

CABINET

11 December 2023

Minutes of the Cabinet meeting held at the Town Hall on Monday 11 December 2023 at 6:35pm.

Cabinet Members present: Councillors D.B. Oliver (Leader), C.A. Bayliss (Deputy Leader), T.J.C. Byrne, S.J. Coleman, K.M. Field, A.K. Jeeawon, R.A. McCourt, A. Rathbone Ariel and H.L. Timpe.

Cabinet Members present remotely: Councillors S.M. Prochak, MBE (Deputy Leader).

Other Members present: Councillors S. Burton, Mrs V. Cook (in part) and T.M. Killeen (MBE).

Other Members present remotely: Councillors J. Barnes (MBE), G.R.M. Delany, C.R. Maynard (in part), P.N. Osborne and C. Pearce.

Advisory Officers in attendance: Chief Executive, Director – Place and Climate Change, Head of Neighbourhood Services, Head of Digital and Customer Services, Planning Policy Manager, Digital Transformation Manager, Corporate Programme, Risk and Improvement Manager, Development Manager, Environment Strategy Officer, Projects Officer (Environment) and Democratic Services Manager.

Also Present: 13 members of the public via the live webcast.

Publication Date: 14 December 2023

The decisions made under PART II will come into force on 22 December 2023 unless they have been subject to the call-in procedure.

CB23/46. MINUTES

The Chair was authorised to sign the Minutes of the meeting held on 6 November 2023 as a correct record of the proceedings.

CB23/47. APOLOGIES FOR ABSENCE

There were no apologies for absence.

CB23/48. DISCLOSURE OF INTERESTS

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

Field	Agenda Item 8 – Personal Interest as an elected Member of East Sussex County Council.
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PART I – RECOMMENDATIONS TO COUNCIL – not subject to call-in procedure under Rule 16 of the Overview and Scrutiny Procedure Rules.

CB23/49. **REFERENCE FROM THE OVERVIEW AND SCRUTINY COMMITTEE - CLIMATE STRATEGY 2023**

(6)

Cabinet received Minute OSC23/38 arising from the meeting of the Overview and Scrutiny Committee held on 20 November 2023 that had considered a report on the draft Climate Strategy (CS) 2023. The Cabinet Portfolio Holder for Environmental, Licensing, Community Safety, Climate Strategy and Joint Waste Contract advised that the CS was a well-researched, evidence-based document that would guide the Council's climate action and enable the Council to meet its pledge to do what was within its powers to make Rother a carbon-neutral district. She thanked the Environment Strategy Officer for her hard work in developing the refreshed CS. The CS proposed the Council's first Climate Action Plan and a lot of engagement had taken place with stakeholders throughout its development.

Members were fully supportive of the CS and recommended approval and adoption and thanked the officers for producing an excellent strategy.

RECOMMENDED: That the draft Climate Strategy be approved and adopted, as submitted.

CB23/50. **STREET NAMING AND NUMBERING POLICY**
(10)

The report of the Head of Digital and Customer Services and Digital Transformation Manager concerning the revised Street Naming and Numbering Policy (SNN) was received and considered. The SNN was last reviewed in July 2020 and was the Council's guide for exercising its responsibilities for the naming and numbering of properties and the naming of streets.

Necessary improvements and amendments had been made to aid general understanding; update fees and charges; and provide a clearer and comprehensive explanation for developers regarding the process to apply for name and numbering schemes that were appropriate and followed the nationally accepted conventions. A copy of the revised SNN was attached at Appendix A to the report.

It was noted that any disputes over current street names / addresses should be raised with the Digital Transformation Manager in the first instance. It was further noted that street names were not usually named after persons living or recently deceased until they had been deceased for some time (50-100 years) in case there were any contentious issues.

RECOMMENDED: That the revised Street Naming and Numbering Policy be approved and adopted as submitted.

CORONATION LIVING HERITAGE FUND

Members considered the report of the Director – Place and Climate Change that confirmed that the Council had been successful in obtaining grant funding of £76,173.50 from the Department for Environment Food & Rural Affairs (DEFRA) via the Coronation Living Heritage Fund (CLHF). The CLHF was to enable more trees to be planted in non-woodland locations and close to where people lived, providing a visible and lasting tribute to the King's Coronation within local communities.

