

Rother District Council

Report to	-	Council
Date	-	6 July 2020
Report of the	-	Cabinet
Subject	-	References from Cabinet Meetings

The Council is asked to consider recommendations arising from the Cabinet meetings held on 9 March and 8 June 2020, as set out below.

CABINET – 9 March 2020

CB19/105. HIGH WEALD AREA OF OUTSTANDING NATURAL BEAUTY (AONB) HOUSING DESIGN GUIDE

The High Weald Area of Outstanding Natural Beauty (AONB) Partnership, which included the 15 local authorities with land in the AONB, had prepared a Design Guide for new housing development in the High Weald to support the objectives of High Weald AONB Management Plan 2019-2024, adopted by this Council in February 2019.

The Housing Design Guide aimed to give succinct, practical and consistent advice to set clear design expectations for new housing development within the High Weald AONB. This would help to ensure higher quality and landscape-led design that reflected intrinsic High Weald character, and was embedded with a true sense of place, without stifling innovation and creativity. It was noted that whilst the Design Guide was not a formal planning policy document as such, it would be a material consideration in relation to planning policy and the determination of planning applications. It was considered by some Members that the Housing Design Guide did not go far enough to reinforce the need for sustainability policies.

The Housing Design Guide aligned well with the adopted Rother Local Plan Core Strategy, in particular – Policy EN3: Design Quality. The Guide would help support this Council's various roles in the planning process, from Plan-Making, through to Neighbourhood Plan liaison, and the Development Management process, helping to successfully deliver housing requirements and meet National Planning Policy Framework and Core Strategy policy objectives. Following adoption, it was intended that the Design Guide would be promoted on the Council's website, circulated directly to Parish and Town Councils and Neighbourhood Planning groups, and to housing developers working in the district.

It was considered that the High Weald AONB Housing Design Guide was a supportable and appropriate framework for considering housing design in the AONB and could be adopted as a material consideration in the determination of planning applications.

RECOMMENDED: That the High Weald Area of Outstanding Natural Beauty Housing Design Guide be formally adopted as a material consideration in the determination of planning applications.

(Cabinet Agenda Item 10)

CB19/106. **PROBITY IN PLANNING – REVISED GUIDANCE NOTE ON THE ROLE OF COUNCILLORS AND OFFICERS**

Cabinet received and considered Minute PL19/117 arising from the meeting of the Planning Committee held on 13 February 2020 that had considered the revised Probity in Planning Advice for Councillors and Officers making planning decisions issued by the Local Government Association and Planning Advisory Services.

The revised guidance reflected on changes to legislation and the 2019 National Planning Policy Framework. It clarified how Councillors could get involved in planning discussions on plan making and on applications, on behalf of their communities, in a fair, impartial and transparent way. Three areas were specifically highlighted, as the advice had significantly changed or been updated, namely how Councillors dealt with social media; predisposition, predetermination or bias; and the role of legal support.

A Member of the Planning Committee raised concern that the Cabinet Portfolio Holder for Strategic Planning was also the Chairman of the Planning Committee which gave rise to a potential conflict of interest and went against the guidance. It was noted that the guidance advised that in smaller Councils it was acceptable for Cabinet Portfolio Holders to be on the Planning Committee and exercise caution regarding possible conflicts of interest.

The purpose of the guide was to assist Members in their community engagement role whilst making good standards of probity. It was recommended that the guidance be adopted and incorporated into the Council's Constitution.

RECOMMENDED: That the best practice advice 'Probity in Planning: for Councillors and officers' second revised edition 2019 be adopted as guidance and incorporated into the Council's Constitution.

(Cabinet Agenda Item 11)

Cabinet – 8 June 2020

CB20/04. **RESIDENTIAL DEVELOPMENT AT BLACKFRIARS, BATTLE**

On 13 January 2020, Cabinet authorised the commencement of the compulsory purchase process for land at Blackfriars, subject to a further report. The report detailed the process of issuing a Compulsory Purchase Order (CPO).

Issuing a CPO involved a two stage process. Firstly, the Council would seek to exercise its compulsory purchase powers to acquire a number of interests in the land to enable the construction of the spine road to serve the Blackfriars residential development, with vehicular access off Harrier Lane and The Spinney, and secondly to construct up to 220 dwellings and associated works.

