



Council Meeting

10 February 2016

HASTINGS BOROUGH COUNCIL

Dear Councillor

You are hereby summoned to attend a meeting of the Hastings Borough Council to be held at the Town Hall, Queens Square, Hastings, East Sussex, TN34 1QR on Wednesday, 10th February, 2016 at 6.00 pm at which meeting the business specified below is proposed to be transacted.

Yours sincerely,

Chief Legal Officer

Aquila House
Breeds Place
Hastings

2 February 2016

AGENDA

1. Apologies for Absence
2. To approve as a correct record the minutes of the Council meeting held on 16 December 2015
3. Declarations of Interest
4. Announcements from the Mayor and Leader
5. Questions (if any) from: -
 - (a) Members of the public under Rule 11
 - (b) Councillors under Rule 12
6. Motion (Rule 14)
Councillor Beaney to move, seconded by Councillor Roberts that:
“This council notes:
 - 1 in 4 people will experience a mental health problem in any given year

- The World Health Organisation predicts that depression will be the second most common health condition worldwide by 2020
- Mental ill health costs some £105 billion each year in England alone
- People with a severe mental health illness die up to 20 years younger than their peers in the UK
- There is often a circular relationship between mental health and issues such as housing, employment, family problems or debt

This council believes:

- As a local authority we have a crucial role to play in improving the mental health of everyone in our community and tackling some of the widest and most entrenched inequalities in health
- Mental health should be a priority across all the local authority's areas of responsibility, including; housing, community safety and planning
- All councillors, whether members of the executive or scrutiny and in our community and casework roles, can play a positive role in championing mental health on an individual and strategic basis

This council resolves:

- To sign the Local Authorities Mental Health Challenge run by Centre for Mental Health, Mental Health Foundation, Mental Health Providers Forum, Mind, Rethink Mental Illness, Royal College of Psychiatrists and YoungMinds
- We commit to appoint an elected member as mental health champion across the council
- We will seek to identify a member of staff within the council to act as lead officer for mental health
- This council will also:
 - Support positive mental health in our community, including in local schools, neighbourhoods and workplaces
 - Work to reduce inequalities in mental health in our community
 - Work with local partners to offer effective support for people with mental health needs
 - Tackle discrimination on the grounds of mental health in our community
 - Proactively listen to people of all ages and backgrounds about what they needs for better mental health
 - Sign up to the Time to Change pledge

7. Membership of Committees

To give effect to any request received from a political group for a

change in their representation on committee(s)

8. Protocol for the relationships between members and officers
(Report of the Chief Legal Officer)
9. The temporary appointment of two Independent Persons
(Report of the Chief Legal Officer)
10. Reports of Committees
 - (a) To resolve that the public be excluded from the meeting during the discussion of any items considered while the public were excluded by the relevant committee 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 respective paragraphs of Schedule 12A to the Local Government Act 1972 referred to in the minutes of the relevant committee
 - (b) To receive and consider the recommendations and any decisions of the following committees: -

Minute No.	Subject	Cabinet Member / Chair
4 JANUARY 2016		
37	Proposed Designated Cycle Route in Alexandra Park	Davies
38	Council Taxbase 2016/17	Chowney
39	Land at Summerfields, Bohemia Road	Chowney
1 FEBRUARY 2016		
43	Motion to Cabinet regarding a Planning review	Forward
44(C)	Taxi Licensing Update	Davies
45(C)	Pay Policy Statement	Cartwright

(C) – Council Decision
(E) – Exempt

Notes:

- (1) The Mayor will call over the minutes and members will rise and indicate those items which they wish to have discussed
- (2) No discussion shall take place at this stage upon any part II minute covered by resolution 10 (a) above. Any such discussion shall be deferred until item 10 on the agenda

PART II

11. To consider the recommendations and decisions of committees (if any) which the Council has resolved should be discussed after the exclusion of the public from the meeting

Note: Nothing contained in this agenda or in the attached reports and minutes of committees constitutes an offer or acceptance of an offer or an undertaking or contract by the Borough Council

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Agenda Item 2 Public Document Pack

FULL COUNCIL

16 DECEMBER 2015

Present: The Right Worshipful the Mayor (Councillor Bruce Dowling) in the Chair, Councillors Rogers, Batsford, Cartwright, Charlesworth, Chowney, Clark, Cooke, Davies, Forward, Howard, Poole, Pragnell, Roberts, Sabetian, Scott, Sinden, Street, Turner, Webb, Westley, Wincott, Beaver, Charman, Lee, Fitzgerald, Beaney, Atkins, Edwards, Clarke and Dowling

Apologies for absence were noted for Councillor Hodges.

Apologies for lateness were also received from Councillors Beaver and Cooke.

21. **TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE COUNCIL MEETING HELD ON 21 OCTOBER 2015 AND THE EXTRAORDINARY COUNCIL MEETING HELD ON 25 NOVEMBER 2015**

RESOLVED that the minutes of the Council meeting held on 21 October 2015 and the extraordinary Council meeting held on 25 November 2015 be signed by the Mayor as a correct record of the proceedings

22. **QUESTIONS (IF ANY) FROM: -**

Questions to the Leader, Deputy Leader and other Lead Members were asked and answered in accordance with rule 12.1 as follows:-

Questioner and Councillor	Subject	Reply Given By Councillor
Atkins	<u>Rocklands Caravan Park</u> the Save Ecclesbourne Glen Group requested that Councillors were present when the plots for caravan sites at Rocklands Caravan Park were re-measured. This request was declined, will the Leader of the Council reconsider this decision? Councillor Chowney replied that it would be inappropriate for members to be involved in what was a technical matter between the council and the applicant. The council's constitution included a protocol for relationships between members and officers, this type of involvement by members would contravene that protocol.	Chowney
Rogers	<u>Coastal Revival Fund</u> will the lead member provide an update on a recent bid to the Coastal Revival Fund? Councillor Poole said that the council had successfully secured £50,000 from the fund. The funding would be used to support the	Poole

