

**CABINET**

4 March 2024

Minutes of the Cabinet meeting held at the Town Hall, Bexhill-on-Sea on Monday 4 March 2024 at 6:30pm.

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

Other Members present: Councillors Mrs V. Cook and P.N. Osborne.

Other Members present remotely: Councillors J. Barnes, A.E. Biggs, S. Burton, B.J. Drayson, A.E. Ganly, N. Gordon, T.O. Grohne, Mrs E.M. Kirby-Green, C.R. Maynard and C. Pearce.

Advisory Officers present: Chief Executive, Interim Deputy Chief Executive, Director – Place and Climate Change, Head of Environmental Services, Licensing and Community Safety, Head of Neighbourhood Services, Planning Policy Manager, Corporate Policy and Projects Manager and Democratic Services Manager.

Also Present: two members of the local press and 23 members of the public via the live webcast.

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Publication Date: 7 March 2024

The decisions made under PART II will come into force on 15 March unless they have been subject to the call-in procedure.

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**CB23/70. MINUTES**

(1)

The Chair was authorised to sign the Minutes of the meeting held on 5 February 2024 as a correct record of the proceedings.

**CB23/71. APOLOGIES FOR ABSENCE**

(2)

An apology for absence was received from Councillor A.K. Jeeawon.

**CB23/72. DISCLOSURE OF INTERESTS AND DISPENSATIONS**

(5)

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

Byrne	Agenda Item 9 – Other Registrable Interest as a Member of Bexhill Town Council.
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Field	Agenda Item 8 – Other Registrable Interest as a Member of East Sussex County Council.
Kirby-Green	Agenda Item 8 – Other Registrable Interest as a Member of East Sussex County Council.
Maynard	Agenda Item 8 – Other Registrable Interest as a Member of East Sussex County Council.
Timpe	Agenda Item 9 – Other Registrable Interest as a Member of Bexhill Town Council.

There were no dispensations noted.

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

CB23/73. **PURCHASE OF FORMER SIDLEY HIGHWAYS DEPOT SITE, ELVA WAY, BEXHILL AND FOOD WASTE COLLECTIONS 'NEW BURDENS' CAPITAL FUNDING**

(8)

Consideration was given to the report of the Head of Neighbourhood Services which sought approval to set aside capital funding to purchase the former Sidley Highways Depot at Elva Way to use as a waste depot and agree a lease with the waste contractor, and increase the Capital Programme to purchase suitable vehicles and containers to comply with Government legislation for the Council to deliver a weekly food waste collection service from 1 April 2026.

The Council formed part of the East Sussex Joint Waste Partnership (ESJWP) with Hastings Borough Council and Wealden District Council to deliver a waste collection service. The contract was outsourced to Biffa Municipal Limited until June 2026 and included an option to extend to 2033 with the ability to introduce food waste collections. However, the contract did not require Biffa to provide depot space.

Members were advised that the current depot facilities would not have the capacity to accommodate the additional vehicles for the collection of food waste and therefore it was critical that an additional suitable depot space was identified and acquired. Unfortunately, at present the Council did not own a suitable site. Alternative options were also considered, such as land purchase etc. as identified within the report. However, the site at Elva Way owned by East Sussex County Council (ESCC) became available and was considered suitable, subject to planning permission and operating licences, as it had previously been used as a highways depot.

The site was not leasable, and Biffa had confirmed that it was suitable for a waste depot, however further investment would be required to make it fit-for-purpose. It was considered that as the land had been used as a waste depot previously, obtaining necessary operators' licences would be relatively straightforward, and although not large

enough to accommodate the whole Rother service, it would offer future potential to deliver an in-house waste collection service. The Council had been given the opportunity to purchase the land at an agreed price, prior to it being advertised on the open market, and subject to the transaction being completed as soon as possible. A request for depot 'New Burdens' funding was sent to the Department for Environment, Food and Rural Affairs (DEFRA) on 8 February 2024 based on the purchase of the site, however funding was not guaranteed.

DEFRA funding has been made available, subject to ministerial approval for councils to purchase food waste vehicles and containers. For Rother, this would amount to £1.42m (£716,000 vehicles / £326,000 containers). Funding was expected to be received before 31 March 2024. However, it would not be sufficient to cover all costs and the ESJWP would shortly be submitting evidence to DEFRA to request additional funding.

After discussion, Cabinet felt that the former Sidley Highways Depot at Elva Way would be suitable to operate the waste collection services and provided long-term investment opportunity for the Council. Some residents were concerned at the potential for disturbance due to the proximity of their gardens that backed on to the site, however all necessary steps would be taken to mitigate against any disruption. Members were also reassured that localised employment opportunities would be realised.

