

Cabinet Agenda

Monday, 9 January 2017 at 6.00 pm

Aquila House, Breeds Place, Hastings, East Sussex, TN34 3UY

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1.	Apologies for Absence	
2.	Declarations of Interest	
3.	Notification of any additional items	
4.	Minutes of the meeting held on 5 December 2016	1 - 4
5.	East Sussex Building Control Shared Service (Andrew Palmer, Assistant Director Housing and Built Environment) (Cabinet Decision)	5 - 12
6.	Review of Polling Places (Christine Barkshire-Jones, Chief Legal Officer) (Council Decision)	13 - 44
7.	Housing Renewal Enforcement Policy (Andrew Palmer, Assistant Director Housing and Built Environment) (Council Decision)	45 - 58
8.	Community Partnership Funding 2017 - 2019 (Monica Adams-Acton, Assistant Director Regeneration and Culture) (Cabinet Decision)	59 - 64
9.	Additional Urgent Items (if any) Exclusion of the Public To resolve that the public be excluded from the meeting during the consideration of the items of business listed below because it is likely that if members of the public were present there would be disclosure to them of "exempt" information as defined in the paragraphs of Schedule 12A to the Local Government Act 1972 referred to in the relevant report.	

Confidential Business

10.	Resource Planning (Stephen Dodson, Transformation Manager) (Cabinet Decision)	65 - 98
11.	Procurement of Cleaning Contracts (Mike Hepworth, Assistant Director Environment and Place) (Cabinet Decision)	99 - 110

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Present: Councillors Chowney (Chair), Forward, Cartwright, Poole, Davies, Fitzgerald, Lee and Patmore

50. MINUTES OF THE MEETING HELD ON 7 NOVEMBER 2016

RESOLVED that the minutes of the meeting held on 7 November 2016 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 number 54 were agreed without being called for discussion

51. PETITION IN RELATION TO DOG CONTROL ORDERS AND PUBLIC SPACE PROTECTION ORDERS

The Environment and Natural Resources Manager presented a report in response to a petition the council had received calling for a change in the times that dogs can be exercised off leads in St Leonards Gardens.

The petition was supported by 56 signatures. The lead petitioner, Mr Andy Cullis, presented the petition to Cabinet. He explained that the petitioners were seeking for the council to allow dogs to be exercised off leads in St Leonards Gardens throughout the day from 1 October to 1 May. Under the current framework, the Dogs on Leads (Borough of Hastings) Order 2008, dogs must be kept on leads in St Leonards Gardens between 9.00am and 6.00pm every day.

The Environment and Natural Resources Manager explained that the council was currently reviewing the way it deals with dog related offences. The council intended to replace all Dog Control Orders with Public Space Protection Orders by October 2017. This proposal would be subject to a full public consultation, and the report recommended that the council did not take any immediate action to change the times for dogs exercising off leads in any parks and open spaces before the consultation had been undertaken.

Cabinet thanked the petitioners for raising this matter.

Councillor Davies proposed approval of the recommendations to the Assistant Director, Environment and Place's report, which was seconded by Councillor Cartwright.

RESOLVED (unanimously) that Cabinet:

1. Acknowledge the petition;

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2. **Recognise the council is currently working to replace Dog Control Orders with Public Space Protection Orders, and;**
3. **Inform the petitioner that no immediate action will be taken before full public consultation on Public Space Protection Orders has taken place at the appropriate time in the review**

The reason for this decision was:

The petition has been received whilst the council are in the process of changing from its current system of Dog Control Orders to Public Space Protection Orders.

Due process of review, including public consultation should be completed before action is taken on the request in the petition.

52. HASTINGS LOCAL PLAN – STATEMENT OF COMMUNITY INVOLVEMENT (SCI) UPDATE

The Assistant Director, Regeneration and Culture, presented a report to advise of updates to the Hastings Local Plan Statement of Community Involvement (SCI).

The SCI, which sets out the council's approach to community involvement and describes how and when people can get involved in both the plan making and development management process, forms part of a wider suite of documents which make up the Local Plan.

It was necessary to amend the SCI to reflect a decision made as part of the 2016/17 budget setting process, in respect of the methods the council will use to publicise planning applications. It had been agreed to replace the existing process of sending out neighbourhood notification letters with site notices, once an effective alerts and online system had been developed. The council recently launched an online self-service system, My Hastings Online, which enables interested parties to search for information about planning applications in their area and register for email updates.

Councillor Lee proposed an amendment to the SCI, seconded by Councillor Patmore, as follows:

"Amendment to statement of community involvement bullet point 1 paragraph 5.42 delete the words "and where necessary advertisements in the locally media" and add after the word " and adverts in the local media, we will also send letters of notification to owners and occupiers of neighbouring properties and have internal standards setting out how this is determined."

For ease 5.42 will now read as follows

In accordance with statutory requirements, notification of applications made to Hastings Borough Council will be done via sites notices and adverts in the local media, we will also send letters of notification to owners and occupiers of neighbouring properties and have internal standards setting out how this is determined"

The proposed amendment was lost by 2 votes for to 6 against.

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The Director of Corporate Services and Governance commented that monitoring would be undertaken on the take-up of the new online offer.

Councillor Poole proposed approval of the recommendations to the Assistant Director, Regeneration and Culture's report, which was seconded by Councillor Cartwright.

RESOLVED (by 6 votes for, 1 against with 1 abstention) that Cabinet adopts the updated SCI incorporating the changes as set out in appendix A to the Assistant Director, Regeneration and Culture's report

The reason for this decision was:

To ensure that the adopted SCI is fully up-to-date and reflects the council's current procedures relating to the publicity for applications for planning permission.

53. FINANCIAL & LEGAL BUSINESS CASE FOR LOCAL HOUSING COMPANY

The Assistant Director, Housing and Built Environment, presented a report which sought an in principle agreement to create a Housing Company, which will be wholly owned by the council.

The purpose of the Housing Company will be to generate additional income for the council. The report noted that a number of other local authorities had adopted similar models as a vehicle for property investment. The council had appointed consultants to carry out initial investigations of the legal and financial considerations involved in setting up the Housing Company. Once an in principle agreement to establish the company had been given, a detailed business case would be developed.

The Housing Company would be designed initially to acquire and provide housing for both sub-market and market rent in the Borough, but with the potential to undertake development activities (and provide housing for sale or rent) either inside or outside the Borough.

The Assistant Director, Financial Services and Revenues, said that the Audit Committee and ultimately Full Council would need to consider the appropriate level of investment in the company and the risks to the council, based on the business plan, as part of the budget setting process.

Councillor Forward proposed approval of the recommendations to the Assistant Director, Housing and Built Environment's report, which was seconded by Councillor Cartwright.

RESOLVED (by 6 votes for, 0 against, with 2 abstentions) that:

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1. The principle of establishing a local housing company is supported on the basis of the governance and constitutional arrangements set out in the Assistant Director, Housing and Built Environment's report;
2. A detailed company business plan and governance arrangements are developed for a wholly owned Housing Company and implemented subject to final approval by Full Council, and;
3. Funding from the council be determined following production of a viable and long term sustainable business plan

The reason for this decision was:

By agreeing to the recommendations, the council would be improving access to existing housing and delivering additional homes. This is key to the council's regeneration plans and there are established corporate commitments covering the council's housing and regeneration ambitions for the town.

There is also a necessity to generate new income streams to safeguard future service provision for residents, which has also been identified as a key corporate aim.

54. LAND AT CHURCHWOOD DRIVE

The Assistant Director, Financial Services and Revenues, submitted a report which sought approval to settle a rent review.

RESOLVED that the rent review be settled for the amount set out in the Assistant Director, Financial Services and Revenues, report

The reason for this decision was:

There is no evidence for increasing the rent.

(The Chair declared the meeting closed at. 6.58 pm)

Agenda Item 5



Report to: Cabinet

Date of Meeting: 9 January 2017

Report Title: East Sussex Building Control Shared Service

Report By: Andrew Palmer, Assistant Director Housing and Built Environment

Purpose of Report

The Councils Building Control functions are presently being delivered through contract by Rother District Council. The Rother / Hastings Shared Building Control Contract is due to end on the 31 March 2017 and this report sets out options for a wider East Sussex Shared Service provided by Wealden District Council.

Recommendation(s)

- 1. Subject to final negotiations to delegate to the Assistant Director Housing & Built Environment and the Assistant Director Financial Services & Revenues in consultation with the Deputy Leader of the Council to enter into a legal agreement for the delivery of Building Control Services with Wealden District Council.**

Reasons for Recommendations

Under Section 101 of the LGA 1972 one local authority may arrange for its functions to be discharged by another authority. In order to be part of an East Sussex Shared Building Control Service Members are asked to delegate negotiation of contract terms to officers.

Introduction

Existing Rother Hastings Building Control Partnership

1. In August 2011 the Council entered into an agreement with Rother District Council for Rother to provide building control services on behalf of both authorities.
2. The existing contract ends in March 2017 and officers have been discussing options with Rother District Council for continuing the service for 2017/18 and beyond. Following the loss of key staff, including the Building Control Manager, consideration has been given to the enlargement of the partnership including the possible future establishment of an arms length company that competes for commercial work and which would partly offset council costs associated with delivery of its statutory functions.
3. Parallel discussions have been taking place between officers at Wealden District Council who have been considering the future of the Wealden and Eastbourne Building Control Partnership following the introduction of the shared corporate management provision across Eastbourne Borough Council and Lewes District Council. This has presented an opportunity to look at a wider East Sussex Building Control Partnership.

Proposed East Sussex Building Control Partnership

4. The proposed East Sussex Building Control Partnership would be administered by Wealden District Council and provide building control services for all the District and Borough Councils in East Sussex. The wider shared service will achieve a number of benefits namely:
 - Increase savings due to economies of scale of service delivery.
 - Improved customer satisfaction due to consistency across a wider Local Authority area.
 - Improved resilience of staffing resources due to an increased pool of surveyors/expertise.
 - Improved staff development leading to improved retention and recruitment.
 - Better marketing and resilience to competition from the private sector.
 - Improved safety for residents/businesses due to a more stable inspection and checking regime.
5. Such an enlarged shared service, once up and running can also act as a potential first step to the objective of an arms-length wholly owned Local Authority Company, which in turn could provide more opportunities for income generation in the future.

6. In terms of staffing the current combined Local Authority staffing numbers are already below the suggested combined Shared Service due to staff losses, previous difficulties in recruitment and currently agreed/temporary working relationship between the existing Wealden and Rother Shared Services. It is envisaged therefore there will be very limited TUPE staffing risks relevant to this proposal.

