

**CABINET**  
28 July 2014

Minutes of the Cabinet meeting held at the Town Hall, Bexhill-on-Sea on Monday 28 July 2014 at 11:00am.

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

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

Advisory Officers present: Executive Director of Resources, Executive Director of Business Operations, Service Manager – Finance and Welfare, Service Manager – Environmental Services and Licensing, Service Manager – Economy and Community, Service Manager – Strategy and Planning, Planning Policy Manager (in part), Programme Office and Policy Manager and Democratic Services Officer.

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Publication Date: 30 July 2014

The decisions made under PART II will come into force on 7 August unless they have been subject to the call-in procedure.

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**CB14/8. MINUTES**

The Chairman was authorised to sign the minutes of the meeting held on 30 June 2014 as a correct record of the proceedings.

**CB14/9. APOLOGIES FOR ABSENCE**

Apologies for absence were received from non-Executive Members P.R. Douart, B. Kentfield and D.W.L.M. Vereker.

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

**CB14/10. CONSULTATION ON THE PRELIMINARY DRAFT CHARGING SCHEDULE (PDCS)**  
(6.1)

Members received and considered Minute OSC14/12 arising from the Overview and Scrutiny Committee (OSC) meeting held on 21 July 2014.

Cabinet had originally considered the report on 30 June 2014 and had agreed that as this was a comprehensive and important matter that would affect Council finances and a number of house building projects

in the district in the future, that the matter should be referred to the Overview and Scrutiny Committee for further consideration. The OSC had therefore considered the report and received an updated presentation from Mark Felgate of Peter Brett Associates on the draft proposals for the introduction of a Community Infrastructure Levy (CIL) to secure financial contributions from development for infrastructure.

Following Cabinet's deliberations, one of the main issues presented to the OSC meeting was that the Bexhill Zone had been further reviewed. It was presented that due to the types of green and brownfield sites across Bexhill and for viability issues, it would be justifiable that the town be further sub-divided to reflect the higher and lower value areas in the west and east of the town. It was therefore proposed that the residential CIL charge be set at £40 per square metre for East Bexhill and £200 per square metre for West Bexhill. Members noted that the Wards would be separated as follows: West Bexhill: Collington, Kewhurst and St Marks; and East Bexhill: Central, Old Town, Sackville, Sidley, St. Michaels and St. Stephens. Cabinet were advised that it would be administratively too complicated and difficult to justify to further sub-divide the Wards.

A general discussion ensued; in terms of the charging schedule, it was widely agreed that the proposed £40 per square metre CIL charge for East Bexhill was too low and should be increased to £100 per square metre and that the West Bexhill charged be reduced to £180 per square metre. Cabinet considered that the proposed changes would be more appropriate for the different types of potential development sites located within the Wards.

Members sought clarification as to when the CIL charge would be payable. The Planning Policy Manager advised that the payment would be on commencement of the development which would either consist of a one-off or staged payment.

Assurances were given that following the consultation, there would be an opportunity for the Council to review and revise the CIL and the Regulation 123 List which detailed the infrastructure projects that would be funded through CIL and the levies proposed.

Cabinet noted the Committee's comments and agreed that by introducing a CIL charge, the Council would achieve much needed additional funding for key infrastructure projects across the district.

**RECOMMENDED:** That the following consideration of representations received, Cabinet be authorised to approve the Draft Charging Schedule for publication and submission in order to achieve an adopted Community Infrastructure Levy Charging Schedule, as amended by Spring 2015 be approved.

**\*RESOLVED:** That the Preliminary Draft Charging Schedule (PDCS) at Appendix 1 to the report, as amended, together with the Regulation 123 List at Appendix 3, be approved for consultation alongside the Infrastructure Funding Gap Analysis at Appendix 2 and the responses be reported back to a future Cabinet meeting.

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

(Councillors Davies and Maynard both declared a personal interest in this matter as Elected Members of East Sussex County Council and in accordance with the Members' Code of Conduct remained in the room during the consideration thereof).

