

CABINET

9 October 2023

Minutes of the Cabinet meeting held at the Town Hall on Monday 9 October 2023 at 6:30pm.

Cabinet Members present: Councillors D.B. Oliver (Leader), T.J.C. Byrne, K.M. Field, A. Rathbone Ariel and H.L. Timpe.

Cabinet Members present remotely: Councillors C.A. Bayliss and S.J. Coleman.

Other Members present: Councillors G.R.M. Delany, A.S. Mier, P.N. Osborne and R.B. Thomas.

Other Members present remotely: Councillors J. Barnes (MBE), Mrs V. Cook, T.M. Killeen (MBE), Mrs E.M. Kirby-Green, C.R. Maynard, S.B. McGurk, C. Pearce and J. Stanger.

Advisory Officers in attendance: Chief Executive, Director – Place and Climate Change, Head of Housing and Regeneration (in part), Head of Neighbourhood Services (in part), Head of Environmental Health, Revenues and Benefits Manager (in part), Neighbourhood Services Team Leader (in part) and Democratic Services Manager.

Also Present: Two members of the public in the Council Chamber and 17 via the live webcast.

Publication Date: 12 October 2023

The decisions made under PART II will come into force on 20 October unless they have been subject to the call-in procedure.

CB23/26. MINUTES

The Chair was authorised to sign the Minutes of the meeting held on 4 September 2023 as a correct record of the proceedings.

CB23/27. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors A.K. Jeeawon, R.A. McCourt and S.M. Prochak (MBE) (Deputy Leader).

CB23/28. DISCLOSURE OF INTERESTS

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

Barnes Agenda Item 9 – Personal Interest as Chair of Etchingam Parish Council.

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

CB23/29. **REFERENCE FROM THE OVERVIEW AND SCRUTINY COMMITTEE - ROTHER DISTRICT COUNCIL OWNED / LEASED ACCOMMODATION POLICIES**

(6)

Cabinet received Minute OSC23/21 arising from the meeting of the Overview and Scrutiny Committee (OSC) held on 11 September 2023 that had considered a number of proposed Rother District Council owned / leased accommodation policies for implementation. Since becoming a Registered Social Landlord in 2020, the Council was required to have a suite of relevant policies in place to comply with Housing Ombudsman, Social Housing (Regulation) Act 2023 and the Council's duty as a landlord. The Council currently owned 33 units of accommodation with more being acquired. The Chair of the OSC confirmed that the OSC had considered the draft policies in detail and were happy to commend their adoption to Cabinet and Council.

RECOMMENDED: That the following Rother District Council Owned / Leased Accommodation Policies be approved and adopted, as submitted:

Unacceptable Behaviour Policy;
Anti-Social Behaviour Policy;
Recharge Policy;
Compensation Policy;
Domestic Abuse Policy; and
Window Restrictors Policy.

CB23/30. **THE REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)**

(10)

Under the Regulation of Investigatory Powers Act 2000 (RIPA) (as amended by the Protection of Freedoms Act 2012), the Council was required to adopt a policy determining how officers carried out surveillance legally during investigations; the last Policy had been adopted in 2018. The Act provided a legal framework for authorising investigations in a manner consistent with obligations under the Human Rights Act 2000 where the investigation was for the purposes of preventing or detecting crime or for preventing disorder.

The RIPA and the associated statutory codes of practice determined how the Council should carry out surveillance, provided safeguards for the persons being investigated, the Council and officers. A draft policy was appended to the report at Appendix A for consideration and approval. It was noted that as it was now common practice for officers to carry out research using websites and social media, an additional policy was required, and this had been added as Appendix 2 to the RIPA Policy.

It was noted that the Council was also inspected every three years by the Investigatory Powers Commissioners Office and no major issues

were identified during this year's inspection, with the next inspection due in 2026.

RECOMMENDED: That the revised Regulation of Investigatory Powers Policy be approved and adopted as submitted.

PART II – EXECUTIVE DECISIONS – subject to the call-in procedure under Rule 16 of the Overview and Scrutiny Procedure Rules by no later than 4:00pm on 19 October 2023.

