

Full Council

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 15 November 2023 at 6.00 pm.

Present:

Councillor Candy Vaughan (Mayor).

Councillors Amanda Morris (Deputy Mayor), Nick Ansell, Kathy Ballard, Margaret Bannister, Colin Belsey, Daniel Butcher, Penny di Cara, Andy Collins, Ali Dehdashty, Peter Diplock, Christina Ewbank, Nigel Goodyear, Stephen Holt, Jane Lamb, Robin Maxted, Anita Mayes, Jim Murray, Hugh Parker, Pat Rodohan, Teri Sayers-Cooper, Kshama Shore, Alan Shuttleworth, David Small, Robert Smart, Colin Swansborough and Jenny Williams.

Officers in attendance:

Robert Cottrill (Chief Executive), Simon Russell (Head of Democratic Services and Monitoring Officer), Sarah Lawrence (Committee Team Manager) and Kate Slattery (Head of Legal Services).

28 Minutes of the meeting held on 26 July 2023

The minutes of the meeting held on 26 July 2023 were confirmed as a correct record.

29 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 (please see note at end of agenda).

No declarations of interest were made.

30 Mayor's announcements.

The Council received a list of the Mayor's engagements carried out since the last Full Council meeting. The Mayor highlighted in particular meeting with Geoff Wayne at the LTA County Cup Finals, the excellence of the Invisible Man performance at the Devonshire Quarter, the opening of a Recovery Café in North Street, the 150 year anniversary of Cavendish Hotel, that the Deputy Mayor had attended the Ukrainian Independence Day Fundraiser, and the recent Remembrance Services.

31 Minute of Silence

The Mayor advised that since the last meeting of the Council, the Council had received news that former Councillors Leonard Smith and Brian Jones had died.

In addition, the Mayor stated that in the light of recent Remembrance Events, Councillor thoughts were with those who had lost their lives in wars, and were continuing to do so in ongoing conflicts, such as in Ukraine and the Middle East. The Mayor advised that the Council would be hosting a peace vigil at the Town Hall in the near future.

The Council then held a minute of silence.

32 Notification of apologies for absence.

There were no apologies for absence.

33 Public right of address.

The Mayor confirmed that three members of the public had requested to speak, and would be called on to speak at the start of the relevant agenda item:

- Mr Jeremy Sandle and Professor Nigel Harper had registered to speak on Agenda Item 10(d) 'Motion on Bylaws'.
- Ms Dorit Wolff had registered to speak on Agenda item 10 (e) 'Motion – Holocaust Memorial Day'.

34 Order of business.

The Mayor advised that she would be changing the order of business to take the Motions 10e and 10d ahead of the other Motions as part of Item 10 to prioritise those with public speakers.

35 Matters referred from Cabinet or other council bodies.

35a Updating and Alignment of the Scheme of Delegations to Officers

Councillor Holt moved and Councillor di Cara seconded the recommendations of the report of the Monitoring Officer on updating and aligning the Scheme of Delegations to Officers.

In moving the report, Councillor Holt extended his thanks to the Councillors who had considered the revised scheme as part of the Constitution Working Group and the Audit and Governance Committee.

The recommendations were put to a vote and carried.

RESOLVED (unanimously)

- (1) To consider the draft updated and aligned Scheme at report Appendix 1 and approve all council delegations; and
- (2) To note Cabinet's approval of all executive delegations.

35b Housing delivery and asset update

Councillor Diplock moved and Councillor Holt seconded the recommendations

from the Cabinet meeting on 20 September 2023 in relation to a new build and acquisitions budget.

In supporting the recommendations several Councillors highlighted that the Council had brought forward affordable social schemes every year over the last five years and highlighted the quality of the builds.

The recommendations were put to a vote and carried.

RESOLVED (unanimously) – To approve an increase of £2.41m to the existing new build and acquisitions budget within the 2023/24 HRA Capital Programme, totalling a new budget of £10.81m, to facilitate and be funded by new government grants.

35c War Pensions and Armed Forces Compensation Policy

Councillor Maxted moved and Councillor Belsey seconded the recommendations set out in the report in relation to disregarding, in the assessment of Housing Benefit, War Pension and Armed Forces Compensation income above the statutory disregard.

As part of supporting the recommendations, Members was asked that Officers seek ways in which to promote the policy, and work with all Councillors to encourage all those who were eligible to access this disregard.

The recommendations were put to a vote and carried.

RESOLVED (unanimously) -To agree the disregarding in full of War Pensions income and the Armed Forces Compensation income above the statutory disregard in the assessment of Housing Benefit.