CB14/11.  
(7.1)

## **REVENUE BUDGET AND CAPITAL PROGRAMME OUTTURN 2013/14**

The report of the Executive Director of Resources highlighted the financial performance of General Fund Services for 2013/14 compared to the various budgets at the year end and the Collection Fund. The financial performance of the Council's General Fund services in 2013/14 had resulted in a surplus of £180,000. A summary of the overall year-end financial position for the General Fund Revenue account was appended to the report for Members' consideration. The most significant variations were highlighted as follows:

- **Employee Costs – £27,000 saving:** The overall saving included meeting the redundancy costs associated with the organisations restructure. The total costs were approximately £800,000 and would deliver on-going annual savings in excess of £1m per annum.
- **Premises Costs – £65,000 saving:** This saving was related to reduced expenditure on cemeteries and public conveniences, offset partially by increased spend on the Council's investment properties.
- **Supplies and Services – £115,000 increased cost:** This funding related to an increase of £160,000 in bad debt provision for Housing Benefit overpayments. Overpayments had risen to £1.5m and it was prudent to ensure the bad debt provision was sufficient to meet the likely write-off of irrecoverable debts. Additional costs were also incurred following the engagement of a contractor (in partnership with East Sussex County Council (ESCC)) to undertake a single person discount and empty properties review. These additional costs had partly been reduced by computer licensing, telephone, paper and photocopier savings within the service.
- **Planning Income – £205,000 additional income:** The additional funding was attributed to an increase in planning fee income and an additional £53,000 generated from pre-planning advice.
- **Housing Benefit Overpayments – £387,000 additional income:** Overpayments had increased although this remained in proportion to the overall benefit spend which was in excess of £25m with £160,000 set aside for bad debt provision. Members noted that there was an ongoing issue regarding the recovery of benefit overpayments. The Service Manager – Finance and Welfare stated that the total outstanding debt was in-line with

expectations given the overall value of benefit spend; that the Council was working closely with the legal team to recover these monies; and that the Audit Committee would be kept updated on the current situation.

Members noted the analysis of earmarked reserves which had been appended to the report. Overall useable reserves had reduced by £847,000 (£308,000 earmarked and £539,000 capital receipts). In addition to making up the shortfall on investment income and meeting the costs of redundancies, reserves were used to support Corporate Projects, the local development framework and housing services e.g. homelessness.

The Collection Fund, which was operated by Rother District Council (RDC) on behalf of ESCC, RDC, Sussex Police Authority and all of the Parish and Town Councils in the RDC area, was in surplus by £560,000 as at 31 March 2014: Rother's share of this surplus was £75,000. This would form part of the future adjustments to Council Tax bills with ESCC receiving the largest part of the surplus. The provision for bad debt methodology remained as in previous years without modification and remained robust to deal with the economic climate and the final collection rate of 98.54%; which was marginally higher than the 98.5% target.

Under the new Business Rate Retention Scheme, Members noted that the Council retained approximately £2m of the total receipts. As previously reported during 2013/14, the Council made a £1m provision for the outcome of outstanding rating appeals. This was the primary reason for the Business Rate Collection Fund being in deficit by £869,000, of which Rother's share was £348,000; this would be adjusted through the 2015/16 budget. Cabinet requested that an update report on rating appeals be presented at a future Overview and Scrutiny Committee meeting.

The Council's final capital spend had been agreed, subject to any issues arising from the external audit of the Accounts. The Council had actively managed its capital spending and resources and achieved a spend of £3.5m against a final programme of £4.48m, which represented 78% of the programme.

The report outlined the Council's main variations as follows:

- Next Wave – £89,000 underspend: Final accounts were yet to be agreed and were in-line with current retention held on the main contract.
- Egerton Park EPIC – £65,000 underspend: Project was substantially completed during 2012/13, with the enhancement and sensory garden completed during 2013/14. Overall the project was £65,000 under budget.
- Land Swap: former Bexhill High School site – £899,000 underspend: Members noted that the formal exchange of the land swap with East Sussex County Council was expected to take place during 2014/15.
- Joint Waste Contract: purchase of new containers – £220,000 overspend: The Council had procured new containers for the

joint waste contract and recharged the partner authorities for their share of the costs. Additional containers were required which resulted in additional expenditure.

At the end of March 2014, the Council had £3.262m of capital resources remaining made up of £2.3m capital receipts and £0.9m capital grants. Members noted that the revised programme appended to the report fully committed the Council's capital receipts which meant that future capital investment would be reliant on external financing through a combination of grants and borrowing.

The Council had developed its Medium Term Financial Strategy in alignment with the Corporate Plan. Reserves would continue to be used to meet the effects of the financial climate on investment returns and to meet the cost of "invest to save" projects. Cabinet noted that despite the Council setting aside specific reserves to deal with the continuous reduction of income, they would be depleted by 2015/16 and that it would be necessary to release further earmarked reserves to support the revenue budget.

The Council's accounts were in the process of being audited and were due for completion by the end of August. Following the audit, the Council's Statement of Accounts would be presented to the Audit Committee in September.

Rother's Finance team were thanked by the Members for their hard work and the Service Managers congratulated on the savings achieved.