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	<p>refurbishment of Bottle Alley, including linking the new lighting scheme with that of the pier. The restoration of Bottle Alley would coincide with improvements to the promenade at White Rock and the opening of the pier and a new BMX venue in the former White Rock Baths.</p>	
Pragnell	<p><u>Rocklands Caravan Park</u> will the Leader of the Council provide an assurance that the new caravan licence for Rocklands Caravan Park will include all of the relevant regulations? Councillor Chowney replied that he had confidence in the officers involved in processing the licence, that the arrangements would be completed correctly.</p>	Chowney
Westley	<p><u>Voter Registration</u> will the lead member provide an assurance that the council will continue to do all it can to maximise the number of residents who are registered to vote? Councillor Cartwright explained that individual electoral registration had been introduced as part of the 2013/14 annual canvass. A number of electors who had not responded during annual canvass that year were carried forward to the new system. Throughout 2014/15 efforts had been made to contact these electors through correspondence and a further door-to-door canvass in order to ensure their entry on the register of electors was up to date. It was found that many of the electors who had been initially carried forward were no longer resident at their registered address and their entries were subsequently removed. Entries may also be removed from the register following a review, if this ascertains that they have left their registered address. The overall electorate in 15 of the town's wards had fallen following the 2015 annual canvass. However, in Central St Leonards ward the electorate had increased. Councillor Cartwright explained that the council had given consideration to further options to promote voter registration, although the extent to which these activities could be carried out would depend on the level of funding from central government.</p>	Cartwright
Edwards	<p><u>Rocklands Caravan Park</u> how much has the council spent, including officer time, on resolving issues at Rocklands Caravan Park?</p>	Chowney

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	<p>Councillor Chowney agreed to circulate an estimated cost to members by email.</p>	
<p>Clark</p>	<p><u>Business Rates</u> does the Leader of the Council agree that the re-valuation of commercial properties for the purposes of business rates and the transfer of the liability for business rate appeals from central government to local authorities will place further financial strain on the council and undermine plans for economic growth in the area?</p> <p>Councillor Chowney agreed with Councillor Clark's comments. He added that this issue affected all local authorities, and would be taken up by the Local Government Association. Councillor Chowney acknowledged that it was difficult to predict the cost of rateable value appeals, this created additional challenges in allocating the councils reserves. The council achieved an income of £57.9 million from rateable properties, £18.5 million of which was currently under appeal. The reserve to meet appeals in the next financial year had already been increased to reflect the ongoing uncertainty facing the council.</p>	
<p>Clarke</p>	<p><u>Hotel Accommodation</u> Hastings has significantly less hotel accommodation than other seaside towns, which could be resulting in loss of income to the town. What can the council do to address this? Would the Leader of the Council consider setting up a cross-party working group to explore this issue further?</p> <p>Councillor Chowney agreed that it was important to encourage visitors to the town to stay over night. He commented that a significant proportion of the hotel stock in Hastings had been converted to residential accommodation in previous years, which had not happened to the same extent in other towns. The council was due to adopt a supplementary planning document, which reiterated the council's existing policy in terms of the retention of visitor accommodation. Councillor Chowney said that it may be possible to set up a working group to examine this issue further, but it would be necessary to determine the scope of and activities first.</p>	<p>Chowney</p>

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Charlesworth	<p><u>Ecclesbourne Glen</u> when will the footpaths in Ecclesbourne Glen be re-opened following earlier landslips?</p> <p>Councillor Chowney commented that the continued instability of land in Ecclesbourne Glen meant that it was necessary for the footpaths to remain closed at this time. He explained that Ecclesbourne Glen was a designated Site of Special Scientific Interest (SSSI), in part because of its unstable geology, this meant that it would be difficult to carry out significant interventions to stabilise the land and reinstate the footpaths. The council would continue to seek a long term solution, based on advice from Natural England.</p>	Chowney
Turner	<p><u>Rail Engineering Works between Wadhurst and Tunbridge Wells</u> will the Leader of the Council write to Network Rail to highlight that the 50 minute delays caused by engineering works between Wadhurst and Tunbridge Wells are unacceptable?</p> <p>Councillor Chowney noted that the MP for Tunbridge Wells had written to Network Rail about the works. Following complaints received by Network Rail about planned engineering works taking place at the weekend, the works between Wadhurst and Tunbridge Wells had been scheduled to take place between 9.00pm and 5.00am on Monday and Tuesday evenings. Councillor Chowney acknowledged that customers travelling to and from London later than usual during the Christmas period had been disrupted by the work and agreed to raise this matter with Network Rail.</p>	Chowney
Lee	<p><u>Save Ecclesbourne Glen Group</u> why have certain emails from the save Ecclesbourne Glen Group not received a response from the lead member?</p> <p>Councillor Davies said that the emails he had received from the Save Ecclesbourne Glen group were in connection with Rocklands Caravan Park. Councillor Chowney was co-ordinating the response to this sensitive issue on behalf of the council and, as the matter pre-dated his time as portfolio holder, Councillor Davies intended to engage with the community on the future of Ecclesbourne Glen.</p>	Davies

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Cooke	<u>Planning Department</u> what actions can the council take to improve public confidence in the Planning Department? Councillor Chowney replied that the independent Planning Advisory Service (PAS) had produced a report on the council's Planning Department, which had concluded it was providing a good service and there was no need for a further action plan of improvements.	Chowney
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23. MOTION (RULE 14)

Councillor Forward proposed a motion, as set out in the resolution below, which was seconded by Councillor Chowney.

RESOLVED (by 22 votes for, 8 against) that this council agrees that:

- **the Housing and Planning Bill is currently being debated in Parliament, and if passed would threaten the provision of affordable homes for rent and buy through:**
 - **forcing 'high-value' council homes to be sold on the open market;**
 - **extending the right-to-buy to housing association tenants; and**
 - **undermining section 106 requirements on private developers to provide affordable homes;**
- **there is no commitment in the Bill that affordable homes will be replaced like-for-like in the local area;**
- **whilst measures to help first-time buyers are welcome, the 'starter homes' proposals in the Bill will be unaffordable to families and young people on ordinary incomes in most parts of the country; will not preserve the taxpayer investment; and will be built at the expense of genuinely-affordable homes to rent and buy;**
- **the Bill undermines localism by taking 32 new wide and open-ended powers for the Secretary over councils and local communities, including the ability to override local plans, to mandate rents for social tenants, and to impose a levy on stock-holding councils, violating the terms of the housing revenue account self-financing deal;**
- **the Bill, whilst introducing some welcome measures to get to grips with rogue landlords, does not help with the high rents, poor conditions and insecurity affecting many of England's 11 million private renters – including one in four families with children – and does nothing to help arrest the recent rise in homelessness.**

This council resolves to:

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- analyse and report on the likely impact of the forced sale of social housing in Hastings, the extension of right-to-buy and the 'starter homes' requirement on the local availability of affordable homes;
- use this information to:
 - support the Leader of the Council in writing to the local MP and the Secretary of State with our concerns about the Bill;
 - make public our concerns, including by publishing the above information on the council's website and through the local press.

24. MEMBERSHIP OF COMMITTEES

Councillor Chowney proposed a motion regarding the membership of committees, as set out in resolution below.

RESOLVED - that the council adopt the following arrangements for the membership of committees: -

- 1) Councillor Batsford be appointed to the Hastings Joint Parking Board in place of Councillor Davies

Councillor Chowney also announced that the communities aspect of the Regeneration, Communities and Culture portfolio would be transferred from Councillor Poole to Councillor Forward.