36 Members' Allowances Scheme - Report of the Independent Remuneration Panel (IRP)

Councillor Holt moved a recommendation to accept the Independent Remuneration Panel's recommendation in relation to the Members' Allowance Scheme in full (option 1a) as set out in the report and this was seconded by Councillor Smart. It was asked that the thanks be extended to the Panel members for their work.

The recommendation was put to a vote and carried.

RESOLVED (By 24 votes to 0, with 3 abstentions)

- (1) To consider the recommendations of the Independent Remuneration Panel as set out at appendix 1 to the report and accept the Panel's recommendation in full;
- (2) That the Head of Democratic Services (and Monitoring Officer) be authorised to make the necessary amendments (if approved) to the Council's Members' Allowances Scheme; and
- (3) That thanks be conveyed to the Panel for the work undertaken and report

produced.

37 Polling Station Review

The Council considered the report of the Head of Elections and Local Land Charges to approve the arrangements in respect of polling districts and polling places in the Borough of Eastbourne following a public consultation. Councillor Holt moved and Councillor Smart seconded the recommendations of the report.

Thanks were extended to the elections team for considering all the alternative options, and for taking into account the views received through the consultation. It was recognised that no alternative suitable venue had been found in the Old Town Ward to Eastbourne Grace Baptist Church, at the current time. In addition, it was confirmed that the polling station for Sovereign Ward remained as the Conqueror Hall, following feedback and a reduction in the cost of hire.

The recommendations were put to a vote and carried.

RESOLVED (By 24 votes to 0, with 3 abstentions)

(1) That the Acting Returning Officer's proposals as set out in the report be approved, as follows:

- To confirm the designation of the whole of each of the nine wards as the polling place. If a polling station becomes unavailable at any time, that an internal review be conducted to locate the most suitable venue to serve the voters in the area, and where only one choice is available, this mitigates the need to conduct a full public consultation.
- That there be no change any of the stations in relation to Devonshire Ward, Hampden Park Ward, Langney Ward, Meads Ward and Sovereign Ward.
- Old Town Ward - To confirm Eastbourne Grace Baptist Church, Victoria Drive as the new polling station for OTA and OTD
- Ratton Ward – To amalgamate RNA and RNB into one polling district to remain at Broadway United Church to be known as RNA. RNC to become RNB and RND to become RNC. Willingdon Golf Club to remain as the venue for the new RNB polling district.
- St Anthony's Ward - To accept St Richard's Church Hall as the new venue for SAD, to alleviate the need to close the cafe and Food Bank at Langney Village Hall on election day.
- Upperton Ward – To revert to Emmanuel Church (formerly Upperton United Reformed Church) for UPA voters, as agreed in the Polling Place Review in 2018, and St Michael and All Angels be thanked for the use of the Hub on the Hill whilst the new Church was rebuilt.

(2) That the Head of Elections and Local Land Charges, on behalf of the Returning Officer and Electoral Registration Officer, be authorised to implement the Council's decisions in respect of the review.

38 Motions.**38a Motion - Holocaust Memorial Day**

Councillor Small moved and Councillor Bannister moved the motion as set out on the agenda papers as follows:

"Eastbourne Borough Council reaffirms its support for the International Holocaust Memorial Day event and commits the council's events team to continue to offer direct support with the organisation and public engagement of the event."

The public speaker, Dorit Wolff spoke to the motion as a survivor of the holocaust and thanked the Council for its support of the Holocaust Memorial Day. It was noted that the next event was on 27 January 2024 at the Congress Theatre.

The Council debated the motion and thanked the public speaker for attending. It was agreed across the Council that it was important that the Holocaust Memorial Day continued and that the Council play a role in supporting the event. Although the change of operator at the Devonshire Quarter meant that the Council could not commit that venue, it could offer the Town Hall and continued Council officer support.

The motion was put to a vote and carried unanimously.

RESOLVED that (unanimously) - Eastbourne Borough Council reaffirms its support for the International Holocaust Memorial Day event and commits the council's events team to continue to offer direct support with the organisation and public engagement of the event.

38b Motion - Bylaws

Councillor Lamb and Councillor Goodyear moved the motion as set out on the agenda papers as follows:

"We confirm that Eastbourne Borough Council should enforce its bylaws."

Councillor Maxted moved and Councillor Holt seconded the following amendment:

"Eastbourne Borough Council **will continue to** enforce its bylaws. **We ask that the Scrutiny Committee considers the current bylaws and makes any recommendations for repeal, amendments, or enforcement to a future Full Council meeting**".