Outline planning permission was granted for the development at Blackfriars in October 2019, subject to the completion of a Section 106 Agreement. The site was allocated in the 2006 Local Plan to provide at least 220 dwellings. The Council's Planning Core Strategy (2014) identified a need for 475-500 new homes to be delivered in Battle over the plan period until 2028, assuming that a proportion of these homes would be delivered on the Blackfriars site. Construction of the site was a key element in the Council's Corporate Plan (2014-2021).

The Council owned more than 50% of the site however three parcels of land were currently in third party ownership as identified at Appendix 1 to the report. In order to progress housing delivery there was a need to acquire this land, therefore negotiations had commenced. To ensure that the development was not delayed further, it would be necessary to use compulsory purchase powers. In addition, Homes England had awarded a grant of £8.7m from the Housing Infrastructure Fund (HIF), which was subject to specific conditions, including timescale and milestones. The HIF grant was integral to progress the site and if the conditions were not met there was a risk that the funding could be withdrawn. Furthermore, under the conditions of the HIF funding agreement, the Council was required to use all available powers including CPOs to progress the site. Therefore it was recommended that the Council proceed with the CPO.

At Appendix 4 to the report, the CPO powers and processes which included land referencing and a draft timetable were identified. Once the land reference exercise had been completed, the CPO and map would be prepared and reported to Cabinet at a future meeting.

Following approval, the CPO would be submitted to the Secretary of State for confirmation. All those affected would be formally notified and advertisements placed in the local press. Objections would need to be lodged within 21 days. Once the CPO was formally approved by the Secretary of State, the Council had three years to exercise its compulsory purchase powers.

The proposed budget for the land acquisition was detailed at confidential Appendix 5.

Members were assured that a line of communication / consultation would be held with the local residents through relevant media platforms on progression of the site. It was acknowledged that the site would provide much needed affordable housing to the district.

Cabinet supported the recommendation to amend the Capital Programme and agreed that a CPO be made and that the Executive Director be authorised to commence all preparatory work and complete

the acquisitions and disposals of land. It was agreed that the word “with” be replaced with “and” in Recommendation 1).

RECOMMENDED: That the Capital Programme be amended to reflect the new Housing Infrastructure Fund grant of £8.7m and additional uplift budget as outlined in Confidential Appendix 5, to be funded by borrowing as part of the overall development costs.

(Cabinet Agenda Item 9)

CB20/05. **PROPERTY INVESTMENT STRATEGY**

In December 2018, full Council had agreed the Property Investment Strategy (PIS), however following Government guidance and legal advice it was considered necessary to revise the PIS, as well as amend the Terms of Reference (ToR) for the Property Investment Panel (PIP).

To date, a total of £24.696m (out of £35m), summarised at Appendix 1 to the report had been either spent or approved which had produced a gross annual income of £886,000. All properties acquired were located within the district and comprised a mixture of retail, industrial and office properties, as well as development sites.

Members were advised that it was unlikely that the Council would be able to meet the Council’s Medium Term Financial Strategy (MTFS) income targets. It would continue to focus on acquiring properties within the district however there was a case for broadening the Council’s search area in order to meet the MTFS targets. This included focus on acquiring commercial properties beyond the district boundaries for investment and revenue generation. Legal and Government guidance would require the Council to develop a Commercial Investment Strategy which would act as a companion strategy to the PIS. A revised draft PIS was attached at Appendix 2 to the report which extended the search area to a radius of approximately 40 miles from the Rother boundary.

Following the elections in May 2019 membership of the PIP had changed, therefore it was recommended that the Panel’s composition be made up of three Executive Councillors and three non-Executive Councillors. A revised draft ToR was attached at Appendix 3 to the report.

A general discussion ensued on the properties that had been acquired since 2018, with particular regard to current decreased values on some, but not all, sites. The Head of Acquisitions, Transformation and Regeneration advised that this was attributed to a number of factors, namely fluctuations in the current market, change of valuer etc. It was considered imperative that the Council expanded its investment portfolio to support regeneration within the district and maintain a steady income to deliver services.

Cabinet recommended that the revised PIS be approved and adopted and agreed the revised Terms of Reference and membership to

include the Cabinet Portfolio Holder for Finance and Performance. They were supportive of Internal Audit's recommendations which included adopting a weighted scorecard system, the production of risks registers and a check list for each acquisition. It was also agreed that all Members of Cabinet, as well as Members and officers of the PIP received property investment training.

RECOMMENDED: That the revised Property Investment Strategy set out at Appendix 2 to the report be approved and adopted.

