

CABINET

4 November 2013

Minutes of the Cabinet meeting held at the Town Hall, Bexhill-on-Sea on Monday 4 November 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, P.N. Osborne, R.H. Patten and R. White.

Other Members present: Councillors Mrs M.L. Barnes (in part), S.H. Earl, R.V. Elliston (in part) Mrs B.A. George, I.G.F. Jenkins, M.J. Kenward, J.A. Lee, P.G. Lendon, M. Mooney, Mrs S.M. Prochak, S.H. Souster, M.R. Watson and Mrs D.C. Williams.

Advisory Officers present: Executive Director of Resources, Executive Director of Business Operations, Service Manager - Finance and Welfare, Parks and Leisure Services Manager, Strategy and Environment Manager, Deputy Head of Environmental Health and Democratic Services Officer.

Also present: 1 members of the public.

Publication Date: 6 November 2013

The decisions made under PART II will come into force on 14 November 2013 unless they have been subject to the call-in procedure.

CB13/46. **MINUTES**

The Chairman was authorised to sign the minutes of the meeting held on 7 October 2013 as a correct record of the proceedings.

CB13/47. **APOLOGIES FOR ABSENCE**

Apologies for absence had been received from Councillor B. Kentfield, Chairman of the Planning Committee and Councillor Davies.

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

CB13/48. **REVENUE BUDGET AND CAPITAL PROGRAMME MONITORING**
(8.1) **TO 30 SEPTEMBER 2013**

Members received and considered the report of the Executive Director of Resources on the Revenue Budget and Capital Programme Monitoring to 30 September 2013 which contained details of the significant variations of the Revenue Budget and updated Members on

the Capital Programme and the Council Tax Reduction Scheme (CTRS).

It was noted that there had been no changes to the Revenue Budget since the last report.

Detailed within the report were the significant variations of the Revenue Budget, the Collection Fund performance and Capital Programme spend to date, as follows:

- There were nil variations on the refuse collection, recycling and street cleansing, grounds maintenance and leisure contracts. In addition a nil variation was also expected in Building Control income, as income from the partnership with Hastings Borough council was broadly on budget and also no major variation was expected from car parking income, if predictions based on the last 3 years performance for the second half of the year were applied.
- Employee Costs: £375,000 underspend; following the implementation of the new Senior Management restructure and introduction of the new staffing structure from January 2014 savings of £175,000 were anticipated, exclusive of any redundancy costs.
- Planning Fees: £100,000 overachievement; income for planning fees had increased and it was expected that an additional £70,000 would be achieved in excess of the £420,000 annual budget. The Council's predicted £10,000 budget for the pre-planning advice fee had been exceeded and an additional £30,000 income was expected to be generated by the end of the financial year, though this would be dependent on economic activity.
- Environmental Health: £17,000 underachievement; was reflective of the inclement weather and fewer pest control treatments being required. In the interim spare staffing capacity had been utilised within the Amenities Team.
- Interest Income: £50,000 underachievement; the level of return achieved from deposit takers had steadily declined since the beginning of the financial year 0.8% to 0.5% (in-line with the Bank of England) base rate. In addition the deferral of the Local Authority Mortgage Scheme (LAMS) meant that the anticipated enhanced returns in 2013-14 would not be achieved.
- It was noted that the total net overall projected variation on Employee Costs, Planning Income, Environmental Health Services and Interest Income was -£408,000.
- Collection Fund: The collection rate was slightly behind 2012-13 and more-in line 2011-12. The performance against budgeted yield was affected by the Council Tax Reduction Scheme (CTRS), however associated costs were marginally below estimate; monitoring would be continued. The Business Rate collection performance was slightly ahead of estimate.

As at 30 September 2013, £2.4m (54.9%) of the 2013-14 Capital Programme had been spent. Overall the amended Capital Programme was fully funded but there were no longer any uncommitted capital resources and this would be given consideration by the Resources Overview and Scrutiny Committee when it reviewed the Council's Medium Term Financial Strategy on 25 November 2013. The report

detailed the following changes that had been made to the Capital Programme:

- Social Housing Grants: two schemes (Ewhurst £10,000 and Sidley £295,000) had received s106 monies; these funds were now almost depleted.
- Former Bexhill School Land Swap: Provision had been made for approximately £34,600 towards stamp duty; however the final figure would depend on the value of the land and could be higher.
- Joint Waste Contract: the price of the containers and bins for the first phase of the joint waste contract had increased from £1.7m to £1.8m which was reflective of the numbers purchased rather than a price change. Further purchases would be made towards the end of the financial year in preparation for commencement of Rother's part of the contract. These costs would be met through internal borrowing and would be paid back by the partner authorities, through the Council's revenue account over the life of the contract.
- Town Hall Roof: the Programme had been updated to reflect the cost of the work.
- Local Authority Mortgage Scheme: the LAMS had been deleted from the Programme due to a delay in commencement; two reasons were attributed – the Welsh Audit Commission's national debate and the Council's partner, Lloyds withdrawal following the acceleration of the Government's own mortgage scheme. Members would be updated once investigation had been completed to assess which scheme was suitable for the Council to formally adopt.
- Information Technology Spend: The report detailed that there was insufficient funding to meet the IT replacement programme beyond 2014-15. The annual spend requirements were currently being reviewed and Members would be updated at a later date.