Options Appraisal

7. There are 4 potential options for the provision of Building Control in Hastings going forward:
- i. Maintain the existing Shared Service with Rother – this may not be possible given that Rother has already taken the decision to join the East Sussex Shared Service.
 - ii. Bring the Building Control Service back in-house with loss of scale – this will result in increased costs and potential reduced quality of service delivery. There are also significant set up costs to this as expertise would need to be brought in set up the service and competition for Building Control staff is keen, with many skilled officers already lost to the private sector.
 - iii. Join the enlarged East Sussex Shared Building Control Service – this will facilitate improved service to customers and may in subsequent years lead to budgetary savings. This model would contain an explicit commitment to further investigate an option to move towards an arms-length company during the life of the contract
 - iv. Move directly with other East Sussex authorities to a wholly or jointly owned company. This option has effectively been ruled out by Wealden on the basis that it would be difficult in the short/medium term as there is a need for better understanding across the Shared Service authorities in relation to the further benefits, operating arrangements, legal considerations and governance of a Local Authority trading company.
8. With regard to the above option (iii) is considered to have the most cost/service benefits. Therefore officers would recommend to members option (iii) is progressed.

Financial provisions

9. The existing Rother Hastings Shared Building Control Service has varied in cost over the lifetime of the contract due to differing levels of fee earning work being secured by the partnership.

Year	Budget (inc. Recharges)	Actual Expenditure
2013/14	£56,350	£42,946
2014/15	£38,710	£36,057
2015/16	£48,310	£91,966
2016/17	£66,510	£66,510 (forecast)
2017/18	£66,590	-

10. The proposed East Sussex Shared Building Control Service proposes to operate its core (chargeable activities) function on a cost recovery basis and then non-chargeable and other building control services will be funded, at least in part, by way of a Management Fee chargeable to partner authorities. Appendix 1 sets out what are considered *chargeable services* and *non-chargeable / other services*.
11. The initial Management Fee for each partner is based on activity undertaken in 2016/17 (in the case of Hastings this is work undertaken by the Rother Hastings Partnership). At the beginning of the second year of the new East Sussex Partnership the management fees will be reviewed based on the first full year of operation of the East Sussex Partnership.
12. Any non-chargeable work undertaken will be time recorded by the partnership and the cost of this calculated based on an hourly rate. The management fee includes any of these costs up to £ 5,000. Over and above this initial £ 5,000 limit work is then directly chargeable to the respective local authority partner on a per hourly basis.
13. The proposed management fee for Hastings for 2017/18 is initially estimated to be £54,000. However, this figure is subject to final negotiation and based on activity in the present financial year (to the end of December 2016). It is proposed therefore to establish a budget for 2017/18 of £66,590. This figure includes contingencies for any increase in the management fee when finally agreed and also any additional non fee earning work carried out over and above that allowed for within the proposed management fee at set out in paragraph 12. The budget also allows for necessary partnership set up costs such as data migration costs from the Council's existing property information systems.

Timescales and next steps

14. Subject to Member approval it is envisaged that a revised Shared Service would be up and running based in Wealden with the relevant TUPE staff transferred by April 2017, together with a revised Shared Service board, new structures, job descriptions, financial arrangements agreed and published Building Regulation fees etc. The reporting lines regarding the new Shared Service would remain with the Head of Planning and Environmental Services at Wealden to ensure continuity, with any revised Shared Service still using its operating base at Wealden District Council (Hailsham).

15. A business plan has been developed by Wealden District Council which identifies how the new wider shared service will ensure it delivers cost neutral chargeable building control services. Other non-chargeable services will be delivered through a Management Fee from the other District and Borough Councils in the partnership. A breakdown of the services delivered by the service are listed in Appendix 1.

Conclusion

16. The previous success of the Wealden/Eastbourne and Rother/Hastings Shared Services suggests that an enlarged Building Control Shared Service (Option iii) will provide the most stable, cost effective and customer focused approach in the short term and helps build the foundation for a potentially next step towards an arms-length company.

Risk Management

17. Strategic management and monitoring of service delivery will be undertaken through a Shared Services Board made up of the Portfolio Holder and senior officer having responsibility for the building control function from each local authority and the Shared Services Building Control Manager. This board will maintain a risk register for the wider service.

Organisational Consequences

18. Following the commencement of the previous shared service between Rother and Hastings the Hastings Borough Council Building Control staff at that time transferred to Rother District Council. It is now proposed that these staff who are now Rother employees will be transferred to Wealden District Council.
19. Should Hastings Borough Council not join the East Sussex Building Control Partnership the staff previously transferred to Rother would not be transferred back to Hastings Borough Council. As with other professions within local government recruitment of experienced building control officers is difficult; this alongside the fact that the authority has not had any expertise in running building control services for a number of years means that commencement of a new service in Hastings would be complex and potentially costly to establish and deliver.

Wards Affected

All

Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	No
Crime and Fear of Crime (Section 17)	No
Risk Management	Yes
Environmental Issues	No
Economic/Financial Implications	Yes
Human Rights Act	No

Organisational Consequences	Yes
Local People's Views	No
Anti-Poverty	No

Additional Information

Appendix 1 – CIPFA Guidance on chargeable Building Control Services

Officer to Contact

Matthew China
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07967 058984

Establishing the building regulations chargeable costs CIPFA Guidance

Building Regulations Chargeable Activities

- Passing or rejecting plans of proposed building work deposited in accordance with section 16 of the Building Act 1984.
- Site inspections of building work in connection with plans which have been deposited in accordance with the Building Regulations 2000 (SI 2000/2531) as amended and with section 16 of the Building Act 1984.
- Site inspections in connection with building work for which a building notice has been given to the local authority in accordance with the Building Regulations 2000.
- Consideration of building work reverting to local authority control from an approved inspector.
- Consideration of an application for regularisation certificates for work carried out without the benefit of an approval under regulation 21 of the Building Regulations 2000, and the inspection of any building work to which that application applied.
- Giving substantive pre-building regulation application advice on specific chargeable functions regarding the requirements of the building regulations and associated legislation (note: the first hour of an officer's time in respect of pre-building regulation application advice is non-chargeable).

Non-chargeable Activities

- Liaison with the fire authority and other statutory authorities on a goodwill basis.
- The enforcement of those national and local acts relating to the building regulations that approved inspectors cannot undertake.
- Inspections carried out to identify unauthorised building work (excluding regularization applications), either on specific properties or on a geographical basis.
- Giving general advice on council matters to members of the public, their representatives and other council departments on any matters either by telephone or in person, including advice relating to questions asked of the need to apply for building/planning consents and on the provisions of the building regulations.
- Carrying out building regulation functions in relation to work which is aimed to provide facilities designed to secure the greater health, safety, welfare or convenience for disabled people in accordance with regulation 4 of the Building (Local Authority Charges) Regulations 2010.
- The first hour of officer's time in giving pre-building regulation application advice on specific chargeable functions regarding the requirements of the building regulations and associated legislation.

All Other Building Control Services

- Dealing with dangerous buildings
- Administration of the approved inspectors regulations (excluding work resulting from reversions).
- Issuing conditions relating to the demolition of buildings.
- Street naming and numbering.
- The provision of advice to other authorities.
- Providing advice to other council departments regarding the suitability for issuing grant payments.
- Carrying out audits in relation to fire, energy, access for disabled people or public safety issues.
- Administration/enforcement of safety at sports grounds legislation.
- Work associated with the administration and enforcement of a competent persons scheme.
- Providing information as part of local land charges searches.
- Monitoring of planning conditions.
- The enforcement of local or national legislation.
- Providing a service under the provisions of the Construction (Design and Management) Regulations 2007 (SI 2007/320).
- The administration of overlapping duties with other council services, eg development control, highways, environmental health, trading standards.
- Carrying out administrative procedures required (by statute) of local authorities only.
- Work to satisfy the Citizens Charter expectations.*
- Responding to ombudsman requirements and recommendations in relation to the administration of building control activities, including liaison with other professional disciplines within the authority to respond to public expectation of a greater all-encompassing service.*
- The preparation of committee reports and liaison with councillors.*
- Responding to the requirements and recommendations of the Audit Commission of the Wales Audit Office.*

* Unless directly relevant to the building regulations service, in which case these will be treated as non-chargeable activities.

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Report to: Cabinet

Date of Meeting: 9 January 2017

Report Title: Interim Review of Polling Places 2016

Report By: Christine Barkshire-Jones, Chief Legal Officer

Purpose of Report

To report the findings and evaluation of the recent interim review and the Acting Returning Officer's subsequent recommendations.

Recommendation(s)

1. To recommend that Council adopts the Acting Returning Officer's recommendations (as appended to this report) and publish the results of the review
2. Delegate authority to the Director of Corporate Services and Governance to amend any decisions made under this review with regard to polling places or polling stations, should there be an urgent or necessary need.

Reasons for Recommendations

Due to the changes made as part of the recent boundary review by Local Government Boundary Commission for England (LGBCE), the council must carry out an interim review of polling places. The review must incorporate the division of its parliamentary constituency area (within the borough boundary) into polling districts and the places where electors are asked to vote. The council must comply with the requirements of the Electoral Administration Act 2006 (Section 16, EAA 2006) and complete regular reviews of all polling districts and polling places. The council has a duty to ensure that the most suitable premises are used as polling places with regard to the needs of the electorate, subject to availability.

Introduction

1. The Electoral Administration Act 2006 (Section 16, EAA 2006) introduced a duty for all UK parliamentary polling districts and polling places to be reviewed by the end of 2007 and thereafter to be reviewed periodically. This did not prevent changes being made at any time between these full reviews.
2. The Council's last full review under the legislation was completed and approved in February 2013.
3. In 2014, the Local Government Boundary Commission for England (LGBCE) declared that it would be reviewing the ward boundaries within Hastings as there were discrepancies in electorate size for certain wards across the borough. This review commenced in 2015 and was completed in December 2016.
4. Within East Sussex, Wealden District Council and East Sussex County Council were also subject to a boundary review by LGBCE for their areas. As both the county council and two local authorities were subject to reviews, it was decided that the other local authorities within East Sussex (Eastbourne, Lewes and Rother) would also carry out boundary reviews in order to align the process.
5. Although the Parliamentary Order to accept the boundary changes was made in December 2016, the changes will not actually take effect until the next set of scheduled elections. For the East Sussex County Council elections, this will be May 2017 and for the Hastings Borough Council elections, the changes will take effect from May 2018.
6. Due to the differences in timescale for each set of scheduled elections, it has been necessary to create additional polling districts to ensure that, should there be any by-elections taking place before the changes come into effect, these can be run on the old boundaries. The new polling districts are not true polling districts in the sense that they will not require separate polling places, but simply a technical necessity to ensure elections can be run on either boundary in the interim period. These additional areas will form part of their new polling districts from 2018.
7. The Council must seek to ensure that, until the next full review, all electors within the borough boundary of the Hastings and Rye parliamentary constituency, have such reasonable facilities for voting as are practicable in the circumstances, and to ensure that, as far as is reasonable and practicable, the polling places are accessible to all electors, including those who are disabled
8. The arrangements made for UK parliamentary elections are also used at other elections.
9. The final proposals will be reported to Full Council on 18 January 2017. Assuming the proposals are agreed, the revised electoral register will be

published on 1 March 2017. As there are no proposed changes to polling district boundaries in this review, this will not impact on the publication date.