**RECOMMENDED:** That the Capital programme amended as shown in Appendix D to the report be approved.

**\*RESOLVED:** That:

- 1) the provisional outturn position for 2013/14 be noted; and
- 2) the surplus on the General Fund be transferred to the Medium Term Financial Strategy Reserve.

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

(When it first became apparent Councillor Maynard 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).

CB14/12.  
(7.2)

#### **POLICY AND PROCEDURE FOR PERSISTENT UNREASONABLE AND VEXATIOUS COMPLAINANTS**

Consideration was given to report of the Executive Director of Resources regarding the policy and procedure for persistent unreasonable and vexatious complainants. A policy which protected

officers from complainants who made persistent complaints that were habitual or vexatious had been created.

Cabinet were reassured that the number of persistent complainants was low and that key frontline staff, in particular, customer service personnel, received support and appropriate training.

Members agreed that by adopting the policy, the Council would ensure that it operated a proactive and efficient approach to the management of such complainants.

**RECOMMENDED:** That the Policy and Procedure for Persistent Unreasonable and Vexatious Complainants be adopted.

CB14/13.  
(8.1)

### **ROTHER DISTRICT COUNCIL CORPORATE PLAN 2014-21**

Consideration was given to the report of the Executive Director of Business Operations on Rother District Council's Corporate Plan 2014-21. The draft Corporate Plan would focus on the delivery of 4 core aims in priority order: an Efficient, Flexible and Effective Council; Sustainable Economic Prosperity; Stronger, Safer Communities; and a Quality Physical Environment.

A 6-week consultation period had been completed which allowed all relevant groups and interested parties to comment on the plan through an on-line survey, letters and emails, presentations and workshops. The Plan had received widespread support and all responses received were considered when developing the final draft document, which had been appended to the report.

Cabinet noted that the Corporate Plan would be delivered through a programme framework of priority projects. A number of the projects would require capital resources to achieve implementation. The current approved programme fully committed the Council's capital receipts and therefore future capital investment would be reliant on external financing through a combination of grants and borrowing.

The Corporate Plan set the strategic direction and planned approach to delivering progress against the vision for the district for the next seven years. It was important that the Council had a clear direction and purpose in which to meet residents' needs and to run efficient and effective services.

**RECOMMENDED:** That the draft Rother District Council Corporate Plan 2014-21 be approved.

**PART II – EXECUTIVE DECISIONS** – subject to the call-in procedure under Rule 16 of the Overview and Scrutiny Procedure Rules by no later than 4:00pm on 6 August 2014.

CB14/14.  
(6.2)

#### **ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

Members received and considered Minute OSC14/14 arising from the Overview and Scrutiny Committee (OSC) meeting held on 21 July 2014. The OSC had considered a report on the Anti-Social Behaviour, Crime and Policing Act 2014 along with consideration of setting an appropriate threshold for a 'Community Trigger' (CT).

The Service Manager – Environmental Services and Licensing advised that the county wide threshold had been proposed as no higher than three complaints in the previous six-month period through any agency.

Cabinet noted that Members' would be kept abreast of all CT cases through the annual report of the Overview and Scrutiny Committee acting as the statutory Crime and Disorder Committee.

**RESOLVED:** That the 'Community Trigger' for Rother be agreed and set at no higher than three complaints in the previous six-month period through any agency.

CB14/15.  
(8.2)

#### **ROTHER DISTRICT COUNCILLOR REPRESENTATION ON THE HASTINGS AND ROTHER QUALITY BUS PARTNERSHIP**

The Hastings Quality Bus Partnership was established in 2002 under a voluntary partnership agreement between East Sussex County Council (ESCC), Hastings Borough Council and Stagecoach to improve bus services in the town. A voluntary forum where all the stakeholders with responsibilities that impacted on the quality of bus service delivery agreed common objectives and took responsibility for those factors under their control to improve punctuality and journey times.

The proposal was to extend the current arrangement to immediately incorporate Bexhill with Battle, Rye and rural Rother to follow at a later stage. ESCC would lead the partnership with input from relevant stakeholders.

It was noted that an Executive Bexhill Town Member be appointed as Rother's representative and that they presented an annual report to the Overview and Scrutiny Committee. The extension to the partnership provided Rother with an excellent opportunity to improve bus punctuality and increase reliable journey times across the district.

**RESOLVED:** That:

- 1) the proposed expansion of the Quality Bus Partnership from Hastings into Rother be welcomed; and
- 2) Councillor M.J. Kenward be appointed to represent Rother District Council at future meetings of the Quality Bus Partnership.

(Councillor Maynard declared a personal interest in this matter as Chairman of the Quality Bus Partnership and 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).

**CHAIRMAN**

The meeting closed at 12:15pm

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1/9/2014