved by Full Council. At the Full Council Meeting on 13 December 2022, the Leader of the Council was asked by a Member to reconfirm the amount which had spent on the project. The Leader replied the total was £730,117.

The Leader was asked through a supplementary question if officers, on Cabinet instructions, were working up a further planning application for the project. The leader replied no.

Can the Leader explain:

1. Who authorised the extra £270,117 expenditure?
2. Why was this overspend not reported to any Council body?
3. Can the leader confirm the figure of £730,117 is the absolute, total and final figure to be spent on the current Town Hall project?

Answer:

- 1) The original budget approved by Council and added to the Council's capital programme was £460,000. At the time this budget was approved, it was a reasonable expectation of the costs for the anticipated works. There have been some key additional costs that have been incurred which were not included in the original scope but had been identified as necessary by the design team or driven by other resourcing issues. The necessary additional spend was authorised in line with the Council's financial procedure rules and the Chief Finance Officer (CFO) was notified.
- 2) In accordance with financial procedure rule G.40, the CFO reported the projected overspend at the first appropriate opportunity, which was the 18 July 2022 Overview and Scrutiny Committee meeting in the Quarter 1 update report which was then reported to Cabinet on 25 July 2022. Supplementary to this, additional updates were reported in the Revenue Budget and Capital Programme Monitoring Report to Overview and Scrutiny Committee for Quarter 2 on 21 November 2022 and the quarters 3 report to Cabinet on 6 February 2023.

- 3) The project has now been put on hold until after the election and will be a matter of consideration for the new Council. All substantive spend has now been processed and, subject to a couple of small outstanding invoices, there will be no significant change to the final figure as presented.

Supplementary Oral Question: Is this scheme going to be put in your manifesto?

Answer: No.

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

Question: Since April 2020 great play has been made by the Alliance of the role of the Financial Stability Programme in keeping the Council financially sound. The Chief Finance Officer has repeatedly said if the savings/ benefits are not achieved the reserves will be depleted by 2024/25. In the first 2 years of the Programme there has been a shortfall of £745,000 in benefits achieved to date. In the Revenue Budget for 2023/2024 the Financial Stability Programme is stated as being required to produce a benefit of £1,106,000.

Please itemise the items making up this £1,106,000. If these benefits are not achieved will this result in an equal and opposite reduction in reserves? How will the benefits be reported?

Answer: There is not a line by line breakdown of the £1.106m, hence the bottom of Appendix E refers to 'FSP Savings to be identified during 2023/24'. If these savings are not achieved then, all other things being equal, the Council's Usable Revenue Reserves balance would reduce by this figure.

However, this is neither the intention or expectation of the Chief Finance Officer (CFO) and the Senior Leadership Team (SLT), or indeed Cabinet. Furthermore, paragraphs 13 and 15 of the Draft Revenue Budget Proposals report to Cabinet on the 6 February 2023 set out very clearly how officers will approach this

The two main areas of savings have clearly been identified as a devolution of non-discretionary services and savings by a service planning exercise. I am happy to re-affirm the report to Cabinet that confirmed that this work is well underway and initial reports confirm that the savings will be met. Plans and details will be shared with Members once they are sense checked, ratified and agreed by the SLT

It should be noted that the projected Reserves figure is within £64,000 of the projected amount presented to Cabinet for budget setting in 2019/20 – this point before the last election. Of course, we have had the COVID pandemic which cost the Council an extra £500,000 in lost revenue and extra expense.

The CFO has been very clear throughout the budget setting process that the intention is to ensure that Usable Revenue Reserves remain above £5m as a minimum and this aim has not changed. Paragraph 26 of the aforementioned report also sets out how the Council intends to achieve this but it is also worth referring back to paragraph 36 of the Draft Revenue Budget Proposals report to Cabinet on the 9 January 2023, which explains that there is a clear expectation on behalf of Central Government that Councils will continue to use Reserves to fund services.

Supplementary Oral Question: Am I right in thinking, therefore, that you don't actually know where precisely you can meet the actual savings that are necessary?

Answer: No, I don't think that's a fair appraisal of the situation. I think the answer that I've given clearly states that there isn't a line by line breakdown to show that, however, that could be achieved in terms of the savings that are proposed. The officers have been working extremely hard behind the scenes to ensure that our financial stability remains intact, and I have confidence that the information being provided by the CFO and the direction of travel puts us in line to where we need to be. The Budget Reserve again, as I stated, is within £64,000 of the projected figure, which, I think is a real achievement, considering the challenges the Council has faced.

4. Pursuant to Paragraph 11 of the Council Procedure Rules, the following question was put by Councillor Ganly and answered by Councillor Byrne.

Question: A series of Freedom of Information requests were submitted and subsequent Members questions put to the Leader of the Council.

There have been no satisfactory answers provided.

Since the inception of the Housing Company (HC) the need for external directors has never been disputed. No External Directors have been appointed. Why not? When will they be appointed?

There is a desperate need for an up to date Business Plan for the HC. When will the revised business plan for both the Company and the Blackfriars development be published for acceptance by the Full Council approval as per Articles of Association?

When will any revised plans for the House Building at Blackfriars be submitted to the Planning Committee?

What is the planned net profit for the Blackfriars development?

What is the maximum borrowing requirement for the construction costs of the Blackfriars Development?

Answer: You say that since the inception of the Housing Company (HC), the need for external directors has never been disputed, no

external directors have been appointed, why not, and when will they be appointed?

