

## OVERVIEW AND SCRUTINY COMMITTEE

21 July 2014

Minutes of the Overview and Scrutiny Committee held at the Town Hall, Bexhill-on-Sea on Monday 21 July 2014 at 5:30pm.

Committee Members present: Councillors I.G.F. Jenkins (Chairman), Mrs M.L. Barnes (Vice-Chairman) (in part), R.K. Bird, G.S. Browne, J.J. Carroll, C.A. Clark, A.E. Davies (in part), S.H. Earl, R.V. Elliston (in part), K.M. Field (in part), Mrs B.A. George (ex-officio) (in part), P.G. Lendon, M. Mooney, Mrs S.M. Prochak, S.H. Souster, D.W.L.M. Vereker (in part), Mrs D.C. Williams and J.S. Wood.

Other Member(s) present: Councillors K.P. Dixon, A.E. Ganly (in part), Mrs J.M. Hughes, B. Kentfield (in part), C.R. Maynard (in part), P.N. Osborne (in part), R.H. Patten (in part) and M.R. Watson.

Advisory Officers present: Executive Director of Resources, Executive Director of Business Operations, Service Manager – Finance and Welfare, Service Manager – Community and Economy, Service Manager – Environmental Services and Licensing, Service Manager – Strategy and Planning, Planning Strategy and Environment Manager, DM & Strategy Principal Planning Officer, Partnerships and Community Safety Co-ordinator and Democratic Services Officer.

Also present: Mark Felgate – Peter Brett Associates.

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### OSC14/10. **MINUTES**

The Chairman was authorised to sign the minutes of the meeting of the Overview and Scrutiny Committee held on 16 June 2014 as a correct record of the proceedings.

### OSC14/11. **APOLOGIES**

Apologies for absence had been received from Councillors R.C. Carroll, P.R. Douart and C.N. Ramus.

### OSC14/12. **CONSULTATION ON THE PRELIMINARY DRAFT CHARGING SCHEDULE (PDCS)** (5.1)

Members received and considered Minute CB14/5 arising from the Cabinet meeting held on 30 June 2014. Cabinet had considered a report and received a presentation on the draft proposals for the introduction of a Community Infrastructure Levy (CIL) to secure financial contributions from development for infrastructure. Cabinet 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, the matter should be referred to the

Overview and Scrutiny Committee for further consideration. Mark Felgate of Peter Brett Associates attended the meeting to present a clear explanation on the process, outlining the advantages of CIL for Rother and the conclusions of the Viability Assessment. A copy of the original report, along with an updated presentation was provided for the Committees' consideration.

During the presentation and a detailed debate afterwards, the following comments / points were noted:

- Not a compulsory scheme, however, it was being strongly promoted by the Government; anticipated the majority of local authorities would introduce a CIL charge.
- There would be limits on the scope for raising monies via s106 contributions which was due to come into effect in April 2015.
- The CIL was effectively a tax set locally. It was expected that, as the costs were known upfront, it would be factored in to the cost of the land. In effect the landowner would absorb the cost of the CIL and this was unlikely to be added to the cost of new houses built.
- CIL would not be a complete replacement for s106 Agreements, which would still be used for more site-specific infrastructure and affordable housing, but would provide the Council with the opportunity to significantly increase funding for infrastructure.
- 5% of CIL could be used for administration costs.
- CIL would help bridge any gap between funding needed for infrastructure to support development and growth and funds received from other sources.
- CIL receipts were charged at a rate based on floor space level; all dwellings were liable to pay a CIL, however, affordable housing, self builds, other buildings with floor space under 100sqm and developments for charitable purposes would be exempt.
- It was important to have deliverable plans to help area growth and set the right level of CIL for the identified geographical zones across the district.
- The Viability Assessment had looked at the Land Registry to establish the value of the land. Postcode banding was used and the highest prices were in the north and west of the district, lowest in coastal areas (mainly Bexhill) and Rye and Battle were in the middle.
- Land values were one factor in determining CIL levels, but the types of sites coming forward also affected what could be charged. A range of different development situations were examined and tested across the district e.g. green and brownfield sites, retail and housing.
- In the Viability Assessment, Rother had been split into four charging zones; Zone 4 being Bexhill. Following Cabinet's discussion, it was considered justifiable that Bexhill be further split to reflect the higher and lower value areas in the west and east of the town, respectively.
- The recommended residential CIL charges per square metre would be: strategic sites £100; East Bexhill £40; West Bexhill



£200; Battle, Rural North and West £240; and Rye, Hastings Fringe, Rural South and East £160.

