

Rother District Council

Report to	-	Council
Date	-	21 December 2020
Report of the	-	Chief Executive
Subject	-	Decisions taken as a matter of urgency at Cabinet Meetings

The Council is asked to receive the report of Cabinet, in accordance with paragraph 4 of the Budget and Policy Framework Procedure Rules and 17(a) of the Overview and Scrutiny Procedure Rules, on decisions taken as a matter of urgency at its meetings held on 9 October and 2 and 20 November 2020. (Council to note that there were no urgent decisions taken at the Cabinet meeting held on 5 October).

CABINET – 9 October 2020

CB20/59. TEST AND TRACE SUPPORT PAYMENTS DISCRETIONARY SCHEME

The Government had introduced a payment of £500 for those households on low incomes if they had been instructed to self-isolate by the NHS and to do so would have adversely affected their income. The Government had tasked local government to administer the scheme which needed to be up and running by the 12 October 2020. Households were eligible from the 28 September and the scheme would operate until the 31 January 2021.

The Government had also enabled Councils to have a discretionary scheme. Funding of £23,545 was to be provided but would limit the number of people the Council could help to 47. No further funding was likely at that stage and therefore would be on a first come first served basis. The discretionary scheme would deal with the scenario where a resident met the qualifying criteria, except that they were not in receipt of any of the benefits detailed in the report. A draft discretionary scheme was outlined at Appendix A to the report.

Applications were to be accepted via an on-line form on the Council's website. In addition, the scheme required the Council to provide a telephone-based service for those residents not able to access the internet. The initial contact would be managed by the Council's contact centre who would pass details to the Revenues and Benefits team. The Council would also provide information regarding the other support residents that could be accessed around the district. This was to be available on the Council's website and could be provided as part of the telephone service. Payments were to be made within three working days of receipt of the application.

Members congratulated and gave thanks to the Assistant Director Resources, the Revenues and Benefits Manager and their team for their work over the previous months.

RESOLVED: That

- 1) the test and trace support payment discretionary scheme outlined in Appendix A to the report be approved; and
- 2) the Assistant Director Resources (Chief Finance Officer) be granted delegated authority to make minor amendments to the agreed scheme, in consultation with the Cabinet Portfolio Holder for Finance and Performance.

The Chairman of Council had agreed that this decision could be taken as a matter of urgency to allow the Council to implement the scheme in accordance with the Government's timescale.

(Cabinet Agenda Item 6)

CABINET – 2 November 2020

CB20/69. BURWASH NEIGHBOURHOOD PLAN – ROTHER DISTRICT COUNCIL REPRESENTATIONS TO THE REGULATION 16 CONSULTATION

Burwash Parish Council had prepared a Neighbourhood Plan (BNP) following designation of the parish as a Neighbourhood Area in 2016. The BNP was currently subject to a formal public consultation until 6 November 2020. Representations received would be considered by an independent Examiner to determine whether the BNP met the 'basic conditions' required. The Council was a statutory consultee and therefore was able to make representations as part of the process. It was noted that so as not to compromise the Council's ability to comment on the draft BNP by the due deadline, the Chairman of Council had already agreed that this matter could be taken as an urgent decision and therefore outside the call-in arrangements.

The Council's proposed representations were detailed in Appendix 1 to the report.

Councillor Vine-Hall, Cabinet Portfolio Holder for Strategic Planning acknowledged the amount of work and effort that had gone into the production of the BNP by the Burwash Neighbourhood Development Plan Steering Group (BNDPSG) and Council Planning officers. Unfortunately, mutually poor communication between the BNDPSG, Burwash Parish Council and the Council had led to neither the BNP nor the Development and Site Allocations Local Plan allocating sites in line with the Core Strategy. He also advised that additional information had been received from BNDPSG on 31 October 2020 which challenged a number of points in the Council's representations and had been disseminated to Cabinet Members prior to the meeting.