The answer is that the Council is currently supporting the HC to recruit non-executive directors of the HC, but why are we looking for non-executive directors? We're hoping for people to come with outside views, to bring other viewpoints to the board of the HC. Currently the HC is still really in its infancy, it only has one project, admittedly, a massive project, but the direction of travel for that project is already set. I think we're looking for these external directors to look at the way in which the HC will go forward, the projects that it will consider undertaking and the strategy it will adopt to undertake those. So I think it's quite reasonable to say that we are still looking and probably we're getting a clearer idea of the sort of talent we're seeking in these non-executive directors. So yes, they will be appointed and yes, the Council and the officers are assisting the HC in looking for the appropriate people to be appointed as non-executive directors.

Secondly, you ask, there is a desperate need for an up-to-date business plan for the HC. The original business plan came into the public domain on Monday 7 September 2020, as presented to Cabinet on that day. Yes, various things have changed since then and yes, an up-to-date business plan is coming forward in the light of many, many changes again centring around the Blackfriars development. We have the amazing hike in building materials and we have the situation where the whole setting for that project has changed remarkably since its inception for all sorts of different reasons, but the cost of building materials is probably the major one that is causing a rethink, and yes, there will be another business plan coming forward with the detail that I hope will satisfy your question.

When will the revised plans for Blackfriars be submitted to the Planning Committee? When we've got a full revision of the plan, which we feel will be practical in terms of viability and conform to the situation that is developing with the problems with the spur road. So when a business plan comes forward it will answer all these questions and it will be a business plan that looks at the situation now not the situation that it was back in September 2020.

Now the last bit, what is the maximum borrowing requirement for the construction costs of the Blackfriars development? The Council, has as you know approved a line of credit up to £80m for the HC and there is no projection that this project will need to come for an extra line of credit but it is a line of credit. The HC is not borrowing £80m, the Council is not lending the HC £80m. Again, as the business plan develops, the costs will become clearer, the borrowing requirement will be then called off from this £80m facility, but as yet, there is no need, we don't see a need for increasing that £80m? line of credit. I hope that answers your question.

Supplementary Oral Question: Yes, I'd be interested to know where, given that 1,000 houses are proposed, where would the 800 be built?

Answer: Yes, when the HC was set up, it was set up with the vision that it would, in the fullness of time, provide 1,000 homes. The first project we're now talking about is to deliver 200 homes of Blackfriars. The number of a 1,000 was really arrived at by looking at the 5-year land supply that we have to provide to Government. It was a very broad brush look at the sort of project we felt that the HC will be undertaking. So we can't say exactly where, because I can't give that answer today, those answers will become clear as and when individual planning applications are submitted. But I don't see any reason to doubt that the HC, during its lifetime, will in fact deliver 1,000 new homes by 2035. I probably won't be alive, but I see no reason to doubt that will be forthcoming, and I'm sure the HC has confidence as well that it will happen.

C22/72.

REPORT OF THE CABINET ON MATTERS FOR DETERMINATION BY COUNCIL

1. It was moved by Councillor Oliver and seconded that the reports of the meeting of the Cabinet held on 9 January and 6 February 2023, as set out in the Agenda be approved and adopted with the exception of Minute CB22/66 which would be considered at Agenda Item 8.

2. The Chair of the Council having called over the reports, the following Minutes were reserved for discussion:

6 February 2023 CB22/68, CB22/69 and CB22/71

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 Minutes reserved for discussion:

- CB22/60 – Temporary Accommodation Investment Strategy Update
- CB22/67 – Rother Health and Well-Being: Leisure Facilities Strategy
- CB22/70 – Designation of Interim Chief Finance Officer

C22/73.

RESERVED MATTERS

Cabinet – 6 February 2023

CB22/68 – OLD LYDD ROAD, COUNCIL LED HOUSING DEVELOPMENT

CB22/69 – MEMBERS' ALLOWANCE SCHEME 2023-2027

It was moved by Councillor Dixon and seconded by Councillor Oliver that the recommendations of the Independent Remuneration Panel (IRP) on the Members Allowance Scheme, be amended as follows:

- Allowances be pegged at ratios based on the standard Councillor Allowance as per the recommendation in the IRP report.

- The standard Councillor Allowance be increased by 5% for the next Council term as per the IRP report.
- The ratios for Allowances, however, be adjusted as in the table attached.
- Political Group Leaders allowances be changed from the IRP report. The largest Opposition Group Leader should be paid the higher rate, all others (if any qualify) should receive a lower amount, as detailed in the table circulated.
- All car mileage, regardless of fuel, be paid at 45p per mile.
- The Human Resources Committee be asked to look in detail at childcare and meal allowances to ensure they cover costs incurred.
- The amounts be confirmed for 2023/24, with a further decision as to after that be taken by the new Council.

(For completeness, all the recommendations of the IRP and those amended, are set out at Appendix A to these Minutes).

The Motion being put forward was declared **CARRIED**.

CB22/71 – LEVELLING UP FUNDING

RESOLVED: That Minutes CB22/68, CB22/69, as amended and CB22/71 be approved and adopted.

C22/74. BUDGET 2023/24

CB22/66 – DRAFT REVENUE BUDGET 2023/24

It was moved by Councillor Oliver, seconded and agreed that Council Procedure Rules 15.4 (content and length of speeches) and 15.5 (when a Member may speak again) be waived for the duration of this item.

It was moved by Councillor Dixon and seconded by Councillor Oliver that the formal Council Tax Resolution at Appendix A to the report and Minute CB22/66 from the Cabinet meeting held on 6 February 2023 be approved and adopted.

In accordance with Council Procedure Rule 17.5(b) a vote by roll call for the Motion was taken.