The public speakers, Jeremy Sandle and Professor Nigel Harper, each spoke in relation to the motion for three minutes, on the need for the enforcement of bylaws.

The Council considered the motion and the amendment together and thanked the public speakers for attending. It was recognised that it might be appropriate for a cross-party task group of Councillors to be involved in the review of the bylaws, but that this was within the remit of the Scrutiny Committee to determine and establish if the amendment was approved.

The amendment was put to a vote and carried by 23 votes for, 2 against and 2 abstentions.

RESOLVED that (By 23 votes to 2, with 2 abstentions) - Eastbourne Borough Council will continue to enforce its bylaws. We ask that the Scrutiny Committee considers the current bylaws and makes any recommendations for repeal, amendments, or enforcement to a future Full Council meeting.

38c **Motion - Southern Water**

Councillor Murray moved and Councillor Sayers-Cooper seconded the motion as set out in the agenda in relation to Southern Water, subject to a minor amendment to add in an additional recommendation at 3) to call on the Government, 'e) To appoint a dedicated Minister for Coastal Communities'. Councillor Murray sought and received the permission of the Council to make this amendment at the start of the discussion.

Councillor di Cara moved and Councillor Shore seconded an alternative motion as follows:

"The Government has stated that 'Climate change has led to increased rainfall and water infrastructure has not kept pace with development growth'.

The Council:

- Notes that whilst the use of Combined Storm Overflows are unacceptably high across the water industry, due to the strong action taken to date through measures such as the Environment Act and the Governments 'Plan for Water' all water companies, including Southern Water, have been required to publish Storm Overflow reduction plans. This has already seen a fall in the number and volume of overflows and lead to £7.1bn of investment in to improving the environment across the industry for the 2020-2025 period and £56bn of further investment over the next 25 years. Southern Water have committed to a record £7.8bn over the 2025-2030 period.
- Notes that in 2022, Southern Water committed to spending £50m on a number of pilot projects, including trailing nature-based solutions at the Stapleford Wasterwater Treatment Works with the ambition to cut carbon emissions and increase biodiversity. One of these pilot projects, on the Isle of Wight, saw the roll out of 6000 slow drain water butts and saw a 70% fall in the number of storm overflows releases.
- Notes that the Environment Agency's 'Environmental Resource Budget' has almost doubled in recent years, from £56 million in

2020/21 to £96m in 2022/23.

- Notes that government housing targets have been scrapped and were only relevant to local councils who had failed to maintain an up to date local plan.
- Notes the key role the Regulated Asset Base Model has played in enabling £47bn of infrastructure investment into the water industry since privatisation, that has seen supply interruptions fall 5 fold, leakage fall 3 fold and pollution entering rivers and the sea fall 85% - with 93% of bathing waters now rated good or excellent, up from 76% in 2010. The loss of the RAB model would result in either infrastructure investment having to be cut substantially or very large increases to customer bills.
- Notes that the Environment Agency already has the powers to criminally prosecute chief executives and in partnership with OFWAT is currently carrying out the largest criminal investigation into the water industry, with the government now granting OFWAT the power to issued uncapped fines.

The Council commits to:

- Creating an action plan for sustainable drainage across all council owned buildings in the borough.
- Carry out an audit of all council owned buildings to ensure their sewage systems are not 'misconnected' to the surface water system in light of the previous failures in this area.
- Officers reporting back quarterly to the scrutiny committee on their work, in conjunction with Southern Water, to tackle illegal misconnections to the surface water network.
- Working with all relevant partners to support the roll out of storm attenuation measures in Eastbourne's parks and open spaces and the roll out of 'green roofs' on Council owned buildings.
- Reaffirms its support for the Regulated Asset Base model, in line with the national policy of both the Liberal Democrat and Conservative Partys.
- Using its communication channels to promote Eastbourne's MP's campaign to roll out free slow drain water butts for residents, funded by Southern Water.
- Using all available planning powers to ensure new developments in the town offer fully sustainable drainage.
- Writes to Southern Water to outline our desire to work with them on any future pathfinder/nature-based solution pilots."

The motion and amendment were debated in full.

The amendment from Councillor di Cara was then put to a vote and lost by 8 votes for, 19 against.

The original motion as proposed by Councillor was put to a vote and carried

by 19 for votes to 8 against.