Council Tax Reduction Scheme: In 2013-14, the CTRS attracted a £946,000 grant and £26,000 transitional fund for the Council however the transitional fund would cease in 2014-15. Cross County discussions were underway to develop a new scheme for 2015-16. Members were advised that part of the grant the Council had received was passported to the Parish and Town Councils based on the impact on their precept of CTRS in their area. Again, a cross County approach was sought and after consideration it was proposed that a 15% reduction in the CTRS grant would be assumed by the Parish and Town Councils, which was in-line with the expected reduction in Rother's overall Government grant. This ensured a consistent approach and no material change in the actual Government settlement for 2014-15.

Members were advised that the Revenue Budget continued to be under pressure and an approximate £400,000 underspend was expected. Additional cost control measures would be examined to identify areas / priorities where further savings could be achieved to maintain a balanced Revenue Budget.

RECOMMENDED: That:

- 1) the revised Capital Programme shown at Appendix B be approved;
- 2) the 2013-4 Council Tax Reduction Scheme remain the same for 2014-15;

***RESOLVED:** That:

- 3) the proposed approach to setting the grant for the Council Tax Reduction Scheme for Parish and Town Councils as set out in this report be approved; and
- 4) it be noted that the Council's Local Authority Mortgage Scheme be deferred indefinitely.

* The **RESOLVED** part of this minute is subject to the call-in procedure under Rule 16 of the Overview and Scrutiny Procedure Rules.

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 13 November 2013.

CB13/49. **SCRAP METAL DEALERS ACT 2013**
(6.1)

Cabinet received and considered Minute S13/23 arising from the Licensing and General Purposes Committee (L&GP) meeting held on 10 October 2013. The L&GP Committee had given consideration to the Council's obligations that were required as part of the new Scrap Metal Dealers Act 2013 which was designed to control the sale and disposal of metal to help prevent metal thefts and was applicable to both scrap metal merchants and motor vehicle operators.

Under the Act the Council would be required to issue licences and take enforcement action when necessary. The application process would also involve disclosure of any previous criminal convictions and the Police and Environment Agency would also be consulted.

The Act would come into force between 1 September and 1 December 2013 and although the L&GP Committee had granted officers delegated authority to deal with the issuing, transfer and variation of licences and to take enforcement action, the setting of the level of the fees was an executive function.

Members noted that the Council was not permitted to make a profit from the fees charged for issuing the Licence and the proposed fees would be reviewed after a year to ensure that they were set at the correct level and to ensure that the Council recouped its costs.

RESOLVED: That the fee for scrap metal site and mobile collector licence be set at £230 for a grant and £140 for a renewal and variation and £50 for a transfer.

CB13/50.
(7.1)

RYE CIVIL PARISH COUNCIL'S NEIGHBOURHOOD AREA

Cabinet received and considered the report of the Executive Director of Business Operations on the Neighbourhood Plan for Rye Civil Parish Area.

Under the Government's Neighbourhood Planning initiative a Parish or Town Council was required to apply to their local planning authority for a designation in order to carry out a Neighbourhood Development Plan (NDP) and as such an application had been received from Rye Town Council (RTC), as a relevant body for designation.

A meeting with the Rother District Council (RDC) Portfolio Holder for Strategic Planning, RDC officers, RTC and representatives from adjacent parishes was held to discuss the production of a NDP and it was agreed that the Neighbourhood Area would be based solely on Rye's Civil Parish area. However, in order to ensure a consensus on wider issues such as employment and tourism, which were strategically important to the locality and extended beyond the scope of Rye Civil Parish, protocols would be included to ensure coordination between Rye Civil Parish and the different stakeholders from adjacent parishes. Following a discussion around the scope of the NDP and respective responsibilities, it was highlighted that the NDP would be required to conform to the Local Plan Core Strategy.

It was noted that a 7 week consultation had taken place on the proposed Neighbourhood Area between 9 August and 27 September; there had been 8 representations, of which 7 were in support and one in objection.

RDC had a duty to provide advice and support to the neighbourhood planning process and officers had already met with representatives of the RTC to discuss the preliminary stages. Planning officers would continue to liaise with RTC over the development of relevant policies, and proposals in the Neighbourhood Plan and the Council's Development and Site Allocations Plan. Expectations in relation to available officer time would need to be managed going forward in light of resources constraints. Any grant received from the government to support the cost of neighbourhood planning had already been accounted for.

In addition, Members noted that it was important to recognise that it was not appropriate to delegate major strategic development to Neighbourhood Forums as consideration in regard to the whole district and surrounding areas was essential.

RESOLVED: That the designation of Rye Civil Parish as a Neighbourhood Area for the purpose of Neighbourhood Planning be confirmed.