10. The Electoral Commission has no role in the review process itself. However, it can consider comments if people do not think the review has met the reasonable requirements of electors or taken sufficient account of the needs of disabled electors.
11. The following are not covered by the review:
 - Boundaries of UK parliamentary constituencies;
 - Borders and names of local authorities and electoral areas within local authorities; and
 - Electoral ward boundaries

The Review Process

12. The timetable for the Review is set out as:
 - Notice of start of review: Friday 14 October 2016;
 - ARO's Representations published: Friday 14 October 2016;
 - Closing date for representations: 5pm, Friday 25 November 2016;
 - Final proposals heard by Cabinet: Monday 6 January 2017;
 - Recommendations considered and decision made by Full Council: Wednesday 18 January 2017;
 - Register published Wednesday 1 March 2017
13. The council consulted the ARO, Jane Hartnell, who is also the Returning Officer for all other elections and referenda.
14. The consultation has actively sought comments from people who have particular expertise in relation to access to premises or facilities for persons who have different forms of disability. Any elector within the Hastings and Rye parliamentary constituency may make representations. Although not specifically required in law, the consultation carried out by the Council has included local political parties and elected representatives.
15. A cross party review group was set up consisting of Councillors Cartwright and Rankin. The group has met at regular intervals, has considered representations received and made site visits. Their deliberations / recommendations have been taken into account over the course of the review.
16. Electoral Services staff have visited every polling place to carry out an access audit, taking account of the needs of disabled voters. Questionnaires were also issued to each polling place under consideration, in order to provide us with a detailed overview of facilities and accessibility.

17. Following the conclusions of the review group, the council consulted the ARO. She made amendments to her original representations in view of the other representations and comments received, including the views of the review group, together with any new information received.

Use of schools / academies

18. During the course of the review, several suggestions were made regarding the use of schools (including academies) as polling stations. The review group members were especially keen to investigate this further.
19. The schools contacted were reluctant to be used as polling stations at this stage, primarily due to safeguarding issues and disruption to pupils, parents and the curriculum. Although schools are able to remain open during polling day, most will close due to the safeguarding issues as highlighted.
20. Under electoral legislation (specifically The Representation of the People Act 1983, Section 22), the ARO may make use of a room within a school that is maintained or assisted by a local authority or a school in respect of which grants are made out of moneys provided by Parliament to the person or persons responsible for the management of the school. This, in effect, means that schools can be required to make rooms available to the ARO for voting purposes, if they request it.
21. Currently, the ARO has no wish to enforce this legislation, due to the impact additional school closures has on working parents, but would like to work with schools identified as appropriate for polling stations in advance of the next full review of polling places. This would be in order to reach mutually convenient arrangements, and which give the schools appropriate notice e.g. to set in-service training days.
22. The review group understood and accepted the views of both parties and agreed to defer any further investigation until the next full review in 2018 / 2019.

Conclusion of the review / publishing stage

23. Aside from the necessity of creating new polling districts (which will be served by existing polling stations) due to the changes made as part of the LGBCE boundary review, the ARO is proposing to keep the existing polling arrangements and to make changes only where circumstances require. The changes in venues proposed are:
- Polling district N1 (St Helen's Methodist Church, The Ridge to The Bridge Community Centre, Priory Road, due to former venue out of use)
24. Throughout the review, any working papers, correspondence, etc. have been available for public inspection at the Electoral Services office. All relevant items (correspondence, representations, minutes of meetings, ARO's

proposals, a list detailing places where the results of the review have been published) will be published when the review has been completed.

25. Once the council has agreed on the proposals these will be published on the council's website.

The ARO's representations and other representations

26. In addition to contacting the various stakeholders, the council consulted the ARO for the Hastings & Rye constituency. The ARO is required to make representations to the authority and in doing so must include information as to the location of polling stations (existing or proposed) within polling places (existing or proposed). Rother District Council has consulted the ARO in respect of those wards within Rother that form part of the Hastings and Rye constituency. Rother District Council will make a decision in respect of those.

27. The ARO must also take account of the following:

- The council must seek to ensure that all electors have such reasonable facilities for voting as are practicable in the circumstances.
- The council must seek to ensure that so far as is reasonable and practicable every polling place is accessible to electors who are disabled.
- Ideally, the polling place should be in its own polling district.
- Ideally, no polling place should be shared by two wards.
- Where possible, "natural" boundaries should be used, e.g. railways, major roads, etc.
- All properties in a minor road or estate should, ideally, be in the same polling district.
- Polling places should be "logical"; that is, electors should not have to pass another polling place to get to their own polling place.

28. Appended to this report is a summary of the ARO's comments and recommendations to the authority.

29. Each polling district has one or more polling places allocated to it and the polling place is the premises, including the exterior access points, in which polling stations are situated. During this review, most existing polling places were found to be satisfactory.

30. The summary below lists those where problems have been identified or about which comments have been received. In each case every effort has been made to identify an alternative location or to resolve the problem.

31. In K2 polling district (Ore ward), the ward councillor raised concerns over the designation of the tellers area, explaining that tellers had remained inside the venue during previous elections without obstructing the process. The ARO will review the existing areas for tellers, as identified in the Code of Practice for Political Tellers, to ensure a consistent approach across all polling stations within the borough.

32. In C2 polling district (Braybrooke ward), the county councillor raised concerns over the designation of the tellers area, explaining that there were risks associated with the area designated. After consultation with the ARO, this area will be re-designated to minimise risk.
33. Numbers of tellers can vary at each polling station. Some polling places (i.e. the whole building within which a polling station is housed) have internal space which has, historically, been utilised by tellers, albeit only where they can be accommodated comfortably and without obstruction to voters. However, under no circumstances will tellers be allowed inside the polling station. This means that tellers may need to be located outside the polling place in which the polling station is located. Tellers must not obstruct access to the polling place or station, or obstruct the highway. Telling arrangements will be discussed with party agents in advance of each election, together with the existing code of conduct.
34. In B1 polling district (Baird ward), the ward councillor suggested the use of the Baird Primary Academy as an alternative venue to Elim Pentecostal Church. The ARO has investigated use of the school and has agreed to review further during the next full review in 2018 / 2019.
35. Members of the review group suggested various alternative venues as follows:
- In polling district F1 (Conquest ward), Cllr Rankin suggested the use of Little Ridge Primary Academy as an alternative to the Hastings Centre. The ARO has investigated use of the school and has agreed to review further during the next full review in 2018 / 2019;
 - In polling district G2 (Gensing ward), Cllr Rankin suggested the use of The Green Lawn Tennis Club as an alternative to St John's Church Hall, Brittany Road. The ARO investigated use of the venue, but it was agreed that the venue had issues with access and also that electors were familiar with the existing polling station.
 - In polling district L1 (St Helens ward), Cllr Rankin suggested the use of the Hastings and Bexhill Rugby Club as an alternative to Christchurch Blacklands. The venue is not available to us at the current time due to access being required through the grounds of Ark William Parker Academy. The ARO agreed to review further during the next full review in 2018 / 2019.
 - In polling district M2 (Silverhill ward), Cllr Rankin suggested the use of the Holy Redeemer Church as an alternative to St Luke's United Reformed Church Hall. The ARO investigated the use of this venue, however it was not available for use.

Challenging the outcome of the review

36. Following the conclusion of the local authority's review, certain persons have a right to make representations to the Electoral Commission. There are only

two grounds on which a representation may be made. These are that the local authority has failed to meet the reasonable requirements of the electors in the constituency and that insufficient account of accessibility to disabled persons of the polling station(s) within a polling place has been made.

37. More detailed information is available on the Electoral Commission website - www.electoralcommission.org.uk

Wards Affected

Ashdown, Baird, Braybrooke, Castle, Central St. Leonards, Conquest, Gensing, Hollington, Maze Hill, Old Hastings, Ore, Silverhill, St. Helens, Tressell, West St. Leonards, Wishing Tree

Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	Yes
Crime and Fear of Crime (Section 17)	No
Risk Management	Yes
Environmental Issues	No
Economic/Financial Implications	Yes
Human Rights Act	No
Organisational Consequences	No
Local People's Views	Yes
Anti-Poverty	No

Additional Information

Appended to this report is a summary of the ARO's comments and recommendations to the authority

Officer to Contact

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Appendix

Review of Polling Districts and Polling Places in Hastings
Interim review (October 2016 – January 2017)

Proposals document

Electorate as at **1 September 2016**

HASTINGS AND RYE CONSTITUENCY

Ashdown Ward

PD Letters	Polling Place	Electorate	Issues, Options and considerations	(Acting) Returning Officer/Local Authority Proposal	Reasons
A1	Hastings Centre, The Ridge, Hastings TN34 2SA	1,840	Situated outside of the polling district (as no suitable accommodation within). Good access. Free off-road parking for electors and excellent public transport links. Currently a dual polling station with polling district F1.	No change. Tellers' area: Outside main entrance, ensuring access to venue not blocked. If inclement weather, maximum of 2 tellers in alcove area in foyer.	Currently the most suitable venue within the immediate area. There are no issues with duality of this venue. No complaints have been made about the duality of this venue
A2	St Johns Church Room, Upper Church Road, St Leonards on Sea TN37 7BS	655	Situated within polling district. Satisfactory access. Unrestricted on-street parking and satisfactory public transport links.	No change. Tellers' area: Outside main entrance, ensuring access to venue not blocked.	Currently the most suitable venue within the polling district. No complaints have been made about this venue.
A3	Hastings Observer Building, Battle Road, St Leonards on Sea TN38 9LZ.	1,536	Situated just outside of the polling district. Free off-road parking for electors and good public transport links.	No change. Tellers' area: Outside main entrance.	Currently the most suitable venue within the immediate area.

In addition to this, it is recommended that the polling district boundaries for A1, A2 and A3 are aligned with the LGBCE proposed new ward boundary, however recognising the need to keep existing boundaries distinct for any borough by-elections held before May 2018.

Baird Ward

PD Letters	Polling Place	Electorate	Issues, Options and considerations	(Acting) Returning Officer/Local Authority Proposal	Reasons
B1	Elim Pentecostal Church, Elphinstone Avenue, Hastings TN34 2DJ	1,734	Situated within the polling district. Level access. Unrestricted on-street parking and public transport links nearby.	No change Tellers' area: Outside main entrance, ensuring access to venue not blocked.	Currently the most suitable venue within the polling district. No complaints have been made about this venue
B2	Broomgrove Community Centre, Junction Malvern Way/Chiltern Drive, Hastings TN34 3PY	1,951	Situated within the polling district. Level access and good lighting. Unrestricted on-street parking and allocated disabled parking.	No change Tellers' area: Outside main entrance, ensuring access to venue not blocked.	Currently the most suitable venue within the polling district.

In addition to this, it is recommended that the polling district boundaries for B1 and B2 are aligned with the LGBCE proposed new ward boundary, however recognising the need to keep existing boundaries distinct for any borough by-elections held before May 2018.

