Minutes of the Cabinet meeting held at the Town Hall, Bexhill-on-Sea on Monday 2 September 2013 at 11:00am.

Cabinet Members present: Councillors C.R. Maynard (Leader), Lord Ampthill, S.D. Elford, A.E. Ganly, Mrs J.M. Hughes, J.M. Johnson, R.H. Patten, P.N. Osborne and R. White.


Advisory Officers present: Executive Director of Resources, Executive Director of Business Operations, Service Manager for Finance and Welfare, Service Manager for Community and Economy, Service Manager for Corporate and Human Resources, Head of Regeneration, Parks and Leisure Services Manager (in part), Partnerships and Community Safety Co-ordinator, Housing Policy and Development Manager (in part), Administrative Assistant (Policy Unit) (in part), Communications Account Manager (in part) and Democratic Services Manager.

Prior to the formal commencement of the meeting, the Leader introduced Kathryn Langley, Communications Account Manager from East Sussex County Council who would be providing support and cover for the Council in the areas of media relations, communications and public relations until May 2014.

CB13/23. MINUTES

The Chairman was authorised to sign the minutes of the meeting held on 29 July 2013 as a correct record of the proceedings.

CB13/24. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillor B. Kentfield, Chairman of Planning Committee, Councillor M. Mooney, Chairman of Resources Overview and Scrutiny Committee and Councillors Mrs M.L. Barnes, A.E. Davies and P.R. Douart.

CB13/25. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the press and public be excluded whilst matters containing exempt information, as prescribed by Part 1 of Schedule 12A of the Local Government Act 1972, as amended and relating to the
Appendix to Minute CB13/38 was under consideration. The Appendix submitted in connection with this item and which contains information exempt from publication by virtue of Part 1 of Schedule 12A to the Act shall remain confidential if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

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

CB13/26. ROTHER HOMELESSNESS POLICY (DISCHARGE OF DUTY UNDER PART VIII OF THE HOUSING ACT 1996)

Cabinet received and considered Minute S13/15 arising from the Services Overview and Scrutiny Committee (SOSC) meeting held on 22 July 2013. The SOSC had considered the final draft of the Rother Homelessness Policy, following a 12 week consultation and had recommended the Policy to Cabinet for approval. It was noted that whilst there had been no response to the consultation exercise some text had been added to provide further clarity. It was suggested that for future consultation exercises it would be helpful if consultees were asked to positively acknowledge receipt, even if they had no constructive comments to make.

The homelessness changes in Part 7 of the Localism Act represented new ‘powers’ as opposed to new ‘duties’; the main change for housing services was the power to discharge their homelessness duty with one suitable (affordable) offer of private rented sector accommodation, for a minimum of one years’ tenancy. Local authorities were obliged to choose whether or not to adopt these ‘powers’ and were required to have a policy in place setting out their terms for using them.

The Homelessness Policy formed a core part of the action plan attached to the Council’s Homelessness Strategy, the draft of which was to be approved at this meeting for consultation purposes. The Homelessness Policy had been consulted on prior to the Homelessness Strategy to allow the Council to use the powers available as a matter of urgency, giving officers more time to consider the overall Homelessness Strategy at a later date.

RECOMMENDED: That the Rother Homelessness Policy be approved and adopted, as submitted.

(Councillor Ganly declared a personal interest in this matter as a landlord and in accordance with the Members Code of Conduct remained in the room during the consideration thereof).

CB13/27. TENANCY STRATEGY FOR ROTHER

Cabinet received and considered Minute S13/16 arising from the Services Overview and Scrutiny Committee (SOSC) meeting held on 22 July 2013. The SOSC had considered the final draft of the Rother Tenancy Strategy, following a 12 week consultation and had recommended the Strategy to Cabinet for approval.
The Council had a legal obligation to have a Tenancy Strategy in place to deliver the requirements set out in the Localism Act. The Tenancy Strategy provided a clear guide to the Council's approach for Registered Providers (housing associations) as they were required to take this into account when developing and revising their own Tenancy Policies. The Tenancy Strategy for Rother was based on a Countywide Tenancy Strategy Framework Document which set out policy direction.