FOR the Motion (21): C.A. Bayliss, T.J.C. Byrne, 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, K.M. Harmer, L.M. Langlands, C.A. Madeley, A.S. Mier, Rev. H.J. Norton, D.B. Oliver, S.M. Prochak, R. Thomas, H.L. Timpe and J. Vine-Hall.

AGAINST the Motion (14): J. Barnes, Mrs. M.L. Barnes, J.H.F. Brewerton, G.S. Browne, J.J. Carroll, G.C. Curtis, Mrs D.C. Earl-Williams, T. Ganly, N. Gordon, L. Hacking, C.R. Maynard, M. Mooney, P.N. Osborne and G.F. Stevens.

The Motion being put forward was declared **CARRIED**.

RESOLVED: That CB22/66 from the Cabinet meeting held on 6 February 2023 be approved and adopted; and

- 1) a) That Council approves the Rother District Council General Fund Council Tax Requirement of £7,650,285 for 2023/24 and the resultant Band D tax of £198.60 as set out in this report.
 - b) The expenses incurred by the Council, set out in the Minutes of the Cabinet of 6 February 2023 in the sum of £679,180 in respect of Bexhill and £71,650 in respect of Rye, be approved as the Special Expenses chargeable to residents of Bexhill and Rye respectively. All other expenses incurred by the Council (excluding Parish Precepts) be approved as general expenditure for the purposes of section 35 of the Local Government Finance Act 1992. (This resolution will be reviewed annually).
2. That it be noted, the following amounts for the year 2023/24 in accordance with Regulation 3 of the Local Authorities (Calculation of Tax Base) Regulations 1992, made under section 33 (5) of the Local Government Finance Act 1992:
 - a) 38,520.80 being the amount calculated by the Council in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 2012, as its Council Tax base for the year.

b)

Ashburnham & Penhurst	186.18	Etchingam	422.20	Rye Foreign	156.40
Battle	2,790.34	Ewhurst	556.97	Salehurst & Robertsbridge	1,025.07
Beckley	551.86	Fairlight	891.58	Sedlescombe	675.81
Bexhill	17,013.63	Guestling	635.71	Ticehurst	1,700.30
Bodiam	166.52	Hurst Green	587.34	Udimore	189.72
Brede	858.06	Icklesham	1,235.63	Westfield	1,109.81
Brightling	200.04	Iden	233.76	Whatlington	156.79
Burwash	1,257.16	Mountfield	202.69		
Camber	661.36	Northiam	1,045.03		
Catsfield	383.66	Peasmarsch	503.20		
Crowhurst	371.97	Pett	466.93		
Dallington	172.61	Playden	163.57		
East Guldeford	33.13	Rye	1,915.77		

being the amounts calculated by the Council in accordance with Regulation 6 of the Regulations, as the amounts of its Council Tax base for the year for dwellings in those parts of its area to which one or more special items relate.

3. That the following amounts be now calculated by the Council for the year 2023/24 in accordance with sections 32 to 38 of the Local Government and Finance Act 1992 as amended:
- a) £45,856,957 – Being the aggregate of the amounts which the Council estimates for the items set out in section 32(2)(a) to (e) of the Act. (this amount is the Council's gross expenditure including the Parish Council Precepts and the Special Expenses for Bexhill and Rye).
 - b) **-£34,738,558** – Being the aggregate of the amounts which the Council estimates for the items set out in section 32(3)(a) to (c) of the Act.
 - c) £11,118,399 – Being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council, in accordance with section 32(4) of the Act, as its council tax requirement for the year.
 - d) £288.63 – Being the amount at 3(c) divided by the amount at 2 above (Item T), calculated by the Council, in accordance with section 33(1) of the Act, as the basic amount of its council tax for the year.
 - e) £3,468,114 – Being the aggregate amount of all special items referred to in section 35(1) of the Act.
 - f) £198.60 – Being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by the amount at 2(a) above, calculated by the Council, in accordance with section 34(2) of the Act, as the basic amount of its council tax for the year for dwellings in those parts of its area to which no special item relates.
 - g)

PARISH COUNCIL AREA**Band D**

£

Ashburnham & Penhurst	271.92
Battle	341.87
Beckley	243.90
Bexhill	276.83
Bodiam	267.18
Brede	245.15
Brightling	238.06
Burwash	282.75
Camber	294.61
Catsfield	282.01
Crowhurst	285.85
Dallington	253.26
East Guldeford	198.60
Etchingham	368.19
Ewhurst	337.46
Fairlight	299.54
Guestling	213.62
Hurst Green	281.48
Icklesham	327.75
Iden	267.05
Mountfield	257.80
Northiam	301.47
Peasmarsh	272.13
Pett	247.86
Playden	229.17
Rye	351.09
Rye Foreign	211.39
Salehurst	312.65
Sedlescombe	287.09
Ticehurst	286.91
Udimore	235.50
Westfield	292.31
Whatlington	243.88

being the amounts given by adding to the amount at 3(f) above the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at 2(b) above, calculated by the Council, in accordance with section 34(3) of the Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate.

h)