The CLHF was split into two lots, Lot 1 offered capital grants to local authorities for the planting of Micro Woods and subsequent establishment costs for up to three years; Lot 2 was an onward grant scheme, enabling local authorities to provide capital grants to community groups to create Community Orchards.

The Council had been awarded £27,149 from Lot 1 to plant three Micro Woods, within the eligible locations within the district, namely Battle, Bexhill and Rye and £49,024.50 of funding from Lot 2 for Community Orchard grants. It was hoped that suitable training would also be provided to those groups maintaining the Community Orchards to ensure that the orchards were pruned to fruiting standard.

Cabinet approval was sought to accept the funding to deliver the three Micro Woods projects and the Community Orchard scheme in line with the CLHF requirements. Neither scheme required additional capital investment by the Council over and above the DEFRA grant awards; any unused capital funds from the awards were to be returned to DEFRA.

Members were delighted to recommend that the grants be included within the Capital Programme which would support the Council's commitment to protecting and enhancing the biodiversity of the District, a priority of the Environment Strategy.

RECOMMENDED: That the Micro Woods projects and Community Orchard Grants be included in the Council's Capital Programme with budgets of £27,149 and £49,024.50 respectively.

AND

***RESOLVED:** That:

- 1) the Director – Place and Climate Change be authorised to accept the Coronation Living Heritage Fund grants totalling £76,173.50 from DEFRA, for the purposes of delivering the above schemes; and
- 2) the Director – Place and Climate Change be granted delegated authority to procure goods and contracts as necessary for the completion of the Micro Woods projects, and to award Grants as appropriate to deliver the Community Orchard Grants scheme,

in consultation with the Cabinet Portfolio Holder Environmental and Climate Change issues.

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

PART II – EXECUTIVE DECISIONS – subject to the call-in procedure under Rule 16 of the Overview and Scrutiny Procedure Rules by no later than 4:00pm on 21 December 2023.

CB23/52. **REFERENCE FROM THE OVERVIEW AND SCRUTINY COMMITTEE - PERFORMANCE REPORT - FIRST AND SECOND QUARTERS 2023/24**

(7)

Members received and considered Minute OSC23/36 arising from the meeting of the Overview and Scrutiny Committee (OSC) held on 20 November 2023, that had considered a report on the Council's Performance Report: First and Second Quarters 2023/24. It was noted that the Q1 performance for scheduled environmental health inspections was 81% and not 51% as shown at Appendix A to the report.

It was advised that to focus on priorities, commentary from a Service Manager would only be included by exception, when performance was significantly above or below the target. A Senior Leadership Team led Performance Board had also been established to sit alongside the Risk and Programme Boards to improve performance management, risk management and accountability in the Council.

Cabinet noted the OSC's comments and agreed that the target for processing / determining all types of planning applications should be set at 80%, which was higher than the national target and would provide a reasonably good customer service within current resources. It was confirmed that the national target was 70% for minors/ others and 60% for major applications.

Whilst the environmental health KPIs had not reached their targets, Members had no concerns with the performance, for the reasons given, and following a recent Food Standards Agency audit, Members were appreciative and proud of the work carried out by this successful team.

With regard to Customer Service KPIs, it was noted that the number of calls abandoned had increased in Q2 and that this KPI would be reduced through the increased use and development of digital on-line solutions (artificial intelligence) rather than additional human resources, which was not possible, due to budget constraints.

RESOLVED: That the target for processing / determining all types of planning applications be set at 80%.

CB23/53.
(8)

LOCAL NATURE RECOVERY STRATEGY

Preparation and establishment of Local Nature Recovery Strategies (LNRS) was a mandatory requirement under the Environment Act 2021. East Sussex County Council (ESCC) was the 'Responsible Authority' and held the legal duty to produce the LNRS across East Sussex including Brighton and Hove. Rother District Council was classed as a 'Supporting Authority' along with the other local authorities across the county. Both East and West Sussex County Councils were jointly working on the preparation of their LNRSs and had established a Sussex-wide Supporting Authorities Group (SAG) which met monthly. The Council's Planning Policy Manager was a member of SAG, which also included representatives from all the other local authorities, relevant stakeholders, and environmental organisations.

