

## **Rother District Council**

Report to	-	Council
Date	-	20 February 2023
Report of the	-	Cabinet
Subject	-	References from Cabinet Meetings

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The Council is asked to consider the recommendations arising from the Cabinet meetings held on 9 January and 6 February 2023 as set out below.

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### **CABINET – 9 January 2023**

#### **CB22/60. TEMPORARY ACCOMMODATION INVESTMENT STRATEGY UPDATE**

Cabinet considered the report of the Head of Housing and Community which sought approval to amend the Council's Temporary Accommodation Investment Strategy (TAIS) to include the ability to purchase residential property which encompassed an element of commercial use as part of the freehold. These properties were typically town centre located and were competitively priced compared to purely residential properties and offered the Council an additional potential income stream.

The TAIS at Appendix A to the report outlined the approximate number and types of property the Council would target for use as temporary accommodation (TA) alongside how these properties would be purchased, managed, repaired and maintained. Since 2019, the Council had allocated £9m to purchase accommodation for temporary use by homeless households.

All prospective purchases would be independently valued and kept within the existing strategy's indicative prices detailed at Appendix B to the report; this figure would include all renovation works required to bring the properties up to the necessary building control standards.

Purchase and management would be overseen by the Council's Estates Team, repair and maintenance of the commercial element would depend on the terms of the existing lease and overseen by the Housing Needs team.

Cabinet was supportive of the amendment to the TAIS, as this enabled the Council to secure freehold flats, conveniently located in central locations and generate income through retail leases. It also provided the Council an opportunity to improve the local area as part of the regeneration agenda through the letting of any currently empty commercial premises that were purchased. However, to ensure Member oversight of the financial impact, any purchases of TA that encompassed an element of commercial use would be subject to approval by the Property Investment Panel.

**RECOMMENDED:** That the amended Temporary Accommodation Investment Strategy be approved subject to the additional requirement for purchases that encompass a commercial element to be approved by the Property Investment Panel.

(Cabinet Agenda Item 7)

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## **CABINET – 6 February 2023**

### **CB22/66. DRAFT REVENUE BUDGET 2023/24**

Consideration was given to the report of the Chief Finance Officer on the draft Revenue Budget for 2023/24. The budget had been scrutinised by the Overview and Scrutiny Committee (OSC) on 23 January 2023 and a copy of the Minutes arising from the OSC meeting had been appended to the report for Cabinet's consideration. Also appended to the report were details of the summary draft Revenue Budget, the summary information for each service area, Capital Programme, Special Expenses for 2023/24, savings identified in the Financial Stability Programme (FSP), Usable Revenue Reserves and the budget consultation results.

The following key issues were highlighted:

- for 2023/24, to ensure the Council remained within the referendum limit, it was assumed that a Council Tax increase of £5.22 (2.70%) to £198.60 would be agreed for a Band D property;
- the following budgetary changes had been made: £147,000 per annum saving with the devolvement of public conveniences to Bexhill-on-Sea Town Council; decrease of £30,000 Homelessness Prevention Grant; an increase of £21,000 Local Council Tax Support Grant; increase of £314,000 Business Rates; no changes to Government Grants for 2023/24 but some minor updates to the outer years; minor reduction of £10,000 on Council Tax to keep precept increase within referendum limits; and Special Expenses reinstated to reflect the two phases of the devolution programme;
- the Council had been awarded £1.49m (in principle) Local Authority Housing Fund. Approval was sought for 50% match funding from the Capital Programme to purchase temporary accommodation for homeless households;
- the current Council Tax Reduction Scheme was considered effective and would continue to operate in 2023/24 subject to some minor legislative and calculation amendments; and
- the amount of Reserves required to fund the Revenue Budget in 2023/24 equated to £2.035m.

The budget consultation closed on 31 January 2023 and 126 (123 residents) responses had been received. A summary of the results had been disseminated to Members prior to the meeting and it was noted that 78% of responders agreed to streamlining services to deliver the same outcomes; 62% felt the proposed Council Tax increase was fair; 64% of responders supported the 10% increase on fees and charges and there was broad support for the Capital Programme.