- The recommended non-residential CIL charges per square metre would be e.g. retail, care homes, hotels etc: in centre convenience £100; out of centre convenience £120; out of centre comparison £250; and all other development £0.
- The CIL would be payable on commencement of the development; either a one-off or staged payment.
- Councillor Field felt that Battle could be losing potential receipts due to Blackfriars only being liable for £100sqm. The explanation was that this was a key site with abnormal topographical development costs. It was noted that the levy for the strategic sites would be reviewed before the final draft CIL was set.
- It was expected that annual CIL receipts would amount to £2.5m per year, compared to £1m s106 receipts in the last 4 years to the Council (of which a large proportion was from the Marks and Spencer scheme).
- Parish and Town Councils could receive 15% (or 25% in the case of those Parishes with a Neighbourhood Plan) of CIL receipts for the developments within their parish boundary.
- Parish and Town Councils would not have to identify specific projects but the CIL was for infrastructure and could cover maintenance of existing infrastructure.
- As Bexhill was not parished, all CIL receipts from development in the town would come to the Council for allocation.
- Concerns were aired that CIL receipts raised in Bexhill would be spent on projects across the district and, conversely that the majority of projects eligible for funding were in or around Bexhill. It was clarified that Bexhill had the greatest amount of growth and that it was only to be expected that the majority of infrastructure projects would be located in the town. However, for the whole district, spending should be based on the need for the infrastructure to support sustainable growth.
- Concern was expressed by some Members that CIL money would predominately go to East Sussex County Council at the expense of Rother.
- Developments submitted prior to the introduction of the CIL scheme would be subject to s106 Agreements.
- It was clarified that all of the surrounding local authorities (with the exception of Hastings Borough Council) were at an advanced stage of setting their CIL.

The Planning Strategy and Environment Manager advised that a CIL charging authority had to prepare a Regulation 123 List setting out the infrastructure projects that would be funded through CIL receipts. The Regulation 123 List would be subject to periodic review, as would the CIL itself. It was clarified that Members would decide on the allocation of funding for priority projects across the district and requested that a special meeting be set up for the Bexhill Members to review and provide input to the Regulation 123 List.



Clarification was sought on the 6-week consultation process and what that would entail. All key consultees e.g. Parish and Town Councils, organisations, community groups and partners would be contacted, public notices would be displayed and all relevant information uploaded onto the Council's website. Members also requested that the information be forwarded to the Rother Association of Local Councils.

The Committee agreed that by introducing a CIL charge, the Council would achieve much needed additional funding for key infrastructure projects across the district.

**RESOLVED:** That Cabinet be requested to consider the comments of the Overview and Scrutiny Committee as set out above when making its recommendation to Council on a Community Infrastructure Levy.

(Councillors Clark, Davies and Maynard each 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).

OSC14/13. **THIRD SECTOR SERVICE LEVEL AGREEMENTS**  
(5.2)

Members received the report of the Executive Director of Business Operations on the Third Sector Service Level Agreements. Rother District Council had developed a strong track record of working productively with a number of local charitable, not-for-profit organisations delivering services to those in need in the community. These organisations were collectively referred to as third sector in recognition of their distinct governance arrangements from both the public and private sectors. There was a need to review the value for money proposition of relationships with a number of local third sector organisations once current agreements expired.

In order that proper consideration could be given to a number of agreements due to expire in March 2015, it was proposed that a small Task and Finish Group be formed to assist with this task. The Terms of Reference (ToR) for this group and list of organisations were appended to the report at Appendices 1 and 2 respectively.

The Committee agreed that each organisation provided an essential service to the community which complemented and supported the Council's strategic goals and statutory duties. Members requested that the ToR be updated to increase the membership criteria from three to four. It was noted that a report would be presented to the Committee in November 2014.