The content of the LNRS was not clearly defined, however it must include biodiversity priorities, local habitat map(s) identifying conservation sites, nature reserves and other areas which were or could become of particular importance to biodiversity.

Due to tight timescales, it was recommended that delegated authority be granted to the Director – Place and Climate Change, in consultation with the Portfolio Holder for Planning to submit responses to ESCC during the preparation of the LNRS. It was anticipated that the Council would receive the pre-consultation draft of the LNRS in February 2025, the consultation period would commence in February/March 2025 and the final draft in Summer 2025. Members noted that these dates could be subject to change because of the ESCC elections scheduled to be held in May 2025.

Cabinet was supportive of the LNRS, recognising that it would sit at the heart of the Council's Local Plan, would help to address the nature-depleted landscape across the country and approved the delegation as requested to ensure timely production of the strategy.

RESOLVED: That the Director – Place and Climate Change, in consultation with the Portfolio Holder for Planning be granted delegated authority to submit responses to East Sussex County Council at key stages in the preparation of the East Sussex and Brighton & Hove Local Nature Recovery Strategy.

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

CB23/54.
(9)

PLANNING SOFTWARE FUNDING

Consideration was given to the joint report of the Development Manager and Head of Digital and Customer Services that set out the rationale for replacing the Council's current planning software that had been in operation since the late 1980s. The current software did not support full automation and the providers were discontinuing the

business in the next three years and support beyond this period would no longer be possible.

This situation had provided the Council with an excellent opportunity to increase automation in the planning service, to be ready to embrace shared services in the future and reduce the administrative burden on support staff and planners, who could focus more on assessing planning applications and realise efficiency gains in the long term.

The Council had also applied to the Department for Housing, Levelling Up and Communities' (DHLUC) Open Digital Project fund to undertake a comprehensive digital health check of the service which would include looking into the Council's data and its management. The fund, if successful, would be useful in undertaking this key project to identify how ready the Council's data was to be migrated into the new software solution.

A soft market test had already been undertaken in addition to meetings with the East Sussex Procurement Hub and several potential solution providers had been sourced and a preferred solution provider identified (Idox Cloud). It was noted that the preferred solution was used by many local authorities, was a market leader and was unlikely to cease operating.

The estimated capital costs for the new solution were £359k as detailed within Appendix 1 to the report and included the appointment of a dedicated Project Manager for a minimum of 18 months at a cost of £70k. The costs would be met from the Invest to Save budget within the approved capital programme, which was there to support initiatives such as this. In order not to delay the progression of the project, delegated authority was sought for the Head of Digital and Customer Services to take all decisions in relation to the implementation of the new planning service software in consultation with the Cabinet Portfolio Holder for Digital Transformation and Customer Services.

Members were supportive of the move to a new software solution for the planning service that would provide increased accessibility and an improved service for customers, as well as streamlining process and improved working practices for planners.

RESOLVED: That:

- 1) the capital funding requirement to procure and implement the new planning software of £359,000 be noted, to be funded from the Invest to Save budget within the approved capital budget; and
- 2) the Head of Digital and Customer Services be granted delegated authority to take all decisions in relation to the implementation of the new planning service software in consultation with the Cabinet Portfolio Holder for Digital Transformation and Customer Services.

CB23/55. **BEXHILL LEISURE CENTRE AND BEXHILL LEISURE POOL
FREEDOM LEISURE CONTRACT 2024-2026**

(12)

The current Bexhill Leisure Centre (BLC) and Bexhill Leisure Pool (BLP) operating contract with Freedom Leisure (FL) was due to expire on 31 March 2024. To enable the Council to continue to offer a sustainable level of leisure activities, whilst future options were considered in accordance with the Council's the Health and Wellbeing: Leisure Facilities Strategy, a two-year extension to the current contract, with FL on the same terms and specification until 31 March 2026 was sought. It was confirmed that this could be achieved in compliance with public and Council procurement rules.