<u>LOCAL TAX</u> <u>AREA</u>	Valuation Bands							
	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£
Ashburnham								
& Penhurst	181.28	211.50	241.70	271.92	332.35	392.78	453.20	543.84
Battle	227.91	265.90	303.88	341.87	417.85	493.82	569.78	683.74
Beckley	162.60	189.70	216.80	243.90	298.11	352.30	406.50	487.80
Bexhill	184.55	215.32	246.06	276.83	338.35	399.87	461.38	553.66
Bodiam	178.12	207.81	237.49	267.18	326.56	385.93	445.30	534.36
Brede	163.43	190.68	217.91	245.15	299.63	354.11	408.58	490.30
Brightling	158.71	185.16	211.61	238.06	290.97	343.87	396.77	476.12
Burwash	188.50	219.92	251.33	282.75	345.59	408.42	471.25	565.50
Camber	196.41	229.14	261.87	294.61	360.09	425.55	491.02	589.22
Catsfield	188.01	219.34	250.67	282.01	344.69	407.35	470.02	564.02
Crowhurst	190.57	222.33	254.09	285.85	349.38	412.90	476.42	571.70
Dallington	168.84	196.98	225.12	253.26	309.55	365.82	422.10	506.52
East Guldeford	132.40	154.47	176.53	198.60	242.74	286.87	331.00	397.20
Etchingham	245.46	286.37	327.28	368.19	450.02	531.83	613.65	736.38
Ewhurst	224.97	262.47	299.96	337.46	412.46	487.45	562.43	674.92
Fairlight	199.69	232.98	266.25	299.54	366.11	432.67	499.23	599.08
Guestling	142.41	166.15	189.88	213.62	261.10	308.57	356.03	427.24
Hurst Green	187.65	218.93	250.20	281.48	344.04	406.59	469.13	562.96
Icklesham	218.50	254.92	291.33	327.75	400.59	473.42	546.25	655.50
Iden	178.03	207.71	237.37	267.05	326.40	385.74	445.08	534.10
Mountfield	171.87	200.51	229.15	257.80	315.10	372.38	429.67	515.60
Northiam	200.98	234.48	267.97	301.47	368.47	435.46	502.45	602.94
Peasmarsh	181.42	211.66	241.89	272.13	332.61	393.08	453.55	544.26
Pett	165.24	192.78	220.32	247.86	302.95	358.02	413.10	495.72
Playden	152.78	178.25	203.70	229.17	280.10	331.03	381.95	458.34
Rye	234.06	273.07	312.07	351.09	429.12	507.13	585.15	702.18
Rye Foreign	140.93	164.42	187.90	211.39	258.37	305.34	352.32	422.78
Salehurst	208.43	243.18	277.91	312.65	382.13	451.61	521.08	625.30
Sedlescombe	191.39	223.30	255.19	287.09	350.89	414.69	478.48	574.18
Ticehurst	191.27	223.16	255.03	286.91	350.67	414.43	478.18	573.82
Udimore	157.00	183.17	209.33	235.50	287.84	340.17	392.50	471.00
Westfield	194.87	227.36	259.83	292.31	357.27	422.23	487.18	584.62
Whatlington	162.59	189.69	216.78	243.88	298.08	352.27	406.47	487.76

being the amounts given by multiplying the amounts at 3(g) above by the number which, in the proportion set out in section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in Valuation Band "D", calculated by the Council, in accordance with section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different Valuation Bands.

4. That the Council notes that for the year 2023/24, East Sussex County Council, the Sussex Police & Crime Commissioner and the East Sussex Fire Authority have stated the following amounts in precepts issued to the Council, in accordance with section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

Precepting Authority	Valuation Bands							
	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£
East Sussex County Council	1,129.20	1,317.40	1,505.60	1,693.80	2,070.20	2,446.60	2,823.00	3,387.60
- Council Tax	980.76	1,144.22	1,307.68	1,471.14	1,798.06	2,124.98	2,451.90	2,942.28
- Adult Social Care Precept	148.44	173.18	197.92	222.66	272.14	321.62	371.10	445.32
Sussex Police & Crime Commissioner	159.94	186.60	213.25	239.91	293.22	346.54	399.85	479.82
East Sussex Fire & Rescue	69.58	81.18	92.77	104.37	127.56	150.76	173.95	208.74

5. That, having calculated the aggregate each case of the amounts at 3(h) and 4 above, the Council, in accordance with section 30(2) of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of Council Tax for the year 2023/24 for each of the categories of dwellings shown below:

LOCAL TAX AREA	Valuation Bands							
	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£
Ashburnham	1,540.00	1,796.68	2,053.32	2,310.00	2,823.33	3,336.68	3,850.00	4,620.00
& Penhurst	1,586.63	1,851.08	2,115.50	2,379.95	2,908.83	3,437.72	3,966.58	4,759.90
Battle	1,521.32	1,774.88	2,028.42	2,281.98	2,789.09	3,296.20	3,803.30	4,563.96
Beckley	1,543.27	1,800.50	2,057.68	2,314.91	2,829.33	3,343.77	3,858.18	4,629.82
Bexhill	1,536.84	1,792.99	2,049.11	2,305.26	2,817.54	3,329.83	3,842.10	4,610.52
Bodiam	1,522.15	1,775.86	2,029.53	2,283.23	2,790.61	3,298.01	3,805.38	4,566.46
Brede	1,517.43	1,770.34	2,023.23	2,276.14	2,781.95	3,287.77	3,793.57	4,552.28
Brightling	1,547.22	1,805.10	2,062.95	2,320.83	2,836.57	3,352.32	3,868.05	4,641.66
Burwash	1,555.13	1,814.32	2,073.49	2,332.69	2,851.07	3,369.45	3,887.82	4,665.38
Camber	1,546.73	1,804.52	2,062.29	2,320.09	2,835.67	3,351.25	3,866.82	4,640.18
Catsfield	1,549.29	1,807.51	2,065.71	2,323.93	2,840.36	3,356.80	3,873.22	4,647.86
Crowhurst	1,527.56	1,782.16	2,036.74	2,291.34	2,800.53	3,309.72	3,818.90	4,582.68
Dallington	1,491.12	1,739.65	1,988.15	2,236.68	2,733.72	3,230.77	3,727.80	4,473.36
East Guldeford	1,604.18	1,871.55	2,138.90	2,406.27	2,941.00	3,475.73	4,010.45	4,812.54
Etchingham	1,583.69	1,847.65	2,111.58	2,375.54	2,903.44	3,431.35	3,959.23	4,751.08
Ewhurst	1,558.41	1,818.16	2,077.87	2,337.62	2,857.09	3,376.57	3,896.03	4,675.24
Fairlight	1,501.13	1,751.33	2,001.50	2,251.70	2,752.08	3,252.47	3,752.83	4,503.40
Guestling	1,546.37	1,804.11	2,061.82	2,319.56	2,835.02	3,350.49	3,865.93	4,639.12
Hurst Green	1,577.22	1,840.10	2,102.95	2,365.83	2,891.57	3,417.32	3,943.05	4,731.66
Icklesham	1,536.75	1,792.89	2,048.99	2,305.13	2,817.38	3,329.64	3,841.88	4,610.26
Iden	1,530.59	1,785.69	2,040.77	2,295.88	2,806.08	3,316.28	3,826.47	4,591.76
Mountfield	1,559.70	1,819.66	2,079.59	2,339.55	2,859.45	3,379.36	3,899.25	4,679.10
Northiam	1,540.14	1,796.84	2,053.51	2,310.21	2,823.59	3,336.98	3,850.35	4,620.42
Peasmarsh	1,523.96	1,777.96	2,031.94	2,285.94	2,793.93	3,301.92	3,809.90	4,571.88
Pett	1,511.50	1,763.43	2,015.32	2,267.25	2,771.08	3,274.93	3,778.75	4,534.50
Playden	1,592.78	1,858.25	2,123.69	2,389.17	2,920.10	3,451.03	3,981.95	4,778.34
Rye	1,499.65	1,749.60	1,999.52	2,249.47	2,749.35	3,249.24	3,749.12	4,498.94
Rye Foreign	1,567.15	1,828.36	2,089.53	2,350.73	2,873.11	3,395.51	3,917.88	4,701.46
Salehurst	1,550.11	1,808.48	2,066.81	2,325.17	2,841.87	3,358.59	3,875.28	4,650.34
Sedlescombe	1,549.99	1,808.34	2,066.65	2,324.99	2,841.65	3,358.33	3,874.98	4,649.98
Ticehurst	1,515.72	1,768.35	2,020.95	2,273.58	2,778.82	3,284.07	3,789.30	4,547.16
Udimore	1,553.59	1,812.54	2,071.45	2,330.39	2,848.25	3,366.13	3,883.98	4,660.78
Westfield	1,521.31	1,774.87	2,028.40	2,281.96	2,789.06	3,296.17	3,803.27	4,563.92
Whatlington								

6. The Chief Finance Officer as Section 151 Officer be authorised to authenticate and serve all notices etc. required in connection with the Council Tax and National Non-Domestic Rate.

Assessment as to whether change in Council Tax is excessive

7. That the Council's relevant basic amount of Council Tax for 2023/24 is not excessive in accordance with the principles approved under section 52B(3) of the Local Government Act 1992.

(When it first became apparent, Councillor Maynard declared a personal interest in this matter as an elected Member of East Sussex County Council and in accordance with the Members' Code of Conduct remained in the meeting during the consideration thereof).

(When it first became apparent, Councillor Drayson declared a Personal Interest in this matter as an elected Member of Bexhill-on-Sea Town Council and in accordance with the Members' Code of Conduct remained in the meeting during the consideration thereof).

C22/75. DELEGATIONS TO OFFICERS - PLANNING SERVICE

On 12 January 2023, the Planning Committee approved the officer scheme of delegations for the Planning Service, as identified as Appendix 1 to the report and the Council's Constitution had been updated accordingly. Following legal advice, the Council's current Constitution required amendment with respect to the approval process for delegations to officers, and this matter would be considered in due course and a report made to the Audit and Standards Committee. In the interim, and following this legal advice, the amendments to the Planning Service delegations were submitted for approval and adoption.

It was moved by Councillor Vine-Hall and seconded by Councillor Prochak that officer scheme of delegation at Appendix 1 to the report be approved and adopted subject to:

Paragraph 3.1.8 line 5

The deletion of the following words: 'Under exceptional circumstances'

and at line 6 the words 'be' changed to 'is'.

RESOLVED: That the officer scheme of delegations in respect of the Planning Service, attached at Appendix B be approved and adopted, as amended.

C22/76. MOTION TO COUNCIL - HOLOCAUST MEMORIAL DAY

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

- We recognise that the Holocaust shook the foundations of modern civilisation. Its unprecedented character and horror will always hold universal meaning.
- We believe the Holocaust must have a permanent place in our nation's and community's collective memory. We honour the survivors still with us and reaffirm our shared goals of mutual understanding and justice.
- We must make sure that future generations understand the causes of the Holocaust and reflect upon its consequences. We vow to remember the victims of Nazi persecution and of all genocides.
- We value the sacrifices of those who have risked their lives to protect or rescue victims, as a touchstone of the human capacity for good in the face of evil.
- We recognise that humanity is still scarred by the belief that race, religion, disability or sexuality make some people's lives worth less than others. Genocide, antisemitism, racism, xenophobia and discrimination still continue. We have a shared responsibility to fight these evils.
- We pledge to strengthen our efforts to promote education and research about the Holocaust and other genocides. We will do our utmost to make sure that the lessons of such events are fully learnt.
- We will continue to encourage Holocaust remembrance by organising an activity to commemorate Holocaust Memorial Day. We condemn the evils of prejudice, discrimination and racism. We value a free, respectful, and democratic society.