Following discussion and hearing from both Ward Members who were supportive of the BNP, in order to progress the BNP, it was agreed that representations 2 to 22 made at Appendix 1 to the report be submitted (with all relevant documentation) on behalf of the District Council in response to the Regulation 16 consultation. Representation 1 would be

deferred for the Cabinet Portfolio Holder for Strategic Planning, in consultation with officers to consider the comments raised by BNDPSG on 31 October 2020 and a revised representation be submitted by 6 November 2020. It was also agreed that the Chief Executive be authorised to consider any potential modifications to the NP which might rise through the examination process in order to secure a NP in general conformity with the adopted CS and Development and Site Allocations Local Plan.

It was important to send a message to other NP groups, that the Council wanted to support and nurture all NPs and the appointment of a dedicated NP officer should help to avoid issues like the one that had been experienced with the BNP.

It was the Councils desire that the BNP passed examination and progressed to a successful referendum.

RESOLVED: That:

- 1) representations 2 to 22 set out at Appendix 1 be submitted, together with supporting material, for consideration by the Examiner while representation 1 relating to the basic conditions be deferred to the Cabinet Portfolio Holder for Strategic Planning, in consultation with officers to consider the comments received from the Burwash Neighbourhood Development Planning Steering Group on 31 October 2020 and a revised representation be submitted by 6 November 2020; and
- 2) the Chief Executive be authorised to consider any potential modifications to the Neighbourhood Plan that may be raised through the examination process in order to secure a Neighbourhood Plan in general conformity with the adopted Core Strategy and Development and Site Allocations Local Plan.

The Chairman of Council had agreed that this decision could be taken as a matter of urgency to enable the Council to respond to the Consultation by the deadline of 6 November 2020.

(Councillor Vine-Hall declared a Personal Interest in this matter as he co-ordinated the Rother Neighbourhood Plan Forum and in accordance with the Members' Code of Conduct remained in the meeting during the consideration thereof).

(Cabinet Agenda Item 9)

CABINET – 20 November 2020

CB20/73. ADDITIONAL RESTRICTIONS GRANTS (ARG) – DISCRETIONARY SCHEME

Consideration was given to the report of the Revenues and Benefits Manager that gave details of the national scheme aimed at businesses that were required to close as a result of the current restrictions (known

as the Local Restrictions Support Grant (LRSB) (Closed) Addendum) and a locally determined discretionary scheme for those businesses materially affected by the lockdown for Members' approval. The discretionary scheme was known as the Additional Restrictions Grant (ARG) and as with the previous business support grants, this new scheme would be administered by local councils. The draft scheme was attached as Appendix 1 to the report.

Under the discretionary scheme, the Council could determine how much funding to provide and which businesses to target. The ARG was intended to help those businesses which, whilst not legally forced to close, were severely impacted by the restrictions, those outside the business rates system, which were effectively forced to close and to consider providing additional support to larger local businesses which were important to the local economy, on top of the funding provided to those businesses via the LRSB (Closed) scheme.

Officers had been in discussion with colleagues around the County to see if a degree of commonality could be achieved, however it was acknowledged that there would be differences due to each Council's local needs and also due to the varying amounts of grant each Council would receive. It was noted that issues raised by the local chambers of commerce had also been considered in drafting the scheme.

The discretionary scheme proposed that a grant would be made where a business was closed and had no Non-Domestic rating assessment and fell within one of the following categories:

- a. Shared spaces – businesses that shared premises with other businesses.
- b. Bed & Breakfast – where the property was domestic, provided short stay accommodation for no more than six persons at any one time within the past year; and was the sole or main residence of the proprietor(s) and the B&B use was subsidiary to the private use.
- c. Holiday accommodation including self-contained holiday lets and small campsites – this applied to domestic properties and therefore subject to council tax. Businesses where the letting was by way of home sharing would be excluded (e.g. where a bedroom was let within a domestic property).
- d. Food, Beverage, Event, hospitality and Leisure supply chain - businesses that wholly or mainly provided goods and services to businesses undertaking the provision of food, beverage, hospitality or leisure or in the management of the flow of goods and services to those businesses.
- e. Arts and Entertainment – this applied to cultural and tourist venues not eligible under the national scheme together with entertainment-based industries where the restrictions had severely curtailed operations.