Braybrooke Ward

PD Letters	Polling Place	Electorate	Issues, Options and considerations	(Acting) Returning Officer/Local Authority Proposal	Reasons
C1	St Mark's United Reformed Church Hall, Hughenden Place, Hastings TN34 3TB	1,789	Situated within the polling district. Temporary lighting installed on polling day. Satisfactory access. Restricted on-street permit parking, but excellent public transport links.	No change Tellers' area: Raised patio area outside, ensuring access to venue not blocked.	No other suitable venue in polling district.
C1a* (formerly part of L2)	St Mark's United Reformed Church Hall, Hughenden Place, Hastings TN34 3TB	165	Situated within the polling district. Temporary lighting installed on polling day. Satisfactory access. Restricted on-street permit parking, but excellent public transport links.	This polling station will accommodate those electors moving into the new polling district due to the boundary changes Tellers' area: as above	No other suitable venue in polling district.
C2	Amherst Tennis Club, Amherst Gardens, Hastings TN34 1TU	1,902	Situated within the polling district. Satisfactory access (with use of ramp). Unrestricted on-street parking and public transport links in near vicinity. Temporary lighting installed on polling day.	No change Tellers' area: Outside venue, at the bottom of the entrance ramp, to side of building.	Currently the most suitable venue in polling district.
C2a* (formerly part of G1)	Amherst Tennis Club, Amherst Gardens, Hastings TN34 1TU	57	Situated within the polling district. Satisfactory access (with use of ramp). Unrestricted on-street parking and public transport links in near vicinity. Temporary lighting installed on polling day.	This polling station will accommodate those electors moving into the new polling district due to the boundary changes Tellers' area: as above	Currently the most suitable venue in polling district.

*In due course, polling districts C1a and C2a will be aligned with C1 and C2 respectively. However, until the borough elections in 2018, they will need to be kept separately as any borough by-election held prior to this date will need to be conducted in accordance with the previous ward boundaries.

In addition to this, it is recommended that the polling district boundaries for C1 and C2 are aligned with the LGBCE proposed new ward boundary, however recognising the need to keep existing boundaries distinct for any borough by-elections held before May 2018.

Castle Ward

PD Letters	Polling Place	Electorate	Issues, Options and considerations	(Acting) Returning Officer/Local Authority Proposal	Reasons
D1	His Place Church Hall, Robertson Street, Hastings TN34 1HL	1,532	Situated within polling district. Level access and good lighting. Within pedestrianised zone of town centre. Restricted on-street permit parking, but excellent public transport links.	No change Tellers' area: Outside main entrance or within outer lobby, ensuring access is not blocked.	Currently the most suitable venue within the polling district. No complaints have been made about this venue.
D2	Friends Meeting House, South Terrace, Hastings TN34 1SA	1,299	Situated within polling district. Level access and good lighting. Available on-street pay parking and excellent public transport links.	No change Tellers' area: Outside main entrance, ensuring access to venue not blocked. In inclement weather, maximum of 2 tellers in lobby area.	Currently the most suitable venue within the polling district. No complaints have been made about this venue.
D3	Mendham Memorial Hall, Vicarage Road, Hastings TN34 3LZ	1,537	Situated within polling district. Level access and good lighting. Restricted on-street permit parking, but nearby public transport links.	No change Tellers' area: Outside main entrance, ensuring access to venue not blocked. In inclement weather, maximum of 3 tellers in lobby area by staircase.	Currently the most suitable venue within the polling district. No complaints have been made about this venue.

In addition to this, it is recommended that the polling district boundaries for D1, D2 and D3 are aligned with the LGBCE proposed new ward boundary, however recognising the need to keep existing boundaries distinct for any borough by-elections held before May 2018.

Central St Leonards Ward

PD Letters	Polling Place	Electorate	Issues, Options and considerations	(Acting) Returning Officer/Local Authority Proposal	Reasons
E1	The Royal Victoria Hotel, Marina, St Leonards on Sea TN38 0BD	2,111	Situated within the polling district. Level access and good lighting. Limited on-street pay parking, allocated disabled parking and good public transport links.	No change Tellers' area: Outside main entrance, ensuring access to venue not blocked. If inclement weather, maximum of 3 tellers may stand at the back of the main reception area.	Currently the most suitable venue within the polling district. No complaints have been made about this venue
E1a* (formerly part of I1)	The Royal Victoria Hotel, Marina, St Leonards on Sea TN38 0BD	299	Situated within the polling district. Level access and good lighting. Limited on-street pay parking, allocated disabled parking and good public transport links.	This polling station will accommodate those electors moving into the new polling district due to the boundary changes Tellers' area: as above	Currently the most suitable venue within the polling district. No complaints have been made about this venue
E2	Christ Church Parish Centre, 2 Christchurch Courtyard, London Road, St Leonards on Sea TN37 6GL	1,923	Situated within the polling district. Satisfactory access (permanent ramps installed) and good lighting. Limited on-site parking, allocated disabled parking and excellent public transport links.	No change Tellers' area: Outside main entrance in courtyard area, by memorial.	Currently the most suitable venue within the polling district. No complaints have been made about this venue

*In due course, polling district E1a will be aligned with E1 polling district. However, until the borough elections in 2018, it will need to be kept separately as any borough by-election held prior to this date will need to be conducted in accordance with the previous ward boundaries.

In addition to this, it is recommended that the polling district boundaries for E1 and E2 are aligned with the LGBCE proposed new ward boundary, however recognising the need to keep existing boundaries distinct for any borough by-elections held before May 2018.

Conquest Ward

PD Letters	Polling Place	Electorate	Issues, Options and considerations	(Acting) Returning Officer/Local Authority Proposal	Reasons
F1	Hastings Centre, The Ridge, Hastings TN34 2SA.	1,548	<p>Situated within the polling district. Good access. Free off-road parking for electors and excellent public transport links.</p> <p>Currently a dual polling station with polling district A1.</p>	<p>Change to Hastings Centre, The Ridge, Hastings TN34 2SA.</p> <p>Tellers' area: Outside main entrance, ensuring access to venue not blocked. If inclement weather, maximum of 2 tellers in alcove area in foyer.</p>	<p>Situated within the polling district.</p> <p>There are excellent public transport links, also dedicated, free off-road parking for electors. The venue is modern, spacious and well lit, with no access issues.</p> <p>No complaints have been made about the duality of this venue</p>
F2	St Peter and St Paul Church Hall (entrance via Grange Avenue), Parkstone Road, Hastings TN34 2QE	2,278	<p>Situated within the polling district. Level access and good lighting. Unrestricted on-street parking and good public transport links.</p>	<p>No change</p> <p>Tellers' area: Outside main entrance, ensuring access to venue not blocked.</p>	<p>Currently the most suitable venue within the polling district.</p> <p>No complaints have been made about this venue</p>

In addition to this, it is recommended that the polling district boundaries for F1 and F2 are aligned with the LGBCE proposed new ward boundary, however recognising the need to keep existing boundaries distinct for any borough by-elections held before May 2018.

Gensing Ward

PD Letters	Polling Place	Electorate	Issues, Options and considerations	(Acting) Returning Officer/Local Authority Proposal	Reasons
G1	YMCA, The Y Sportscentre, St Paul's Road, St Leonards on Sea TN37 6RS	2,948	Situated within the polling district. There is satisfactory access, although the separate disabled access is not ideal. Public transport links in nearby vicinity.	No change Tellers' area: Outside main entrance, ensuring access to venue not blocked. If inclement weather, maximum of 2 tellers in foyer.	No other suitable venue in polling district.
G2	St John's Parish Hall, Brittany Road, St Leonards on Sea TN38 0RD	1,288	Situated within the polling district. Level access and good lighting. Unrestricted on-street parking and public transport links in near vicinity.	No change Tellers' area: Outside main entrance, ensuring access to venue not blocked.	Currently the most suitable venue within the polling district. No complaints have been made about this venue
G2a* (formerly part of M1)	St John's Parish Hall, Brittany Road, St Leonards on Sea TN38 0RD	235	Situated within the polling district. Level access and good lighting. Unrestricted on-street parking and public transport links in near vicinity.	This polling station will accommodate those electors moving into the new polling district due to the boundary changes Tellers' area: as above	Currently the most suitable venue within the polling district. No complaints have been made about this venue

*In due course, polling district G2a will be aligned with G2 polling district. However, until the borough elections in 2018, it will need to be kept separately as any borough by-election held prior to this date will need to be conducted in accordance with the previous ward boundaries.

In addition to this, it is recommended that the polling district boundaries for G1 and G2 are aligned with the LGBCE proposed new ward boundary, however recognising the need to keep existing boundaries distinct for any borough by-elections held before May 2018.

Hollington Ward

PD Letters	Polling Place	Electorate	Issues, Options and considerations	(Acting) Returning Officer/Local Authority Proposal	Reasons
H1	Robsack Community Centre, Bodiam Drive, St Leonards on Sea TN38 9TW	1,350	Situated within the polling district. Level access and good lighting. Unrestricted on-street parking and good public transport links.	No change Tellers' area: Outside main entrance, ensuring access to venue not blocked. In inclement weather, maximum of 3 tellers in foyer area.	Currently the most suitable venue within the polling district. No complaints have been made about this venue
H2	Tilekiln Community Centre, Tilebarn Road, St Leonards on Sea TN38 9PA	1,219	Situated within the polling district. Level access and good lighting. Unrestricted on-street parking and good public transport links.	No change Tellers' area: Outside main entrance (to side of path), ensuring access to venue not blocked	Currently the most suitable venue within the polling district. No complaints have been made about this venue
H3	Hollington Youth Club, 1 Wishing Tree Road North, St Leonards on Sea TN38 9LL	1,318	Situated within the polling district. Level access and good lighting. Unrestricted on-street parking and good public transport links.	No change Tellers' area: Outside main entrance on forecourt, ensuring access to venue not blocked.	Currently the most suitable venue within the polling district. No complaints have been made about this venue

In addition to this, it is recommended that the polling district boundaries for H1, H2 and H3 are aligned with the LGBCE proposed new ward boundary, however recognising the need to keep existing boundaries distinct for any borough by-elections held before May 2018.

Maze Hill Ward

PD Letters	Polling Place	Electorate	Issues, Options and considerations	(Acting) Returning Officer/Local Authority Proposal	Reasons
I1	Arthur Easton Centre, St Michael's Hospice, 25 Upper Maze Hill, St Leonards on Sea TN38 0LB	1,630	Situated within the polling district. Level access and good lighting. Limited on-street parking and public transport links in near vicinity.	No change Tellers' area: Outside main entrance under covered area. Telling must not interfere with hospice activity.	Currently the most suitable venue within the polling district.
I1a* (formerly part of G2)	Arthur Easton Centre, St Michael's Hospice, 25 Upper Maze Hill, St Leonards on Sea TN38 0LB	4	Situated within the polling district. Level access and good lighting. Limited on-street parking and public transport links in near vicinity.	This polling station will accommodate those electors moving into the new polling district due to the boundary changes Tellers' area: as above	Currently the most suitable venue within the polling district.
I2	The Taplin Centre, Healey House, 3 Upper Maze Hill, St Leonards on Sea TN38 0LQ	1,964	Situated within the adjoining polling district (I1). Level access and good lighting. Unlimited on-street parking and public transport links in near vicinity.	No change. Tellers' area: Outside main entrance on sloped drive area, ensuring access to venue not blocked.	No other suitable venue found so far within the polling district.
I2a* (formerly part of O2)	The Taplin Centre, Healey House, 3 Upper Maze Hill, St Leonards on Sea TN38 0LQ	272	Situated within the adjoining polling district (I1). Level access and good lighting. Unlimited on-street parking and public transport links in near vicinity.	This polling station will accommodate those electors moving into the new polling district due to the boundary changes Tellers' area: as above	No other suitable venue found so far within the polling district.