During the debate, the following points were noted:

- the cost of installing Electric Vehicle charging points across the district was not included in the budget;
- in response to a question from Councillor Field, the Chief Finance Officer clarified the position concerning a recent comment made on social media that Reserves were £18 million in 2019 and were now £2 million. He explained that the comment was misleading, and that Usable Revenue Reserves had not reduced to 2m. He also explained that the 2019 budget forecast indicated Usable Revenue Reserves would be about £7.4 million by March 2023 and the Quarter 3 Monitoring report (also on this agenda) expected the figure to be almost exactly the same. The 2023/24 revenue budget report also predicted that Reserves would stand at £5.3 million by March 2024. Finally, the Chief Finance Officer added further clarification by explaining that in the context of the revenue budget setting process, reports always referred to Usable Revenue Reserves, i.e. those that could be used to fund revenue expenditure. The Council also held other reserves, such as CIL, section 106 receipts, capital receipts, but the Council was bound by restrictions over their use;
- if secured, the £1.5m Local Authority Housing Fund would enable the Council to purchase nine properties which would initially be ringfenced to assist those fleeing war and then become part of the permanent supply of accommodation to help address local housing and homelessness pressures; congratulations were extended to the Head of Housing and Community and his team;
- the costs of homelessness had been highlighted by the OSC; and
- it was confirmed that Bexhill residents were not being taxed twice for the provision of public conveniences in Bexhill.

The draft Revenue Budget had been balanced for 2023/24 by the planned use of £2.035m from Usable Revenue Reserves. This was not sustainable, and the report outlined several mitigating actions that could be adopted in order to reduce costs and the level of drawdown from Reserves. These included managing down the cost of homelessness, closely monitoring and reviewing other large areas of spend, reducing borrowing costs and maximising use of external grants and contributions, delivering on key initiatives such as the FSP and implementing options identified a part of the Service Planning process, which were aimed at generating income and cost savings. Members were pleased with the positive way in which service managers were engaging in finding savings through the service planning process and looked forward to considering options in the coming months.

**RECOMMENDED:** That consequent to the deliberations of the Overview and Scrutiny Committee that the:

- 1) the net expenditure of £16.705m for 2023/24 as detailed in Appendix A to the report be approved;
- 2) the updated Capital Programme set out in Appendix C to the report be approved;

- 3) the level of Special Expenses as set out in Appendix D to the report be approved;
- 4) the amount of Usable Revenue Reserves set out in Appendix F to the report be approved;
- 5) the Council Tax for 2023/24 at Band D be increased by £5.22 (2.70%) and set at £198.60;
- 6) the offer of £1.5m capital funding from the Department for Levelling Up, Housing & Communities, contingent on matched funding from the Council be noted and approved;
- 7) the Head of Housing and Community be granted approval for matched funding from the £9m included in the updated Capital Programme, to purchase Temporary Accommodation to accommodate homeless households and be granted delegated authority (in consultation with the Cabinet Portfolio for Housing and Homes) to sign the Memorandum of Understanding required by Department for Levelling Up, Housing & Communities; and
- 8) the Council Tax Reduction Scheme currently in place for 2022/23 be continued for 2023/24 and the Deputy Chief Executive be authorised to make minor textual amendments and uprate premiums and inflationary increases where appropriate.

(Councillor Field declared a personal interest as an elected Member of East Sussex County Council, and in accordance with the Members' Code of Conduct remained in the meeting for the consideration thereof).

(Councillor Maynard declared a personal interest as an Executive Member of East Sussex County Council, and in accordance with the Members' Code of Conduct remained in the meeting for the consideration thereof).

(Cabinet Agenda Item 6)

CB22/67. **ROTHER HEALTH AND WELL-BEING: LEISURE FACILITIES STRATEGY**

Cabinet received Minute OSC22/45 arising from the meeting of the Overview and Scrutiny Committee (OSC) held on 23 January 2023 that had considered the results of the recent consultation on the proposed Rother Health and Well-Being: Leisure Facilities Strategy. It was noted that the consultation had attracted an excellent response rate of 685 allowing for meaningful feedback on the draft strategy, although Members were disappointed to note that there had been a poor response from the parish and town councils (10 out of 33) and notably missing was a response from Bexhill-on-Sea Town Council.

