

CABINET 31 MARCH 2014

Present: Councillors Birch (in the chair), Cartwright, Chowney, Forward, Hodges, Kramer and Westley.

74. DECLARATIONS OF INTEREST

Councillors made no declarations of interest at the meeting.

75. MINUTES

RESOLVED – that the minutes of the meeting held on 3 March 2014 be approved and signed by the chair as a correct record.

RESOLVED - the chair called over the items on the agenda, under rule 13.3 the recommendations set out in minute numbers 78, 79 and 82 were agreed without being called for discussion.

MATTERS FOR CABINET DECISION

76. MANAGEMENT RESPONSE TO THE SCRUTINY REVIEW OF BATHING WATER QUALITY

Councillor Rogers, as chair of the original Scrutiny review, presented the group's findings at the meeting. The Director of Regeneration then presented a report to respond to the review team's recommendations.

The European Bathing Water Directive significantly increased the standard for measuring the quality of seawater. It was important that the two designated bathing beaches in the borough met the new standard, for economic and environmental reasons.

The review team had met with the Environment Agency, Southern Water and representatives of the Clean Seas Please campaign (co-ordinated by Hastings Voluntary Action) to increase understanding of the respective roles of these agencies in protecting bathing water. Members assessed progress towards meeting the revised standards and made recommendations regarding further actions to be undertaken before the directive came into force in 2015.

The review group also considered an action plan, which identified the major areas of planned activity. The action plan included targets to trap and filter silt at Buckshole ponds in Alexandra Park, to prevent contamination reaching the outfall at Hastings beach via the Alexandra Park stream. The review team supported the work of the Bathing Water Quality Executive Delivery Group (BWQEG) in monitoring the implementation of the action plan.

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Members considered possible linkages between the council's Waste and Recycling team and efforts by the Clean Seas Please Campaign to encourage residents and business to dispose of cooking oils and greases responsibly.

The review team were thanked for their efforts, and it was recommended that the group be re-convened in November 2014, with an updated progress report submitted to Overview and Scrutiny Committee for Services.

Councillor Birch moved approval of the recommendations to the report which was seconded by Councillor Hodges.

RESOLVED (unanimously) that –

- 1) the review group's recommendations are endorsed by Cabinet;**
- 2) the review group and participants are thanked for their work and contributions, and;**
- 3) in addition to further discussion by the review group in November 2014 this matter should be discussed at Cabinet before Christmas.**

The reason for this decision was:

To respond to the Scrutiny report.

77. CORPORATE COMPLAINTS POLICY

The Chief Legal Officer presented a report on the findings from a review of the council's corporate complaints policy and to recommend that a refreshed corporate complaints policy be adopted.

A working group had been formed to review and refresh the existing corporate complaints policy, as part of the council's ongoing commitment to a customer first approach. The council was also committed to developing a customer charter as part of its customer first strategy during 2014/15.

The working group defined a complaint as "an expression of dissatisfaction with our service or staff". Consideration was given as to how the council currently explains its complaints policy, the mechanisms in place to record complaints and linkages with other processes. The working group also looked at examples of best practice from other authorities and guidance from the Local Government Ombudsman.

The recommendations of the working group were incorporated into a refreshed customer complaints policy. The policy outlined a two-tiered system, with the central registration of complaints. The policy also included revised guidance on dealing with persistent complainants. Current

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communication options would be rationalised and information on the website regarding the complaints policy would be made more accessible.

The report also set out a series of actions, which officers would undertake to support the implementation of the plan and to continue to improve the handling of, and learning from, complaints received.

Councillor Cartwright moved approval of the recommendations of the report, which was seconded by Councillor Kramer.

RESOLVED - (unanimously) that -

- 1) the refreshed Corporate Complaints Policy (including an unreasonable and unreasonably persistent complaints policy) be approved and implemented with effect from 1st April 2014;**
- 2) a programme of staff awareness and appropriate training is delivered to support the roll out of the refreshed policy, and;**
- 3) an annual report on complaint trends and responses is brought to Cabinet commencing April 2015.**

The reason for this decision was:

The existing corporate complaints system has been in operation since 2008. A detailed review of how the system is working has been undertaken, and improvements have been identified. Officers have made recommendations on refreshing the policy and also how the way complaints are captured and handled.