**RESOLVED:** That:

- 1) a small Task and Finish Group be set up comprising Councillors Mrs M.L. Barnes, K.P. Dixon, D.B. Oliver and M.R. Watson to consider the future of a number of agreements with organisations due to expire in March 2015;
- 2) the Terms of Reference be amended, as agreed; and



- 3) the Task and Finish Group report to this Committee in November 2014.

OSC14/14. **ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**  
(5.3)

Consideration was given to the report of the Executive Director of Business Operations on the Anti-Social Behaviour, Crime and Policing Act 2014.

The Act was due to come into force in October 2014; it placed new duties on the Council to tackle Anti-Social Behaviour (ASB), working co-operatively with the police, social landlords and other agencies. ASB was a broad term used to describe the day-to-day incidents of crime, nuisance and disorder that effected people's lives e.g. litter, vandalism, public drunkenness, aggressive dogs and noisy abusive neighbours.

Members noted that there were eight new legislative powers: Injunctions to Prevent Nuisance; Criminal Behaviour Orders; Dispersal Powers; Community Protection Notices; Public Spaces Protection Orders; Closure Notices; Community Remedies; and Miscellaneous. The Service Manager – Environmental Services and Licensing gave a brief outline of each power; more detailed descriptions were identified in Appendix A which had been appended to the report.

The Partnerships and Community Safety Co-ordinator advised that the Council would need to agree an appropriate threshold for a 'Community Trigger' (CT). The Committee noted that the threshold for the CT for Sussex, Brighton and Hove was to be proposed to the Police and Crime Commissioner (PCC); current guidance was no higher than three complaints in the previous six-month period through any agency. It would be important to operate a consistent and shared approach across the County. The CT gave victims the ability to request a review of their case, where the locally defined threshold was met. Local Partner agencies currently engaged in dealing with ASB in Rother were the Council, the police, the clinical commission group and registered providers of social housing who operated a shared process. It was considered sensible to utilise the existing process for High Risk of Harm cases reviewed under the ASB Risk Assessment Committee (ASBRAC) to review each case. Formal guidance was still awaited therefore slight amendments to the proposals might be required. Members would be kept abreast of all CT cases through the annual report of the Crime and Disorder Committee; the next report was due to be presented to the Committee in March 2015.

Members requested updates on ASB cases, where these included criminal offences and where the police were unable to provide details during the investigation process. The Partnerships and Community Safety Co-ordinator agreed to provide updates to Members on request.

**RESOLVED:** That Cabinet be requested to consider the comments of the Overview and Scrutiny Committee as set out above when setting the appropriate level for the 'Community Trigger'.



OSC14/15. **STANDARDISATION OF FORMAL COUNCIL MEETING DAYS**  
(6.1)

The Committee noted that the Member Development Task Group (MDTG) had recently considered a number of initiatives as part of the Council's strategy for attracting new Members; some of these had included the options to hold all formal scheduled meetings on a set day of the week (Mondays) and standardising the start time of all evening meetings to 6:30pm.

A feasibility study had been completed to consider the practicalities, in consultation with key service officers and others on whom the change would impact (printing services, facilities management, etc.). Following consideration and the implications, the MDTG agreed to recommend that all Council meetings (with the exception of the Planning Committee) be held on a Monday.

Members were generally supportive of the recommendation and agreed, in principle that, by holding all meetings on a set day of the week, that this had the potential to encourage new candidates and existing Councillors to re-stand for election in May 2015. Members also agreed to standardising the start time of all evening meetings to 6:30pm. However, they felt it was appropriate that the ultimate decision be made by the newly elected Council in May 2015 with implementation from May 2016.

**RESOLVED:** That as part of the Council's strategy in attracting new Members that Cabinet be requested to support, in principle, that:

- 1) all formal scheduled meetings be held on a Monday (except Planning Committee);
- 2) all evening meetings start at 6:30pm; and
- 3) the ultimate decision be made by the newly elected Council in May 2015 with implementation from May 2016.

