

## CABINET

7 DECEMBER 2015

Present: Councillors Chowney (chair), Forward (Vice-Chair), Cartwright, Poole, Atkins, Cooke and Davies

Apologies for absence were noted for Councillor Hodges

28. **MINUTES OF THE MEETING HELD ON 2 NOVEMBER 2015 AND THE SPECIAL CABINET MEETING HELD ON 16 NOVEMBER 2015**

**RESOLVED** that the minutes of the meeting held on 2 November 2015 and the special Cabinet meeting held on 16 November 2015 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 30, 31, 32, 34 and 35 were agreed without being called for discussion

### MATTERS FOR COUNCIL DECISION

29. **REVIEW OF GAMBLING POLICY**

The Assistant Director for Environment and Place presented a report to advise Cabinet on the outcome of a recent statutory review of the council's Gambling Act Statement of Principles.

Under the Gambling Act 2005, which made local authorities responsible for determining applications for local gambling premises licences, temporary occurrences, machine permits and lotteries, the council was required to review and consult on its policy at least every 3 years. The council's current policy had been subject to two such reviews since it was first adopted in 2007, and has been revised to reflect changes to legislation and national guidance. The current policy has not been subject to legal challenge and has been applied successfully at a number of licensing hearings.

Minor revisions had been made to the statement of gambling principles, including an amendment to legislation which required a risk assessment be carried out in relation to the 3 licensing objectives. Members had also requested the inclusion of a no casino resolution within the statement of gambling principles. The no casino resolution may be reversed by Full Council at any time. The draft policy had been subject to a 5 week public consultation, and the report gave a synopsis of the responses received. Following the consultation, the council was required to adopt the new policy by 26 January 2016.

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

**RESOLVED** (unanimously) that: -

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- 1) **Cabinet agree the updated Gambling Act Statement of Principles and recommends it to Full Council for adoption by 26 January 2016, and;**
- 2) **To recommend to Full Council to pass a no casino resolution**

The reason for this decision was:

There is a statutory requirement for local authorities to fully review their gambling statement of principles at least every 3 years. Failure to do so could result in judicial review proceedings against the authority, and call in to doubt local decisions made under the Gambling Act 2005.

The Act gives powers to licencing authorities to introduce a no casino resolution for their areas; it is a Full Council decision and must be revisited and endorsed every 3 years. The decision can be reversed by a Full Council decision at any time if considered appropriate.

### **30. REVIEW OF LICENSING POLICY**

The Assistant Director for Environment and Place submitted a report to inform Cabinet on the results of a recent consultation carried out for the statutory review of the council's Licensing Policy.

Under the Licensing Act 2003, which gave local authorities responsibility for the licensing of premises, persons and temporary events in connection with the sale and supply of alcohol, regulated entertainment and late night refreshment, the council was required to carry out a review of its licensing policy every 5 years.

The policy had been revised to incorporate changes to legislation and statutory guidance. Data from partner agencies, including Sussex Police, had been used to determine that the three saturation zones outlined in the previous policy should be retained. The saturation zones are intended to help control the cumulative impact arising from a concentration of certain types of licensed premises on specific areas of the borough. Applicants applying for licences within the saturation zones will need to consider carefully how they will manage their premises to promote the licensing objectives.

A key aim of the policy was to promote a diverse range of licensed premises within the borough, a new matrix approach to considering applications, based on good practice developed by Brighton and Hove City Council, had been included within the policy. The matrix is intended to clarify the council's aspirations for the operation of licensed premises to potential applicants, stakeholders and the general public.

The proposed policy had been subject to a public consultation. It was necessary for the council to adopt the revised policy by 6 January 2016.

**RESOLVED that Cabinet agree the updated Licensing Policy and recommend it to Full Council for adoption by 6 January 2016**

The reason for this decision was:

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There is a statutory requirement for local authorities to fully review their licensing policy at least every 5 years. Failure to do so could result in judicial review proceedings against the authority and call in doubt local decisions made under the Licensing Act 2003.

### **31. HASTINGS LOCAL PLAN - RETENTION OF EMPLOYMENT LAND AND PREMISES SUPPLEMENTARY PLANNING DOCUMENT (SPD)**

The Assistant Director for Regeneration and Culture submitted a report which sought formal adoption of the retention of employment land and premises supplementary planning document (SPD).

SPD's provide detail about how the planning policies contained within the Hastings Planning Strategy and Development Management Plan will be implemented when determining planning applications. A key objective for the council is to retain employment land and premises; this is reflected in Policy E1 of the Hastings Planning Strategy.

Following the adoption of the new Hastings Planning Strategy in 2014, and more recently the Development Management Plan in 2015, the council had reviewed its existing SPD in respect of the retention of employment land. The SPD had been subject to an initial consultation with stakeholders, followed by a formal 4 week consultation with the wider public. One minor amendment was made to the SPD as a result of both stages of the consultation.

**RESOLVED that the draft supplementary planning document is formally adopted**

The reason for this decision was:

To conform to regulation 14 of the Town and Country Planning (Local Planning) (England) Regulations 2012, and enable the supplementary planning document to hold full weight as a material consideration in the determination of planning applications.