*In due course, polling districts I1a and I2a will be aligned with I1 and I2 respectively. However, until the borough elections in 2018, they will need to be kept separately as any borough by-election held prior to this date will need to be conducted in accordance with the previous ward boundaries.

In addition to this, it is recommended that the polling district boundaries for I1 and I2 are aligned with the LGBCE proposed new ward boundary, however recognising the need to keep existing boundaries distinct for any borough by-elections held before May 2018.

Old Hastings Ward

PD Letters	Polling Place	Electorate	Issues, Options and considerations	(Acting) Returning Officer/Local Authority Proposal	Reasons
J1	All Souls Hall, Athelstan Road, Hastings TN35 5JE	2,429	Situated within the polling district. Satisfactory access and good lighting. Limited on-street parking and public transport links in near vicinity.	No change Tellers' area: Outside main entrance, ensuring access to venue not blocked.	Currently the most suitable venue within the polling district. No complaints have been made about this venue
J2	All Saints Church Hall, All Saints Street, Hastings TN34 3BG	1,593	Situated within the polling district. Satisfactory access and good lighting. Restricted on-street permit parking and good public transport links.	No change. Tellers' area: Outside main entrance, ensuring access to venue not blocked.	Currently the most suitable venue within the polling district. No complaints have been made about this venue

In addition to this, it is recommended that the polling district boundaries for J1 and J2 are aligned with the LGBCE proposed new ward boundary, however recognising the need to keep existing boundaries distinct for any borough by-elections held before May 2018.

Ore Ward

PD Letters	Polling Place	Electorate	Issues, Options and considerations	(Acting) Returning Officer/Local Authority Proposal	Reasons
K1	Salvation Army Hall, 418 Old London Road, Hastings TN35 5BB	1,838	Situated within the polling district. Level access and good lighting. Small allocation of on-site parking and excellent public transport links.	No change Tellers' area: Outside main entrance, ensuring access to venue not blocked.	Currently the most suitable venue within the polling district. No complaints have been made about this venue
K1a* (formerly part of J1)	Salvation Army Hall, 418 Old London Road, Hastings TN35 5BB	1	Situated within the polling district. Level access and good lighting. Small allocation of on-site parking and excellent public transport links.	This polling station will accommodate those electors moving into the new polling district due to the boundary changes Tellers' area: as above	Currently the most suitable venue within the polling district. No complaints have been made about this venue
K1b* (formerly part of N1)	Salvation Army Hall, 418 Old London Road, Hastings TN35 5BB	342	Situated within the polling district. Level access and good lighting. Small allocation of on-site parking and excellent public transport links.	This polling station will accommodate those electors moving into the new polling district due to the boundary changes Tellers' area: as above	Currently the most suitable venue within the polling district. No complaints have been made about this venue
K2	Downs Farm Community Centre, Crowborough Road, Hastings TN35 5EA	1,764	Situated within the polling district. Level access and good lighting. Unrestricted parking and public transport links in near vicinity.	No change Tellers' area: Outside main entrance, ensuring access to venue not blocked.	Currently the most suitable venue within the polling district. No complaints have been made about this venue

*In due course, polling districts K1a and K1b will be aligned with K1 polling district. However, until the borough elections in 2018, they will need to be kept separately as any borough by-election held prior to this date will need to be conducted in accordance with the previous ward boundaries.

In addition to this, it is recommended that the polling district boundaries for K1 and K2 are aligned with the LGBCE proposed new ward boundary, however recognising the need to keep existing boundaries distinct for any borough by-elections held before May 2018.

St Helens Ward

PD Letters	Polling Place	Electorate	Issues, Options and considerations	(Acting) Returning Officer/Local Authority Proposal	Reasons
L1	Christ Church Blacklands Church Hall, Laton Road, Hastings TN34 2ES	2,533	Situated at the very edge of the polling district. Satisfactory access (with ramp). Unrestricted on-street parking and public transport links in near vicinity. Small lobby area for tellers.	No change Tellers' area: Maximum of 3 tellers in foyer area. No tellers to stand outside the entrance as access too narrow.	No other suitable venue within the polling district. No complaints have been made about this venue.
L2	Hastings United Football Club, Pilot Field, Elphinstone Road, Hastings TN34 2AX	1,410	Situated at the very edge of the polling district. Level access, separate entrance for wheelchair users and good lighting. Unrestricted on-street parking and good public transport links.	No change Tellers' area: Outside main entrance at bottom of ramp, ensuring access to venue not blocked.	No other suitable venue within the polling district. No complaints have been made about this venue.

In addition to this, it is recommended that the polling district boundaries for L1 and L2 are aligned with the LGBCE proposed new ward boundary, however recognising the need to keep existing boundaries distinct for any borough by-elections held before May 2018.

Silverhill Ward

PD Letters	Polling Place	Electorate	Issues, Options and considerations	(Acting) Returning Officer/Local Authority Proposal	Reasons
M1	St Luke's United Reformed Church Hall, Alma Terrace, St Leonards on Sea TN37 6QT	1,185	<p>Situated within the polling district and forms part of a dual polling place. Level access and good lighting. Limited on-street parking and good public transport links.</p> <p>It is not considered best practice to use a single premise as a dual station and we will continue to look for suitable alternatives in the M2 polling district.</p>	<p>No change</p> <p>Tellers' area: Outside main entrance, ensuring access to venue not blocked</p>	<p>Currently the most suitable venue within the polling district.</p> <p>No complaints have been made about the duality of this venue.</p>
M1a* (formerly part of P2)	St Luke's United Reformed Church Hall, Alma Terrace, St Leonards on Sea TN37 6QT	100	<p>Situated within the polling district and forms part of a dual polling place. Level access and good lighting. Limited on-street parking and good public transport links.</p> <p>It is not considered best practice to use a single premise as a dual station and we will continue to look for suitable alternatives in the M2 polling district.</p>	<p>This polling station will accommodate those electors moving into the new polling district due to the boundary changes</p> <p>Tellers' area: as above</p>	<p>Currently the most suitable venue within the polling district.</p> <p>No complaints have been made about the duality of this venue.</p>
M2	St Luke's United Reformed Church Hall, Alma Terrace, St Leonards on Sea TN37 6QT	2,030	<p>Situated outside the polling district (but within the ward boundary) and forms part of a dual polling place. Level access and good lighting. Limited on-street parking and good public transport links.</p>	<p>No change</p> <p>Tellers' area: Outside main entrance, ensuring access to venue not blocked</p>	<p>No other suitable venue within the polling district.</p> <p>No complaints have been made about the duality of this venue</p>

M2a* (formerly part of A1)	St Luke's United Reformed Church Hall, Alma Terrace, St Leonards on Sea TN37 6QT	174	<p>Situated within the polling district and forms part of a dual polling place. Level access and good lighting. Limited on-street parking and good public transport links.</p> <p>It is not considered best practice to use a single premise as a dual station and we will continue to look for suitable alternatives in the M2 polling district.</p>	<p>This polling station will accommodate those electors moving into the new polling district due to the boundary changes</p> <p>Tellers' area: as above</p>	<p>Currently the most suitable venue within the polling district.</p> <p>No complaints have been made about the duality of this venue.</p>
M2b*(formerly part of A2)	St Luke's United Reformed Church Hall, Alma Terrace, St Leonards on Sea TN37 6QT	496	<p>Situated within the polling district and forms part of a dual polling place. Level access and good lighting. Limited on-street parking and good public transport links.</p> <p>It is not considered best practice to use a single premise as a dual station and we will continue to look for suitable alternatives in the M2 polling district.</p>	<p>This polling station will accommodate those electors moving into the new polling district due to the boundary changes</p> <p>Tellers' area: as above</p>	<p>Currently the most suitable venue within the polling district.</p> <p>No complaints have been made about the duality of this venue.</p>
M2c*(formerly part of F1)	St Luke's United Reformed Church Hall, Alma Terrace, St Leonards on Sea TN37 6QT	109	<p>Situated within the polling district and forms part of a dual polling place. Level access and good lighting. Limited on-street parking and good public transport links.</p> <p>It is not considered best practice to use a single premise as a dual station and we will continue to look for suitable alternatives in the M2 polling district.</p>	<p>This polling station will accommodate those electors moving into the new polling district due to the boundary changes</p> <p>Tellers' area: as above</p>	<p>Currently the most suitable venue within the polling district.</p> <p>No complaints have been made about the duality of this venue.</p>

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*In due course, polling districts M1a, M2a, M2b and M2c will be aligned with M1 and M2 respectively. However, until the borough elections in 2018, they will need to be kept separately as any borough by-election held prior to this date will need to be conducted in accordance with the previous ward boundaries.

In addition to this, it is recommended that the polling district boundaries for M1 and M2 are aligned with the LGBCE proposed new ward boundary, however recognising the need to keep existing boundaries distinct for any borough by-elections held before May 2018.

