

# Public Document Pack

## CABINET

6 JUNE 2016

Present: Councillors Chowney (Chair), Forward (until 6.49pm), Cartwright, Poole, Atkins, Davies, Fitzgerald and Lee

### 1. MINUTES OF THE MEETING HELD ON 4 APRIL 2016

**RESOLVED that the minutes of the meeting held on 4 April 2016 be approved and signed by the chair as a correct record of the meeting**

**RESOLVED the Chair called over the items on the agenda, under rule 13.3 the recommendations set out in minute numbers 5, 6, 9 and 12 were agreed without being called for discussion. The Chair advised that the Street Trading and Highway Licensing Policy Review (minute number 5) was a matter for Council decision. A revised schedule of Cabinet appointments had been published, and this was also agreed without being called for discussion.**

### MATTERS FOR CABINET DECISION

### 2. CPO LONG TERM EMPTY STREET PROPERTIES

The Assistant Director for Housing and Built Environment presented a report for Cabinet to consider the compulsory purchase of twenty privately owned empty homes as part of the Empty Homes Strategy Enforcement Programme. An accompanying report had been submitted as a part II item, which provided further details about the properties.

Under Section 226 of the Town and Country Planning Act 1990 and Section 17 of the Housing Act 1995, local authorities have the powers to compulsorily purchase long term empty properties, when other options to bring them back into use have not been successful.

The council adopted an Empty Homes Strategy which also sought to maximise the use of existing housing stock. Considerable success has been achieved in the past in bringing empty properties back into use through a variety of enforcement methods. The twenty properties identified for compulsory purchase action were all in need of improvement.

The report detailed the timescale for completing CPO action, noting that this may vary depending on the complexity of each case. It also detailed the financial and legal implications of utilising these powers.

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

**RESOLVED (unanimously) that Cabinet approved the detailed recommendations set out in the report included in Part II of the agenda and approves the making of compulsory purchase orders of the twenty long term empty properties**

The reason for this decision was:

The council's empty homes strategy sets out a number of enforcement powers available to the council, including compulsory purchase of long term empty homes. In addition to taking action to bring empty homes back in to use it is hoped that taking this action will demonstrate to the owners of empty homes that it is unacceptable to leave property empty for an unreasonable period of time. The action will demonstrate to owners of these empty homes that the council will take the necessary action to bring these homes back into use for the benefit of the community.

### **3. HASTINGS TOWN CENTRE BUSINESS IMPROVEMENT DISTRICT**

The Assistant Director for Regeneration and Culture presented a report which updated Cabinet on progress towards setting up a Business Improvement District (BID) for Hastings Town Centre.

The report sought delegated authority for the Director of Operational Services and Chief Finance Officer, in consultation with the Lead Member for Regeneration and Culture to agree with the Bid Board the BID Business Plan and Bid Operating Agreement. A loan application of £31,400 was approved by the Department for Communities and Local Government. Consultants Revive and Thrive had been appointed in September 2015 to establish and develop the BID.

A successful BID is an opportunity to secure improvements to the town centre by providing additional projects and services, in addition to those already delivered by statutory providers, at limited risk to the local authority. The spending priorities will be determined by the businesses themselves, within the BID area. A ballot will open on 14 October 2016 for a period of 28 days to determine if a BID should be implemented. All businesses that would be liable to pay the BID levy (within the boundary) are eligible to vote. A vote in favour of introducing the BID will be decided by a dual key majority by both number and rateable value. In the event of a yes vote, the BID will be in place for a period of 5 years, with the first collection of the levy on April 2017.

Councillor Atkins requested copies of the business plan and operating agreement for the BID.

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

**RESOLVED (unanimously) to:**

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1. **Continue to support the development and establishment of Business Improvement District in Hastings Town Centre**
2. **Delegate to the Director of Operational Services, in consultation with the Lead Member for Regeneration and Culture, authority to formally approve casting the HBC vote on its own hereditaments that will attract the levy, and;**
3. **Give delegated authority to the Director of Operational Services and the Chief Finance Officer in consultation with the Lead Member for Regeneration and Culture to agree with the BID Board the BID Business Plan and BID Operating Agreement**

The reason for this decision was:

Members had previously agreed in early 2015 to support the establishment of a BID. Progression of this project now requires formal Council approval to support the ambitions of local town centre businesses.

#### **4. CORPORATE CUSTOMER COMPLAINTS POLICY REVIEW**

The Chief Legal Officer presented a report which detailed the findings of a review of the council's corporate complaints policy. The report recommended that a refreshed corporate complaints policy be adopted.

The current corporate complaints policy was adopted by the council in 2014. Since then, the council has commissioned a bespoke software system, Firmstep, which will centrally record the complaints the council receives. It is intended to implement the complaints module of Firmstep in quarter 2 of 2016/17. The relevant pages of the council's website will also be refreshed when the new system is launched.