25. REPORTS OF COMMITTEES

The Mayor having called over the minutes set out in the agenda, the under mentioned minutes were reserved for discussion.

RESOLVED – under rule 13.3 that the reports and the minutes of committees set out in the agenda be received. Minute number 20 of Cabinet on 2 November 2015 and minute numbers 30, 31, 32 and 33 of Cabinet on 7 December 2015, which were matters for Council decision, were approved without being called for discussion. Only those items which were reserved were discussed, as follows: -

Meeting	Minute	Councillor
Cabinet, 2 November 2015	18 – Management Response to the Overview and Scrutiny Review of the Council's Role in Raising Educational Achievement in Hastings and Educational Outcomes for the Town's Children and Young People	Batsford
Cabinet, 2 November 2015	21 (C) – Council Tax Support Scheme	Turner
Cabinet, 2 November 2015	23 - Former Bathing Pool Site at West Marina	Howard
Cabinet, 7	34 – East Sussex County Council Waste and	Turner

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December 2015	Minerals Site Plan – Proposed Submission Draft	
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Minute number 21 of Cabinet on 2 November 2015 was a matter for Council decision. The Assistant Director for Financial Services and Revenues submitted a report which sought agreement from the Council that no changes were to be made to the existing council tax support scheme for 2016/17. Councillor Chowney proposed approval of the minute, which was seconded by Councillor Turner, and agreed unanimously.

No motions for reference to an overview and scrutiny committee or reference back to Cabinet were approved in respect of the items reserved for discussion and they were, therefore, received and agreed.

(The Mayor declared the meeting closed at. 8.05 pm)

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Agenda Item 8



Report to: Full Council

Date of Meeting: 10 February 2016

Report Title: Amendments to the Council's Constitution - Protocol for Relationships between Members and Officers

Report By: Christine Barkshire-Jones
Chief Legal Officer

Purpose of Report

The Council's Constitution is the basis for the Council's Corporate Governance. The Protocol has been refreshed to assist Members/Officers relationship after the Senior Management Restructure.

Recommendation(s)

- 1. Full Council recommend the changes to the Protocol for Relationships between Members and Officers as set out in Appendix 1.**

Reasons for Recommendations

The Council's Constitution is the basis for the Council's Corporate Governance.

Introduction

1. Background

1.1 The Protocol for Relationships between Members and Officer (see Appendix 1) needed a refresh in line with the recent changes that the Council have experienced. We are now a smaller council and we are undergoing transformational change in the way services are delivered. CAP previously requested that the Protocol be re-presented for further discussion.

1.3 They also requested that the amendments to the Protocol were shown in a different colour.

1.4 The amendments have been suggested by WAG, CAP, Members and Officers and have now been agreed by all.

1.5 Training on the protocol has been delivered to members December 2015.

Wards Affected

None

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	No
Environmental Issues	No
Economic/Financial Implications	No
Human Rights Act	No
Organisational Consequences	Yes
Local People's Views	No
Anti-Poverty	No

Additional Information

Appendix 1 - Protocol for Relationships between Members and Officers

Officer to Contact

Christine Barkshire-Jones
cbarkshire-jones@hastings.gov.uk
01424 451731



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Hastings Borough Council

**Protocol for Relationships Between
Members and Officers**

Hastings Borough Council Protocol for Relationships between Members and Officers

“Every local authority should have its own written statement or protocol governing relations between members and officers”. (Third report of the Committee on Standards in Public Life – the Nolan Committee)

Introduction and Principles

- 1.1 The purpose of this Protocol is to guide Members and Officers in their relations with one another in such a way as to ensure the smooth running of the Council.
- 1.2 If the Protocol is followed it should ensure that Members receive objective and impartial advice and that Officers are protected from accusations of bias and any undue influence from members.

Definitions

1. Unless the context indicates otherwise, references to the term **Council** include the Executive, overview and scrutiny committees, and other committees and sub-committees.
2. For the purposes of this protocol, the term **Executive** refers to the Leader and Cabinet.
3. Unless the context indicates otherwise, the terms **member and members** include non-elected (i.e. co-opted) members as well as elected councillors.
4. **Officers and staff** means all persons employed by the Council.
5. **Senior officer** means the Directors, Assistant Directors and Senior Managers, except where otherwise stated.
6. **Designated Finance Officer** means the officer exercising the duties prescribed by law for the financial administration of the Council.
7. **Monitoring Officer** means as described under S5 Local Government and Housing Act 1989.

Principles

8. Members and officers must at all times observe the protocol.
9. The protocol seeks to maintain and enhance the integrity (real and perceived) of local government which demands the highest standards of personal conduct.
10. Members and officers must always respect the roles and duties of each other. They must show respect in all their dealings by observing reasonable standards of courtesy, and by not seeking to take unfair advantage by virtue of their position.
11. Whilst members and officers are indispensable to one another, their responsibilities are distinct. Members are accountable to the electorate and serve only as long as their term of office lasts. Officers are accountable to the Council as a whole. Their job is to give advice to members (individually and collectively) and to carry out the Council's work under the direction of the Council.

12. The Council adopted a new code of conduct for members in June 2012. The Code of Conduct is based on the Nolan principles. These principles underpin this protocol. The Code of Conduct is to be found at Part 5 of the Council's Constitution with this protocol.
13. Until such time as a new national code appears, officers are bound by the Council's own code of conduct for staff and, in some cases, by the codes of their professional associations. The Council's code of conduct is available on the Intranet under Personnel, Policies and Procedures Index.
14. Breaches of this protocol by a member may result in a complaint to the Standards Committee whether or not it appears the members' code has also been breached. Breaches by an officer may lead to disciplinary action.

The Role of Members

15. Members have a number of roles and need to be alert to the potential for conflicts of interest which may arise between the roles. Where such conflicts are likely, members may wish to seek the advice of the Monitoring Officer/Chief Legal Officer.
16. Collectively, members are the ultimate policy-makers determining the core values of the Council and approving the authority's policy framework, strategic plans and budget.
17. Members are elected to represent their constituents. They represent the community, act as community leaders and promote the social, economic and environmental well-being of the community often in partnership with other agencies.
18. Every elected-member represents the interests of, and is an advocate for, his/her ward and individual constituents. He/she represents the Council in the ward, responds to the concerns of constituents, meets with partner agencies, and often serves on local bodies.
19. Some members have roles relating to their position as members of the Executive, overview and scrutiny committees or other committees and sub-committees of the Council.
20. Members serving on overview and scrutiny committees monitor the effectiveness of the Council's policies and services, develop policy proposals and examine community issues. They may also monitor other public sector service provision eg local health service relevant to the borough.
21. Members who serve on other committees and sub-committees collectively have delegated responsibilities, e.g. deciding quasi-judicial matters which by law are excluded from the remit of the Executive.
22. Some members may be appointed to represent the Council on local, regional or national bodies.
23. As politicians, members may express the values and aspirations of the party groups to which they belong, recognising that in their role as members they have a duty always to act in the public interest.
24. Members are not authorised to instruct officers other than:
 - through the formal decision-making process
 - to request the provision of consumable resources provided by the Council for members' use