- f. Market Traders - a business or person who sold goods wholly or mainly to visiting members of the public from a stall, pitch or similar, from a place or market recognised by the Council as a market.
- g. Home Based 'in person' businesses - businesses that were primarily home based may be awarded a grant, provided that the services are wholly or mainly 'in person' and which could not be provided remotely i.e. hair and beauty treatments.

It was proposed that most businesses should receive a grant of £1,334 based on the minimum amount of the national scheme. Where businesses fell into the food, beverage, event, hospitality and leisure supply chain category and had a rated business premises, the grant would follow the national awards (£2,000 over £15,000 and less than £51,000 and £3,000 £51,000 or over). For market traders and home based businesses the proposed award was £800 for the 28 day lockdown period; this lower figure was proposed as the grant was not meant to support loss of income but help meet fixed costs, which would be reduced for those businesses not operating out of business premises.

In order to ensure the scheme could be updated for local issues and national changes, it was requested that the Assistant Director Resources be granted delegated authority to make changes to the scheme in consultation with the Cabinet Portfolio Holder for Finance and Performance Management.

Members were keen to ensure that Parish Councils were supported and particularly those with Village Halls. It was noted that further guidance was still awaited with regards to the support that could be offered to Parish Councils as they may be covered by the National scheme. Members felt that irrespective of whether Village Halls were owned by the Parish Council or separate organisation / Trust support should be provided. Parish Councils and their staff had gone over and above during this difficult year in terms of supporting their local communities and this would be much needed support. If Parish Councils were not supported by the national scheme, the Council could decide to support them through the discretionary scheme. There was also no reason why charities such as the Pett Level Independent Rescue Boat, a registered charity could not be supported through this scheme at some point in the future if the scheme was amended under the delegation, in light of emerging issues.

The Council would receive £2,391,940 of funding from Government towards the national scheme and £1,921,600 for the discretionary scheme. For both schemes the funding was to be used across financial years 2020/21 and 2021/22 and may therefore be needed to meet any future costs if further lockdowns happened after 2 December 2020 or that the Rother area went into tier 2 (high) or 3 (very high) restrictions.

An on-line form had been developed that would ensure the businesses were able to provide the necessary information for their application to be assessed, with a closing date of 11 December 2020. The initial assessment would be carried out by an external company who had access to financial information to establish the applicant was genuine.

An officer team would then carry out any final eligibility checks and arrange for payment by BACS with requests for decision reviews to be undertaken by the Assistant Director Resources.

RESOLVED: That:

- 1) the Additional Restrictions Grants Scheme at Appendix A to the report be approved; and
- 2) the Assistant Director Resources be granted delegated authority to make changes to the scheme in consultation with the Cabinet Portfolio Holder for Finance and Performance Management.

The Chairman of Council had already agreed that, subject to the approval of Cabinet, this decision could be taken as an urgent decision to allow the Council to implement the scheme in accordance with the Government's timescale.

(Councillors J and Mrs M.L. Barnes each declared Personal Interests in this matter as Members of Etchingam Parish Council and in accordance with the Members Code of Conduct remained in the meeting during the consideration thereof).

(Councillor Bayliss declared a Personal Interest in this matter as a Member of Bexhill Chamber of Commerce and confirmed that she was not an owner of a holiday let and was not eligible under the proposed discretionary scheme for a grant, and in accordance with the Members Code of Conduct remained in the room during the consideration thereof).

(Councillor Browne declared a personal and prejudicial interest in this matter as the owner of a holiday let and in accordance with the Members' Code of Conduct left the meeting during the consideration thereof).

(Councillor Dixon declared a Personal Interest as his wife was employed as the Clerk to Brede Parish Council and in accordance with the Members Code of Conduct remained in the room during the consideration thereof).

(Councillor Vine-Hall declared a personal and prejudicial interest in this matter as the owner of a number of holiday lets and in accordance with the Members' Code of Conduct left the meeting during the consideration thereof).

(Cabinet Agenda Item 6)

Malcolm Johnston
Chief Executive