The purpose of the system is to ensure that complaints are handled efficiently and that sufficient information is gathered to help the council identify potential opportunities to improve services and prevent similar incidents reoccurring.

The policy also set out how the council would deal with persistent complainants. Following a request from Councillor Atkins, the Leader of the Council agreed to contact the Local Government Association to seek good practice on defining the role of members within this aspect of the complaints process.

The Chief Legal Officer amended the recommendation of the report to reflect that the new policy would come into effect from 7 June 2016, as set out in the resolution below.

Councillor Cartwright proposed approval of the recommendations to the Chief Legal Officer's report, which was seconded by Councillor Forward.

**RESOLVED that:**

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1. **The refreshed Corporate Complaints Policy (including an unreasonable and unreasonably persistent complaints policy) be approved and implemented with effect from 7 June 2016, and;**
2. **A programme of staff awareness and appropriate training is delivered to the support the roll out of the refreshed policy**

The reason for this decision was:

The existing corporate complaints system has been in operation since 2014. Since then there has been a rise in the level of persistent / vexatious complainants who are absorbing a significant amount of officer time in dealing with cases that the council feels have already been addressed. In order to protect individual officers and ensure that public resources are not used inappropriately, the council's unreasonable and unreasonably persistent complainants policy has been refreshed.

### MATTERS FOR COUNCIL DECISION

#### 5. **THE STREET TRADING AND HIGHWAY LICENSING POLICY**

The Assistant Director – Environment and Place submitted a report which proposed an update to the policy in relation to the fees charged for markets.

The latest revision to the council's Street Trading and Highways Licensing Policy took place in October 2014. The policy makes provision for fees to be charged to market stall holders, and the amount of the fees is reviewed on an annual basis.

Following consultation with market organisers, the town centre management team and council officers; it was proposed to amend the policy to take a more flexible approach to discounting street trading fees. It is intended that this may allow the council to provide additional support where a new market is being piloted or where a market is struggling to become or remain financially viable.

**RESOLVED to recommend that the council agrees to amend the Street Trading and Highway Licensing Policy to enable a more flexible approach to discounting the licensing fees for markets as set out in paragraph 9 of the Assistant Director –Environment and Place's report**

The reason for this decision was:

To support the development of markets in Hastings and encourage a vibrant and high quality street trading environment.

### MATTERS FOR CABINET DECISION

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### 6. MOBILE PHONE INSTALLATIONS ON COUNCIL OWNED LAND

The Assistant Director – Financial Services and Revenues submitted a report which sought to amend the council’s policy on new mobile phone installations on council owned land.

On 21 February 2001, the council passed a resolution which banned new mobile phone installations on council-owned land until more research findings were available confirming that there are no associated health risks. The council currently has two installations on its land, which were in place prior to the moratorium, and which generate annual revenue.

The council has since adopted a new Development Management Plan, which includes a policy in respect of telecommunications technology. The report proposed that the moratorium on new mobile phone installations on council owned land be lifted, provided that any new proposed installation meets the guidelines set by the International Commission on Non-Ionising Radiation Protection (ICNIRP). The amendment is in line with government policy and could potentially generate further revenue for the council.

**RESOLVED that the council’s existing policy “this council as landowner determines to ban new mobile phone installations on its own land until more research findings are available confirming that there are no associated health risks” be lifted**

The reason for this decision was:

Since the policy was adopted there has been no proven risk to the health of people living near mobile phone installations.

## MATTERS FOR COUNCIL DECISION

### 7. BOUNDARY REVIEW

The Sustainability Policy Officer presented the report of the Director of Corporate Services and Governance on the boundary review. The report considered a draft response to a consultation by the Local Government Commission for England (LGBCE) on the new electoral arrangements for Hastings Borough Council.

The council had responded to a first stage consultation by the LGBCE in relation to proposed changes to the warding patterns of the borough ward boundaries. The LGBCE had now published its draft recommendations on the future electoral arrangements for Hastings Borough Council and East Sussex County Council, and the other districts and boroughs throughout East Sussex. The draft recommendations were subject to a public consultation until 16 June 2016.

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It was noted that the LGBCE's draft recommendations in the main reflected the proposals for warding patterns previously submitted by Hastings Borough Council.

Cabinet thanked all members and officers who had contributed to the review process.

Councillor Cartwright proposed approval of the recommendations to the Director of Corporate Services and Governance's report, which was seconded by Councillor Lee.

**RESOLVED (unanimously) that Council recommend that the following response be made to the Local Government Boundary Commission for England's consultation on the new electoral arrangements "Hastings Borough Council (HBC) welcomes the publication of the Local Government Boundary Commission for England's draft recommendations in respect of Hastings Borough Councils'(HBC) electoral arrangements which, in the main reflect the submitted HBC proposals and accepts the suggested amendments to the warding pattern proposals in respect of the Borough"**

The reason for this decision was:

The LGBCE draft recommendations largely reflect the proposals that the council submitted to the LGBCE in November 2015.