It was noted that whilst many Members were concerned about housing issues across the District and the lack thereof of affordable housing, this had to be balanced against finding suitable, sustainable locations for such developments that did not impact adversely on existing communities.

RECOMMENDED: That the Rother Tenancy Strategy be approved and adopted, as submitted.

(Councillor Ganly declared a personal interest in this matter as a landlord and in accordance with the Members Code of Conduct remained in the room during the consideration thereof).

CB13/28.
(7.1)

REVIEW OF LOCAL PAY AWARD

Cabinet received and considered Minute LG13/6 arising from the Licensing and General Purposes Committee (L&GP) meeting held on 25 July 2013. The L&GP Committee had considered a review of the local pay award for 2013/14 and had recommended a 1% increase for 2013/14. In coming to its recommendation the L&GP Committee had considered the current and future financial position of the Council, the impact on staff of no pay increases for 3 consecutive years, difficulties in the recruitment of professional staff, comparison to neighbouring authorities and the national pay offer of 1% for 2013/14.

A pay award of 0.5% had been budgeted for and any additional pay award would need to be found within existing revenue budgets. Members of the L&GP Committee felt that it was important to look after staff, especially in the light of potential redundancies and to aid retention of key experienced staff.

Cabinet was happy to support the recommendation and paid tribute to the Council's staff who continued to deliver services to the residents despite the reductions in staffing levels and on-going savings required in the revenue budget.

RECOMMENDED: That a 1 year settlement be agreed with a 1% pay increase for 2013/14.

CB13/29.
(8.1)

RESTRUCTURING PROGRESS REPORT AND REDUNDANCY COSTS

Members received and considered the report of the Executive Director of Resources on restructuring progress and redundancy costs. In May 2013 full Council had agreed the new senior management structure and the allocation of up to £200,000 from revenue reserves to cover
redundancy costs for the initial phase. Whilst this phase had delivered the staffing savings for 2013/14 further staffing adjustments would be necessary to balance future budgets as a consequence of continuing central Government funding reductions.

The Executive Directors and the new Service Managers had commenced work on the structure of the new Service areas and it was likely that as this progressed further staff redundancies would be necessary. To complement this, the Council had initiated a voluntary redundancy scheme to reduce the need for compulsory redundancies and consultation with Staff Side/Unison and staff had been continuing. The precise number and cost of redundancies was not currently known although it was hoped that detailed structure charts for the new service areas would be published within a week. It was therefore prudent to earmark a further £500,000 of revenue reserve (in addition to the previously agreed £200,000) to cover the cost of redundancies as a result of the further restructuring. It was noted that this amount should be recovered within a year with on-going net annual savings substantially contributing towards the long term savings required. Whilst there were concerns over reducing the Council’s staffing levels and the impact this would inevitably have on service delivery, there was little option at the current time.

It was noted that even if the 1% pay award recommended at Minute CB13/28 above was not approved, further redundancies would still be necessary to achieve the savings required. It was further noted that although the cost of redundancies could be financed by capital funds, as confirmed recently by the Secretary of State for Communities and Local Government, this would require the Council to borrow money as there was no spare capital funding to finance this expenditure.

RECOMMENDED: That

1) progress made on the restructuring process be noted; and

2) up to £500,000 of revenue reserves be earmarked to meet the costs of potential redundancies arising from this phase of the restructuring process.

CB13/30. DESIGNATION OF MONITORING OFFICER

The post of the Monitoring Officer was one of 3 statutory posts which authorities were required to have and as such appointment to the post needed to be approved by full Council. As a consequence of the current restructuring, 3 Heads of Service posts had been made redundant, one of these being the post of Head of Corporate Services, which was also designated as the Council’s Monitoring Officer.

As the final structure had not yet been agreed it was proposed that the new Service Manager for Corporate and Human Resources, John Collins, be designated as Interim Monitoring Officer pending the final outcome of the restructuring process.
RECOMMENDED: That John Collins in his capacity as Service Manager for Corporate and Human Resources be designated as the Council’s Interim Monitoring Officer pending the final outcome of the restructuring process.