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

(Councillors Brewerton and Courtel each declared a personal interest in this item as they had Jewish heritage and in accordance with the Members' Code of Conduct remained in the room during the consideration thereof).

C22/77. MOTION TO COUNCIL - DEBATE NOT HATE CAMPAIGN

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

This Council notes that increasing levels of toxicity in public and political discourse is having a detrimental impact of local democracy and that prevention, support and responses to abuse and intimidation of local politicians must improve to ensure Councillors feel safe and able to continue representing their residents.

This Council therefore commits to challenge the normalisation of abuse against Councillors and officers and uphold exemplary standards of public and political debate in all it does.

The Council further agrees to sign up to the Local Government Association's (LGA) Debate Not Hate campaign. The campaign aims to raise public awareness of the role of Councillors in local communities,

encourage healthy debate and improve the response to and support those in public life facing abuse and intimidation.

In addition, this Council resolves to:

- write to our local Members of Parliament to ask them to support the campaign;
- write to the Government to ask them to work with the LGA to develop and implement a plan to address abuse and intimidation of politicians;
- regularly review the support available to Councillors in relation to abuse and intimidation and Councillor safety through the Member Development Task Group;
- work with the local Police to ensure there is a clear and joined-up mechanism for reporting threats and other concerns about the safety of Councillors and their families and discuss the need to take a preventative approach that accounts for the specific risks that Councillors face, as they do with other high-risk individuals, like MPs;
- take a zero-tolerance approach to abuse of Councillors and officers in all forms of communication, be it at face-to-face meetings, at online or telephone meetings, in written communication; in verbal communication and in electronic and social media communication, posts, statements and comments; and
- encourage all Parish and Town Councils across the Rother District to sign up to the LGA's campaign.

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

C22/78. APPOINTMENT OF INTERIM CHIEF EXECUTIVE

This item had been withdrawn from the Agenda.

C22/79. NOMINATIONS OF CHAIR AND VICE-CHAIR FOR 2023/24

The Council agreed not to make any nominations for the appointment of Chair and Vice-Chair of the Council for the Council Year 2023/24 ahead of the elections in May.

RESOLVED: That the appointment of the Chair and Vice-Chair of the Council for 2023/24 take place at the Annual Meeting of the Council on 24 May 2023.

CHAIR

The meeting closed at 9:17pm.

Appendix A

Recommendation 1: That the current Members Basic Allowance be increased by 5% for 2023. (As IRP report)

Recommendation 2: That the Basic Allowance for 2024-27 is reviewed by the IRP in 2023 after the staff pay award has been agreed. (As IRP report)

Recommendation 3: That the amounts are rounded either up or down to the nearest full pound. (As IRP report)

Recommendation 4: That the dependent / childcare allowances be increased to £14.00 and £10.42 per hour respectively and that discretion to agree a higher rate with agreement from the Monitoring Officer or Chief Executive is added. (As IRP report – with the HR Committee being requested to consider whether amounts cover costs incurred)

Recommendation 5: That a family member can be paid the dependent/childcare allowance in exceptional circumstances with agreement from the Monitoring Officer or Chief Executive. (As IRP report)

Recommendation 6: That the SRA ratios to the Members Basic Allowance be **AMENDED** as follows:

Position	Nos	Revised Ratio	Cost per SRA
Councillors	38	1	£4,938
Leader	1	3	£14,814
Deputy Leader	1	1	£4,938
Cabinet	8	0.66	£3,259
O&S Chair	1	0.66	£3,259
Planning Chair	1	0.66	£3,259
Audit Chair	1	0.33	£1,630
Licence Chair	1	0.33	£1,630
Planning VC	1	0.1	£494
Scrutiny VC	1	0.1	£494
Spokespersons	5	0.12	£564
Independent Person Audit	1	0.19	£954
Independent Person Standards	2	0.08	£379
Parish Cllr Standards	2	0.04	£214
Opposition Group Leader	1	0.33	£1,630
Other Group Leaders	?	0.1	£494

Recommendation 7: That the SRAs for 2024-27 is reviewed by the IRP in 2023 after the staff pay award has been agreed. (As IRP report)

Recommendation 8: That the Vice-Chairs of the Planning Committee and the Overview and Scrutiny Committee be paid an SRA of 0.1 of the Members Basic Allowance. **AMENDED**

Recommendation 9: That the SRA for the largest Opposition Political Group Leader be paid the higher rate (0.33 of basic allowance) with all others being paid a lower amount (0.1 of basic allowance), with no additional cost per Group Member.

AMENDED

Recommendation 10: That an SRA for the Chair of the Human Resources Committee be considered in 2023. (As IRP report)

Recommendation 11: That the allowances paid to the “co-optees” be increased by 5% for 2023/24 only. (As IRP report)

Recommendation 12: That Travelling Allowances for both the approved mileage and passenger mileage rates be fixed in line with HM Revenue & Customs ‘Approved Mileage Allowance Payments’ from 2022-2027. [To note the figure provided to IRP in respect of electric vehicles was incorrect – the correct figure for all fuel types for claimants using their own vehicles is 45p per mile].