- where staff have been specifically allocated to give support to a member or group of members. eg members secretary or overview and scrutiny review team
25. Members are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Council.
 26. Members must avoid taking actions which are unlawful, financially improper or likely to amount to maladministration. Members have an obligation under their code of conduct to have regard, when reaching decisions, to any advice provided by the Monitoring Officer/Chief Legal Officer or the Chief Finance Officer, or their nominees.
 27. Members must respect the impartiality of officers and do nothing to compromise it, e.g. by insisting that an officer change his/her professional advice or by seeking to involve an officer in the pursuit of a personal or political dispute with others.

The Role of Officers

28. Officers are responsible for giving advice to members to enable them to fulfil their roles. In doing so, officers will take into account all available relevant factors.
29. Under the direction and control of the Council (including, as appropriate, the executive, committees and sub-committees), officers manage and provide the Council's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.
30. Officers have a duty to implement decisions of the Council, the executive, committees and sub-committees which are lawful, and which have been properly approved in accordance with the requirements of the law and the Council's constitution, and duly minuted.
31. Officers have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views.
32. Officers must assist and advise all parts of the Council. They must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions.
33. Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for members, the media or other sections of the public.
34. Officers have the right not to support members in any role other than that of member, and not to engage in actions incompatible with this protocol. In particular, there is a statutory limitation for certain officers concerning involvement in political activities.

The Relationship: General Points

35. Officers are responsible for day-to-day managerial and operational decisions within the authority and provide support to the Leader, Cabinet, Committee Members and all Members in their respective roles.
36. Certain Statutory Officers – the Head of Paid Service, the Monitoring Officer and the Section 151 Officer (currently the Assistant Director of Financial Services and Revenues) – have specific roles. These are addressed in the Constitution. Their roles need to be understood and respected by Members.

37. Informal and collaborative two-way contact between members and officers is encouraged, but personal familiarity can damage the relationship, as might a family or business connection.
38. Members and officers should inform the Monitoring Officer of any relationship which might be seen as unduly influencing their work in their respective roles.
39. It is not enough to avoid actual impropriety. Members and officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a member should not sit on a body or participate in any decision which directly affects the officer on a personal basis.
40. Officers have a duty to implement the properly authorised decisions of the Council.
41. Officers work to the instructions of their senior officers, not individual members. It follows that, whilst such officers will always seek to assist a member, they must not be asked to exceed the bounds of authority they have been given by their managers. For minor or routine matters members should deal with the officer concerned and not automatically elevate the matter to Assistant Director or Director level. Members should use the reporting tools provided e.g. My Hastings On-line account in the first instance
42. Members have been supplied with contact details of the relevant service managers to whom enquiries can be made. Members should only escalate issues to Directors or Assistant Directors if an issue is no longer minor or routine or if an issue is not resolved satisfactorily at the first point of contact.
43. Members should keep correspondence and telephone conversations confined between themselves and the responsible officer without copying it to Senior Managers and other members. Members should also not 'copy' members of the public as this can make a proper reply difficult for officers. Members should keep correspondence factual and not express an opinion until such time as the matter has been investigated.
44. Assistant Directors are responsible for all aspects of the budgets and work of the areas they are managing. Matters of service performance should initially always be directed to them. They have the responsibility to resolve most major issues and should know when a performance issue is sufficiently important to refer it to a Director (and in some cases for discussion with political leadership).

Directors should be involved if:-

- i) There is a problem of service failure (not individual complaints)
 - ii) A problem is of a scale that presents a risk to the Council achieving its objectives, has severe reputational risk implications, public safety concerns, and/or a major impact on the budget or carries a high political significance.
 - iii) If a corporate response is required which is beyond individual middle managers to agree.
45. Members views are representative of their constituents unless there is clear evidence to the contrary. The views of officers are based on professional judgements derived from experience and academic qualification. On occasions differences between these two approaches will arise. Where there is no lawful reason for the members request not to be actioned, but an objection from an officer on professional grounds there is a need to resolve

these differences without a significant amount of time being taken up while achieving both analysis and consistency on one side and being responsive with community on the other.

46. It is proposed that where a member and the senior manager of a service cannot reach agreement the matter is considered by the appropriate Assistant Director and the Portfolio Holder at a regular one to one meeting or other suitable (reasonably prompt) time with the aim to resolve the issue. If Assistant Director and Lead Member cannot reach agreement the matter is to be referred to the regular meeting of the Leader, Deputy Leader and Directors.
47. Officers will do their best to give timely responses to members' enquiries and will endeavour to observe the standards stated in the Council's Contact Charter ie 5 working days. However, officers should not have unreasonable requests placed on them. Their work priorities are set and managed by senior managers. Overall priorities are agreed between the Leader, Lead members, and the Directors on the basis of policies, strategies and plans agreed by the full Council or Cabinet in accordance with the Constitution. Members should avoid disrupting officers' work by imposing their own priorities ie 5 working days.
48. Members will endeavour to give timely responses to enquiries from officers.
49. Members and officers should respect each others free (i.e. non-Council) time.

The Council as Employer

50. Officers are employed by the Council as a whole.
51. Members' roles are limited to:
 - the appointment of the head of paid service and directors
 - determining human resources policies and conditions of employment, and
 - hearing and determining appeals of the head of paid service and directors and the disciplinary hearings of statutory officers.
52. In light of the nature of the members' role, an officer should not discuss with a member personal employment matters concerning him/herself or another individual employee. The Council has established procedures should the personal matter be in the nature of a grievance (see Grievance Policy and Procedure). This does not, of course, prevent an officer raising on a personal basis, and in his/her own time, a matter with his/her ward member.
53. Members shall not act outside these roles.
54. If participating in the appointment of officers, members should:
 - remember that the sole criterion is merit
 - never canvass support for a particular candidate
 - not take part where one of the candidates is a close friend or relative
 - not be influenced by personal preferences, and
 - not favour a candidate by giving him/her information not available to the other candidates.

55. A member should not sit on an appeal hearing if the appellant is a friend, a relative, or an officer with whom the member has had a close working relationship.