Overall, the consultation results were strongly supportive of the draft strategy, its principles underpinning the vision, and the aims and

objectives and it was not considered necessary to change any of the recommendations. There had been less support for the concept of parish and town councils as important partners, as responders felt this provided an additional layer of bureaucracy, funding difficulties and a view that such provision should be provided centrally by Government and Sports Council. The OSC had recommended that some additional commentary could be added to paragraph 5.3 of the draft Strategy to better reflect some of the comments made concerning elements that were considered missing from the Strategy.

The OSC had been disappointed that Cabinet had not previously approved their suggested re-wording for Key Principle 2 of the Strategy that had put greater emphasis on Rother District Council's (RDC) role as a deliverer – no other organisation / private sector provider was going to develop and deliver the type and range of leisure facilities that the public wanted. The Strategy should be an aspirational document and opportunities could present themselves in the future to enable development. The OSC had therefore recommended for a second time that Key Principle 2 be reworded to ensure that any future potential Government funding streams would be accessible, should an opportunity present itself.

It was noted that the first draft Playing Pitch and Leisure Facilities Strategy currently being undertaken jointly by the planning teams of both RDC and Hastings Borough Council was with officers for comment and would be circulated more widely by the consultants in due course.

Cabinet considered the comments of the OSC but were not supportive of amending the wording of Key Principle 2, as requested for a second time. The Strategy had been developed by undertaking research, finding out what residents wanted and then producing a Strategy that delivered the wants and needs. The provision of opportunities to meet the health and well-being needs of residents was not just about the building of leisure centres, which would never show a return on investment, but facilitating and offering a whole range of opportunities. Cabinet was confident that the Strategy would put the Council in a good place to bid for Government funding as and when opportunities became available in the future.

**RECOMMENDED:** That the draft Rother Health and Well-Being: Leisure Facilities Strategy be approved and adopted as originally drafted with additional commentary at paragraph 5.3 of the Strategy to encapsulate the point raised through the consultation concerning missing elements.

(Cabinet Agenda Item 9)

CB22/68. **OLD LYDD ROAD, COUNCIL LED HOUSING DEVELOPMENT**

Consideration was given to the report of the Director – Place and Climate Change regarding the proposed Council Led Housing

Development at Old Lydd Road, Camber (a small carpark and former putting green).

In 2022, the Council was awarded £185,000 from the Brownfield Land Release Fund (BLRF) Round 2 (a cross-government initiative) alongside Strategic Property Asset Collaboration in East Sussex (SPACES) to help bring forward housing on a complicated and unique site just behind Camber Sands, Sites of Special Scientific Interest (SSSI) and RAMSAR Beach. The BLRF was established to support council-led developments with remediation works on previously attributed Brownfield land e.g. industrial plots, garages, yards and carparks etc.

In November 2022, the Council submitted an amended planning application and it was noted that the site could not be progressed until planning permission was approved. Information on previous planning submissions was detailed in Appendix A to the report. The following requirements would be applied to the proposed scheme namely it would provide up to 50% mixed affordable housing, plus a covenant would be applied to prevent the use as second homes or holiday lets, and sale / ownership priority would be given to local people with a connection to Camber. The Local Ward Member was supportive of the scheme, provided that it could be earmarked for local use as opposed to second home ownership.

The £185,000 funding would be used as follows: £55,000 for site preparation, levelling and sand clearance; and £133,000 for external drainage including sand traps and a complex drainage system to safeguard the adjacent SSSI. A further £210,000 would be required from the Capital Programme to progress the site to the next stage.

Following discussion, Cabinet was supportive of the scheme being included within the Capital Programme with a budget provided partially from the BLRF Round 2. Subject to planning permission being granted, Cabinet agreed that delegated authority be granted to the Director – Place and Climate Change to accept the £185,000 BLRF Round 2 grant to deliver the site, procure the contractor(s) to complete remediation works and enter into other contracts as necessary. It was also agreed that an additional £395,000 be taken from the Capital Programme to progress the project (to be reimbursed by eventual capital receipts). It was noted that a modular form of housing was being considered for this site, given the site constraints.

**RECOMMENDED:** That the Old Lydd Road, Council Led Housing Development be included in the Council's Capital Programme with a budget provided partially from Brownfield Land Release Fund Round 2 subject to planning permission being granted.