### MATTERS FOR CABINET DECISION

#### 8. **1066 ANNIVERSARY COMMUNITY GRANTS**

The Assistant Director – Regeneration and Culture presented a report which sought approval to establish a 1066 Anniversary Community Grant scheme for 2016.

The purpose of the grant fund is to support community and resident groups living in the most disadvantaged wards of the borough to develop their own projects and events to mark the 950<sup>th</sup> anniversary of the Battle of Hastings, in addition to the programme of events which will be taking place elsewhere in the town.

The report set out the grant application process. The maximum grant per application had been set at £3000. The applications received would be considered by a decision making panel consisting of two lead members, the Director of Hastings Voluntary Action and a senior council officer.

Councillor Lee proposed an amendment to delete the recommendation "to give priorities to applications from the most deprived wards of the borough". The proposed amendment was lost by 2 votes for with 5 against.

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

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### **RESOLVED** (unanimously):

1. To establish a 1066 Anniversary Community Grant scheme with a maximum value of £30,000,
2. All projects to be delivered by end of December 2016,
3. To invite applications for grants based on the guidance attached at appendix 1 to the Assistant Director –Regeneration and Culture’s report;
4. To give priorities to applications from the most deprived wards of the borough, and;
5. To establish a grant decision making panel consisting of two lead members, the Director of Hastings Voluntary Action and a senior officer from the council

### The reason for this decision was:

There is a major programme of cultural activities programmed this year across parts of the town to mark the 950<sup>th</sup> anniversary of the Battle of Hastings, The 1066 Anniversary Community Grant scheme will i) enable residents and community groups in more isolated and disadvantaged areas of the town to participate in marking the anniversary of this historic event by organising and enjoying activities and events within their own communities; ii) promote social cohesion; and iii) raise awareness of the town’s cultural heritage within communities who face considerable barriers to social and economic inclusion.

## 9. **CABINET APPOINTMENTS TO COMMITTEES, WORKING GROUPS AND PARTNERSHIPS ETC**

The Chief Legal Officer submitted a report regarding the appointment of Cabinet members to committees, working groups and partnerships. Nominations had been received from both group leaders to fill the places available.

A revised draft of the schedule of nominations had been published in advance of the meeting.

### **RESOLVED**

1. To appoint members to committees, working groups, partnerships and representative bodies as set out in Appendix A and B to the minutes
2. To appoint the Chairs and Vice Chairs of Charity Committee and Museums Committee, as listed in Appendix A

### The reason for this decision was:

Members are required to serve on the committees, working groups, partnerships and representative bodies to which Cabinet appoints. Chairs and Vice Chairs are required for the committees that report to Cabinet.

## 10. **MINUTES OF THE MUSEUMS COMMITTEE MEETING HELD ON 14 MARCH 2016**

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The minutes of the Museums Committee meeting held on 14 March 2016 were submitted.

**RESOLVED that the minutes of the Museums Committee meeting held on 14 March 2016 be received**

11. **MINUTES OF THE CHARITY COMMITTEE MEETING HELD ON 21 MARCH 2016**

The minutes of the Charity Committee meeting held on 21 March 2016 were submitted.

**RESOLVED that the minutes of the Charity Committee meeting held on 21 March 2016 be received**

12. **CPO LONG TERM EMPTY STREET PROPERTIES (PART II)**

The Assistant Director for Housing and Built Environment submitted a report which gave further information about the 20 properties identified for compulsory purchase.

**RESOLVED that:**

1. **The Cabinet resolve to take formal action, by means of making Compulsory Purchase Orders for twenty long term empty properties, being the addresses shown in the report, under Compulsory Purchase powers set out in Section 226 (1)(a) of the Town & Country Planning Act 1990 (as amended by the Planning and Compensation Act 2004),**
2. **Cabinet give authority to the Director of Operational Services or his delegated nominee to execute all relevant documentation required for the Compulsory Purchase of the twenty homes set out in recommendation 1 of the report, and;**
3. **Cabinet gives authority to the Director of Operational Services or his delegated nominee to execute and complete the onward sale of the homes set out in recommendation 1 of this report, once they have been acquired**

The reason for this decision was:

These are long standing empty homes and without Compulsory Purchase (CPO) action, officers are of the view that these homes will continue to remain empty. Officers have spent time attempting to engage with the owners and assist them in bringing their empty homes back into use. These actions have not achieved the desired result and it is not believed that the homes will be returned to use without CPO action.