### **32. HASTINGS LOCAL PLAN - VISITOR ACCOMMODATION SUPPLEMENTARY PLANNING DOCUMENT (SPD)**

The Assistant Director for Regeneration and Culture presented a report which sought formal adoption of the retention of visitor accommodation supplementary planning document (SPD).

SPD's provide detail about how the planning policies contained within the Hastings Planning Strategy and Development Management Plan will be implemented when determining planning applications. Visitor accommodation is an essential part of the town's tourist offer, and important to supporting related employment in this sector, as detailed in policy E4 of the Hastings Planning Strategy.

Following the adoption of the Hastings Planning Strategy in 2014, and more recently the Development Management Plan in 2015, the council had reviewed its existing SPD in respect of the retention of visitor accommodation. The SPD had been subject

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to an initial consultation with stakeholders, followed by a formal 4 week consultation with the wider public. One minor amendment was made to the SPD as a result of both stages of the consultation.

**RESOLVED that the draft supplementary planning document is formally adopted**

The reason for this decision was:

To conform to regulation 14 of the Town and Country Planning (Local Planning) (England) Regulations 2012, and enable the supplementary planning document to hold full weight as a material consideration in the determination of planning applications.

### MATTERS FOR CABINET DECISION

33. **EAST SUSSEX, SOUTH DOWNS AND BRIGHTON AND HOVE WASTE AND MINERALS SITES PLAN SUBMISSION DRAFT**

The Assistant Director for Regeneration and Culture presented a report which sought Cabinet approval to respond with a formal representation on the submission draft version of the East Sussex, South Downs and Brighton and Hove waste and minerals site plan, which is to be considered at an independent review by a Planning Inspector

The plan identifies sites for new waste management facilities, whilst protecting those existing. The plan covers the period to 2026, and is intended to provide additional recovery and recycling capacity to meet targets for diverting waste from landfill, in order for East Sussex to become self-sufficient in terms of waste management capacity.

The plan identifies 4 locations within the borough as areas for waste related development. However, this is in conflict with the council's newly adopted Development Management Plan (DMP) which had specifically allocated the sites for employment purposes, which did not include waste recovery or related uses. Cabinet members reaffirmed the primacy of the role of the DMP in supporting the future employment needs of the borough.

It was proposed that council submit a formal representation objecting to the proposed plan, on the grounds of its failure to meet the tests of soundness in respect of being justified and effective.

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

**RESOLVED (unanimously) that: -**

- 1) **The council submit an objection to the emerging waste and minerals sites plan as a whole, in view of its significant conflict with the policies in the adopted Hastings Development Management Plan 2015;**
- 2) **The council specifically objects to the identification of 3 areas of search sites and 1 area of opportunity site within Hastings borough**

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- boundary for the purposes of waste disposal / waste management. These are considered to be in direct conflict with the policies in the recently adopted Development Management Plan and will significantly prejudice delivery of employment opportunities within the borough;
- 3) The council would reaffirm its previous objection to the inclusion of the site at Whitworth Road as an area of search and in light of Hastings' previously expressed concerns is disappointed that this appears in the proposed submission version of the plan;
  - 4) Urge East Sussex County Council to consider preparing a revised proposed submission draft of the waste and minerals site plan in light of this council's concerns, and;
  - 5) The council reserves the right to appear at future hearing sessions as part of the waste and minerals site plan examination in public in order to support its objection

The reason for this decision was:

To enable the council's strong concerns to be made known to the county council as part of the preparation of its waste and minerals sites plan, and to allow them to be addressed in the final version of the plan. To enable the council's views to be considered as part of the examination in public of the waste and minerals sites plan by an independent Planning Inspector.

### **34. NEW FACTORY UNIT**

The Assistant Director for Financial Services and Revenues submitted a report which sought approval to progress with proposals to build a new factory unit for BD Foods, an existing tenant on the Castleham Industrial Estate.

At its meeting on 1 September 2014, Cabinet had agreed to undertake a feasibility study on the construction of a new factory unit and to proceed with the project unless the costs exceeded £700,000. Planning consent had been granted for the new unit on 13 October 2015.

Following a procurement exercise, facilitated through the East Sussex Procurement Hub, 4 tenders had been received. Interviews with the companies that had submitted the two lowest tenders had taken place in December 2015. The tenders received were significantly above the initial estimated costs, although this is principally due to building cost inflation as well as additional requirements to satisfy East Sussex County Council Highways. As part of the project, a new substation would also be provided which would benefit the estate for many years.

The project would ensure that the council retained BD Foods as a tenant, securing rental income from their units, and support the creation of an additional 20 full time jobs.

**RESOLVED that the most economically advantageous tender be accepted and to progress with building the new factory unit**

The reason for this decision was:

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To assist a local business to expand and create additional jobs and income for the council.

### PART II

**RESOLVED that the public are excluded from the meeting during the consideration of 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 paragraph 3 of schedule 12A to the Local Government Act 1972 referred to in the relevant report**

**35. NEW FACTORY UNIT**

The Assistant Director for Financial Services and Revenues submitted a report which set out the financial implications relating to the construction of an additional factory unit for BD Foods.

**RESOLVED as per the part 1 report**

The reason for this decision was:

To assist a local business to expand and create additional jobs and income for the council.

(The chair declared the meeting closed at. 6.14 pm)