The council is currently strengthening its approach to customer care under its priority of Customer First, and the way we deal with complaints is a key strand of this overall approach.

There has been a rise in the level of persistent complainants who are absorbing a significant amount of officer time in re-arguing a case that the council feels has already been addressed. In order to protect individual officers and ensure that public resources are not used inappropriately, the council's 'unreasonable and unreasonably persistent complainant policy' has also been refreshed.

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MATTERS FOR COUNCIL DECISION

78. AMENDMENTS TO THE COUNCIL'S CONSTITUTION

The Chief Legal Officer submitted a report on proposed amendments to the council's constitution.

The constitution formed the basis of the council's corporate governance, and it was necessary to amend and improve the document on an ongoing basis. The amendments to the constitution included the creation of a new committee of Cabinet to consider licensing appeals arising from the Scrap Metal Dealers Act 2013, additional appendices regarding the procedure for holding a minutes silence at council meetings and awarding the honorary freedom of the borough, re-wording the sections on petitions and motions, and a sentence on mayoral expenses. The Working Arrangements Group discussed the proposed amendments at their meeting on 21 January 2014.

The amendments to the constitution would need to be agreed by full council on 16 April 2014.

RESOLVED – that –

- 1) the changes to the council's constitution are supported.**

The reason for this decision was:

The council's constitution is the basis for the council's corporate governance. It is necessary to amend and improve the document on an ongoing basis.

MATTERS FOR CABINET DECISION

**79. REGULATION 7 DIRECTION – SEAFRONT ESTATE AGENTS
BOARDS**

The Head of Regeneration and Planning Policy submitted a report which recommended that an application be made to the Secretary of State for the renewal of a direction relating to estate agents boards on the seafront.

Concerns had been expressed by the local community that the large number of estate agents boards on the seafront was having a detrimental effect on the image of the town. In 2009, the council secured a direction from the Secretary of State for not granting consent for estate agents boards to be displayed on the seafront between Grosvenor Gardens and Pelham Place, excluding a small area at Robertson Street.

The direction had worked well and had lead to a marked improvement in the appearance of the seafront area. The current direction was due to expire in November 2014; it was recommended that the council apply to the Secretary of State for the renewal of the direction on a permanent basis. The council was required to advertise its intention in the London Gazette and a local newspaper. A public consultation had been undertaken on the council's website and letters had been sent to all estate agents in the town and to relevant community groups. The results of the consultation supported an extension to the direction.

RESOLVED – that –

- 1) application be made to the Secretary of State for Communities and Local Government for the renewal of his Direction under Regulation 7 in respect of advertisements within Class 3A of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 in respect of the Hastings and St Leonards seafront on a permanent basis.**

The reason for this decision was:

The existing direction expires in November 2014.

80. STREET DRINKING ISSUES UPDATE

The Director of Environmental Services presented a report to update Cabinet on progress to address street drinking issues and associated anti-social behaviour.

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Cabinet had responded to two petitions from residents in September 2013 regarding street drinking in Central St Leonards. The council continued to work in partnership with other agencies to tackle the causes and effects of street drinking. A reduce the strength initiative was launched in January 2014, to limit the sale of strong beers, lagers and ciders to street drinkers. Moreover, Hastings had been designated as a local alcohol action area, which would enable the council and its partners to identify and implement further best practice initiatives.

Efforts were also underway to address the causes of street drinking through outreach work to rough sleepers and the provision of good access to health care services. From April 2014, the Crime Reduction Initiative (CRI) would take over alcohol services from Action for Change. It was hoped that there would be benefits from one provider delivering alcohol and drug support services in the town.

Members acknowledged that progress had been made over recent months to address street drinking issues and that the council would continue to ensure that all partner agencies were fully engaged to support the individuals involved and reduce the impact of street drinking on the local community.