Recommendation 13: That each of the subsistence allowances, breakfast, lunch, tea and dinner be increased by approximately 10%, rounded to the nearest 10p for the period 2023-2024 and that it is reviewed by the IRP in 2023 after the staff pay award has been agreed. (As IRP report - with the HR Committee being requested to consider whether amounts cover costs incurred)

Recommendation 14: That the Human Resources Committee consider if the staff and Members subsistence rates should be matched. (As IRP report)

Recommendation 15: That the Members Allowance Scheme be updated to simplify the language and make it more accessible. (As IRP report)

3.1 Director – Place and Climate Change / Development Manager

Planning Service

The Council's Cabinet and Planning Committee may delegate some of its functions and powers to specific officers of the Council. The following is a list of those delegations

C denotes from Cabinet. P denotes from Planning Committee.

In the absence of the nominated officers delegated power may be exercised by the Chief Executive or such officer as the Chief Executive may nominate.

DEVELOPMENT MANAGER

All functions exercised by Development Manager and in their absence the Development Management Team Leaders.

Development Management

- 3.1.1 To deal with applications for Listed Building consent under S10 of the Planning (Listed Buildings and Conservation Areas) Act 1990. (P)
- 3.1.2 To prescribe conditions or reasons for refusal or approval to be applied to any planning application determined by the Council for delegated decisions or resolved to be delegated by the Planning Committee. Decisions taken under this power to be reported to the next available meeting of the Planning Committee. (P)
- 3.1.3 That where decisions of the Planning Committee vary from an officer recommendation the Decision Notice will not be issued until it agrees with the draft minutes approved by the Chair of the Planning Committee. Alignment of the two documents will take place within two clear working days of the receipt of the draft minutes. Should any issue be unresolved at the end of those two days it will be referred to the Chief Executive for final resolution. (C)
- 3.1.4 To approve minor amendments to planning consents and to approve or disapprove any matter submitted as a condition of planning approval. Function also to be exercised by Team Leaders, Principal Officers (Level 5) and Senior Officers (Level 4). (P)
- 3.1.5 To deal with applications for Lawful Development Certificates under S191 and S192 of the Town and Country Planning Act 1990. Function also to be exercised by the Development Manager, Team Leaders, Principal Officers (Level 5) and Senior Officers (Level 4). (P)
- 3.1.6 To determine applications for planning permission in accordance with the arrangements detailed under Delegated Procedures and to determine individual planning applications specifically delegated by Committee resolution and to prescribe conditions or reasons for refusal or approval as

appropriate. Under the delegated system all applications identified with the (DEL) notification on the weekly list will be dealt with by officers where there are no conflicting views and the matter has not been subject to a 'call-in' by a Member.

- 3.1.7 The weekly list sets out new applications on a ward basis, so that Councillors are fully aware of new submissions in their local area at the outset. They may call applications to Committee (clearly citing planning reasons and whether the call-in is conditional or a recommendation of approval or refusal) up to seven days (no later than 5pm on the last day) after the closure of any weekly list publicity period or expiry of the site notice whichever is the later (P). The officer for a planning application is required to inform the Ward Member or Chair of the Planning Committee of the expected outcome of an application prior to call-in (or any time after) if requested by the Ward Member or Chair of the Planning Committee.
- 3.1.8 Where the time for call-in set out above has expired, a Member may subject to the agreement of the Chair of Planning Committee and in agreement with the Development Manager, call-in a planning application where such an application is considered to be controversial or generate significant local interest. ~~Under exceptional circumstances,~~ the Chair of the Planning Committee ~~be~~ is granted authority to call-in an application, at any time before the Decision Notice is issued after consultation with the local Ward Member(s). Call-ins' may not be made under any other circumstances by officers or Members.
- 3.1.9 Planning applications on the weekly list sets out the applications which are time limited and/or for information only, for example those set against the relevant regulations and those not subject to appraisal against planning policy. Such applications are not subject to any call-in measures.
- 3.1.10 Planning applications which are labelled (COM) automatically go to be determined at Planning Committee where the Applicant is or is related to an elected Member of the Council or member of Council staff, is for Council owned land, or applications submitted by the Council itself.
- 3.1.11 To refuse planning permission for applications in circumstances where no extension of time is agreed, and it is not possible to resolve any outstanding matters. Function also to be exercised by Team Leaders, Principal Officers (Level 5) and Senior Officers (Level 4). (P)
- 3.1.12 To rescind or revoke all obsolete, irrelevant or inoperative entries in the registers under his control relating to the Town and Country Planning Act 1990; Article 4 Directions made under the General Permitted Development Orders; the Town and Country Planning (Control of Advertisements) Regulations 1992, and Notices under Section 65 of the Public Health Act 1936. Function also to be exercised by the Team Leaders, Principal Officers (Level 5) and Senior Officers (Level 4). (P) (C)
- 3.1.13 To exercise the Council's functions under Section 224 of the Town and Country Planning Act 1990 – power to remove or obliterate placards and posters. Function also to be exercised by the Development Manager and Development Management Team Leaders. (C)