Tressell Ward

PD Letters	Polling Place	Electorate	Issues, Options and considerations	(Acting) Returning Officer/Local Authority Proposal	Reasons
N1	St Helen's Methodist Church Room, 1 The Ridge (Entrance Clifton Road), Hastings TN34 2AA	1,146	This venue ceased to operate in September 2016, meaning a change of venue is required.	<p>Change to The Bridge Community Centre, 361 Priory Road, Hastings TN34 3NW</p> <p>Tellers' area: Outside main entrance, ensuring access to venue not blocked</p> <p>It is not considered best practice to use a single premise as a dual station and we will continue to look for suitable alternatives in the N1 polling district.</p>	<p>No other suitable venue available.</p> <p>There is unrestricted roadside parking available and good public transport links.</p> <p>The venue has been in operation for many years and is familiar within the local community, so there should be no issues with duality.</p> <p>No complaints have been made about this venue.</p>
N1a* (formerly part of J1)	St Helen's Methodist Church Room, 1 The Ridge (Entrance Clifton Road), Hastings TN34 2AA	67	This venue ceased to operate in September 2016, meaning a change of venue is required.	<p>The Bridge Community Centre, 361 Priory Road, Hastings TN34 3NW</p> <p>This polling station will accommodate those electors moving into the new polling district due to the boundary changes</p> <p>Tellers' area: as above</p> <p>It is not considered best practice to use a single premise as a dual station and we will continue to look for suitable alternatives in</p>	<p>No other suitable venue available.</p> <p>There is unrestricted roadside parking available and good public transport links.</p> <p>The venue has been in operation for many years and is familiar within the local community, so there should be no issues with duality.</p> <p>No complaints have been made about this venue.</p>

				the N1 polling district.	
N2	The Bridge Community Centre, 361 Priory Road, Hastings TN34 3NW	1,945	Situated within the polling district. Level access and good lighting, although internal areas have been re-arranged recently, causing some confusion at the last polling day. Limited on-street parking and good public transport links.	<p>No change.</p> <p>Tellers' area: Outside main entrance, ensuring access to venue not blocked</p>	<p>Currently the most suitable venue within the polling district.</p> <p>There is unrestricted roadside parking available and good public transport links.</p> <p>The venue has been in operation for many years and is familiar within the local community, so there should be no issues with duality.</p> <p>No complaints have been made about this venue.</p>
N2a* (formerly part of D3)	The Bridge Community Centre, 361 Priory Road, Hastings TN34 3NW	63	Situated within the polling district. Level access and good lighting, although internal areas have been re-arranged recently, causing some confusion at the last polling day. Limited on-street parking and good public transport links.	<p>This polling station will accommodate those electors moving into the new polling district due to the boundary changes</p> <p>Tellers' area: as above</p>	<p>Currently the most suitable venue within the polling district.</p> <p>There is unrestricted roadside parking available and good public transport links.</p> <p>The venue has been in operation for many years and is familiar within the local community, so there should be no issues with duality.</p> <p>No complaints have been made about this venue.</p>
N2b* (formerly	The Bridge Community Centre, 361 Priory Road,	239	Situated within the polling district. Level access and	This polling station will accommodate those	Currently the most suitable venue within the polling

part of J1)	Hastings TN34 3NW		good lighting, although internal areas have been re-arranged recently, causing some confusion at the last polling day. Limited on-street parking and good public transport links.	electors moving into the new polling district due to the boundary changes Tellers' area: as above	<p>district.</p> <p>There is unrestricted roadside parking available and good public transport links.</p> <p>The venue has been in operation for many years and is familiar within the local community, so there should be no issues with duality.</p> <p>No complaints have been made about this venue.</p>
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*In due course, polling districts N1a, N2a and N2b will be aligned with N1 and N2 respectively. However, until the borough elections in 2018, they will need to be kept separately as any borough by-election held prior to this date will need to be conducted in accordance with the previous ward boundaries.

In addition to this, it is recommended that the polling district boundaries for N1 and N2 are aligned with the LGBCE proposed new ward boundary, however recognising the need to keep existing boundaries distinct for any borough by-elections held before May 2018.

West St Leonards Ward

PD Letters	Polling Place	Electorate	Issues, Options and considerations	(Acting) Returning Officer/Local Authority Proposal	Reasons
O1	West St Leonards Community Centre, 130 Bexhill Road, St Leonards on Sea TN38 8BL	2,064	Situated within the polling district. Level access and good lighting. Limited on-street parking and satisfactory public transport links.	No change Tellers' area: Outside main entrance, ensuring access to venue not blocked	No other suitable venue in polling district. No complaints have been made about this venue.
O2	West St Leonards Primary Academy, West St Leonards School, Harley Shute Road, St Leonards on Sea TN38 8BX	1,618	Situated within the polling district. Level access but external lighting and electronic gate access needs to be addressed as inconsistent. Unrestricted on-site parking and satisfactory public transport links.	No change Tellers' area: Outside main entrance, ensuring access to venue not blocked	No other suitable venue within the polling district. No complaints have been made about this venue.

In addition to this, it is recommended that the polling district boundaries for O1 and O2 are aligned with the LGBCE proposed new ward boundary, however recognising the need to keep existing boundaries distinct for any borough by-elections held before May 2018.

Wishing Tree Ward

PD Letters	Polling Place	Electorate	Issues, Options and considerations	(Acting) Returning Officer/Local Authority Proposal	Reasons
P1	Hollington Parish Room, 177 Wishing Tree Road, St Leonards on Sea TN38 9LD	2,321	Situated within the polling district. Level access but no external lighting other than street lighting. Limited on-street parking and satisfactory public transport links.	No change Tellers' area: Outside main entrance, ensuring access to venue not blocked. In inclement weather, maximum of 2 tellers in foyer area.	No other suitable venue within the polling district. No complaints have been made about this venue.
P1a* (formerly part of H3)	Hollington Parish Room, 177 Wishing Tree Road, St Leonards on Sea TN38 9LD	422	Situated within the polling district. Level access but no external lighting other than street lighting. Limited on-street parking and satisfactory public transport links.	This polling station will accommodate those electors moving into the new polling district due to the boundary changes Tellers' area: as above	No other suitable venue within the polling district. No complaints have been made about this venue.
P2	Four Courts Community Centre, Sydney Close, St Leonards on Sea TN38 9DD	1,499	Situated within the polling district. Level access and good lighting. On-site parking and satisfactory public transport links.	No change Tellers' area: Outside main entrance, ensuring access to venue not blocked	Currently the most suitable venue within the polling district. No complaints have been made about this venue.

*In due course, polling district P1a will be aligned with polling district P1. However, until the borough elections in 2018, it will need to be kept separately as any borough by-election held prior to this date will need to be conducted in accordance with the previous ward boundaries.

In addition to this, it is recommended that the polling district boundaries for P1 and P2 are aligned with the LGBCE proposed new ward boundary, however recognising the need to keep existing boundaries distinct for any borough by-elections held before May 2018.

Agenda Item 7



Report to: Cabinet

Date of Meeting: 9 January 2017

Report Title: Housing Renewal Enforcement Policy

Report By: Andrew Palmer
Assistant Director Housing and Built Environment

Purpose of Report

The purpose of this report is to recommend for approval an updated Housing Renewal Enforcement Policy. The enforcement policy has been updated following a review of the previously approved policy (CAP – 17 November 2014) and the need to update it with new provisions introduced by the Housing and Planning Act 2016.

Recommendation(s)

The revised Housing Renewal Enforcement Policy (December 2016) is approved.

Reasons for Recommendations

The Housing and Planning Act 2016 introduced new powers for local authorities to tackle rogue landlords. These new powers included the provision for local authorities to issue financial penalties for certain housing offences. In order to be able to issue financial penalties the Council is required to have a policy for determining the level of penalty.

Introduction

1. At its meeting of the 2 April 2013 Cabinet approved a Corporate Enforcement Policy. This corporate policy is an umbrella policy which covers all Council enforcement activity. Following this, on the 17 November 2014 CAP approved a revised, service specific, Housing Renewal Enforcement Policy (August 2014). This policy is reviewed by officers on an annual basis and adjusted to include minor revisions.
2. As a result of the introduction of new provisions in dealing with rogue landlords as brought about by the Housing and Planning Act 2016 a fuller overhaul of the policy has been undertaken.
3. An opportunity has also been taken to streamline the policy by referencing other documents (such as the Regulators Compliance Code, the Enforcement Concordat and the Councils Equalities Policy) wherever possible rather than reproducing them in full. The previous enforcement policy is available on the Council website at http://www.hastings.gov.uk/housing/improvement/housing_renewal_enforcement_policy/.

Housing and Planning Act 2016

4. The Housing and Planning Act 2016 received royal assent on the 12 May 2016. Part two of the Act is concerned with rogue landlords and property agents and introduces;
 - Civil penalties of up to £30,000
 - Extension of Rent Repayment Orders
 - Banning orders for most prolific offenders
 - Database of rogue landlords/property agents
 - Tougher fit and proper person test for landlords of licensed properties
 - Sharing data on tenancy deposit schemes with local authorities
5. The majority of these new provisions are expected to be commenced in April 2017 with the remainder in October 2017.
6. The new civil penalties allow local authorities to set a financial penalty as an alternative to prosecution for Housing Act 2004 offences (housing conditions and housing licensing). The maximum financial penalty will be £30,000 for each offence and the authority will need to apply the criminal standard of proof.
7. Local authorities will be able to retain income from the new financial penalties to use for housing related purposes, however in order to use the penalty it is required to have an adopted enforcement policy. The appendix to the Enforcement Policy sets out the principles the Council will follow when issuing financial penalties.

Housing Renewal Enforcement Policy (Revision 2017)

8. A revised and updated Housing Renewal Enforcement Policy can be found at Appendix 1. The appendix to the revised policy details the principles in determining financial penalties for housing offences.

Wards Affected

All

Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	No
Crime and Fear of Crime (Section 17)	Yes
Risk Management	No
Environmental Issues	No
Economic/Financial Implications	No
Human Rights Act	Yes
Organisational Consequences	No
Local People's Views	No
Anti-Poverty	No

Additional Information

Appendix 1 – Housing Renewal Enforcement Policy (Revision 2017)

Officer to Contact

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APPENDIX 1 – HOUSING RENEWAL ENFORCEMENT POLICY (REVISION 2017)

1. Introduction

- 1.1. The Housing Renewal Team of Hastings Borough Council aims to support the local economy and promote continuing growth whilst making sure that there is a balanced housing market that provides for a range of individual needs and income levels. The Council is committed to fair and effective enforcement, which protects both the economic interest and health and safety of the public, businesses and the environment.
- 1.2. The main objective of enforcement action is to ensure that non-compliance in the local housing market is addressed in the most effective way to ensure that compliance is achieved for the benefit of all.
- 1.3. This document sets out the enforcement policy for the Council's Housing Renewal Team when dealing with non-compliance of laws enforced by this Service. It is an appendix to the overarching Hastings Borough Council Corporate Enforcement Policy which was adopted by Cabinet in April 2013. A copy of which can be downloaded at www.hastings.gov.uk or available on request.
- 1.4. The content of the Housing Renewal Enforcement Policy has been written having regard to;
 - **The Regulators Compliance Code** – which promotes proportionate, consistent and targeted regulatory activity through transparent and effective dialogue and understanding between regulators and those they regulate. Regulators must have regard for this code when developing policies and procedures that guide their regulatory activity. A copy of the code is available on request or may be downloaded from <https://www.gov.uk/government/publications/regulators-code> . In certain situations we may decide that a provision in the Code is either not relevant or is outweighed by another provision. We will ensure that any decision to depart from the Code will be properly reasoned, based on material evidence and documented.
 - **The Enforcement Concordat** – The concordat is a voluntary, non - statutory code of practice which Hastings Borough Council has signed up to. It sets out principles with regards to good enforcement practice. The principles cover: Standards of Service and Performance, Openness, Helpfulness, Proportionality, Consistency and Complaints about Service. A copy of the Enforcement Concordat: Good Practice Guide is available on request or may be downloaded from <http://webarchive.nationalarchives.gov.uk/+/http://www.berr.gov.uk/bre/inspection-enforcement/implementing-principles/regulatory-compliance-code/enforcement/page46822.html>

2. Human Rights and Equality Issues

- 2.1. Investigations and any enforcement action will be conducted in a manner which does not conflict or undermine the fundamental principles of the Human Rights Act 1998.
- 2.2. Enforcement decisions will be fair, impartial and objective and will not be influenced by issues such as the ethnicity or national origin, gender, religious beliefs, political views or sexual orientation of the suspect, victim, witness or offender. For a copy of Hastings Borough Councils full equalities policy please go to www.hastings.gov.uk

3. Purpose and Methods of Enforcement

- 3.1. The Housing Renewal Team expects full voluntary compliance with the law. We will help owners of housing to meet their legal obligations by providing clear and concise information about what they need to do comply. However, we will not hesitate to use our enforcement powers where necessary. Formal action will be taken, including prosecution, against those who flout the law or act irresponsibly.
- 3.2. Enforcement includes any action aimed at ensuring compliance with the law. The range of action that will be considered include;
- 3.2.1. **Informal Action** – will be considered where one or more of the following circumstances apply; there is no legislative requirement to serve formal notice or order and the circumstances are not serious enough to warrant formal action; past history suggests informal action will achieve compliance; there is confidence in the management or the individual; the consequences of non-compliance will not pose a significant risk to occupiers or others.
- 3.2.2. **Serve a Statutory Notice / Order** – This will be considered where it is appropriate and where there is evidence to justify the issuing of a notice or order.