RESOLVED (By 19 votes to 8):

“Southern Water was responsible for 16,888 sewage spills in 2022, “In Eastbourne during last year alone, sewage was discharged into the sea by Southern Water for a staggering 434 hours. It is time that we hold those responsible to task for this tsunami of human waste polluting our sea water. This volume of waste and the frequency of discharges show that the discharges have become routine, rather than an emergency response to exceptional conditions.

The Government has stated that ‘Climate change has led to increased rainfall and water infrastructure has not kept pace with development growth’.

In addition to having a negative impact on local wildlife in our rivers and beaches, it is also having a devastating effect on our tourism and the health and wellbeing of our residents who use sea swimming to support their health. We must work together to hold those responsible for these travesties to account, stop allowing them to profit at our expense and ensure that they improve the infrastructure to stop this happening in the future.

The Council:

1. Calls on the Government and Southern Water to accelerate the capital programme to stop the risks of untreated sewage discharges into our rivers and seas and to stop this assault on nature, our economy and our basic human rights.
2. Calls on the Government and Southern Water to enable the widespread deployment of nature-based solutions for flood mitigation and improved water quality.
3. Calls on the Government:
 1. To ensure a better resourced Environment Agency in its role as regulator, in order that enforcement and monitoring is improved.
 2. To stop enforcing unrealistic housing numbers on local councils and force Southern Water to meet the costs of the required disposal of water from new homes once it is at street level, to improve the existing sewers to make them fit for purpose.
 3. To reform the Regulated Asset Base model, and significantly reduce the weighted, adjusted cost of Capital, to stop rate Paying households underpinning company debts.
 4. To make CEO's of water companies personally responsible for excessive sewage discharges.
 5. To appoint a dedicated Minister for Coastal Communities.
4. Asks that the Chief Executive and Leader write to relevant Government Ministers and Southern Water to call for these changes.”

(At the end of this agenda item, the Council adjourned for a 10 minute comfort break at 8.20 pm).

38d Motion - Local Plan

Councillor Shuttleworth moved and seconded by Councillor Williams the motion as set out in the agenda.

Councillor Smart moved and Councillor Small seconded an alternative motion as follows:

“This Council recognised that it has been without a Local Plan for almost 6 years since 2018. That has left it vulnerable to developers experiencing the lack of a 5 year land supply to the Planning Inspectorate.

This Council welcomes the recent Bill which abolishes mandatory housing targets and contains other progressive measures; and

This Council welcomes the Government’s introduction of ‘Commencements Notices’ that will set out the timescales for build-out and allowing planning permissions to be revoked in instances of non-compliance; and

The Council will exercise the new discretionary power to charge 100% increased Council Tax on homes that have been empty for 1 year, holiday lets and AirBnB’s.

This Council will move expeditiously to prepare a Local Plan with an increased focus on employment growth and the related profession of infrastructure, amenities and housing to meet current and future residents’ needs.

With respect to housing, the Council should declare publicly how many homes should be built.

In the specific case of the much-delayed Bedfordwell Road site, if a business case cannot be developed to justify grant funding then the Council should seek to dispose of its interest to a developer capable of delivering the affordable homes Eastbourne requires on this site.”

Councillor Shuttleworth advised that he could not support acceptance of the alternative motion without proper assessment, but that it raised a number of questions that needed to be answered. He proposed amending his motion to add an additional recommendation ‘That when bringing a report back to Cabinet on the local plan, officers consider and address the issues raised in the alternative motion’. Councillor Williams agreed to accept the amendment as seconder.

The motion (as amended) and the alternative motion were debated by the Council.

The alternative motion proposed by Councillor Smart was put to a vote and lost by 8 votes for, 19 against.

The motion as amended by Councillor Shuttleworth was put to vote and carried by 26 votes to 0, with 1 abstention.

RESOLVED (By 26 votes to 0 with 1 abstention)

'This Council recognises the work that our officers have taken in identifying all possible sites for residential development in accordance with the Government directive to meet the housing targets that they set for Eastbourne.

The Council notes that since this work was completed Michael Gove, Secretary of State for Levelling Up, Housing and Communities, has stated that it is for Local Authorities to decide on whether or not sites are included in their Local Plan.

As the current position with preparations for the Eastbourne Local Plan have reached a stage where detailed assessment of the sites identified is conducted to inform a decision on whether they should be included or excluded from the plan as it progresses:

The Council resolves to commence that work immediately, starting with the two sites closest to the Pevensey levels, giving due consideration of the impact on the drainage infrastructure and the risk of flooding with the proximity to the Pevensey Levels, site of Special Scientific Interest.