Cabinet also **RESOLVED:** That:

- 1) the Director – Place and Climate Change be granted delegated authority to accept the £185,000 grant from the Brownfield Land Release Fund Round 2, for the purposes of delivering this project;

- 2) an addition to the Capital Programme of £395,000, funded by £185,000 Brownfield Land Release Fund and £210,000 capital borrowing be authorised to facilitate the remediation and delivery of the site for housing (to be reimbursed by eventual capital receipt); and
- 3) the Director – Place and Climate Change be granted delegated authority to procure the contractor/s required for the remediation works and close the carpark, subject to planning approval, including procuring contractors and entering into other contracts as necessary for the completion of this phase of the project.

(Cabinet Agenda Item 10)

**CB22/69. MEMBERS' ALLOWANCE SCHEME 2023-2027**

In accordance with the Members Allowances Regulations 2003, before the Council could agree its allowance scheme to apply from May 2023, the Council had to have regard to the recommendations made by an Independent Remuneration Panel (IRP). The IRP was made up of three members of the public who had applied and been appointed to the role; together they considered considerable experience in local government and membership of other remuneration committees for other local authorities.

The Panel had met on four occasions, interviewed key Members and officers and been in receipt of detailed documentation as background information to enable them to fulfil their role. Comparison data on other East Sussex authorities was provided at Appendix A to the report and a copy of the IRP's full report was attached at Appendix B to the report.

The IRP had made a total of 15 recommendations, the key ones as follows:

- that the Basic Allowance be increased by 5%;
- that the proposed allowances be set for one year only, subject to a further review in 2023;
- the dependent / childcare allowances be increased to £14.00 and £10.42 respectively with provision to pay a higher amount subject to prior approval;
- that Special Responsibility Allowances (SRA) be paid as a ratio of the Basic Allowance;
- that the Vice-Chair of the Planning Committee be paid an SRA;
- that the SRA for the Other Political Group Leaders be increased and the per member amount be removed to simplify administration;
- that each of the subsistence allowances, breakfast, lunch, tea and dinner be increased by approximately 10% and reviewed in 2023;
- that the Human Resources Committee be invited to consider if the staff and Members subsistence rates should be matched; and
- that the Members Allowance Scheme within the Constitution be updated to simplify the language and make it more accessible.

Cabinet had taken soundings on the IRP's report and had concerns over several of the recommendations and whilst no formal amendments were suggested, made the following comments for Council's consideration:

- clarity on why the use of an electric vehicle was only reimbursed 8p per mile, compared to 45p per mile for petrol/diesel/hybrid vehicles;
- the proposed increase in caring costs was welcome;
- the concept of ratios being applied to the Basic Allowance to calculate SRAs was supported, but not the ratios suggested;
- felt the issues had not been explored sufficiently, as some SRAs had decreased because of the ratios applied (Cabinet Members and Spokespersons);
- Chairs of Audit and Standards and Licensing and General Purposes Committees had an increase but did a lot less work;
- if Planning Committee Vice-Chair was to receive an SRA then consideration should be given to Vice-Chair of the Overview and Scrutiny Committee;
- the standardisation of one payment to Group Leaders with the removal of the per-Member allowance was not supported; the more Members in a Group the more work there was for a Group Leader; and
- there was no relation to the budget or cost of travelling expenses etc.

The Leader of the Council acknowledged the work of the IRP and for their thorough report and hoped that a good debate and consideration of the above points would be undertaken at full Council, along with additional information to address the concerns raised above. Members were keen to have in place a scheme that allowed all residents to consider becoming Councillors and not just open to residents who were "rich, retired or kept".

**RECOMMENDED:** That consideration be given to the recommendations made by the Independent Remuneration Panel together with Cabinet's comments above when setting the Members' Allowance Scheme to apply from May 2023-2027.

(Cabinet Agenda Item 11)

## CB22/70. **DESIGNATION OF INTERIM CHIEF FINANCE OFFICER**

The post of Chief Finance Officer (CFO) was a statutory post which the Council was required to have and whilst there was not a statutory requirement for full Council to approve the appointment, this was common practice in many authorities.

The Council's current Section 151 Officer, Antony Baden was leaving the Council on 19 February 2023 and Cabinet recommended that the appointment of Duncan Ellis as the Interim CFO / Section 151 Officer with effect from 20 February 2023 be confirmed until a substantive appointment was made. Full Council would be meeting on 20 February 2023 to formally endorse the appointment.