OSC14/16. **DEVOLUTION OF ASSETS**  
(6.2)

The Committee considered the report of the Executive Director of Resources which provided an update on the devolvment of the Council's assets.

Part of the Council's resetting agenda was to devolve assets e.g. car parks / public conveniences throughout the district to Parish and Town Councils (in rural areas) or local allotment holders/associations (in Bexhill). The aim was to reduce the costs of administering and maintaining these assets from the Council's budget. An up-to-date list of the Council's assets which had been / or were due to be devolved was appended to the report for Members' consideration.

Several rural car parks and public conveniences had yet to be progressed and Members noted that officers were currently investigating alternative uses. Further reports would be presented to

the Committee, to keep them updated on the current situation, as appropriate.

**RESOLVED:** That the report be noted.

OSC14/17. **WORK PROGRAMME**  
(6.3)

Consideration was given to the Overview and Scrutiny Committee's Work Programme. Members were reminded that any Councillor could make a request for any item to be put onto the Council's Scrutiny Committee Work Programme.

It was proposed that the 'Quality of the Public Realm' item listed under "Items for Consideration" be included within the main Work Programme. Members were concerned about the quality of the public realm managed by East Sussex County Council e.g. street signage, road markings, tree growth, weeds in pavements and general untidiness across the district. The Chairman agreed to consult with officers to seek and agree an appropriate time to add the item to the Work Programme.

**RESOLVED:** That the Work Programme, as attached at Appendix A, be agreed.



**CHAIRMAN**

The meeting closed at 8:00pm

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## OVERVIEW AND SCRUTINY COMMITTEE

WORK PROGRAMME 2014 – 2015		
DATE OF COMMITTEE	SUBJECT	TIMINGS
<b>Monday 8 September 2014</b>	<ul style="list-style-type: none"> <li>• First Quarter Progress Report for the Annual Performance Plan 2014-2015</li> <li>• Leisure Services Contract and Future Provision (or October meeting)</li> <li>• Medium Term Financial Strategy 2015-2016 to 2017-2018</li> <li>• Revenue Budget and Capital Programme reference from Cabinet, if any</li> <li>• Waste and Recycling Progress Report</li> </ul>	
<b>Monday 20 October 2014</b>	<ul style="list-style-type: none"> <li>• Communications Update</li> <li>• Housing Allocations Policy Consultation Feedback</li> <li>• Impact on Services of continued Budget Cuts</li> <li>• Joint Working Across East Sussex</li> <li>• Rail Contract 2015 (station barriers for Bexhill, Battle and Rye) [Minute S13/45 – 24 March 2014]</li> </ul>	
<b>Monday 24 November 2014</b>	<ul style="list-style-type: none"> <li>• Affordable Housing Update</li> <li>• Debt Management Policy</li> <li>• Grounds Maintenance Contract (Review)</li> <li>• Report of the SLA Task and Finish Working Group</li> <li>• Revenue Budget and Capital Programme reference from Cabinet, if any</li> <li>• Second Quarter Progress Report for the Annual Performance Plan 2014-2015</li> </ul>	
<b>Monday 26 January 2015</b>	<ul style="list-style-type: none"> <li>• Annual Performance Plan 2015-2016</li> <li>• Draft Revenue Budget Proposals 2015-2016</li> </ul>	
<b>Monday 16 March 2015</b>	<ul style="list-style-type: none"> <li>• Crime and Disorder Committee: to receive an report from the Community Safety Partnership</li> <li>• Regeneration, Tourism and Locate Funding</li> <li>• Third Quarter Progress Report for the Annual Performance Plan 2014-2015</li> </ul>	
<b>Monday 20 April 2015</b>	<ul style="list-style-type: none"> <li>• Asset Management Plan (Review)</li> <li>• Call-in and Urgency Procedures</li> <li>• Draft Annual Report to Council</li> <li>• Revenue Budget and Capital Programme reference from Cabinet, if any</li> </ul>	

## ITEMS FOR CONSIDERATION

- Civil Parking Enforcement [Minute S13/45 – 24 March 2014] – 2015-2016
- Corporate Plan – Projects Update – 2015-2016
- Quality of the Public Realm