(When it first became apparent, Councillor Dixon declared a personal interest in this matter in so far as he was a Director of Sea Change Sussex and in accordance with the Members' Code of Conduct remained in the room during the consideration thereof).

(Cabinet Agenda Item 11)

CB20/06. **DE LA WARR PAVILION FUNDING AGREEMENT**

The freehold of the De La Warr Pavilion (DLWP) was owned by the Council and leased to the DLWP Charitable Trust on a 99-year lease from May 2004. The Trust was supported by an annual grant which was match funded by the Arts Council England (ACE).

Following Government guidance in response to the COVID-19 crisis, the DLWP temporarily closed on 18 March 2020. As a result of the cancellation of live events, it was estimated that income of £1.1m would be lost in the financial year 2020/21.

It was anticipated that the DLWP would re-open in July 2020, adhering to social distancing rules. Live events were not expected to commence before March 2021. Despite reducing its outgoings, furloughing staff, it was anticipated that there would be a £500,000 funding gap. The DLWP had applied to the ACE to meet the funding gap, however it was unlikely that a successful bid would attract more than £150,000. Therefore, the DLWP had asked the Council for a rescue package / grant capped at £350,000 which would be recoverable from future years grant funding. Members noted that recovery of the grant would go beyond the normal Service Level Agreement (SLA). The current SLA between the Council and the Trust was due to expire in March 2021. Therefore, it was recommended that the SLA be extended by three years to enable the Trust to plan effectively for its future.

Cabinet agreed that the DLWP played a critical role in supporting the cultural and tourism sectors in Rother and agreed that the SLA be extended. They were supportive of the other recommendations outlined in the report and suggested that that the Cabinet Portfolio Holder for Communities, Culture and Tourism be replaced by the Leader of the Council.

RECOMMENDED: That:

- 1) an urgent grant support package of up to £350,000 for the De La Warr Pavilion Charitable Trust be agreed;

- 2) the cost be met from the Medium Term Financial Plan earmarked reserve and recovered through an annual reduction in the annual grant based on an open book assessment of the Trust's finances; and
- 3) the Executive Director be granted delegated authority to finalise any consequential changes to the Trust's funding agreement in consultation with the Leader of the Council.

(Councillors Prochak and Timpe each declared a personal and prejudicial interest in this matter in so far as they were the Council's appointed representatives on the De La Warr Pavilion Trust and in accordance with the Members' Code of Conduct left the meeting during the consideration thereof).

(Cabinet Agenda Item 14)

CB20/07. **MEMBERS' ALLOWANCE SCHEME – PROPOSED CABINET SPOKEPERSONS' SPECIAL RESPONSIBILITY ALLOWANCE**

In accordance with the Members Allowances Regulations 2003, before the Council could agree its allowance scheme, the Council had to have regard to the recommendations made by an Independent Remuneration Panel (IRP). The latest Members' Allowance Scheme (MAS) was approved in February 2019 which commenced in May 2019.

The Leader of the Council requested that the current MAS be amended to include provision for the payment of a Special Responsibility Allowance (SRA) to the designated Cabinet Spokespersons / Champions. Cabinet had appointed two Councillors as Spokespersons on cycling and disability and inclusion (one of whom was the current Cabinet Portfolio Holder). The SRA was intended to recognise the Councillor's expertise in their allocated spokesperson role, the additional time to attend meetings, represent the Council and effectively manage the Council's role on the subject and to be the "resident expert" on the subject. The proposed Role Description was detailed at Appendix 1 to the report.

Members were reminded that in accordance with the current MAS, no Member could be in receipt of more than one SRA, with the highest being paid. It was noted that the proposal would not increase the overall budget and the IRP had been consulted and was supportive of the proposal.

It was recommended to award the Cabinet Spokesperson / Member Champions 20% of the current Cabinet Members SRA which equated to £568 per annum, subject to annual increase in line with the staff pay award and that the MAS be amended accordingly. The current Spokespersons were commended for the good work they were doing within their specialist areas.

RECOMMENDED: That the Members' Allowance Scheme be amended by the addition of a Special Responsibility Allowance (SRA) in respect of designated Cabinet Spokespersons / Member Champions of £568 per annum provided that the Member would not be in receipt of any other SRA; that the payment be made from the date of which the policy is adopted; and there being no more than five spokespersons attracting an SRA payment at any one time.

(Cabinet Agenda Item 16)

Councillor D.B. Oliver
Leader of the Council