CB23/31. **COUNCIL TAX SUPPORT FUND**
(7)

In December 2022, the Government announced £100m of additional funding for local authorities to support vulnerable households, by providing additional support to those households in receipt of Council Tax Reduction (CTR). The funding was for the 2023/24 financial year only, with Rother District Council's allocation being £170,647.

The Government expected the Council to prioritise the funding to reduce the Council Tax liability of all CTR recipients with an outstanding balance at the start of the 2023/24 financial year by at least £25. The reduction was automatically applied to bills in March 2023 to 4,538 qualifying CTR recipients which totalled £112,901.57. Where a taxpayer's liability for 2023/24 was less than £25, their liability was reduced to zero.

A remaining balance of £57,745.43 was therefore available to make additional discretionary awards to CTR recipients who were identified as suffering hardship. It was therefore proposed to use the balance to pay an additional award of up to £12 to CTR recipients with an outstanding Council Tax balance as of 1 September 2023, which in most cases would mean an additional £37 reduction. It was further proposed that any residual funding be used to support the Council's Exceptional Hardship Fund.

Cabinet was pleased to approve the discretionary element of the Council Tax support fund and agreed to grant delegated authority to the Interim Deputy Chief Executive, in consultation with the Cabinet Portfolio Holder for Finance and Governance, to make any further necessary amendment to the scheme to use all the available funding.

RESOLVED: That:

- 1) the Discretionary Council Tax Support Fund proposal outlined in the report be approved; and
- 2) the Interim Deputy Chief Executive / Section 151 Officer be granted delegated authority in consultation with the Cabinet Portfolio Holder for Finance and Governance to make any necessary changes to the policy to ensure the maximum funding is used.

CASH PAYMENT OPTIONS IN ROTHER DISTRICT COUNCIL CAR PARKS

(8)

Consideration was given to the report of the Head of Neighbourhood Services that proposed that the Council relocated the facility for customers to pay by cash in Council owned car parks to nearby PayPoints when the current cash collection contract ended in 2024. Providing a cash payment option for parking at local PayPoints rather than within car parks was already in place or in the process of being adopted in several other Council areas including locally, Brighton and Hove.

The Council operated 24 chargeable car parks, 17 of which currently offered a cash payment option via the pay and display machines, alongside other methods, including cash or card payment at a PayPoint (usually a local shop).

The rationale for the proposal was detailed within the report, with the following key considerations:

- cash collection levels had consistently fallen since COVID-19 (25% year on year) with the current breakdown across the district for car park payments being 40% RingGo, 30% cash, and 30% credit/debit card system;
- the current cash collection contract cost the Council £30,000 per annum and was due to expire on 31 August 2024, with an option for an earlier termination date of 31 March 2024. It was likely that with contract uplifts and high inflation rates, procuring a new contract would cost approximately 10-15% more per annum by 2024;
- a saving of £30,000 per annum would be realised should the cash collection contract not be renewed; there would be one-off costs of circa £10,00 to update payment machines and signage; and
- ceasing to use a cash collection contractor would aid the Council's carbon reduction targets by reducing travel around the district to collect cash, saving approximately 5-6 tonnes of CO₂ per annum.

The following alternative Options had also been considered and set out in the report:

- procure a reduced cash collection contract from April 2024 for the most cash-used car parks - De La Warr Pavilion (DLWP), Bexhill-on-Sea, Mount Street and Upper Market, Battle. However, this option would not assist with savings target nor achieve the desired carbon emissions savings; it was noted by Members that there was still a significant number of cash transactions in these car parks; and
- procure a new cash collection contract from August 2024 for all existing payment machines on similar terms as the current contract – essentially no change to the existing arrangements. This would not result in any savings and was likely to cost more

than the current contract nor achieve the desired carbon emissions savings.

It was recognised that the proposed favoured approach would be less convenient to some customers. An Equality Impact Assessment had been completed which had identified that vulnerable customers, such as those who were technologically excluded or did not have access to mobile phones or credit/debit cards, would be unable to pay by cash to park within the car park.

