

## Scrutiny Committee

**Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 15 July 2024 at 6.00 pm.**

### **Present:**

Councillor Kshama Shore (Chair).

Councillors Alan Shuttleworth (Deputy-Chair), Kathy Ballard, Ali Dehdashty, Jane Lamb, Hugh Parker and Robert Smart.

### **Officers in attendance:**

Philip Brown (Property Lawyer), Luke Dreeling (Performance Lead), Homira Javadi (Director of Finance and Performance (Section 151 Officer)), Nick Peeters (Committee Officer), Oliver Dixon (Lawyer and Data Protection Officer), Linda Farley (Assistant Director, Customer Service and Delivery), Nathan Haffenden (Assistant Director, Property and Development), Matt Hitchen (Senior Planning Policy Officer), Steven Houchin (Deputy Chief Finance Officer), Lynn Ingram (Interim Head of Financial Planning) and Marc Stephens (Interim Head of Development and Acquisitions).

### **1 Minutes of the meeting held on 5 February 2024**

**Resolved** that the minutes of the meeting held on 5 February 2024 were submitted and approved and signed as a correct record by the Chair.

### **2 Apologies for absence / declaration of substitute members**

Apologies for absence were received from Councillors Goodyear and Morris. Councillor Smart was a substitute for Councillor Goodyear.

### **3 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct**

There were none.

### **4 Questions by members of the public**

There were none.

### **5 Urgent items of business**

There were none.

### **6 Right to address the meeting/order of business**

There were no requests.

## **7 Setting the Scrutiny Committee work programme - verbal update**

The Chair, Councillor Shore, introduced the item and reminded the Committee that part of its role was to set its work programme for the year. Members requested that the following areas be considered for inclusion on the Committee's work programme:

- The Council's grounds maintenance operations and contract (including weed control, biodiversity and phosphate control).
- Scrutiny of Southern Water (including a further request for Southern Water representatives to attend a committee meeting).
- The Council's Seafront Strategy (it was noted that the Strategy was in its early stages and that there would be areas to scrutinise as it progressed).

Members noted that the scrutiny of the Council's bylaws was already included in the work programme and the Committee considered that the appointment of task to carry out further scrutiny work would be appropriate. Members also requested that reasonable timeframes be set for report production and that when scrutinising detailed and complex reports, officers use the opportunity to highlight those areas where it was felt the committee would add value through pre-scrutiny.

**Resolved** to note the Committee's work programme and agree that the areas discussed be included.

## **8 Full Council motion on Byelaws - to follow**

Oliver Dixon, Lawyer and Data Protection Officer, presented the report which provided an overview of the Council's byelaw governance. The report responds to a recent Full Council motion..... 'Eastbourne Borough Council is to continue to enforce its byelaws. The Scrutiny Committee is to consider current byelaws and make recommendations for repeal [revocation], amendments and enforcement to Full Council'. During discussion, the following points were highlighted:

- The Council did not employ enforcement officers, if required, the enforcement of byelaws would be carried out by Neighbourhood First advisors along with their other duties. Dedicated walks by the advisors were undertaken in park areas for issues such as dog-fouling, however, there were quite specific regulations around surveillance and the actual issuing of a notice. The enforcement element of byelaws was difficult as people were not required to stop, and the advisors did not have powers to stop and challenge.
- Members considered that a task and finish group should be appointed to

look at the issues and decide if the Council's byelaws were fit-for-purpose and how they fitted in with the Council's use of public space protection orders. Members also requested that the scope of the task-and-finish group's work be extended to recognise if new byelaws were needed, or whether there was a more effective model for identifying and enforcing the areas regulated by byelaws.

**Resolved to:**

- (1) note the report; and
- (2) to appoint a task and finish group to look at the issues highlighted in the report and during discussion (the membership of the Group to be confirmed following the meeting).

**9 Exclusion of the public**

The Committee was asked to enter into an private meeting to consider item 10 on the agenda Housing Development & Property Update, Bedfordwell Road Project, as the appendix to the report was exempt.

**Resolved** to enter a private meeting for the following reason:

Exempt information reason 3 – Information relating to the financial and business affairs of any particular person (including the authority holding that information).