Mayor and Officers

56. Officers will respect the position of Mayor and provide appropriate support.

Executive Members and Officers

57. Executive members will take decisions in accordance with the constitution and will not otherwise direct staff. Senior officers will be responsible for instructing staff to implement the executive's decisions.
58. Senior officers and executive members shall agree mutually convenient methods of regular contact. The Directors shall meet regularly with the Leader and Deputy Leader and Shadow Leader and Deputy Shadow Leader. Before taking any formal decisions, the executive will seek appropriate professional advice.
59. Performance management arrangements for all directors will be exercised by the Leader and Deputy Leader.
60. The Leader will be responsible for reconciling any differences between directors, should they arise.
61. Before any formal decisions with a financial implication are taken by the Executive, the Finance Officer and the senior officer(s) for the service(s) concerned must be consulted. This is to ensure that those officers who are budget holders:
- are aware of the proposed decision
 - have the opportunity to offer advice, and
 - are subsequently able properly to authorise the financial transactions needed to implement decisions.
62. Officers taking decisions under their delegated powers must consider the advisability of informing the relevant Lead member/s of their intentions in advance when the matter to which the decision relates to is likely to be sensitive or contentious, or has wider policy implications.
63. In relation to executive decision-making, at present the Council does not operate individual executive member decision-making and so delegation will be to a senior officer in consultation with the Leader or Lead Member and sometimes with the leader of the opposition group or groups.

Overview and Scrutiny Members and Officers

64. Members of the Scrutiny Committee, when questioning Members and Officers should:
- Direct their question to the merits of the decision under review
 - Ascertain the factual and other information on which the decision was based
 - Confirm the compliance of the decision making process with the Council's principles of decision making
 - Test what alternatives have been considered and the reasons for their rejection.

65. They should not:
- Question the conduct of Individual Members or Officers
 - Seek for Officers to disclose the contents of confidential discussions, papers or advice
 - Criticise an Officer by name
 - Seek to instigate or become in any way involved in disciplinary or grievance procedures in relation to the actions of Members or Officers
 - Act as a “court of appeal” against specific decisions relating to individuals or pursue complaints by individuals (Members, Officers or members of the Public) where other procedures exist for this.
66. It is recognised that officers required to appear before an overview and scrutiny committee may often be those who have advised the Executive or another part of the Council on the matter under investigation. In these circumstances, an officer may have a conflict of interest. Both members and officers need to consider the severity of the conflict. In case of such conflict, provision may be made for managing the conflict eg by means of advice from an outside source.
67. In giving evidence, officers must not be asked to give political views.
68. In exercising the right to call-in a decision of the Executive, overview and scrutiny members must seek senior officer advice if they consider the decision is contrary to the Council’s approved plans, policies or frameworks, or is unlawful.

Members of Other Committees or Sub-Committees and Officers

69. The appropriate senior officers will offer to arrange regular informal meetings with chairs, vice-chairs, and spokesperson of committees and sub-committees.
70. Senior officers (including the Monitoring Officer and the designated Finance Officer) have the right to present reports and give advice to committees and sub-committees.
71. Members of a committee or sub-committee shall take decisions within the remit of that committee or sub-committee, and will not otherwise instruct officers to act.
72. At some committee or sub-committee meetings, a resolution may be passed which authorises the Directors or their nominee to take action between meetings in consultation with the chair. In these circumstances, it is the officer, not the member, who takes the action and is responsible for it. A member has no legal power to take decisions on behalf of a committee or sub-committee, neither should he/she apply inappropriate pressure on the officer. It may be that in such circumstances it would be appropriate to take the matter back to committee for decision, though this will not always be possible due to urgency.

Party Groups and Officers

73. Senior officers may properly be asked to contribute to deliberations of matters concerning Council business by party groups.

74. Officers have the right to refuse such requests, and will normally not attend a meeting of a party group where some of those attending are not members of the Council.
75. Officer support will not extend beyond providing factual information or professional advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business, and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed.
76. Party group meetings are not empowered to make decisions on behalf of the Council, and conclusions reached at such meetings do not rank as formal decisions. The presence of an officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so.
77. Where officers provide factual information and advice to a party group in relation to a matter of Council business, this is not a substitute for providing all the necessary information and advice when the matter in question is formally considered by the relevant part of the Council.
78. It must not be assumed that an officer is supportive of a particular policy or view considered at a party group meeting simply because he/she has attended or provided information to the meeting.
79. Officers will respect the confidentiality of any party group discussions at which they are present and, unless requested to do so by that party group, will not relay the content of such discussions to another party group or to any other members. This shall not prevent an officer providing feedback to other senior officers on a need-to-know basis.
80. In their dealings with party groups, officers must treat each group in a fair and even-handed manner.
81. Members must not do anything which comprises or is likely to compromise officers' impartiality.
82. The duration of an officer's attendance at party group meetings will be at the discretion of the group, but an officer may leave at any time if he/she feels it is no longer appropriate to be there.
83. An officer accepting an invitation to the meeting of one party group shall not decline an invitation to advise another group about the same matter. He/she must give substantially the same advice to each.
84. An officer should be given the opportunity of verifying comments and advice attributed to him/her in any written record of a party group meeting.
85. No member will refer in public or at meetings of the Council to advice or information given by officers to a party group meeting.
86. At party group meetings where some of those present are not members of the Council, care must be taken by members and officers not to divulge confidential information relating to Council business. Persons who are not members are not bound by the members' code of conduct. They do not have the same rights to Council information as members.
87. Any particular cases of difficulty or uncertainty in relation to this part of the protocol should be raised with one of the Directors and the relevant party group leader.

Local Members and Officers

88. To enable them to carry out their ward role effectively, members need to be fully informed about matters affecting their ward. Senior officers must ensure that all relevant staff are aware of the requirement to keep local members informed, thus allowing members to contribute to the decision making process and develop their representative role.
89. This requirement is particularly important:
 - a. during the formative stages of policy development, where practicable
 - b. in relation to significant or sensitive operational matters
 - c. whenever any form of public consultation exercise is undertaken, and
 - d. during an overview and scrutiny investigation.
90. Issues may affect a single ward. Where they have a wider impact, a number of local members will need to be kept informed.
91. Whenever a public meeting is organised by the Council to consider a local issue, all the members representing the wards affected should be invited to attend the meeting as a matter of course.
92. If a local member intends to arrange a public meeting on a matter concerning some aspect of the Council's work, he/she should inform the relevant senior officer. Provided the meeting has not been arranged on a party political basis:
 - an officer may attend but is not obliged to do so, and
 - the meeting may be held in Council-owned premises, subject to availability.
93. No such meetings should be arranged or held in the immediate run-up to Council elections i.e. from the time when notice of election is published.
94. Whilst support for members' ward work is legitimate, an officer should never, in his/her capacity as officer, be invited to or to accompany a member to a ward surgery or a ward or constituency political party meeting.
95. It is acknowledged that some Council staff (e.g. those providing dedicated support to executive members) may receive and handle messages for members on topics unrelated to the Council. Whilst these will often concern diary management, care should be taken to avoid Council resources being used for private or party political purposes.
96. In seeking to deal with constituents' queries or concerns, members should not seek to jump the queue, but should respect the Council's procedures. Officers have many pressures on their time. They may not be able to carry out the work required by members in the requested timescale, and may need to seek instructions from their managers.