It was therefore, recommended that the Capital Programme be increased to purchase and refurbish the site, as well as £1.42m, plus an additional £300,000 to implement the weekly food waste collections and cover the shortfall. Delegated authority was also granted, as requested, to adjust finances as required and to complete the purchase to ensure that the site was fully operational by 1 April 2026.

At the conclusion of the debate on this item, the Leader paid tribute to and gave thanks to Madeleine Gorman, Waste Partnership Manager who would be retiring in the near future. Madeleine had worked at Rother District Council for many years as a Head of Service before taking on the role of Partnership Manager for the Joint Waste, Recycling, Beach & Street Cleaning Partnership contract. Her expertise, detailed knowledge and partnership management would be greatly missed.

**RECOMMENDED:** That:

- 1) the Capital Programme be increased by £1.75m for the purchase and refurbishment of the former Sidley Highways Depot, Elva Way; and
- 2) the funding from the Department of Environment Food and Rural Affairs for the implementation of weekly food waste collections of £1.42m be added to the Capital Programme plus a further amount of £300,000 be approved to cover the funding shortfall.

## AND

**\*RESOLVED:** That delegated authority be granted to the Director - Place and Climate Change, in consultation with the Cabinet Portfolio Holder for Neighbourhood Services, Tourism and Joint Waste Contract:

- 1) to complete the purchase of former Sidley Highways Depot, Elva Way and complete all necessary procurement and refurbishment to make the site operational as a waste depot from 1 April 2026;
- 2) to take the necessary steps to agree a lease of the former Sidley Highways Depot to the Waste, Recycling, Street & Beach Cleansing Contractor Biffa; and
- 3) delegated authority be granted to the Deputy Chief Executive, in consultation with Cabinet Portfolio Holder for Finance and Governance, to adjust the financing should further central Government funding for the depot site and food waste collections be made available.

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

(Councillors Field, Mrs Kirby-Green and Maynard each declared an Other Registrable Interest in this matter in so far as they were Members of East Sussex County Council (ESCC) and as the matter directly related to the finances of the ESCC, in accordance with the Members' Code of Conduct left the meeting during the consideration thereof.)

## CB23/74. **CAPITAL, INVESTMENT AND TREASURY MANAGEMENT STRATEGY 2024/25**

(10)

The CIPFA 2021 Prudential and Treasury Management Codes required local authorities to prepare a Capital Strategy (CS) report, which was contained at Appendix A to the report. The Strategy aimed to give Members an overview of the Council's approach to capital. The objectives of the Code were to ensure, within this clear framework, that the capital investment plans of local authorities were affordable, prudent and sustainable. Detailed at Appendices B-G to the report were the Treasury Management Strategy, Credit and Counterparty Risk, Scheme of Delegation and Role of Section 151 Officer, as well as the Annual Investment Strategy.

The Council was required to receive and approve at least three main reports each year to include:

- 1) Prudential and Treasury Indicators and the Treasury Strategy;
- 2) a Mid-Year Treasury Management Report; and
- 3) an Annual Treasury Report.

These reports were scrutinised by the Audit and Standards Committee (ASC) prior to making recommendations to full Council.

In addition to the three main reports, from 2023/24 quarterly reporting (end of June/end of December) was also required. However, these additional reports did not have to be reported to full Council but did require to be adequately scrutinised. This role was also undertaken by the ASC.

The expectation was that 2024/25 would see a return to some sort of stability in the investment environment following the turbulences resulting from the post-pandemic economic climate and spiralling levels of inflation. The strategies proposed in the report, together with the interest rates forecast, were in line with the assumptions made when preparing the 2024/25 Revenue and Capital Budgets. The costs of treasury operations were contained within the 2024/25 Revenue Budget.

**RECOMMENDED:** That:

- 1) the Capital Strategy as set out at Appendix A to the report be approved and adopted;
- 2) the Treasury Management Strategy as set out at Appendix B to the report be approved and adopted;
- 3) the Annual Investment Strategy as set out at Appendix C to the report be approved and adopted;
- 4) the Minimum Revenue Provision Policy Statement 2024/25 be approved as submitted;
- 5) the Prudential and Treasury Indicators as set out within the report be approved;
- 6) the authorised limits in the report be approved; and
- 7) delegated authority be granted to the Deputy Chief Executive (Section 151 Officer), in consultation with the Cabinet Portfolio Holder for Finance and Governance to further develop guidance in relation to non-treasury investments in line with best practice.