Councillor Kramer moved approval of the recommendations of the report, which was seconded by Councillor Birch.

RESOLVED – (unanimously) that –

- 1) Cabinet accepts the findings of the report and endorses the work being carried out in relation to street drinking in Hastings.**

The reason for this decision was:

This is a serious issue for residents and businesses in the areas affected, and a high priority for the Council. It is hoped that the local alcohol action area initiative will help the Council and our partners to identify and implement even more best practice initiatives to address the problems associated with street drinking, and Cabinet should continue to monitor the progress of this work.

81. COMBE VALLEY COUNTRYSIDE PARK FUTURE MANAGEMENT

The Environment and Natural Resource Manager presented a report which outlined the future governance arrangements for Combe Valley Countryside Park (CVCP).

A management board, consisting of representatives of Hastings Borough Council, East Sussex County Council, Rother District Council and Crowhurst Parish Council, currently oversaw the strategic direction of CVCP.

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However, given the reduced levels of funding facing these authorities could provide in the forthcoming fiscal year, the management board had commissioned Groundwork Trust to investigate future governance and management options.

Groundwork Trust had outlined three potential management options that were available to the park; they recommended the formation of a community interest company as this would provide the greatest flexibility in the event of changing circumstances. The Groundwork Trust recommendations were supported by the Combe Valley Countryside Park management board at their meeting on 21 February 2014.

Section 106 monies from Biffa and Southern Water had been profiled to keep the park up and running through to 2016/17, whilst Groundwork Trust undertook further work to develop a community interest company. The council would host a shadow management board of elected members, until the new governance arrangements are completed.

Councillor Westley moved approval of the recommendations to the report, which was seconded by Councillor Chowney.

RESOLVED – (unanimously) that –

- 1) Cabinet support continued discussions leading toward the formation of a community interest company (CIC) to carry forward the development of the Combe Valley Countryside park, and;**
- 2) HBC assumes interim administrative support for the park project from 1 April 2014.**

Reasons for Recommendations

The future of local authorities' funding support for the park is becoming increasingly uncertain. The current park management board has recognised the need for new management and development arrangements for the Park going forward from 2014. It is the view of the management board that the creation of a community interest company will provide continuing stability for the development of the park and open up new avenues for grant funding, Section 106 planning contributions from North Bexhill and the development of income streams.

82. TENDER FOR WELFARE FUNERALS

The Head of Amenities, Resorts and Leisure submitted a report to inform Cabinet of the outcome of the tender evaluation process relating to the procurement of the welfare funeral service and to seek approval to award the contract.

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Under the Public Health (Control of Disease) Act 1984, the council had a duty to arrange welfare funerals. The council uses a funeral director to provide this service; the current contract for welfare funerals was due to expire on 31 March 2014. Through the East Sussex procurement hub, the council had tendered for a five year contract from 1 April 2014. The cost of welfare funerals may vary depending on the number of funerals and the extent to which the council can recoup costs from the estate of the deceased person.

Two tenders were received and evaluated. Tenderer 1 earned the highest score and was therefore recommended for awarding the contract.

RESOLVED – that –

- 1) Cabinet agree the appointment of contractor 1, and;**
- 2) Cabinet delegate authority to the Corporate Director of Environmental Services or his nominee to finalise details relating to the implementation of the contract.**

Reasons for Recommendations

Hastings Borough Council has a duty under the Public Health (Control of Disease) Act 1984 to arrange for the disposal of the body of any person who has died or has been found dead within the Borough where no suitable arrangements have been made by anyone else. This activity is termed a welfare funeral.

We have tendered for the provision of this service by a funeral director for a five year period commencing on 1st April 2014. This report seeks agreement to appoint the most economically advantageous tenderer.

83. MINUTES OF THE MEETING OF MUSEUMS COMMITTEE HELD ON 17 MARCH 2014

The minutes of the meeting of Museums Committee held on 17 March 2014 were submitted;

RESOLVED – that the minutes of Museums Committee held on 17 March 2014 be received.

(The chair declared the meeting closed at 7.08pm)