Whilst the Council recognises the need for additional housing within the Borough, in order to achieve this, the Council calls upon Government to:

- Take action to progress the development on the many sites that already have planning approval; and
- To provide the necessary grant funding to enable the development of the Bedfordwell Road site to commence."

That when bringing a report back to Cabinet on the local plan, officers consider and address the issues raised in the alternative motion proposed by Councillor Smart and as set out above'.

38e Motion - Housing and Homelessness Challenge

Councillor Diplock moved and Councillor Holt seconded the motion as set out in the agenda, in relation to the housing and homeless challenge, following on from a homelessness summit recently hosted by the Council.

Councillor Small moved and Councillor Ansell seconded an amendment to the motion, which sought to add additional actions for the Government and Council:

To amend the third sentence to state: "The net cost to the Borough has increased from £1.5m in 2021/22 and £2.2m in 2022/23, to a projected figure of well over £3m this year."

To add the following to the end of the existing motion:

"This Council urgently requests that the Government:

- Allows Councils the option to charge an additional levy on top of Council tax if local authorities are otherwise unable to meet the costs of providing temporary and emergency accommodation.

- Or alternatively, takes sufficient measures within the welfare and health systems to reduce the demand for Council homelessness prevention services.”

And the Council commits to:

- Increasing focus on employment within the draft local plan and growth strategy.
- Taking measures to bring forward the currently stalled developments at Bedfordwell Road and The Old Dairy as a matter of urgency and regrets that stronger action wasn't taken to deliver housing upon Site 7A.
- The Council notes that the wider solution to the challenge of homelessness can only come through increasing employment levels and incomes relative to housing costs. It is regretful that Eastbourne saw no increase in employment between 2010 and 2019, despite this being a time of record employment growth nationally and has averaged a net increase of 162 homes a year between 16/17 and 21/22 with less than 5% of these being affordable, despite this being a time of record house building nationally.
- The Council also notes with regret, that despite core spending power being at an 8-year high and having benefited from 1.6m and 4.9m in government grants since March 2022 to help tackle homelessness for Eastbourne Borough Council and East Sussex County Council respectively, the Council's borrowing level has risen to £181m with subsequent debt servicing costs rising several million and inviting speculation as to Councils ongoing ability to provide its services.”

The motion and amendment were debated together and in full.

The amendment proposed by Councillor Small was put to a vote and lost by 8 votes for, to 19 against.

The original motion proposed by Councillor Diplock was put to a vote and carried unanimously.

RESOLVED (unanimously) –

This Council notes:

- Local Authorities spent £1.7bn on temporary accommodation in the last financial year.
- Homeless presentations to the Borough have more than doubled over the last 3 years.
- The net cost to the Borough has increased from £1.4m in 2021/22, to a projected figure of well over £3m this year.

- Private sector rents are at their highest on record, with available housing supply at its lowest.
- Lack of secure housing has a wider socio-economic impact on health, productivity and communities.
- The recent cross-party summit hosted by this Authority alongside the District Councils' Network and attended by 158 local authorities (half of all local authorities in England) to tackle the national crisis relating to homelessness and temporary accommodation.
- Ordinary working families are caught up in a housing crisis that is no fault of theirs.

This Council urgently requests that the Government:

- Raises Local Housing Allowance rates to a level that will cover at least 30% of local market rent and commit to annual uprating.
- Provides urgent additional funding to local authorities for Discretionary Housing Payments of £100m in 2023-24 and £200m in 2024-25.
- Provides a £150m top-up to the Homelessness Prevention Grant for 2024-25.
- Reviews the cap for housing benefit subsidy rate for local authority homelessness placements.
- Develops new policy to stimulate retention and supply in the privately rented sector.
- Gives councils the long-term funding, flexibility and certainty needed to increase the supply of social housing."

39 Discussion on minutes of council bodies.

The minutes of the following Council bodies were submitted to the meeting for information:

Planning Committee – 21 August 2023
Scrutiny Committee – 18 September 2023
Cabinet – 20 September 2023 and 1 November 2023
Audit and Governance Committee – 5 October 2023

No items were called for discussion.

Councillor Holt moved and Councillor Bannister seconded acceptance of the minutes.

RESOLVED (unanimously) – That the minutes be accepted.

40 Date of Next Meeting

It was noted that the next ordinary meeting of the Full Council was scheduled for 21 February 2024 at 6 pm. In addition, the Mayor advised that a special alderman meeting would be held on 24 January 2024 at 6pm.

The meeting ended at 9.55 pm

Councillor Candy Vaughan (Mayor)