Members paid tribute to and thanked the departing Chief Finance Officer for his stewardship of the Council's finances during his time and for his candid approach.

**RECOMMENDED:** That Duncan Ellis be designated as the Council's Interim Chief Finance Officer (Section 151 Officer) with effect from 20 February 2023.

(Cabinet Agenda Item 12)

## CB22/71. **LEVELLING UP FUNDING**

Members considered the report of the Director – Place and Climate Change which sought approval to add to the Council's Capital Programme, the Government's Levelling Up Fund (LUF) of approximately £19.2m to support projects at De La Warr Pavilion (DLWP) and Sidley Recreation Ground (SRG). The Levelling Up Fund was designed to invest in infrastructure that improves everyday life across the UK. It was noted that the funding was project-based and could not be spent on anything other than the projects that had been awarded the funding.

Project details, were as follows:

- DLWP – total capital investment of £23.2m (£17m LUF, plus £850,000 Community Infrastructure Levy (CIL) contribution). In addition, the DLWP had secured £400,000 from the Arts Council England and was seeking a further £4.8m from other funding sources. They would also be submitting a bid to the CIL Climate Emergency Bonus Fund to support carbon neutrality ambitions. It was noted that this funding would not support other related works along the seafront namely the fountain or the Colonnade. However, officers would be exploring options and recommendations would be presented to Cabinet later in the year.
- SRG – total capital investment of £2.692m (LUF) to support a programme of projects and connect Sidley with the DLWP and town centre. Projects included sustainable community learning spaces, 3G pitch, upgrading toilet (disabled access) and changing facilities, and increase local resident services and activities.

A full economic and social impact assessment had been undertaken and as a result of these projects, the district would benefit from an £85m economic boost. Due to the complexity of the projects and number of partners involved, a robust management / governance structure had been created which was identified at Appendix A to the report. A programme manager would be appointed to oversee delivery of the programme and a project manager would be assigned to each of the projects to ensure delivery of the schemes within the tight timescales.

Following discussion, Cabinet was supportive of the LUF funding for both projects being included within the Capital Programme. Subject to

full Council approval, Cabinet agreed that delegated authority be granted to the Director – Place and Climate Change to accept the £19,192,000 LUF, the £850,000 CIL contribution for the DLWP project, to source other funding opportunities, to procure the contractor(s) to complete the projects and agree terms and conditions, in consultation with the Cabinet Portfolio Holder for Transformation, Procurement and Social Value. Members also approved the programme governance structure.

Cabinet agreed that both projects would secure a future for the DLWP, significantly improve its carbon output and improve facilities within Sidley and provide long term sustainability and much needed services to the community. It may also provide an opportunity in the future for the Council to consider the level of its annual contribution to the DLWP. Members paid tribute to the efforts of all involved in bringing the bid to fruition and success, including key officers and the local MP, Huw Merriman and his team.

**RECOMMENDED:** That the Levelling Up Fund Projects for the Sidley Recreation Ground and the De La Warr Pavilion be added to the Capital Programme for £2.692m and £23.203m respectively;

Cabinet also **RESOLVED:** That:

- 1) subject to full Council approval of the scheme, the £19,192,000 Levelling Up Fund be accepted, and the Director – Place and Climate Change be granted delegated authority to agree terms and conditions of the grant, in consultation with Cabinet Portfolio Holder for Transformation, Procurement and Social Value;
- 2) the £850,000 from the Community Infrastructure Levy be accepted for the De La Warr Pavilion Project and the Director – Place and Climate Change be granted delegated authority to agree terms and conditions of the grant, in consultation with Cabinet Portfolio Holder for Transformation, Procurement and Social Value;
- 3) the Director – Place and Climate Change be granted delegated authority to source other grant funding and to agree terms and conditions of any forthcoming grants, in consultation with Cabinet Portfolio Holder for Transformation, Procurement and Social Value;
- 4) the Director – Place and Climate Change be granted delegated authority to procure the contractor/s required for the funded works, in consultation with the Cabinet Portfolio Holder for Transformation, Procurement and Social Value. This will include procuring contractors and entering into other contracts as necessary for the completion of the project works; and
- 5) the programme governance structure, as outlined in Appendix A to the report, be adopted.

(Cabinet Agenda Item 13)

Councillor D.B. Oliver  
Leader of the Council