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(The Chair declared the meeting closed at. 6.55 pm)

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**CABINET  
APPOINTMENTS TO COMMITTEES, WORKING GROUPS, PARTNERSHIPS ETC. JUNE 2016**

**COMMITTEES, WORKING GROUP / PARTNERSHIPS**

COMMITTEES	SEATS TO BE FILLED	ALLOCATION TO POLITICAL GROUPS 2016/17		APPOINTMENTS for 2016/17		NOTES
		LAB	CON	LABOUR GROUP	CONSERVATIVE GROUP	
Museums Committee	Up to 10	6	2	Poole (Chair) T.Dowling (Vice-Chair) Bacon Howard Sinden Street	Edwards Patmore	A Chair and Vice Chair is required for this committee
Charity Committee	3	3		Fitzgerald (Chair) Cartwright Forward		Chair to be non-portfolio holder member of Cabinet for the majority group
Discretionary Rate Relief Appeal Panel	Up to 7	5	2	Forward Poole Cartwright Davies Fitzgerald	Atkins Lee	All Members of Cabinet, excluding the Leader, to be appointed to the Panel.

Minute Item 9

**REVISED APPENDIX A**

Licensing Committee (Scrap Metal Dealers)	Up to 7	5	2	Forward Poole Cartwright Davies Fitzgerald	Atkins Lee	All Members of Cabinet, excluding the Leader, to be appointed to the committee. Functions relating to the licensing of Scrap Metal Dealers as set out in the Scrap Metal Dealers Act 2013 or by virtue of any amending or consolidating legislation and any regulations made under the Act as such amending or consolidating legislation.
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WORKING GROUPS ETC	SEATS TO BE FILLED	ALLOCATION TO POLITICAL GROUPS 2016/17		APPOINTMENTS for 2016/17		NOTES
		LAB	CON	LABOUR GROUP	CONSERVATIVE GROUP	
Working Arrangements Group	5	4	1	Street (Chair) Cartwright Rogers Scott	Cooke	
Member Training and Development Group	4	3	1	Cartwright (Chair) Sinden (Vice-Chair) Rogers	Cooke	
Hastings Country Park Management Forum	5	4	1	Davies (Chair) Street (Vice-Chair) Bacon Turner	Patmore	
Order of 1066	4	3	1	B.Dowling Rogers Sinden	Lee	To comprise Mayor, Deputy Mayor & 1 member from each Political Group
Joint Waste Committee	2	2		Chowney Davies		Leader of the Council and Lead Member for Env & Highways
Personnel Consultative Group	4	3	1	Cartwright Chowney Forward	Atkins	

REVISED APPENDIX A

PARTNERSHIPS	SEATS TO BE FILLED	ALLOCATION TO POLITICAL GROUPS 2016/17		APPOINTMENTS for 2016/17		NOTES
		LAB	CON	LABOUR GROUP	CONSERVATIVE GROUP	
Stade Partnership	2	2		Bacon Poole		
Hastings Overseas Student Advisory Council	3	2	1	Roberts Sinden	Atkins	Known as HOSAC
Hastings Local Strategic Partnership	2	1	1	Chowney	Lee	
Safer Hastings Partnership	1	1		Davies		Relevant Lead Member
Jt. Advisory Cttee. the High Weald AONB	1	1		Street		
Combe Valley (formerly Pebsham) Countryside Park Management Forum	2	2		Howard Webb		
Hastings and Rother Task Force Steering Group	1	1		Chowney		Leader of the Council
Hastings Athletics Track Committee	2	1	1	Batsford	Rankin	
AmicusHorizon Hastings Area Panel	1	1		Forward		Relevant Lead Member

**REVISED APPENDIX A**

Joint Governing Body for the Hastings Academy and the St Leonards Academy	1	1		N/A		
Sussex Police & Crime Panel	1	1		Davies		
East Sussex Health Overview & Scrutiny Committee	1	1		Turner		Needs to be a non-executive Member.
East Sussex Community Safety Partnership	1	1		Davies		Needs to be either the Chair of the Safer Hastings Partnership or a member of the Sussex Police and Crime Panel.
Big Local North East Hastings	1	1		Charman		

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**CABINET – JUNE 2016****APPOINTMENT OF MEMBERS TO REPRESENTATIVE BODIES**

<b>ORGANISATION</b>	<b>SEATS TO BE FILLED</b>	<b>APPOINTMENTS FOR 2016/17</b>
East Sussex Energy Infrastructure and Development Ltd (Sea Change) (This is a directorship)	1	Poole
Hastings & St Leonards Town Centre Management Group	1	Chowney
Hastings Health Improvement Network	1	Rogers
Health & Wellbeing Board	1 (not Health O & S Cttee member)	Beaney
Local Gov. Assoc. – National Body	1	Chowney
Local Gov. Assoc. – Urban Commission	1	Poole
Local Gov. Assoc. – Coastal Issues Group	1	Poole
South East England Councils	1 (The Leader of the Council)	Chowney

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