All car parks that currently had a cash payment option in Bexhill, Battle and Rye had a PayPoint within 0.2 miles, and car parks in Camber had a PayPoint within 0.4 miles. Members were also concerned for elderly residents who were still using private vehicles, had reduced mobility and for their ability to walk to a PayPoint within the grace period. It was noted that any business could apply to become a PayPoint, although there were significant set-up costs with having to offer all possible transactions at PayPoints rather than just car parking fees. The DL WP would be contacted in this regard.

Currently there was a 10-minute grace period for customers upon arrival to enable them to pay to park; this was considered sufficient as customers did not have to return to their vehicle to display a ticket if they paid at a PayPoint. Whilst some Members suggested that the grace period be extended, it was considered that this would have a detrimental impact on enforcement and it was suggested and agreed to monitor the situation, following implementation. It was noted that should a customer be unlucky enough to get a parking ticket between leaving their vehicle and purchasing a ticket at a PayPoint, there was an appeals mechanism with each case being considered individually.

Blue Badge holders who were in receipt of certain benefits could apply for permits which enabled them to park in any Rother District Council car park, without paying a parking fee and these customers would be unaffected by any changes to cash payment methods within car parks. It was not feasible to simply provide parking permits to all Blue Badge holders as this would have a wider impact on income and would represent a change in policy, which had not been considered at this stage.

Signage within car parks and communication using the Council's My Alerts and social media platforms would be a key part of relocating cash payments, alongside promoting other options such as parking permits which provided a more cost-effective alternative for regular parkers / residents.

It was likely that the use of cash payments in car parks would continue to reduce year on year as customers turned to using 'contactless'/card payments and RingGo payments. Relocating the ability to pay by cash to local PayPoints enabled customers to continue to pay for parking by cash, removed the need for a new cash collection contract, and so supported the Council in its financial stability programme and carbon emissions reduction. Whilst Cabinet recognised the concerns

discussed, the key driver was the identification of much needed savings for local tax payers.

RESOLVED: That the Director - Place and Climate Change be authorised to:

- 1) relocate the cash payment option from Rother District Council 'pay and display' machines to local PayPoints, subject to the outcome of the budget consultation; and
- 2) promote the new cash payment locations by directing customers choosing to pay with cash to the nearest PayPoints.

CB23/33. **PUBLIC SPACES PROTECTION ORDER (NO 1-2024) - DOG CONTROL**

(9)

In February this year, Cabinet gave approval for consultation to take place to amend or renew without amendment the existing Public Spaces Protection Order (PSPO) (No 1A) to control dogs, which was due to expire in January 2024. Consultation took place in June and July and the results were detailed at Appendix A to the report. There had been a large response to the consultation with polarised opinions, mostly from those with dogs and those without. The Head of Environmental Services led Members through each of the recommendations set out within the report.

PSPOs were made under the Anti-social Behaviour, Crime and Policing Act 2014. Following the consultation, Cabinet approval to consult with Sussex Police, the Police and Crime Commissioner (PCC), East Sussex County Council (ESCC Highways) on a revised Order was sought.

PSPOs had a maximum duration of three years but they could last for shorter periods of time where appropriate. Failure to comply with a PSPO was a criminal offence, a maximum fine of £1,000 (level 3) could be imposed, although as an alternative to prosecution enforcement officers could issue a Fixed Penalty Notice (FPN) of £100.

Members present at the meeting reported that this consultation had resulted in high level engagement with residents and strong opinions on both sides. It was noted that the only two open spaces in Bexhill that required dogs to be kept on leads were Egerton Park and Manor Barn Gardens – this was the current position, and no changes were recommended. It was considered that many dog owners were simply not aware of the Order and where and when it applied; improved signage, setting out prohibitions as well as what was permitted at each location was required.

During the debate, it was agreed that the term “short leads” would be replaced with “fixed leads”. Extendable leads could be “fixed” and dog owners would not need to purchase new leads. Extendable leads were a trip hazard and the perception of a dog under control, some metres away from its owner, on an extendable lead was the issue.

Officers had recommended that no dogs be allowed in Rye Cemetery except from the right of way footpath (the current control), contrary to the view of Rye Town Council (RTC) who were in favour of allowing dogs anywhere within the cemetery on a fixed lead. Members were also in favour of supporting the view of RTC and acknowledged that those visiting loved ones in cemeteries would very often want to take their pets.