**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 14 March 2024.

CB23/75. **ROTHER DRAFT LOCAL PLAN REGULATION 18 DOCUMENT**  
(6)

Cabinet received and considered Minute OSC23/49 arising from the meeting of the Overview and Scrutiny Committee (OSC) held on 19 February 2024 that had considered the Council's draft Local Plan (LP) Regulation 18 Document. The new LP would be the spatial development plan that would set the strategic policies for the distribution and development of residential uses, employment and

supporting infrastructure across the district and was based around the Council's two overall priorities – Green to the Core and Live Well Locally. It would also be a key delivery tool for the objectives set in the Rother Corporate Plan. The next step was to consult the public on the LP. Several minor amendments had been made since it had been considered by the OSC and Cabinet Members were invited to suggest any further minor amendments prior to finalisation of the consultation document.

Cabinet agreed the draft LP Regulation 18 Document including all relevant documentation for a 12-week public consultation from early April 2024. The revised Rother Local Development Scheme was also approved for publication alongside the draft LP. Members were reassured that the consultation would be wide-ranging and multi-faceted, including road shows that would reach out to all geographical areas and hard to reach groups within the community. A draft Equalities and Diversity Impact Assessment had been undertaken for this consultation draft and would evolve throughout the Local Plan process. A summary of the key areas for focus would be provided to Members to enable ease of consultation and awareness raising within their wards and other networks.

It was also agreed that delegated authority be granted to the Director – Place and Climate Change, in consultation with the Cabinet Portfolio Holder for Planning to make any minor modifications to the draft LP prior to the consultation.

**RESOLVED:** That:

- 1) the Rother Draft Local Plan Regulation 18 document be approved for a 12-week public consultation alongside supporting documents, from early April 2024;
- 2) the revised Rother Local Development Scheme be approved to be published alongside the Draft Local Plan; and
- 3) delegated authority be granted to the Director – Place and Climate Change, in consultation with the with Cabinet Portfolio Holder for Planning to make minor modifications to the Draft Local Plan Regulation 18 Document, prior to commencement of Regulation 18 consultation to ensure clarity, robustness and for consistency.

CB23/76.  
(7)

**PUBLIC SPACES PROTECTION ORDER (NO 3-2024) - BEACHES**

Unfortunately, evidence had shown that the Council's current enforcement powers had not been effective in controlling vehicles and caravans being driven and parked on beaches across the district. Last summer, over 20 vehicles and caravans had parked on the beach at Herbrand Walk, Bexhill, staying for multiple lengths of time, which had caused anti-social problems, effecting local residents as well as preventing vital sea defences works commencing. Similar issues had also been reported at Camber with cars and motorcycles driving recklessly on the beach.

In order to control these issues it was proposed to consult the public on a new Public Spaces Protection Order (PSPO) that prohibited all vehicles, including but not limited to motorbikes, quadbikes, motorhomes and caravans from being driven on or parked on a beach (including paths, promenades, roads and hard standings adjacent to the beach) unless an emergency vehicle, Environment Agency or Royal National Lifeboat Institution vehicle, or a vehicle granted permission by the Council.

Cabinet was disappointed that the poor behaviour of a few had resulted in the need to carry out this consultation and implement a PSPO to control this behaviour in the future and maintain access and safety for all. It was noted that the results of the consultation would be reported back to Cabinet in early June 2024 and implemented immediately for the summer season. The PSPO would only be made for six months, to enable these controls to be incorporated into the main PSPO for anti-social behaviour that expired in January 2025.

**RESOLVED:** That a consultation be carried out on making a Public Spaces Protection Order controlling vehicles and camping on beaches.

CB23/77.  
(9)

## **PROCUREMENT OF GROUNDS MAINTENANCE CONTRACT**

Members considered the report of the Head of Neighbourhood Services which detailed the requirements to procure a new grounds maintenance contract for the Council. The current contract with Idverde was scheduled to expire on 30 November 2024. The report detailed the current 'routine and non-routine' works carried out and significant savings achieved since July 2023. A budget of £250,000 per annum had been set for 'routine works', and a further budget for 'non' routine works', both of which excluded all works at the Council's cemeteries as these works were self-funded through charges and would remain as current.

It was noted that the maintenance of sports grounds/pitches, including bowling greens, were one of the most expensive aspects of the 'routine works' and it was therefore desirable for their maintenance to be completed by the clubs. Officers were working with the various sports clubs to agree leases and/or licences to handover the grounds maintenance of sports pitches to the clubs. Individual meetings had been held with all the clubs and ongoing discussions had been largely positive to date.