Members' Access to Documents and Information

97. This part of the protocol should be read in conjunction with the Access to Information Rules in the Council's constitution. Members of the Council have the same rights as any other member of the public to information under the Freedom of Information Act 2000 and are subject to the same requirements and exemptions.

98. As Councillors, Members may request senior officers to provide them with such information, explanation and advice as they may reasonably need to assist them to discharge their roles as members. This is generally known as the “need to know” principle. This may range from general information about some aspect of the Council’s services to specific information on behalf of a constituent. It is not, however, a licence to a “roving commission to go and examine the books or documents of a corporation”. Where information is requested on behalf of a third party, it will only be provided if:
- it is in the public domain, and
 - it is not barred by the Data Protection Act from being given.
99. Every member of the Executive, an overview and scrutiny committee, and/or any other committee or sub-committee has a right to inspect documents about the business of that overview and scrutiny committee, other committee or sub-committee or the Executive.
100. A member who is not a member of a specific overview and scrutiny committee, other committee or sub-committee, or the Executive may have access to any document about the business of those committees, except certain categories of exempt or Part II information.
101. Disputes as to the validity of a member’s request to see a document on a need to know basis will be determined by the Monitoring Officer/ Chief Legal Officer. Officers should seek his/her advice if in any doubt about the reasonableness of a member’s request.
102. A member should obtain advice from the Monitoring Officer/Chief Legal Officer in circumstances where he/she wishes to have access to documents or information:
- where to do so is likely to be in breach of the Data Protection Act, or
 - where the subject matter is one in which he/she has a personal or prejudicial interest as defined in the members’ code of conduct.
103. Information given to a member must only be used for the purpose for which it was requested.
104. It is an accepted convention that a member of one party group will not have a need to know and therefore a right to inspect a document which forms part of the internal workings of another party group.
105. Members and officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so. This does not, however, in general prevent an officer disclosing such information to his or her line manager.
106. When requested to do so, officers will keep confidential from other members, advice requested by a member.
107. Members and officers must not prevent another person from gaining access to information to which that person is entitled by law.

Media Relations

108. All officer communications with the press must be made through the Marketing and Major Projects Manager or his/her nominee.

109. Press releases or statements made by officers must promote or give information on Council policy or services. They will be factual and consistent with Council policy. They cannot be used to promote a party group.
110. Officers will keep relevant members and the Marketing and Major Projects manager informed of media interest in the Council's activities, especially regarding strategic or contentious matters.
111. If a member is contacted by, or contacts, the media on an issue, he/she should:
 - indicate in what capacity he/she is speaking (e.g. as ward member, in a personal capacity, as an Executive member, on behalf of the Council, or on behalf of a party group)
 - always, when he/she would like a press release to be issued, seek assistance from the Council's Marketing and Major Projects Manager or his/her nominee and/or relevant senior officer, except in relation to a statement which is party political in nature.
 - consider the likely consequences for the Council of his/her statement (e.g. commitment to a particular course of action, image, allegations of jumping to conclusions)
 - never give a commitment in relation to matters which may be subject to claims from third parties and/or are likely to be an insurance matter
 - consider whether to consult other relevant members.

Correspondence

112. Correspondence (letters, emails etc) between an individual member and an officer should not be copied to another member unless the author expressly intends and states that this is the case or consents. Where correspondence is copied, this should always be made explicit, i.e. there should be no 'blind' copies. Correspondence between an officer and a member should not be copied to a member of the public except with the express consent of the author or in circumstances where the author understood that it was intended to provide copies to others.
113. Official letters written on behalf of the Council should normally be in the name of the relevant officer. It may be appropriate in some circumstances (e.g. representations to a Government Minister) for letters to appear in the name of an Executive member or the chair of a Council committee.
114. The Mayor may initiate correspondence in his/her own name.
115. Letters which create legally enforceable obligations or which give instructions on behalf of the Council should never be sent in the name of a member.
116. When writing in an individual capacity as a ward member, a member must make clear that fact.
117. Members and officers are asked to give due consideration to the tone of their correspondence.

Access to Premises

118. Officers have the right to enter Council land and premises to carry out their work. Some officers have the legal power to enter property in the ownership of others.

119. Members have a reasonable right of access to Council land and premises to fulfil their duties.
120. When making visits as individual members, members should:
 - whenever practicable, notify and make advance arrangements with the appropriate manager or officer in charge
 - comply with health and safety, security and other workplace rules
 - not interfere with the services or activities being provided at the time of the visit.

Use of Council Resources

121. The Council provides all members with services such as printing and photocopying, and goods such as stationery and computer equipment, to assist them in discharging their roles as members of the Council. These goods and services are paid for from the public purse. They should not be used for private purposes or in connection with party political or campaigning activities.
122. Members should ensure they understand and comply with the Council's own rules about the use of such resources, particularly:
 - where facilities are provided in members' homes at the Council's expense
 - in relation to any locally-agreed arrangements e.g. payment for private photocopying; and
 - regarding ICT security.
123. Members should not put pressure on staff to provide resources or support which officers are not permitted to give. Examples are:
 - business which is solely to do with a political party
 - work in connection with a ward or constituency party group meeting
 - electioneering
 - work associated with an event attended by a member in a capacity other than as a member of the Council
 - private personal correspondence
 - work in connection with another body or organisation where a member's involvement is other than as a member of the Council; and
 - support to a member in his/her capacity as a councillor of another local authority.

Interpretation, Complaints and Allegations of Breaches

124. This part of the protocol should be read in conjunction with any "whistle-blowing" policy the Council may have.
125. Members or officers with questions about the implementation or interpretation of any part of this protocol should seek the guidance of the Monitoring Officer.
126. A member who is unhappy about the actions taken by, or conduct of, an officer should:

- avoid personal attacks on, or abuse of, the officer at all times
 - ensure that any criticism is well founded and constructive
 - never make a criticism in public, and
 - take up the concern with the officer privately.
127. It is not appropriate for a member to continue to pursue a matter with the officer concerned, to avoid any cause for complaint of harassment or bullying of the officer concerned (see Council's Harassment Policy). It is inappropriate for a member to impugn an officer's impartiality or integrity by addressing this repeatedly to the officer concerned, without raising it with a more senior officer.
128. If direct discussion with the officer is inappropriate (e.g. because of the seriousness of the concern or because the officer is a junior member of staff) or fails to resolve the matter, the member should raise the issue with the officer's manager or the relevant senior officer.
129. A serious breach of this protocol by an officer may lead to an investigation under the Council's disciplinary procedure.
130. Members should consult with the relevant senior officer or manager to seek an explanation before raising any question of failure by a particular part of the Council or group of officers in public. Officers do not have the same freedom to respond in a public meeting as members.
131. An officer who believes a member may have acted other than in accordance with this protocol should raise his/her concern with the Monitoring Officer. He/she will consider how the complaint or allegation should be dealt with. At a minor level, this may be no more than informally referring the matter to the leader of the relevant party group. More serious complaints may result in reference to the Council's Committee with responsibility for member standards.
132. Whilst there are formal procedures in place for disputes between officers and members it is hoped that attempts would be made to resolve all disputes amicably on an informal basis.