It was reported that a soft market test completed in February 2023 had indicated that most contractors would only consider a 10-to-15-year contract period, and better terms for the Council could be achieved if the facilities were new or refurbished to a good standard.

In recognition of the short-term nature of the proposal and as aspects of internal fixtures and fittings were aging it had been previously agreed that £60,000 would be added to the Capital Programme to support minor improvements to enhance the facilities during the new contract period.

The long-term future of leisure facilities and their management would be the subject of a future paper, detailing the options available to the Council for the provision of leisure facilities from the 1 April 2026. It was noted that a revenue neutral position was unlikely to continue beyond that date without significant capital investment from the Council, either into refurbishing the existing centres or the development of new facilities.

RESOLVED: That a proposed new contract with Freedom Leisure for the management of Bexhill Leisure Centre and Leisure Pool for 2024-26 be agreed on the same terms as existing contract and at nil revenue cost to the Council.

PART III – URGENT DECISIONS – The Chair of Council had agreed that the following decision was urgent in accordance with Paragraph 17 of the Overview and Scrutiny Procedure Rules contained in Part 4 of the Council's Constitution. The call-in procedure does not therefore apply to this decision.

CB23/56. **ROTHER DISTRICT COUNCIL PUBLIC CONVENIENCES
CLEANING CONTRACT 2024**

(11)

The current public conveniences (PC) (non-statutory service) cleansing contract had been in operation for over 20 years and was scheduled to end on 31 March 2024. There was no option to extend, therefore a new contract was required. A competitive tender exercise would need to commence as soon as possible to complete the procurement process for a new three-year (plus two-year, plus a further one year extension period) with six-month break clause period contract in time for service mobilisation by the end of February 2024. This would be processed through the East Sussex Procurement Hub and the new

contract would commence on 1 April 2024. The report detailed the procurement timelines, as well as the contract specification which was attached at Appendix A to the report.

The contract was being offered in four lots as follows, namely Lot 1: Bexhill PCs; Lot 2: Battle PC; Lot 3: Rye PCs; and Lot 4 Camber PCs. Members welcomed the Lot-based approach as this might attract smaller, geographical closer business operators to bid, which would improve service responsiveness.

To alleviate pressure on the Council's finances, the number of PCs (27 down to 15) that were open to the public had been closed on a trial basis and it was hoped that the public would be responding to the Council's current budget consultation which sought views on PC provision. Some of the facilities were ageing, required refurbishment and repair, and suffered from regular vandalism. In future, to deliver a sustainable service, it was hoped that full responsibility of many of the PCs would be devolved to the relevant Parish and Town Councils or local community groups; it was noted that it was not just about the cleaning of the toilets, but maintenance / repairs etc. and all options would be considered and explored.

It was noted that although the contract was being offered based on the 15 toilets that were currently open, this did not mean that those currently closed, on a trial basis, would remain closed. The contract would be flexible to accommodate any variations, including an increase in the number of PCs in the contract.

It was emphasised that in making the contract flexible, and including a break clause, may deter potential contractors from bidding and so risk not having a contract in place. It was therefore noted that the length of the contract may need to be shortened and the break clause removed to mitigate this risk.

It was difficult to determine the cost of a new contract (current contract for 2023/2024 was approximately £273,000), particularly regarding inflationary increases etc. Therefore, it was anticipated that the new contract would be more expensive.

Delegated authority was granted to the Director – Place and Climate Change to appoint a new PC cleansing contract from 1 April 2024, once relevant procurement procedures had been completed. Cabinet agreed that prior to devolvement opportunities, it was essential that PCs were accessible and kept in a clean and tidy condition.

RESOLVED: That the Director – Place and Climate Change be granted delegated authority to appoint a new public convenience cleansing contractor from 1 April 2024, once relevant procurement procedures have been completed.

(The Chair of Council had agreed that this decision could be taken as a matter of urgency to enable the Council to commence the tender process without delay and meet the tight timescales).

CHAIR

The meeting closed at 7:46pm