SIDLEY EXTRA CARE SCHEME

Consideration was given to the report of the Executive Director of Business Operations that set out the details of a housing scheme that would provide 58 new Extra Care Homes in Sidley. The scheme would help to meet the acute housing and care needs of older people in Bexhill and other areas of Rother and would be promoted to elderly residents under-occupying their homes.

Following the identification of a suitable redundant school site in Sidley, Bexhill, in East Sussex County Council (ESCC) ownership, ESCC, Rother District Council (RDC) and AmicusHorizon (AH) had worked in partnership to develop the scheme and planning permission had been agreed for the mixed tenure scheme.

In addition, the development would make a significant contribution to the local economy providing as many as 30 jobs and the facilities in the ‘community hub’ as part of the development would be available for use by the local community; this included a restaurant, a lounge, community meeting rooms and a hair salon.

The £9.6 million development costs were being funded by ESCC, who had contributed £140,000 and gifted the land valued at £670,000. The Department of Health had contributed £2.3 million and AH circa £5 million.

RDC was requested to make a Local Authority Social Housing Grant of £295,000 from Section 106 commuted sums to make up the shortfall. The realisation of the scheme was dependant on the funding and the development would be delayed should AH need to find an alternative funding source.

RECOMMENDED: That

1) a Local Authority Social Housing Grant of £295,000 be granted to AmicusHorizon Housing Association, towards the development of 58 affordable extra care homes (and community facilities) on the redundant Community Primary School site in Sidley;

2) the Capital Programme be increased by £295,000, funded from Section 106 commuted sums; and

3) the approval and funding be subject to AmicusHorizon Housing Association entering into a Nominations Agreement to grant Rother District Council and East Sussex County Council joint nomination rights in perpetuity for the affordable homes provided; to be made available to local elderly households with a housing and care need.

(Councillor Clark declared a personal interest in this matter as an elected Member of East Sussex County Council and in accordance
with the Members Code of Conduct remained in the room during the consideration thereof).

(Councillor Maynard declared a personal interest in this matter as an Executive Member of East Sussex County Council and in accordance with the Members Code of Conduct remained in the room during the consideration thereof).

CB13/32. CORPORATE PRIORITY PROJECT – EXCEPTION SITES – STAPLECROSS

Work had commenced in 2012 on the construction of 8 affordable homes in Staplecross to be occupied by people with a local connection to Ewhurst Parish with the objective of helping local families to remain in the village, supporting local services.

Members had previously agreed funding of £40,000 to Hastoe Housing Association (HHA) to meet a financial shortfall as a result of a covenant which entitled the previous landowner to halve the uplift in land value. The contractor had recently gone into administration, leaving the properties incomplete by an estimated 80%. Re-tendered contracts had been returned higher than expected due to the outstanding works and the resultant risks to any new contractor taking over the contract. It was apparent that substantial additional costs would be incurred due to rectifying work carried out by the previous contractor.

Members agreed that a Local Authority Social Housing Grant of £10,000 be made available to HHA to assist in delivering the scheme. This grant would be provided from Section 106 commuted sums, ring-fenced for the delivery of affordable housing, which in turn would allow completion of the building works by November 2013. It would be necessary to increase the Capital Programme by £10,000, funded from Section 106 commuted sums to finance the Local Authority Social Housing Grant.

RECOMMENDED: That

1) a Local Authority Social Housing Grant of £10,000 be granted to Hastoe Housing Association to help them complete the development of 8 affordable homes on an exception site in Ewhurst Parish (Staplecross); and

2) the Capital Programme be increased by £10,000, funded from Section 106 commuted sums.

PART II – EXECUTIVE DECISIONS – subject to call-in procedure under Rule 16 of the Overview and Scrutiny Procedure Rules by no later than 4:00pm on 11 September 2013.