Agenda Item 9



Report to: Full Council

Date of Meeting: 10 February 2016

Report Title: Temporary Appointment of Independent Persons

Report By: Christine Barkshire-Jones
Chief Legal Officer and Monitoring Officer

Purpose of Report

To deal with a Standards Committee Complaint

Recommendation(s)

- 1. To appoint Sue Fellows and Jan Gray as temporary Independent Persons for the duration of the current complaint.**
- 2. To give the Monitoring Officer and Deputy Monitoring Officer delegation to appoint temporary Independent Persons when Hastings Borough Councils existing Independent Persons are both conflicted from the process.**

Reasons for Recommendations

The Monitoring Officer has received a complaint that needs to be dealt with by Standards Committee. The Localism Act 2011 (the Act) requires that the views of the Independent Person/s must be sought on a complaint referred for investigation before the outcome of the complaint is determined.

Both our Independent Persons have a conflict of interest and neither can be involved in the process,

Introduction

1. At Special Council on 5 June 2013 two Independent Persons were appointed to assist with the standards process for the period 1 July 2013 to 31 October 2016.
2. Two persons were appointed so that one could support the member who is the subject of the complaint. The other could give their view to the Standards Committee Members as required by the Act. It was hoped that by appointing two Independent Persons we could avoid any conflict of interest. This has not occurred in this case.
3. Failure to appoint two Independent Persons to assist the standards process until the determination of this complaint would mean that the Monitoring Officer could not deal with the complaint

Wards Affected

None

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	No
Environmental Issues	No
Economic/Financial Implications	No
Human Rights Act	Yes
Organisational Consequences	Yes
Local People's Views	No
Anti-Poverty	No

Additional Information

Officer to Contact

Christine Barkshire-Jones
cbarkshire-jones@hastings.gov.uk
01424 451731

4 JANUARY 2016

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

Apologies for absence were noted for Councillor Hodges

36. MINUTES OF THE MEETING HELD ON 7 DECEMBER 2015

RESOLVED that the minutes of the meeting held on 7 December 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 38 and 39 were agreed without being called for discussion

37. PROPOSED DESIGNATED CYCLE ROUTE IN ALEXANDRA PARK

The Environment and Natural Resources Manager presented the report of the Assistant Director for Environment and Place which outlined the results of a consultation on a cycling route through Alexandra Park.

The council had a longstanding ambition to introduce a cycling route through Alexandra Park, to help increase cycling opportunities in the town and provide a useful link between Silverhill and Queens Road. A cycling route through Alexandra Park was identified in the Hastings Planning Strategy 2011 – 2028, which was adopted on 19 February 2014.

The public consultation, which had taken place between 15 June and 21 August 2015, related to how a cycle route through the park should be implemented, based on proposals developed by East Sussex County Council. The proposals had also been considered by a reference group of key stakeholders, prior to the public consultation, which had provided early feedback to the county council and their design consultants. The proposals utilised existing pathways to create shared cycling and pedestrian routes, to help minimise the impact on the grade II* listed park.

The consultation highlighted a number of issues in relation to public safety, enhanced and effective signage on the cycle route and enforcement matters which would be submitted to ESCC for review. Following representations made during the consultation, a section of the proposed route in front of the café had been removed from the final scheme. Further work would be commissioned by ESCC to address the issues raised during the public consultation. It was intended that works to construct the route would then begin in mid to late 2016. ESCC will be fully responsible for project managing and funding the implementation of the route and associated signage.

Cabinet added an additional recommendation, set out in the resolution below; to review the cycle route through Alexandra Park six months after it had been opened and consider any comments received from visitors to park.

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Councillor Davies proposed approval to the recommendations set out in the resolution below, which was seconded by Councillor Cartwright.

RESOLVED (unanimously) that: -

- 1) **Hastings Borough Council agree to a shared cycle route through Alexandra Park in principle subject to East Sussex County Council:**
 - a) **Removing the proposed route in front of the café**
 - b) **Fully reviewing the results of the consultation and incorporating measures such as those listed below where practicable**
 - c) **Maximising the numbers of signs, bollards, finger posts and surface markings to ensure safety concerns are fully considered and addressed through appropriate measures implemented in the final design of the route**
 - d) **Where appropriate, using different coloured surfacing as a safety feature**
 - e) **Using clearer signage where the route merges or crosses with existing footpaths**
 - f) **Using cyclists dismount signs at appropriate locations**
 - g) **Providing cycle racks at appropriate locations**
- 2) **Hastings Borough Council publicly thank everyone who responded to the consultation, and in particular the participants of the reference group for informing the pre-consultation design process**
- 3) **A review of the cycle path through Alexandra Park be undertaken six months after it has been implemented**

The reason for this decision was:

Cycling is recognised as a key health benefit and provision of cycling facilities is supported by the government. Hastings Borough Council's Development Management Plan identifies a number of proposed cycle routes in the town, one of which is the route through Alexandra Park. East Sussex County Council is supportive of the route and will fully fund its implementation. Extensive consultation has been undertaken to inform the details of the final scheme.

38. COUNCIL TAXBASE 2016/17

The Assistant Director for Financial Services and Revenues submitted a report which sought Cabinet agreement for the calculation of the tax base for the purpose of setting council tax for 2016/17.

The council was required to inform East Sussex County Council (ESCC), the East Sussex Fire Authority and the Police and Crime Commissioner of its tax base for the purpose of setting council tax by 31 January 2016. The council tax charge would then be determined at the Budget Council meeting on 24 February 2016.

The council tax base was calculated by multiplying the total of the relevant amount for each of the valuation bands for the year with the authorities estimate for its collection rate for the year. Any variations experienced in the in-year collection rate of council tax would be carried forward as part of the council tax setting process for future years.

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The report also recommended that delegated authority be given to the Chief Financial Officer, under section 84 of the Local Government Act 2003, to calculate the council tax base in future years. This is because ESCC intends to set its budget in November next year and as such there would be insufficient time to determine the tax base in the usual way.