In relation to Part One offences under the Housing Act 2004 service of statutory notices / orders will be based on the hazards found and how serious they are deemed to be. This is assessed using the Housing Health Safety Rating System. The Housing Renewal Team has a legal duty to take the most appropriate course of action available in relation to category 1 hazards. This is where the risk to health and/or safety is high

There is a power for the Housing Renewal Team to deal with category 2 hazards. This is where the risk to health and/or safety is not so significant. The Housing Renewal Team will exercise this power in the following circumstances;

- Where the hazard relates to a failure of the Decent Home Standards

- Where there are category 1 hazard(s) also present at the residential unit of accommodation
- Where the category 2 hazard is progressive and will likely become a category 1 hazard unless preventative action is taken.
- Where there are a number of category 2 hazards which would present a hazard to occupiers as they moved room to room
- In other exceptional circumstances outside the scope of supplement and procedures at the discretion of the Housing Renewal Manager

Notices will include reasonable time limits having regard to the seriousness of the defects and/or contraventions.

The notice/order will contain all required information as specified by the relevant Act or Regulation. All appropriate persons will be notified of the formal action, e.g. tenants, mortgagees etc. The types of notice/order that can be issued by the Housing Renewal Team under the Housing Act 2004 include;

- Hazard Awareness Notice – notice advising the person on whom it is served of a category 1 and/or category 2 hazard at the property.
- Improvement Notice – notice requiring the person on whom it is served to take the remedial action specified in the notice in relation to the hazards found.
- Prohibition Order – an order imposing restrictions on the use of the whole or part of the property and/or who can use the property.
- Emergency Prohibition Order – same as a prohibition order but the order will take effect immediately.
- Demolition Order – an order requiring the demolition of the property.
- Declaring a Clearance Area – an area which is to be cleared of all buildings.

Other legislation is available to the Housing Renewal Team, for example the Environmental Protection Act 1990 which allows to the service of an Abatement Notice. Regardless of the legislation used the principles of this policy will be followed

3.2.3. Take Emergency Remedial Action – this will be considered where there is an imminent risk of serious harm. The Housing Renewal Team will take the action necessary to mitigate and/or remove this risk and

formal action will be taken by the Housing Renewal Team to recover the full costs incurred.

3.2.4. Suspend, revoke or refuse to renew or grant a licence or authorisation – e.g. under the Selective Licensing Regime or Houses of Multiple Occupation Licensing. This will be considered where licensing conditions are not being met.

Prospective applicants for a licence will be vetted to determine whether they are a 'Fit and Proper' person to hold a licence. Where a person is found not to be a 'Fit and Proper' person to hold a licence, this information will be stored within the Council's records and shared as necessary with other Departments and other Local Housing Authorities.

A Public Register of licensed HMOs, dwellings with interim/final/empty dwelling management orders and HMOs with temporary exemption Notices in force and will be available, upon request, for public inspection at the appropriate Council office, in line with the requirements of the legislation and guidance. If a copy of the register, in full or part is requested by a member of the public, this may be subject to a reasonable fee to cover administration costs

3.2.5. Formal (Simple) Caution – used to deal quickly and simply with less serious offences and to divert them away from the courts. There must be sufficient evidence of guilt to give a realistic prospect of conviction and the offender must formally admit to the offence. Simple cautions will be issued in accordance with the Ministry of Justice – Simple Cautions for Adult Offenders (Nov 2013) in consultation with the Councils Legal Services.

3.2.6. Issue a Civil Sanction – The Housing Renewal Team may decide to use a civil sanction in conjunction with or instead of the principle legislation it enforces. This may be considered where persons/businesses have saved costs or gained an unfair advantage through non-compliance with the law. Options available include;

- Fixed Monetary Penalty – may be considered for low level, minor instances of regulatory non-compliance. It will not be considered for more serious cases of non-compliance. A "notice of intent" will be provided to the relevant party with all information required to be provided by law, including the right to make written representations or objections. See appendix 1 for further information.
- Discretionary Requirements - can be imposed on their own or in conjunction with each other. They may be considered in response to mid to high level non-compliance with the aim of addressing offences where a greater degree of flexibility may be required. Discretionary requirements include issuing a variable monetary penalty (see appendix 1), requiring the relevant party to take certain steps to ensure the offence does not continue or reoccur,

requiring the relevant party to take steps to ensure that the position is in as far as possible restored had the offence not been committed. A “notice of intent” will be provided to the relevant party with all information required to be provided by law, including the right to make written representations or objections.

- Stop Notices – these notices perform two related functions. Firstly to prohibit an activity already in process and the second to prohibit an activity which is likely to be carried out in the future.
- Enforcement Undertakings – a formal agreement between the Council and the relevant party to undertake specific actions to avoid the future commission of the offence

3.2.7. **Penalty Charge Notices** – under various legislation the Housing Renewal Team enforce there is the ability to issue penalty charge notices to address non-compliance. How these notices will be issued and the level of penalty imposed is detailed in the Statement of Principles at Appendix 1 of this policy

3.2.8. **Prosecute** – may be considered for more serious offences. It aims to punish wrongdoing, to avoid a reoccurrence of the offence and to act as a deterrent to others. The Housing Renewal Team will take account of the Code for Crown Prosecutors

(https://www.cps.gov.uk/publications/code_for_crown_prosecutors/) and will only prosecute where;

- There is sufficient admissible and reliable evidence that the offence has been committed and there is a realistic prospect of conviction

AND

- We believe that it is in the public interest to do so.

The following factors will be considered in deciding whether or not to prosecute:

- Social, physical or economic, environmental or personal health and safety effect of the offence in order to quantify the serious nature of the offence,
- Failure to comply with the requirements of an improvement, enforcement, or prohibition notice
- failure to supply information without reasonable excuse or knowingly or recklessly supplying false or misleading information.
- Excessive or persistent breaches of regulatory requirements,
- Foreseeability of the offence and the circumstances leading to it,

- Intent of the offender, individually and/or corporate body,
- History of offending,
- Attitude of offender,
- Deterrent effect of a prosecution on the offender and others,
- Culpability of the offender,
- A history of similar offences.
- Carrying out operations without a relevant licence,
- Failure to comply or to comply adequately with formal remedial requirements,
- Obstruction of an authorised officer

The factors are not exhaustive and those that apply will depend on the particular circumstances of each case. The Housing Renewal Team will decide how important each factor is in the circumstances of each case and go on to make an overall assessment

3.2.9. Rent Repayment Order – if a landlord has been convicted of an offence under The Housing Act 2004 for failing to comply with an improvement notice, failing to comply with a prohibition order, being in control or managing an unlicensed HMO or house the Council has a power to consider an application to the First Tier Tribunal for a rent repayment order. A notice of intended proceedings will be sent to the relevant party with the required information and details of the right to make representations

3.2.10. Works in Default – may be considered as an alternative to, or in addition to prosecution. The Council will carry out the works in default and seek to recover the full and associated costs, where necessary through the Courts. This will include where applicable, administration costs and officer time. The Financial Rules and Financial Operating Procedures of the Council will be fully adhered to. Where appropriate the costs will be placed against the property as a Charge. The Council may seek to use its powers to enforce the sale of the property in order to recover the costs.

4. Proceeds of Crime

4.1. The Proceeds of Crime Act 2002 allows the courts to deprive perpetrators of criminal offences of any proceeds they have accrued as a result of their criminal activity. The Housing Renewal Team will use this legislation where appropriate and in consultation with legal services

5. Delegation & Decision Making

- 5.1. Decisions about the most appropriate enforcement action to be taken will be made in line with this policy and based on professional judgement, legal guidelines and advice, statutory codes of practice and priorities set by the Council and/or Central Government
- 5.2. The Assistant Director for Housing and Built Environment has the delegated authority in accordance with the councils Scheme of Delegation to Officers within the Councils constitution to take certain action under a range of legislation, e.g. the service of enforcement notices. The Assistant Director Housing and Built Environment appropriately delegates these powers to other Officers.
- 5.3. A decision to instigate a prosecution will be taken by the Housing Renewal Manager (as delegated by the Assistant Director Housing and Built Environment) in consultation with the Chief Legal Officer

6. Costs of Enforcement

- 6.1. The Council is able in certain circumstances to charge for enforcement action, e.g. service of an improvement notice. What can be charged for will depend on the type of action taken. Examples include; costs associated with determining whether to serve a notice, costs involved in identifying any action required and costs associated with serving a notice. When costs are to be charged an invoice will be sent to the relevant party outlining the amount to be paid, what it covers and the payment terms. The charge levied will only cover the cost of the enforcement action to the authority.
- 6.2. This is a separate payment and is not the same as a penalty charge which is issued as an enforcement mechanism to address non-compliance.

7. Appeals

- 7.1. Any person served with a notice/order has the right to appeal on any grounds set out in the legislation. The main reasons for appeal are likely to be the contents of the notice/order and the schedule of work. Appeals can also be made on the grounds that the notice/order was not served on the correct person, or that a different course of action would be more appropriate
- 7.2. Appeals regarding enforcement action under The Housing Act 2004 are made to the relevant First Tier Tribunal (Property Chamber) Further details on this process are contained in the relevant notice/order.
- 7.3. All other appeals regarding enforcement action taken should be directed to the Magistrates Court or as directed on the notice/order served.
- 7.4. The Council will rigorously defend any appeals where the notice/order has been correctly served.