CB13/33. DEPRIVATION ENQUIRY UPDATE

(6.1)

Cabinet received and considered Minute S13/13 arising from the Services Overview and Scrutiny Committee (SOSC) meeting held on
22 July 2013. The SOSC had considered an update report following on from the work of the Deprivation Task and Finish Group (DTFG) which it had established in 2011. The DTFG had been tasked with looking at the data emerging from the Index of Multiple Deprivation published by the Department for Communities and Local Government (DCLG) as it had shown declining trends in deprivation in Rother.

The data had been collected by the DCLG in 2004, 2007 and 2010, however there was no commitment from the present Government to reissue further updated information; the SOSC considered that this was disappointing given its value to local authorities in helping to target services appropriately. The most recent data in the Rother Wellbeing dataset was considered and this had demonstrated that, while some improvements had been seen in social and health outcomes, the economic outlook was still of concern. A number of Members of the SOSC had been surprised that some areas that appeared to be affluent were designated as deprived areas according to the index and it was noted that deprivation was not just limited to the more obvious locations across the district.

The SOSC were keen to ensure that the Council kept regeneration as a high priority as it was fundamental to addressing many of the issues raised within the data and Cabinet were asked to give more thought to regeneration issues across the District and how this would impact on job creation.

**RESOLVED:** That

1) Cabinet considers the regeneration issues across the District and how these will impact on job creation; and

2) subject to a new data set being provided by the DCLG, this data be looked at again in 3 years' time.

CB13/34. **HOUSING STRATEGY AND HOMELESSNESS STRATEGY – CONSULTATION**

Cabinet received and considered Minute S13/17 arising from the Services Overview and Scrutiny Committee (SOSC) meeting held on 22 July 2013. The SOSC had considered the Joint Consultation Plan in respect of the Housing and Homelessness Strategies, which were both in need of review, and had approved the draft Plan, subject to Cabinet’s agreement.

The Plan set out the groups that the Council intended to consult and the methods that would be used. The majority of the consultation would take place via an online questionnaire that set out a number of proposed priorities based on the outcomes of the Housing and Homelessness Reviews. The intention was to keep the questionnaire concise with the main objective of collating views on the importance of each of the proposed priorities. It was noted that the consultation would run for a shorter period than usual due to the fact that both Strategies were now due for revision and, in the case of the Homelessness Review, initial consultation had already been undertaken. The outcome of the consultation would formulate the final
Housing and Homelessness Strategies which would be used to steer the direction of Housing services over the next 5 years.

RESOLVED: That the draft Joint Consultation Plan in respect of the Housing Strategy and Homelessness Strategy be approved, as submitted, to allow a 6 week consultation on priorities for the development of both documents.

(Councillor Ganly declared a personal interest in this matter as a landlord and in accordance with the Members Code of Conduct remained in the room during the consideration thereof).

CB13/35. IRRECOVERABLE DEBTS

Consideration was given to the report of the Executive Director of Resources on irrecoverable debts. Debts in excess of £4,000 could only be written out of the Council’s accounts with the consent of the Cabinet. Where it was apparent that the debts would not be recovered, it was financially prudent for these to be excluded from the accounts; this did not mean that the Council could not take action in the future if information was received indicating the debt could then be recovered.

Cabinet was asked to write off arrears in 3 cases in relation to Council Tax and Business Rates as follows:

(a) £4,459.48 Council Tax due to the debtor entering into an individual voluntary arrangement (Part VIII of the Insolvency Act 1986) that included this debt;

(b) £1,727.45 Council Tax and £5,371.44 Business Rates due to this debtor also entering into an individual voluntary arrangement (Part VIII of the Insolvency Act 1986) that included these debts; and

(c) £4,850.18 Business Rates arrears due to the company being dissolved on the 18 September 2012 and there was no likely prospect of recovery of the debt.

Details of each case were available to Members on request.

RESOLVED: That the debts listed above, totalling £16,408.55 be approved for writing out of the accounts.

CB13/36. COMMUNITY GRANTS SCHEME

The Council’s Community Grants Scheme (CGS) provided for up to £130,000 per annum to be made available to community groups or organisations that met the criteria. A review of the CGS had been carried out earlier in the year and the agreed new criteria and application process had been implemented and was available on the Council’s website.