To understand the market appetite and what services could be provided within the proposed £250,000 budget, a soft market test had been completed. A copy of the documents was detailed at Appendices 1, 1a, 1b, and 1c to the report. Several responses were received and provided crucial feedback for the basis of the new contract, which provided confidence to officers that a contractor would bid for these works. A draft specification had been created, as detailed at Appendix 2 to the report.

It was proposed that the new contact be procured for five years, with the ability to extend for a further three years, two years and finally one

year (10 in total). Flexibility would also be included regarding future devolvement opportunities and changes to the budget. The contract would focus on critical services in order of priority, particularly the higher visitor areas such as Egerton Park, seafront in Bexhill etc. Whilst consideration could be given in the future to providing an in-house service, significant investment and resources would be required.

Cabinet recognised the Council's financial challenges and agreed that significant savings were required, however it was extremely important that the Council's public spaces were maintained, remained safe and accessible to all. It was therefore agreed that the Director – Place and Climate Change be granted delegated authority in consultation with the Cabinet Portfolio Holder for Neighbourhood Services, Tourism and Joint Waste Contract to procure and appoint a new grounds maintenance contractor from 1 December 2024. It was also agreed that the Overview and Scrutiny Committee reviewed the draft contract specification and that provided there were no major concerns raised, officers be authorised to commence the tender process without further recourse to Cabinet.

**RESOLVED:** That:

- 1) delegated authority be granted to the Director - Place and Climate Change, in consultation with the Cabinet Portfolio Holder for Neighbourhood Services, Tourism, Joint Waste Contract to procure and appoint a contractor from 1 December 2024 to provide grounds maintenance work across the district within the agreed budget; and
- 2) the Overview and Scrutiny Committee be requested to review the draft contract specification as per Appendix 2 and subject to no suggested amendments, officers be authorised to commence the tender process without further recourse to Cabinet.

(Councillors Byrne and Timpe each declared an Other Registrable Interest in this matter in so far as they were Members of Bexhill-on-Sea Town Council and in accordance with the Members' Code of Conduct remained in the meeting during the consideration thereof.)

CB23/78.  
(11)

**COMMUNITY GRANTS SCHEME – ROUND 2**

The Council's Community Grant Scheme (CGS) made provision for up to £130,000 per annum to be made available to community groups or organisations that met the specific grant criteria of the Scheme. The CGS Panel had delegated authority to grant awards up to £1,000 and it was noted that two applications had been received and awarded Rother Reduce, Reuse and Recycle grants in Round 2; Studio Rye for £453 and Community Compost Solutions for £256.

Round 2 for 2023/24 closed on 30 November 2023. A total of 11 applications were received which exceeded the available remaining budget. Members noted that three of the applications were eligible for grant funding through other schemes. The Panel met on 25 January 2024 and recommended awards for six applications from Bexhill Family



Collective, Bexhill Heritage, Crowhurst Parish Council, Icklesham Parish Council, Little Gate Farm and Three Oaks Village Hall, as set out in Appendix A to the report. Two applications were declined due to ineligibility. Councillor Maynard wished it to be recorded that he fully supported the Three Oaks Village Hall project.

Cabinet was reminded that conditions were applied when awarding grants; specifically, that full funding was required to be obtained in advance of any Rother payments being made and that Rother District Council was acknowledged in any publicity and promotional material associated with any project.

The report also provided an update on the Rother Community Lottery (RCL) which advised that since the first draw in April 2022, approximately £42,000 had been facilitated by RCL direct to various good causes. To date £12,350 had been awarded in prizes. £1,300 of prize money had been donated back to the organisation supported. Approximately, £15,000 of income was forecast to be generated to support the CGS in 2023/24. The Leader of the Council paid tribute to Councillor Prochak who had been instrumental in setting up the RCL.

After discussion, Cabinet approved all six grants as per the recommendations and Members were encouraged to promote the various CGS schemes and RCL within their Wards.

**RESOLVED:** That:

- 1) the Community Grants listed below, as recommended by the Grants Panel, be approved subject to specific conditions relating to each application, as follows:

Bexhill Family Collective – £4,948  
Bexhill Heritage – £2,657  
Crowhurst Parish Council – £19,250  
Icklesham Parish Council – £3,000  
Little Gate Farm – £30,000  
Three Oaks Village Hall – £6,550

- 2) all Members to promote the various Community Grants Schemes and the Rother Community Lottery within their wards.

**CHAIR**

The meeting closed at 7:37pm.