(Councillor Souster declared a personal interest in the matter as an elected Member of Rye Town Council and in accordance with the Members' Code of Conduct remained in the room during the consideration thereof.)

CB13/51.
(7.2)

NEW LEASE AT THE POLEGROVE TO BEXHILL CRICKET CLUB

Bexhill Cricket Club had held a lease for the Cricket Pavilion site at the Polegrove Recreation Ground since it was first constructed in 1969.

The Pavilion currently required some major works to its roof, windows and heating to enable increased use during the winter months. In addition the Club wanted to extend the current Pavilion in order to provide umpires with their own room and increase the size of the existing changing rooms enabling each one to have its own shower and toilet facility. It was noted that officers had hoped that the Cricket Club and the adjacent Bowls Club would be able to come to an agreement to share a single site facility however unfortunately this had not come to fruition.

The Cricket Club was seeking funding from a number of sources and as a consequence required a longer lease term to be able to raise the necessary funds for the proposed improvements. As the club also wished to enlarge the existing pavilion, it also needed to extend the area covered by the lease. The additional area of land was classed as public open space, its disposal by lease would be subject to the public notice requirements of section 123 of the Local Government Act and any objections would be brought before Cabinet.

The current lease had been renewed in October 2007 for a term of 23 years at a rent of £500 per annum however the club was seeking to renew the lease for a longer term of 50 years at the same rent (to be reviewed every 5 years).

Members acknowledged the achievements of the club and wished them well with their future ambitions. They supported the proposal as the club provided a much needed sporting facility.

RESOLVED: That:

- 1) the proposed disposal by lease of land at the Polegrove be advertised on two consecutive weeks as required by section 123 of the Local Government Act 1972; and
- 2) subject to completion of this process and planning approval, the existing lease to Bexhill Cricket Club be surrendered and a new lease be granted as set out in the report for a term of 50 years at a rent of £500 per annum and such other terms and conditions as the Head of Paid Service considers appropriate.

CB13/52.
(7.3)

LEASE FOR RYE CRICKET CLUB

Rye Cricket Club currently played at Rye Salts and had no lease in place for any of the facilities at the Salts. At present they shared the use of the pavilion with Rye United Football Club, used one of the storage units at the ground and also maintained the new cricket nets.

The Club had made a request to take over the running and maintenance obligations for the artificial wicket which was no longer maintained under the new Ground Maintenance Contract. As the artificial wicket, the nets and the storage unit were not covered by the Grounds Maintenance Contract it was proposed that a non-secure lease be offered to the club which included these areas.

The Cricket Club's 1st and 2nd teams had recently been promoted in the Sussex County League and Members congratulated the club on their success. It was recognised that the club would be required to upgrade and provide facilities as a result of their promotion. Cabinet supported the proposal as the club provided a much needed leisure facility.

As the cost of the maintenance would be covered by the club a peppercorn rent was agreed.

RESOLVED: That a 7 year non-secure lease be granted to Rye Cricket Club for the use of the artificial wicket, nets and storage unit at Rye Cricket Salts on the terms as set out in the report and such other terms and conditions as the Executive Director of Business Operations considers appropriate.

CB13/53.
(7.4)

HOUSING LAND SUPPLY POSITION UPDATE

Cabinet received and considered the report of the Executive Director of Business Operations which provided an update on the supply of deliverable housing land in the Rother District as at 1 October 2013.

At its meeting on 29 July Cabinet received a report and resolved that a 6 month review of the housing land supply be undertaken to ensure that the Council and in particular the Planning Committee had an up-to-date assessment of the issues which were significant in relation to the treatment of planning applications. The report highlighted that the higher housing target in the proposed Main Modifications had the effect of increasing the annual requirement to a point where as at 1 April 2013 there was less than a 5 year supply of deliverable sites and this had implications in relation to paragraph 49 of the National Planning Policy Framework (NPPF) and the determination of planning applications. In addition Policy DS4 (proposals outside development boundaries) of the adopted Local Plan (2006) could not be considered as up-to-date insofar as it gave a presumption against much housing development in the countryside and greenfield sites were at risk for being put forward for development.

However over the last 6 months, when permissions and completions were taken into account, the position had changed. There had been an increase in building activities when compared to the previous year; 83 completions had taken place between April-October and permission for a further 413 net additional dwellings had made a significant boost to the deliverable supply. There were now 1,962 dwellings on identified sites regarded as available which was 28 (1%) more than the 1,934

dwellings required to be delivered under the recently proposed housing target 2011-2028.

Members were pleased to note that as a result of this there was now sufficient supply of deliverable housing sites to meet the Core Strategy housing targets and to ensure a requisite delivery of housing in line with strategic vision for the district. Also the provisions of the NPPF paragraph 49 no longer applied and the relevant saved Local Plan policies relating to development to particular areas and to the use of 'development boundaries' could now be considered as up-to-date.

RESOLVED: That the updated housing land supply position and housing trajectory at 1 October 2013, as set out at Appendix 1 to the report, be noted and drawn to the attention of the Planning Committee

CHAIRMAN

The meeting closed at 12:00pm

cb131104.lec