Part of the review had included the formation of Terms of Reference for the Community Grants Panel and these had been appended to the report for Cabinet’s approval. The Terms of Reference were agreed subject to the deletion of the words "...and consensus" at point 5,
Meetings: Quorum, Frequency and the inclusion of the provision for Ward Members to attend Panel meetings when applications from within their Wards were being considered. This would enable Ward Members to contribute to the deliberations and assist the Panel with local knowledge of projects. It was noted that for 2 Member Wards, both Members would be advised of the project and meeting date and would both be able to attend the Panel meeting, if necessary. It was advised that all Panel Members had an equal status and ability to speak on all applications; the Panel Members from AirS, RVA and RALC were representative of the umbrella organisations who had a strong understanding of the voluntary and community sector.

Round 1 of the Rother Community Grants Scheme for 2013/14 had closed on 31 July 2013 and the Community Grants Panel had subsequently met on 12 August 2013 to consider 11 applications. Details of the Panel’s recommendations to award sums of money were appended to the report in Appendix 2 and Members were asked to give consideration to each of the applications, being mindful of benefits offered to their communities. Members were 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.

Members gave consideration to the applications listed in Appendix 2 and approval was granted, subject to specific conditions as detailed within the report; the following points were noted during the deliberations:

1st Burwash and Etchingam Scout Group – well used facility, particularly by young people.

Brightling Village Hall Management Committee – improvements to the Hall would enable increased income generation. Cabinet was concerned that the Parish Council had yet to consider this project and commit a specific level of funding; whilst not wanting to delay the project, Cabinet was reluctant to agree the amount recommended by the Grants Panel and therefore agreed a grant of £5,000.

Crowhurst Parochial Church Council – it was noted that the local Ward Member, Councillor Davies strongly supported this application. Cabinet was keen to ensure that the facility would be accessible to all groups within the community and the grant was agreed subject to the additional condition of the creation of a management committee which included membership from across the community.

Peasmarsh Memorial Hall Management Committee – this application had been declined in Round 2 of 2012/13 and referred back for further discussion. The application was supplementary to an original grant of £25,000 made in 2009/10 as the costs of the project had increased. A grant of 8% was recommended based on the original percentage of the initial grant made.

Pett Sports Association – a worthwhile scheme involving the whole community, especially the young; local fundraising already amounted to
a significant proportion of the funds required including a substantial lottery grant.

**Westfield Bowls Club** – Cabinet supported the grant, subject to assurances that it would be fully accessible to the wider community.

Members considered that 3 of the 4 applications contained within Appendix 3 had failed to meet the criteria for the Community Grants Scheme and these were recommended to be declined, namely:

- MOPP (Marsham Older Peoples Project)
- POPP (Pett Older Peoples Project)
- NCDA Ltd (Newhaven Community Development Association Ltd)

An application had been received from the Battle Methodist Church project which was too large for consideration under the CGS as the overall cost of the project exceeded the £300,000 limit. This project would be submitted to Cabinet for separate consideration at a later date. Cabinet concurred with all the recommendations at Appendix 3.

Cabinet was keen for all Members to be aware of the CGS so that they could inform residents and community groups of the Scheme. To this end hard copies of the Guidance Details and Application Form would be made available to all Members. It was noted that there appeared to be a lack of valid applications from Bexhill related projects and the Lead Cabinet Member for Bexhill Affairs, Councillor Elford acknowledged that more could be done to engage with Bexhill community groups; Bexhill Ward Members needed to play their part to ensure that community groups with valid projects were aware of the scheme.