RESOLVED that:-

- 1) **Cabinet agree that the council tax base for the year 2016/17 shall be £24,678, and;**
- 2) **Cabinet agree that in future years the determination of the Council Tax Base is determined each year by the Chief Financial Officer (currently the Assistant Director for Financial Services and Revenues)**

The reason for this decision was:

Setting the council tax base is the first step in determining the council tax for 2016/17. The tax base has to be determined by 31 January each year.

39. LAND AT SUMMERFIELDS, BOHEMIA ROAD

The Assistant Director for Financial Services and Revenues submitted a report which set out an objection received to the proposed disposal of land forming open space at Summerfields, Bohemia Road. The land formed part of a larger area, including the Summerfields Business Centre and Register Office building, which the council had agreed in principle to dispose of to an affordable housing provider.

Under Section 123 of the Local Government Act 1972 the council was required to advertise the intended disposal of any land defined as open space in a local paper for two consecutive weeks and then consider any objections received.

A notice had been placed in the Hastings and St Leonards Observer on 16 October and 23 October 2013 and one letter of objection had been received by the closing date.

The report responded to details of the objection and also set out the merits of disposing of the land, which included a capital receipt to the council and an increase in the supply of housing locally, including affordable housing units.

RESOLVED that having carried out the necessary procedures under Section 123 of the Local Government Act 1972 and having taken account of the objection received, Cabinet agrees to proceed with the sale of land at Summerfields

The reason for this decision was:

The council must fully and properly consider any objections in accordance with statutory provision in coming to a decision

40. MINUTES OF THE MUSEUMS COMMITTEE MEETING HELD ON 30 NOVEMBER 2015

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The minutes of the Museums Committee meeting held on 30 November 2015 were submitted.

RESOLVED that the minutes of the Museums Committee meeting held on 30 November 2015 be received

41. MINUTES OF THE CHARITY COMMITTEE MEETING HELD ON 14 DECEMBER 2015

The minutes of the Charity Committee meeting held on 14 December 2015 were submitted.

RESOLVED that the minutes of the Charity Committee meeting held on 14 December 2015 be received

(The Chair declared the meeting closed at. 6.24 pm)

Public Document Pack

CABINET

1 FEBRUARY 2016

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

Apologies for absence were noted for Councillor Hodges

42. MINUTES OF THE MEETING HELD ON 4 JANUARY 2016

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

RESOLVED the chair called over the items on the agenda, under rule 13.3 the resolution set out in minute number 45 was recommended to Full Council without being called for discussion

43. MOTION TO CABINET REGARDING A PLANNING REVIEW

Councillor Atkins proposed a motion, seconded by Councillor Cooke as follows:

“That Cabinet recognised that providing an efficient, effective and trusted planning service is crucial for economic growth. A lack of which, risks damaging relations with residents, businesses and future investors. Cabinet therefore requests that the Environment and Planning and Financial Services and Revenues departments work together to establish a fundamental review of how the planning service is provided, looking at all potential options for its future management.”

The proposed motion was lost by 2 votes for to 5 against.

44. TAXI LICENSING UPDATE

Mr Graham Wallace presented a petition on behalf of the Hastings and St Leonards Licensed Taxicab Association. The petition, which had received 10 subscribers, opposed the delimitation of Hackney numbers and called on the council to retain the present system in relation to taxi licenses and carry out an independent unmet demand survey.

The Assistant Director for Environment and Place commented that the concerns raised by the petition, and in an earlier consultation response from the Hastings and St Leonards Licensed Taxicab Association, usually applied when full delimitation had been introduced. He presented a report which considered a new policy for carefully controlled delimitation, through an updated quality standard for all newly licensed hackney carriages.

Hastings Borough Council currently operated a policy which limited the number of licensed hackney carriages to 48, this can continue provided the council can demonstrate that there is no unmet demand for hackney services in the borough. The Law Commission recently completed a review of hackney carriage and private hire licensing; the review had resulted in the retention of discretionary power for local

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authorities to limit the number of hackney carriages. However, an increasing number of local authorities had now opted to delimit the number of hackney carriages.

In autumn 2015, the council had consulted on a proposal to delimit the number of hackney carriages, to consider whether this would be in the best interests of the travelling public. The review had also examined examples of good practice from other authorities together with government policy and advice.

The report recommended that the council consider delimiting the number of hackney carriages, whilst introducing appropriate quality control measures for new license holders and granting grandfather rights for the existing 48 plate holders. The council's Environment and Safety Committee would also monitor the impact of delimitation, and may commission an unmet demand survey if there is a higher than anticipated growth in the number of newly licensed hackney carriages.

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

RESOLVED (unanimously) that:

- 1) Cabinet endorses the proposal to delimit hackney carriages in conjunction with the introduction of a new quality standard for all newly licenses vehicles, and grandfather rights for existing plate holders;**
- 2) Cabinet instructs the council's Licensing Manager to establish and chair a working group including the trade and other interested parties. The group will develop the new quality standards and report them to the council's Environment and Safety Board for consideration and approval, and examine the potential for additional hackney carriage ranks in the borough;**
- 3) The council's Environment and Safety Board will review the effects of the new policy and the quality standard for new licenses 6 months after it has been fully implemented (and periodically thereafter), and if necessary make recommendations for change to Cabinet, and;**
- 4) Cabinet recommends this updated policy to Full Council**

The reason for this decision was:

Delimiting in conjunction with the introduction of updated quality standards for all new licensed hackney carriages, will reduce the likelihood of a large and unsustainable increase in the number of hackney carriages.

The provision of grandfather rights for existing plate holders will protect their interests.

Over time the new quality standards will result in an improved service for the travelling public, through the introduction of newer more accessible vehicles. There will also be environmental benefits as the emissions standards will be higher.

45. PAY POLICY STATEMENT

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The Director of Corporate Services and Governance submitted a report on the pay policy statement for 2016/17.

Under the Localism Act 2011, the council was required to prepare and publish a pay policy statement each financial year. The statement provided information on issues related to the pay of the council's workforce, and complied with guidance issued by the Department for Communities and Local Government. The council would also look to ensure that the ratio of pay at the top to pay at the median did not exceed the national average for the public sector.

The statement required approval by Full Council prior to publication.

RESOLVED that Cabinet recommends the Pay Policy to Full Council for approval

The reason for this decision was:

The Localism Act 2011 requires Hastings Borough Council to prepare and publish an annual pay policy statement. The purpose of such a statement is to provide information about council policies on a range of issues relating to the pay of its workforce, particularly its senior staff and its lowest paid employees. A Pay Policy must be prepared for each financial year and must be approved by Full Council, and published.

(The Chair declared the meeting closed at. 6.42 pm)

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