**10 Housing Development & Property Update (to follow)**

Nathan Haffenden, Assistant Director - Property and Development, presented the report which provided an update on the Bedfordwell Road Project and sought Cabinet approval to progress delivery. During discussion, the following points were highlighted:

- The Council did not consider the site to be a viable option for private developers. Funding for the development was available to the Council, as a local authority, due to the complex nature of the site - funding that would not be available to private developers. The Council had a housing duty and a housing crisis existed in Eastbourne. Therefore, it was felt that the Council was best placed to progress the scheme, with the additional benefit that the proposals included 100% affordable housing, rather than the maximum 40% that a private developer would be obligated to include. The proposals were not driven by commercial interest, but instead, to meet housing needs in a town that was constrained in terms of site availability.
- Assumptions on borrowing for the development were that interest rates would decrease, and this assumption would be continually monitored and tested before entering into a construction contract. Additionally, the intention was for the grant funding to be used initially, thereby reducing the Council's liability. There would be savings as a result of reductions in temporary accommodation, however, these had not been built into the

financing. The Council would look at how the development could be phased and sequenced, so that finished units would become available, prior to all units being complete. This would be subject to the upgraded and incoming utilities.

- Members expressed concern at the ability of the Council to complete the development and its overall viability, and that other options for building out the scheme had not been researched. Councillor Smart asked that his opposition to the recommendations in the Cabinet report, based on his concerns that wider interest in the site (including private developers) had not been explored sufficiently, be noted.

**Resolved** to note the report.

## **11 Eastbourne Houses in Multiple Occupation - Options for Interventions**

Matthew Hitchen, Senior Planning Policy Officer, introduced the report which provided an update to Members on the findings of the Eastbourne Houses in Multiple Occupation (HMO) Study and allowed consideration of options to address impacts relating to Houses in (HMOs). During discussion, the following points were raised:

- A number of the options were already included in the team's 'toolbox' and therefore, were not needed as recommendations. The Article 4 direction would only apply from the date it became 'live' and would not be used retrospectively. Enforcement would be through the usual planning enforcement framework. There were measures other than the Article 4 Direction that could be used, such as special interim management orders and HMO forums.

The Committee requested that an update be provided to the Committee in six months' time (January 2024).

**Resolved** to note the report.

## **12 Corporate performance - quarter 4 - 2023/24**

Luke Dreeling, Performance Lead, presented the report which asked Members to consider the council's progress and performance in respect of service areas for the Fourth Quarter of the year (January-March 2024) as shown in Appendix. During discussion, the following points were highlighted:

- A number of factors had impacted on the reduction in the performance indicator for the collection of council tax, including, most significantly, the ongoing cost-of-living crisis. The Team was working with customers who contacted the Council to agree payment arrangements. The system-migration meant recovery was not possible for an eight-week period between the end of September through to the start of December. The Team was now working diligently to deal with any processing backlog. The telephone team was receiving approximately 750 calls more each week

than at the same point the previous year. The increased demand and the complexity of the calls had impacted on the length of calls; the General Election had added to the number of calls also.

- Further detail on the performance indicator for the average void relet time key-to-key would be provided to Members following the meeting.

**Resolved** to note the report.

### **13 Complaints procedure**

Linda Farley, Assistant Director Customer Service and Delivery, introduced the report which sought agreement by the Cabinet for a complaints policy. During discussion, the following points were highlighted:

- Members requested that any training focus on those service areas that received the majority of complaints and that the Committee be provided with an update after six months.

**Resolved** to note the report.

### **14 Revenue & Capital Outturn - 2023/24**

Steve Houchin, Deputy Chief Finance Officer and Lynn Ingram, Interim Head of Financial Planning, presented the report which provided an update to Members on the provisional outturn for 2023/24.

- A Member requested further detail on the additional capital financing costs of £1.1m referred to in 8.5 of the report, and a copy of the addendum from the April 2023 Cipfa report. It was agreed that these would be provided.

**Resolved** to note the report.

### **15 Verbal update on Scrutiny of Southern Water**

The Chair, Councillor Shore, introduced the update on the scrutiny of Southern Water, an item that had been retained on the Committee's work programme. During discussion, the following points were raised:

- Member felt that particular focus should be on the infrastructure of the combined sewer system in Eastbourne and what Southern Water's strategic plans were for separating rainwater from sewage in the Town. Members urged that Southern Water again be requested to attend a Scrutiny Committee meeting and that stakeholders, along with the Council's water champion, Councillor Murray, be asked to attend a future meeting to discuss the issues.

**Resolved** to note the update.

### **16 Forward Plan of Decisions**

The Chair introduced the Forward Plan of Cabinet decisions, which outlined those reports due for consideration by the Cabinet its future meetings.

**Resolved** to note the Forward Plan of Cabinet decisions.

**17 Date of the next meeting**

**Resolved** to note that the next meeting of the Scrutiny Committee is scheduled to be held on 16 September 2024 in the Court Room, Town Hall, Eastbourne commencing at 6:00pm.

The meeting ended at 8.00 pm

Councillor Kshama Shore (Chair)