**RESOLVED: That**

1) the Terms of Reference for the Community Grants Panel at Appendix 1 to the report be approved, as amended;

2) the following organisations be awarded the grants as recommended by the Grants Panel subject to specific conditions relating to each application:

- 1st Burwash and Etchingham Scout Group – £2,547
- Brightling Village Hall – £5,000
- Crowhurst Parochial Church Council – £30,000
- Peasmarsh Memorial Hall Management Committee - £920
- Pett Sports Association - £5,000
- Westfield Bowls Club - £30,000

3) the following grants be declined:

- Marsham Older Peoples’ Project
- Pett Older Peoples’ Project
- NCDA Ltd

4) consideration of the application in relation to Battle Methodist Church be subject to a separate report to Cabinet.
MANAGEMENT OF SIDLEY RECREATION GROUND BMX TRACK

The BMX track at Sidley Recreation Ground was currently managed and maintained through a 5 year lease with the Bexhill Burners BMX Club (BBBC) which had expired on 24 June 2013. Under the terms of the current lease the BBBC had specific obligations in relation to safety as detailed within the report and was responsible for all maintenance and repairs of the track with the exception of the post and rail fence around the facility's boundary, grass cutting and emptying of the bins.

In order for the Club to carry out improvements to the track, including security, a new lease had been requested for a term of 25 years to enable them to apply for grant funding. It was noted that the proposed longer lease arrangement with the BBBC would free the Council from the costs associated with a higher insurance premium and maintenance of the track which in turn would minimise the Council's liability in connection with its operation.

It was recommended therefore to grant a new lease for 25 years at a peppercorn rent and for the BBBC to take on all maintenance responsibility, including the collection and disposal of litter, the fence and all grounds maintenance obligations. In accordance with statutory obligations under Section 123 of the Local Government Act 1972 the area of land would be advertised on 2 consecutive weeks for notice purposes and any objections received during this period would be reported to Cabinet for consideration prior to a new lease being granted.

RESOLVED: That

1) the proposed lease of the Sidley Recreation Ground BMX Track be advertised on 2 consecutive weeks as required by Section 123 of the Local Government Act 1972; and

2) subject to the completion of this process, the Council grants a new lease to the Bexhill Burners BMX Club for 25 years at a peppercorn rent for the exclusive use, management and maintenance of the BMX track at Sidley Recreation Ground, and on such other terms and conditions as the Head of Paid Service considers appropriate.

LEASE OF FORMER ECO CENTRE AND PUBLIC CONVENIENCES, BROAD OAK PARK, BEXHILL

The former Eco Centre at Broad Oak Park, Bexhill had been let to the current Lessee on a non-secure full repairing lease on terms previously agreed by the Council with effect from 19 August 2011. The original lease had been subject to a variation to include a piece of land in the depot courtyard at the rear with subsequent planning permission being granted for a change of use of this area into a community garden.

The current Lessee had requested that the existing lease be surrendered in exchange for a new, longer lease to include land at the front of the property and also the public conveniences adjoining the existing premises. Details of the new proposed terms, including regular rent reviews throughout the term, was detailed within the confidential
The Lessee intended to convert the existing men's toilet into an office area/multi-functional room and the existing ladies toilet would be refurbished into a fully disabled adapted uni-sex toilet, which could be used by the general public during opening hours. The premises were situated in a relatively remote part of Broad Oak Park and as a result the public conveniences, which were in a poor state of repair and troublesome to manage as they had become a focus for anti-social behaviour and vandalism.

The Lessee had indicated that in order to assist unemployed people to get back into work, they were offering to train and work with a young unemployed person on the proposed refurbishment of the public conveniences.

As the land at the front of the property was classed as public open space and in accordance with the Council's statutory obligations, this area of land would be advertised for notice purposes and any objections received during the statutory 2 week period would be reported to Cabinet for consideration prior to granting a new lease.

RESOLVED: That

1) the proposed lease of the public conveniences and adjoining land be advertised on 2 consecutive weeks as required by Section 123 of the Local Government Act 1972; and

2) subject to the completion of this process, the existing lease to be surrendered and a new lease granted to the current Lessee under the terms as set out in the confidential appendix and such other terms and conditions as the Head of Paid Service considers appropriate.

(The Confidential Appendix in relation to this matter, as set out at Agenda Item 11.1 was considered exempt from publication by virtue of Paragraph 3 of Schedule 12A of the Local Government Act 1972, as amended).

CHAIRMAN
The meeting closed at 12:15pm