8. Complaints

8.1. Hastings Borough Council provides a well-publicised, effective and timely complaints procedure. The procedure is accessible on the Council website at http://www.hastings.gov.uk/my_council/complaints/policy/. Alternatively it can be made available on request via the following contact methods;

- Community Contact Centre, Hastings Town Hall, Queens Square, Hastings, East Sussex, TN34 1TL
- Tel: 01424 451066

8.2. The complaints process is without prejudice to any formal appeal mechanisms. Where a formal appeal mechanism exists, that mechanism must be used. The complaints procedure cannot be used as a substitution for a formal legal appeal

9. Review

9.1. This Enforcement Policy shall be reviewed and amended to reflect any change in legislation, corporate policy or official guidance. Any amendment shall be in line with meeting the requirements of the legislation and the public interest. A review shall take place annually should take place annually should no other changes have occurred

Appendix 1 – Statement of Principles – Determining the Amount of a Penalty Charge

Section 3 of the Housing Renewal Enforcement Policy sets out the enforcement options available to the Housing Renewal Team when addressing non-compliance with housing legislation. All notices will include information on the reason for the penalty charge, the amount, how it can be paid, and any information required by statute. Depending on the legislation being enforced there are different penalty charges applicable.

Types of Penalty Charge

- Fixed Penalty Notice (The Regulatory Enforcement and Sanctions Act 2008)
- Variable Penalty Notice (The Regulatory Enforcement and Sanctions Act 2008)
- Penalty Charge Notice (The Smoke and Carbon Monoxide Alarm Regulations 2015)
- Penalty Charge Notice (Section 249A) The Housing Act 2004 introduced by (The Housing and Planning Act 2016)

Determining the Amount of a Penalty Charge

Where the Council is satisfied it has evidence of regulatory non-compliance and the breach allows for the Council to require the offender to pay a penalty charge the amount will be determined using the following principles.

- Consideration will first be given to the application of the maximum penalty charge allowable for the offence in question.
- The specific circumstances of the offence(s) will then be considered to assess whether applying the maximum penalty is reasonable and proportionate. Whilst each situation will be viewed individually the following factors will be considered;
 - The seriousness of the offence (within the context of issuing a penalty charge)
 - The level/amount of non-compliance found
 - Financial benefit gained by offender of the non-compliance
 - Financial loss to others as a result of offender's non compliance
 - Attitude of offender
 - Maximum criminal fine a magistrate's court could impose having consideration to any relevant sentencing guidelines

The factors are not exhaustive and those that apply will depend on the particular circumstances of each case. The Housing Renewal Team will decide how important each factor is in the circumstances of each case and go on to make an overall assessment.

- Any mitigating factors will then be considered (if applicable). Where present, each applicable mitigating factor is awarded a percentage reduction. Where a factor is not present or there is insufficient evidence, the score will be 0%. These percentage scores are then added together and applied to the maximum penalty applicable for the offence. The normal maximum deduction that can be applied will be 90%.
 - Internal failed preventative measures – in case of national agents / landlords / businesses, where a local office acted outside the corporately adopted procedures or the offence occurred locally. 20% reduction.
 - Good cooperation with the Council – in cases where the offender has cooperated fully with the Council in investigating the offence. 20% reduction.
 - Immediate and voluntary remediation – when the offence was brought to the attention of the offender they immediately rectified any breach(s). 20% reduction.
 - No previous history of non-compliance with the other housing legislation – if this is a first breach of any housing related legislation. 10% reduction.
 - Any relevant personal circumstances. 10% reduction.
 - Undue financial hardship – if fine would cause the offender undue financial hardship such that it might not be able to continue to operate. 10% reduction.

In any case it will be the responsibility of the recipient to provide sufficient evidence to support their presentations.

Rights to Make Representations

The recipient of a penalty charge notice has the right to make written representation regarding the notice. Full details of this process and timescales are detailed on the notice. Any representations to the penalty charge will be considered by the Housing Renewal Manager. The Housing Renewal Manager will review the penalty charge in line with the mitigating factors. All representations will be considered on their own merit.

Appeals

In the case of a penalty charge notice issued under The Smoke and Carbon Monoxide (England) Regulations 2015 or under Section 249 A of the Housing Act 2004 recipients may appeal to the First-tier tribunal if they remain unhappy with a penalty charge notice following a review of their written representations to the Housing Renewal Team. An appeal can only be made on specific grounds which are;

In the case of an Appeal under the Smoke and Carbon Monoxide (England) Regulations 2015

- the decision to confirm or vary the penalty charge notice was based on an error of fact;
- the decision was wrong in law;
- (the amount of the penalty charge is unreasonable;
- (the decision was unreasonable for any other reason.

Or in the case of an appeal against penalty charge notice under section 249A

- (a) the decision to impose the penalty, or
- (b) the amount of the penalty.

Non-Payment of Penalty Charge

If any notices are not paid within the specified period following issue, or where applicable following a review procedure, the Council will pursue non-payment of the penalty through a Court order process.

Agenda Item 8

Report to: Cabinet

Date of Meeting: 9th January 2017

Report Title: Community Partnership Funding 2017 - 2019

Report By: Monica Adams-Acton
Assistant Director for Regeneration and Culture

Purpose of Report

To set out the recommendations for Community Partnership Funding (CPF) 2017 - 2019 programme.

Recommendation(s)

- 1) Cabinet approves the CPF Grants Panel's recommendations as set out in this report subject to the decisions of the Budget Cabinet meeting in February 2017.
- 2) Delegation is given to the Director of Operational Services or his nominee in consultation with the Lead Member for Housing, Communities and Equalities, to agree final contractual outputs, outcomes and grants.

Reasons for Recommendations

The current round of CPF comes to an end in March 2017. The proposals set out in this report follows a new commissioning approach for new priorities, developed in consultation with the community and voluntary sector during the summer of 2016.

Background

1. The current round of CPF comes to an end in March 2017. The previous round was agreed and commissioned in 2014 covering the 2015-16 & 2016-17 programme.
2. With continued pressures on the Council's budget over the next two years, and the need to focus on the most vulnerable in our community, the council reviewed the 2017 – 19 programme priorities to establish its future for the next two years.
3. The review was conducted in consultation with the local community and voluntary sector between 20th June 2016 and 8th August 2016.
4. Following the consultation process the Cabinet adopted a new approach to delivering the CPF Programme (5th September 2016) which would involve commissioning services from the community and voluntary sector for specifically identified outcomes.
5. The new CPF Programme priorities are as follows:
 - a. Housing, legal, welfare and debt advice
 - b. Support for victims of domestic violence
 - c. Advice and support to organisations (voluntary sector infrastructure support)
 - d. Rough sleepers outreach support
 - e. Advice and support to migrant and newly settled communities

HBC CPF Funding Levels (2017-19)

This CPF grant programme will cover the period starting in April 2017 and ending in March 2019. The amount available for the 2017 – 19 programmes will be consulted upon during the annual budget setting process. The final amounts will be confirmed in February 2017 and again in February 2018. However, it should be noted that the council is committed to minimising the impact of the budget cuts on the provision of CPF funded services.

Application Process

6. Specification for services to address the above priorities were drawn up and broad range of potential providers were invited to submit proposals.
7. The CPF application process opened on 26th September 2016 and closed on 11th November 2016.
8. In total eight proposals were received for the five priority services identified above.
9. The CPF Grants Panel was established to review and evaluate all proposals. The Panel included the Lead Member for Housing, Communities and Equalities,

the Housing Needs and Enabling Manager, the Regeneration Manager and the programme compliance officer. Other council officers were also consulted.

10. All proposals were subject to an objective, consistent and rigorous appraisal, and scored against the criteria set out below:

- Project proposal
- Fit with priority
- Project costs
- Difference made
- Beneficiary monitoring

11. The recommendations of the Panel in respect of grant allocations are based on the outcome of this process. The organisations recommended for funding are set out in **Appendix A** to this report.

12. The amount of grant and specific outputs and outcomes will be subject to further detailed negotiations with each organisation conducted by officers over the next two months.. The total amount awarded will not exceed the budget, which will be determined as part of the Council's annual budget setting process.

Policy Implications

Equalities and Community Cohesiveness

The CPF programme funds a wide range of services which supports improved equality of service and community cohesion.

Crime and Fear of Crime

The CPF programme intends to fund a Domestic Violence reduction service which helps to reduce crime and fear of crime.

Economic/Financial Implications

The Community Partnership Fund supports the work of the community and voluntary sector.

Organisational Consequences

The final programme will have an impact on the level of resources required to manage and monitor CPF funded projects.

Local People's Views

A seven week consultation process was conducted between 20th June 2016 and 8th Aug 2016.

Anti-Poverty

The CPF programme maintains prioritised free services for the benefit of local people.

Wards Affected

All

Policy implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	Yes
Crime and Fear of Crime (Section 17)	Yes
Risk Management	No
Environmental Issues	No
Economic/Financial Implications	Yes
Human Rights Act	No
Organisational Consequences	Yes
Local People's Views	Yes
Anti-Poverty	Yes

Background Information

Appendix A – **Community Partnership Funding 2017-19**

Officer to Contact

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Appendix A
Community Partnership Fund Programme 2017-19

Applications for recommendation

Organisation	Project Aim
Change, Grow, Live	East Sussex Domestic Abuse Service (The Portal) The supported service will provide specialist advice, information, advocacy and emotional and practical support to women, men and children who are experiencing low to medium risk of harm through domestic abuse and violence; and to prevent and minimise homelessness resulting from relationship breakdown, alongside providing rapid access to more intensive safety planning and support if dynamic risk escalates.
HARC (consortium) Other Partners: BHT CA1066	The Advice & Community Hub The aim of the hub is to provide a holistic and accessible advice service to the residents of the Hastings Borough. The supported service will provide independent quality assured advice services including general debt, welfare benefits, employment rights and housing advice, as well as a tenancy access and sustainment support service. The prevention of homelessness will be a priority for the service using trigger points that may indicate a risk of potential homelessness.
Hastings Voluntary Action	Funding Advice and Support Service The funded activity will maximise the level of inward investment levered into Hastings through the voluntary sector by supporting Hastings voluntary and community organisations to be eligible for funding, and maximising the number of good quality funding applications. By doing so the range of organisations that are “investment ready” will be increased. As a result HVA will: <ul style="list-style-type: none"> • Sustain voluntary and community sector jobs and services • Create new services/opportunities for vulnerable residents • Contribute to the wider social/economic regeneration agenda
Seaview	Seaview Rough Sleepers Outreach Service The Rough Sleepers Outreach Service seeks to: <ul style="list-style-type: none"> • Locate, engage, identify, welfare check and verify, people rough sleeping in Hastings and St Leonards where they are bedded down • Facilitate engagement and linkage with other support services • Facilitate re-connection where appropriate • Find secure temporary or settled accommodation • Support the intention of prevention and reduction of rough sleeping in the borough
The Links Project	The Links Project The aim of the service is to positively engage and develop a trusting professional relationship with asylum seekers, refugees and migrant communities living in East Sussex to help them to improve quality of life, to support positive integration in the UK, as well as to feel part of the local area where they live.

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Agenda Item 10

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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of the Local Government Act 1972.

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Agenda Item 11

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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