It was noted that there was no suggested change to the current controls in relation to children's play areas, where dogs were excluded; whilst some children's play areas were not fenced, there was usually a change in surface, signage or curbing which made it quite clear it was a play area. Members were pleased to see the suggested extension to all defined gym equipment areas, skateparks, BMX race tracks, jump parks and trails and in addition, in Bexhill, to exclude dogs from the Little Common Football Club fenced pitch. It was noted that in Burwash and the Weald, dogs were only required to be on leads in Burwash High Street and Queens Gardens, Etchingham.

Cabinet was in agreement with the majority of the proposed amendments to the PSPO (No 1A) Dog Control, except for that in relation to Rye Cemetery following the consultation exercise and authorised officers to consult with the Police, PCC, ESCC about renewing the Order, as amended, and subject to there being no objections, proceed to make the Order.

RESOLVED: That:

- 1) the Order be amended in accordance with officer recommendations (a to i), as amended, as follows:

Bexhill Seafront

Extend the exclusion of dogs from the beach eastwards to Brassey Road, so that the beach around the Sailing Club was included.

- a. To extend the exclusion to Brassey Road, as it would have a minimal impact on dog owners but a benefit to the Sailing Club.
- b. Control to continue to only apply from 1 May to 30 September only. This was also the status quo.

Camber Beach

- c. Retain the current controls.

Pett Beach

- d. Continue with the current controls.

Winchelsea Beach

- e. To remove existing controls.

Rye Cemetery (owned by Rother District Council)

- f. Option 1 - dogs anywhere on site but on a fixed lead.

Rye Gun Garden (owned by Rother District Council)

g. Option 1 - dogs allowed on fixed leads.

Sports and Recreational Facilities

h. To continue with existing controls on sports and recreational facilities in the district. To exclude dogs from all tennis courts, defined children's play areas (existing control), defined gym equipment areas and all skateparks, BMX race tracks, jump parks and trails. In addition, in Bexhill, to exclude dogs from the Little Common Football Club fenced pitch.

Leads

i. The Order should make it clear that where dog are required to be on a lead, it should be on fixed lead, to ensure the dog was under control.

- 2) officers be authorised to consult with Sussex Police, the Police and Crime Commissioner, East Sussex County Council (Highways) on making the Public Spaces Protection Order (No 1-2024); and
- 3) if no objections are received to make the Order for a period of three years up until January 2027.

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

CB23/34.
(11)

CCTV CAMERAS

The Council owned 12 CCTV cameras in Battle and Bexhill (Appendix A to report detailed the locations) and was responsible for repairs and replacement and paid for the electrical usage. The contract for maintaining the cameras was held by British Telecom (BT) who had the contract with Sussex Police. Appendix B set out the financial costs over the last three years and future costs.

Sussex Police was currently solely responsible for operating the cameras, monitoring, viewing and recording images and requests for data access were made to Sussex Police.

However, Sussex Police had advised that they intended to transfer the maintenance contract to each Council, meaning that Rother District Council would become the Data Controller (detailed at Appendix C to the report). It had further been advised that BT could no longer operate the cameras and Sussex Police had identified ChromeVision as an alternative provider, using wireless technology.

Most of the CCTV cameras in Sussex district councils were owned by the relevant Town Council. It was therefore recommended that discussions were held with Battle and Bexhill-on-Sea Town Councils to transfer ownership of the cameras to them. This was considered a sensible way forward and the recommendation was amended to

include consultation with the Cabinet Portfolio Holder for Environmental, Licensing, Community Safety, Climate Strategy and Joint Waste Contract.

Failure to agree to the transfer of the maintenance contract from Sussex Police to the Council could result in the CCTV not operating from April 2024.

RESOLVED: That the Chief Executive be granted delegated authority, in consultation with the Cabinet Portfolio Holder for Environmental, Licensing, Community Safety, Climate Strategy and Joint Waste Contract to enter into contracts with companies to maintain existing operating CCTV cameras in Battle and Bexhill and enter into discussions with Battle Town Council and Bexhill-on-Sea Town Council about the future provision of CCTV.

CHAIR

The meeting closed at 8:00pm