- 3.1.14 Acting in conjunction with the Solicitor to the Council to authorise Section 106 Planning Obligations or authorise the modification of existing Section 106 Planning Obligations which relate to planning control matters. (Any Obligations that relate to financial matters, including changes to affordable housing provision are to be referred to the Planning Committee for decision). All such Obligations to be concluded within a six-month period of the authorisation unless extended at the discretion of the Development Manager or Solicitor to the Council. Function also to be exercised by the Development Management Team Leaders. (P)
- 3.1.15 To decide not to investigate alleged breaches of planning control where it is considered that the matter is not having a serious impact on amenity or the environment, having regard to the provisions of the development plan and any other material considerations nor in respect of slight variations which would otherwise be permitted by the Town & Country (General Permitted Development) Order 2015 (as amended) or other minor development that amounts only to a technical breach. Function also to be exercised where appropriate by the Development Manager and Development Management Team Leaders. (P)
- 3.1.16 To take enforcement action, having first consulted with the Solicitor to the Council in respect of breaches of planning control, under Part V11 and Part VIII of the Town and Country Planning Act 1990 which are having a serious impact on amenity or the environment, having regard to the provisions of the Council's adopted planning policy and guidance, the current local enforcement plan and any other material considerations. The Solicitor to the Council be authorised to take any other steps necessary to remedy the breach of planning control including legal action under Part VII and Part VIII of the Town and Country Planning Act 1990. Function also to be exercised where appropriate by the Development Manager and the Development Management Team Leaders. (P)
- 3.1.17 To issue Notices under Powers to require information in relation to the subject land under Section 330 of the Town and Country Planning Act 1990 and to issue Planning Contravention Notices under Section 171C of the Town and Country Planning Act 1990. Function also to be exercised where appropriate by the Development Manager and the Development Management Team Leaders. (P)
- 3.1.18 Acting through the Solicitor to the Council, to withdraw an enforcement notice which has been complied with, where it is considered that the breach of planning control cannot be repeated or waive or relax any requirements of any notice under Section 173A of the Town and Country Planning Act 1990. Function also to be exercised where appropriate by the Development Manager and the Development Management Team Leaders. (P)
- 3.1.19 Acting in consultation with the Solicitor to the Council, to extend the period for compliance with any enforcement notice under Section 173A where that would be expedient; such extension not to exceed 12 months. Function also to be exercised where appropriate by the Development Manager and the Development Management Team Leaders. (P)
- 3.1.20 The making of land use planning representations to the Traffic Commissioner on applications for Operators Licences made under the

Goods Vehicles (Licensing of Operators) Act 1995. Function also to be exercised by the Development Manager and Development Management Team Leaders. (P)

3.1.21 The making of directions under Article 4 of the Town and Country (General Permitted Development) Order 1995. Function also to be exercised by the Development Manager and Development Management Team Leaders. (P)

3.1.22 To exercise the Council's functions in respect of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 or any subsequent replacement regulations. Function also to be exercised by Development Manager and Development Management Team Leaders. (P)

Rights of Entry

3.1.23 To authorise at his discretion officers (either generally or specifically) to exercise all or any statutory rights of entry in the Planning Acts and the Regulations made thereunder. (P)

Planning Policy

3.1.24 To make representations on draft planning and related policy statements and documents upon which the Council is consulted in terms of their alignment with Council policies and strategies in consultation with the Chair of Planning Committee. (C)

Tree Matters

3.1.25 That the following actions shall be delegated to the Development Manager and Development Management Team Leaders:

- To determine applications to fell, lop or prune trees the subject of a tree preservation order or in a conservation area. (C)
- To respond to Forestry Commission consultations on the basis of the Council's adopted policy. (C)
- To deal with the hedgerow removal notices under The Hedgerow Regulations 1997 and to issue hedgerow retention notices. (C)

3.1.26 Acting through the Solicitor to the Council, to make such tree preservation orders as considered necessary. This justified through a report to be confirmed by the Development Manager and/or Development Management Team Leaders before the Order is confirmed detailing any objection received. (P)

3.1.27 To exercise the Council's functions in respect of High Hedges under Section 8 of the Anti-Social Behaviour Act 2003. Function to be exercised following consultation with and acting through the Solicitor to the Council. This justified through a report to be confirmed by the Development Manager and Development Management Team. (P)

Highway Matters

- 3.1.28 To deal with consultations by the East Sussex County Council on highway matters, including the creation, diversion and closure of footpaths and bridleways, and traffic management measures and highway Stopping Up Orders. (C)

Nature Conservation Matters

- 3.1.29 To determine Appropriate Assessments submitted to the Council under the Conservation (Natural Habitats etc) Regulations 1994.

DIRECTOR – PLACE AND CLIMATE CHANGE – STRATEGY AND PLANNING AND BUILDING CONTROL MANAGER (Concurrent Power)

- 3.1.30 To prepare and implement, after consultation with the Chief Finance Officer, a scheme for the charging of fees in accordance with the Building (Local Authority Charges) Regulations 1998.
- 3.1.31 To approve Site Waste Management Policies for the construction and demolition of sites after consultation with the Director – Place and Climate Change.
- 3.1.32 To issue decisions on all applications under the Building Regulations, and to determine applications for relaxation thereof. (C)
- 3.1.33 To employ qualified consultant structural engineers to check where necessary structural details of applications submitted under the Building Regulations. (C)
- 3.1.34 To exercise the Council's functions under the following Sections of the Building Act 1984. (C)

S.8	Relaxation of Building Regulations
S.16	Passing and rejection of plans
S.19	Use of short-lived materials
S.20	Use of materials unsuitable for permanent building
S.21	Provision of drainage
S.22	Drainage of buildings in combination
S.24	Provision of exits etc.
S.25	Provision of water supply
S.31	Proposed departure from plans
S.32	Lapse of deposit of plans
S.36	Removal of alteration of offending work
S.59	Drainage of buildings
S.72	Means of escape in case of fire
S.73	Raising of chimney
S.74	Cellars and rooms below subsoil water level
S.75	Consents under Section 74
S.76	Defective Premises
S.77	Dangerous Building
S.78	Dangerous building - emergency measures

S.79	Ruinous and dilapidated buildings and neglected sites
S.80. 81, 82	Demolitions
S.84	Paving and drainage of yards and passages
S.95	Power to authorise officers to enter premises

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